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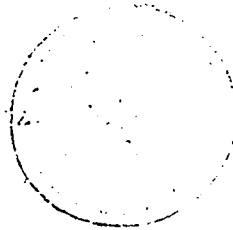
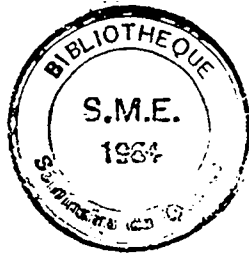
FISHERIES

OF

BRITISH NORTH AMERICA.

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Colonial Office, }
24th November 1852. }



Colonial Office. Part 1.

LONDON:

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1852.

NORTH AMERICAN FISHERIES.

COLONIAL OFFICE CORRESPONDENCE.

	Page
CANADA - - - - -	1
NOVA SCOTIA - - - - -	25
NEW BRUNSWICK - - - - -	105
PRINCE EDWARD ISLAND - - - - -	137
NEWFOUNDLAND - - - - -	165
CORRESPONDENCE WITH EACH PUBLIC DEPARTMENT - - - - -	181
APPENDIX - - - - -	271

SCHEDULE.

CANADA.

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
1	Earl of Dalhousie to Earl Bathurst. (Extracts.)	Nov. 14, 1826 (55.)	The DEEP-SEA FISHERIES on ORPHAN BANK and other places NEARLY DESTROYED by the great number of American vessels resorting thereto. Recommends the appointment of a Superintendent of the Fisheries	1
2	Earl of Dalhousie to Earl Bathurst.	Jan. 8, 1827 (4.)	Asks for accurate information on the RIGHT of the AMERICANS to FISH within certain limits. Trusts the matter will be well defined, as the present intercourse granted to American vessels is made subservient to unlimited and extremely mischievous contraband trade	1
3	Lord Goderich to Earl of Dalhousie.	June 6, " (4.)	Having referred the above Despatch (Jan. 8.) to the Committee of Privy Council for Trade, transmits a minute of the Committee respecting the measures it may be proper to adopt respecting the FISHERIES in the GULF of ST. LAWRENCE; requesting further information, and enclosing certain documents T. Lack, Esq., to R. W. Horton, Esq., April 26, 1827, enclosing:— Minute of the Committee of Privy Council for Trade, April 26, 1827 Copy of the Act 59 Geo. 3, c. 38 Earl Bathurst to the Lords Commissioners of the Admiralty, June 23, 1819, enclosing:— Earl Bathurst to Governor Sir C. Hamilton, June 21, 1819, relative to the privileges to be enjoyed by American fishermen under the late Convention Earl Bathurst to the Lords Commissioners of the Admiralty, April 5, 1819, as to the manner of carrying out the terms of the Treaty Order in Council, June 19, 1819 Instructions from the Admiralty to Sir C. Hamilton, April 12, 1819 Further instructions, June 24, 1819	2 - - - 2 4 4 4 5 6 6 6
4	Earl of Dalhousie to Earl Bathurst.	May 10, " (24.)	Having agreed to hire a vessel for the service of the Government, and desiring to arm it with some small guns, requests that INSTRUCTIONS may be given to the ORDNANCE DEPARTMENT to furnish the guns, carriages, &c. required Lieut.-Col. Cockburn, commanding Royal Artillery, to Major-General Darling, on the above-mentioned subject	6 7
5	Earl of Dalhousie to Earl Bathurst.	May 14, " (26.)	VESSEL HIRED for the SERVICE of the FISHERIES Advertisement for tenders for building a vessel Schedule of tenders received thereunder	7 8 8
6	Right Hon. W. Huskisson to Earl of Dalhousie.	Oct. 30, " (6.)	SANCTIONING the CHARGE incurred for the vessel. Expense should be PROVIDED for by the COLONIAL LEGISLATURE W. Hill, Esq., to R. W. Hay, Esq., August 6, 1827	8 8

SCHEDULE.

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
7	Earl of Dalhousie to Right Hon. W. Huskisson.	Nov. 15, 1827 (59.)	Referring to his request for information concerning the STIPULATIONS in the CONVENTION of 1818 relating to the FISHERIES, acknowledges the RECEIPT of DOCUMENTS relating to the subject. In answer to the request made to him for further information as to the abuses complained of, transmits REPORT OF THE COMMANDER OF THE CRUIZER IN THE GULF OF ST. LAWRENCE, copies of letters and other documents. REQUESTS INSTRUCTIONS - - -	9
			Report from Captain Rayside to Lieut.-Col. C. Gore, Oct. 10, 1827 - - -	10
			J. Davidson, Esq., of the Magdalen Islands, to the Hon. A. W. Cochran, October 5, 1827 - - -	12
			P. F. Colbeck, Esq., September 1, 1827 - - -	13
			Extract of a letter from Captain Bouchier, of H. M. ship "Atholl" - - -	14
			C. Robin and Co. to Captain Bouchier - - -	14
8	Rt. Hon. C. P. Thomson to Lord John Russell.	April 30, 1840 (97.)	REQUESTING INSTRUCTIONS to be given to the Admiralty to take steps for the PROTECTION of BRITISH SUBJECTS engaged in the fisheries - - -	15
			Memorial representing the ill-treatment of British fishermen on coast of Labrador from foreign fishing vessels - - -	15
9	Lord John Russell to Rt. Hon. C. P. Thomson.	May 27, ,, (139.)	ACKNOWLEDGING the above DESPATCH; has referred the same to the ADMIRALTY - - -	16
10	Lord John Russell to Rt. Hon. C. P. Thomson.	June 13, ,, (153.)	Having communicated the Despatch No. 97 to the Admiralty, the ADMIRALTY have REFERRED it to the ADMIRAL on the North American and West Indian station - - -	16
11	Mr. Hincks to Sir J. S. Pakington. (Extract.)	Mar. 31, 1852	The VIOLATION of TREATY STIPULATIONS by CITIZENS of the UNITED STATES NOTORIOUS. The PROTECTION of the FISHERIES is unanimously demanded by the British provinces, who are PREPARED TO PAY THE EXPENSE OF REVENUE CRUIZERS for the purpose - - -	16
12	Sir J. S. Pakington to Earl of Elgin.	May 27, ,, (32.)	Government are desirous of removing all ground of complaint arising from the encroachment of American vessels on the British North American fisheries, and therefore INTEND TO DESPATCH A NAVAL FORCE TO ENFORCE OBSERVANCE OF THE CONVENTION. Government will advise the Royal Assent to the Bill passed in Prince Edward Island in 1851, for the PROMOTION of its DEEP SEA FISHERY, and will give a favourable consideration to Acts passed by the other North American provinces for the same purpose - - -	17
13	Earl of Elgin to Sir J. S. Pakington.	July 20, ,, (63.)	Transmitting COMMUNICATION from Vice-Admiral Sir G. Seymour, and his REPLY to the same - - -	17
			Sir G. Seymour to Earl of Elgin, detailing proceedings of the ships and officers on the station, and instructions for their guidance	
			Earl of Elgin to Sir G. Seymour in reply - - -	18
			Letters of instructions issued to Capt. Campbell, of the "Devastation," and to Mr. Forton, the Magistrate in charge of the schooner "Alliance" - - -	18
14	Sir J. S. Pakington to Earl of Elgin.	Aug. 25, ,, (57.)	Acknowledging RECEIPT of the above DESPATCH, and APPROVING of the INSTRUCTIONS addressed to the provincial officers - - -	20

SCHEDULE.

v

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
15	Sir J. S. Pakington to Earl of Elgin.	Aug. 19, 1852 (56.)	Referring to the NAVAL FORCE EMPLOYED on the coasts of British North America, enclosing:— Further Instructions issued for the guidance of the Vice-Admiral commanding on the station	20 21
16	Sir J. S. Pakington to Earl of Elgin.	Sept. 11, „ (Confidential.)	Requesting a RETURN OF VESSELS SEIZED AND PROSECUTED for infractions of the Convention of 1818 Return from Lieut.-Governor of Nova Scotia, transmitted for his Lordship's guidance with respect to the required return from Vice Admiralty Court at Quebec	22 22
17	Earl of Elgin to Sir J. S. Pakington.	Oct. 6, „	SEIZURES OF FISHING VESSELS Return from Vice-Admiralty Courts	23 23
18	Earl of Elgin to Sir J. S. Pakington.	Oct. 8, „ (95.)	PROTECTION OF FISHERIES Joint Address to the Queen from Legislative Council and Assembly	23 23
19	Sir J. S. Pakington to Earl of Elgin.	Oct. 19, „ (75.)	FISHERY CONVENTION WITH UNITED STATES , transmitting Report of Law Officers	24

NOVA SCOTIA.

1	Earl Bathurst to Earl of Dalhousie.	April 7, 1819	Transmitting CONVENTION ratified with the United States, with provisional instructions, preparatory to legislative provisions to enforce the Convention within limits described	26
2	Earl Bathurst to Lieut.-Gen. Sir J. Kempt.	April 10, 1822	REDUCTION OF EXPENDITURE on the vessel in the service of the Superintendent of FISHERIES	26
3	Viscount Goderich to Lieut.-Gen. Sir J. Kempt.	June 30, 1827 (2.)	Transmitting a DESPATCH of Earl of Dalhousie and REPLY of Board of Trade, and other documents, on the subject of the FISHERIES in the GULF OF ST. LAWRENCE Copy of Act 59 G. 3. c. 38.	27 27
4	Sir C. Campbell to Lord Glenelg.	Mar. 15, 1836 (16.)	Transmitting a BILL passed in the Provincial Legislature, and an ADDRESS praying for the Royal Assent Act (provincial) relating to the fisheries, and for prevention of illicit trade in the province of Nova Scotia Address praying for Royal Assent to the above	27 27 30
5	Lord Glenelg to Sir C. Campbell.	July 6, „ (46.)	In REPLY to the ABOVE, transmitting ORDERS IN COUNCIL CONFIRMING THE BILL and declaring rules, &c., relating to the FISHERIES	31
6	Sir C. Campbell to Lord Glenelg.	May 23, 1837 (77.)	Enclosing RESOLUTION of the HOUSE OF ASSEMBLY relative to the FISHERIES . Is fully persuaded H. M. Government will adopt efficient measures for the PROTECTION of the FISHERIES Resolutions above referred to	31 32
7	-	-	REPORT of the HOUSE OF ASSEMBLY OF NOVA SCOTIA on the subject of the FISHERIES	32
8	Lord Glenelg to Sir C. Campbell.	July 12, „ (89.)	Acknowledging RECEIPT OF THE ABOVE . Decision of H. M. Government on the subject will be forwarded	32

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
9	Sir C. Campbell to Lord Glenelg.	Mar. 26, 1838 (16.)	Transmitting and earnestly recommending an ADDRESS of the PROVINCIAL LEGISLATURE complaining of the HABITUAL VIOLATION BY AMERICAN CITIZENS OF EXISTING TREATIES, and praying for ENCOURAGEMENT and PROTECTION of the FISHERIES - - - - Address of the Provincial Legislature -	32 33
10	Lord Glenelg to Sir C. Campbell.	Nov. 5, ,, (187.)	Acknowledging the above DESPATCH. The Admiralty have ordered a small vessel to the coast of Nova Scotia, and another to Prince Edward Island, for PROTECTION of the FISHERIES - - - -	35
11	Lord Glenelg to Sir C. Campbell.	Nov. 5, ,,	Referring to the above, and enclosing letter from the Foreign Office, enclosing REPORTS from the QUEEN'S ADVOCATE on the relative RIGHTS OF FISHERY, possessed under Treaty by Great Britain and the United States - - - - W. F. Strangways, Esq., to J. Stephen, Esq. - Sir J. Dodson to Viscount Palmerston - Denis Le Marchant, Esq., to J. Backhouse, Esq. - - - - Sir J. Dodson to Denis Le Marchant, Esq. - - - -	36 36 36 38 39
12	Sir C. Campbell to Marquess of Normanby.	Apr. 12, 1839 (20.)	Transmitting MEMORIAL from the Committee of the Nova Scotia Society for the Encouragement of Trade and Manufactures, on FISHERIES, SMUGGLING, and CUSTOMS DUTIES - - - - Memorial above mentioned - - - - Two explanatory reports adopted by the Committee - - - -	40 40 40, 41
13	Messrs. Young and Huntingdon to the Marquess of Normanby.	July 11, 1839	Soliciting attention to the eleventh resolution of the Assembly with regard to the CONTINUED ILLEGAL and oppressive ENCROACHMENTS of AMERICAN CITIZENS upon the fisheries - - - -	42
14	Marquess of Normanby to Sir C. Campbell. (Extract.)	Aug. 31, ,, (34.)	The ENCROACHMENTS of American citizens on BRITISH FISHERY GROUNDS. The Admiral commanding on the station has been instructed to take steps for PROTECTION of Her Majesty's subjects - - - -	43
15	Sir C. Campbell to Lord J. Russell.	Apr. 11, 1840 (24.)	Enclosing ADDRESS TO HER MAJESTY from the House of Assembly complaining of CONTINUED ENCROACHMENTS by Americans on the FISHING GROUNDS, and praying for assistance of armed vessels on the service - Address of the House of Assembly -	43 43
16	Viscount Falkland to Lord J. Russell.	Mar. 11, 1841 (50.)	With reference to REGULATIONS proposed by the House of Assembly last Session, the LEGISLATIVE COUNCIL OBJECT to one of the number relative to the JURISDICTION of the ADMIRALTY COURT, and recommend that it be not sanctioned - - - - Address of the Legislative Council -	44 44
17	Lord J. Russell to Viscount Falkland.	April 9, ,, (45.)	Transmitting copy of a NOTE from the UNITED STATES MINISTER, complaining of the proceedings of the provincial Authorities in Nova Scotia towards AMERICAN VESSELS FISHING off the coasts of that province. Requesting INQUIRY, and DETAILED REPORT on the subject - - - - Lord Leveson to J. Stephen, Esq. - - - - Mr. Stevenson (Minister of United States) to Viscount Palmerston - - - -	45 45 45

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
18	Viscount Falkland to Lord J. Russell.	April 28, 1841 (69.)	Transmitting REPORT OF COMMITTEE ON THE FISHERIES OF NOVA SCOTIA, adopted by the House of Assembly. GREAT ANXIETY of inhabitants of the province for ENFORCEMENT of the CONVENTION of 1818. EFFORTS of the colonists to repel the incursions of the natives of the United States INADEQUATE to suppress the evil; they earnestly entreat the INTERVENTION AND PROTECTION OF THE MOTHER COUNTRY. Forwards a case stated for the opinion of the law officers of the Crown - Case of the Queen v. the American schooner "Hope," in the Court of Vice-Admiralty in Halifax - - - - - Case stated for the purpose of being referred to the Crown Officers in England, in order that the existing treaties may be more strictly defined - - - - -	47 47 47
19	Viscount Falkland to Lord J. Russell.	May 8, " (75.)	Referring to Despatch No. 45, containing a note from the American Minister, complaining of proceedings in Nova Scotia towards vessels, &c., of the United States engaged in fishing on the coasts of the province; and to his Lordship's request for inquiry and information, SUBMITS OBSERVATIONS <i>in extenso</i> on the subject - Extracts from Chitty's Commercial Law - Proclamation of Royal Assent to the Fisheries Act of 1836 - - - - -	50 55 56
20	Viscount Falkland to Lord Stanley.	July 11, 1842 (90.)	Referring to DESPATCH of April 28, 1841 (No. 69), REQUESTS ATTENTION THERETO, and to the REPORT enclosed therewith, of which a copy is again forwarded, as also of the case for the opinion of the law officers - Case stated for the purpose of obtaining the opinion of the law officers of the Crown in England - - - - -	59 59
21	Lord Stanley to Viscount Falkland.	Nov. 28, " (86.)	Acknowledging receipt of the above Despatch. Transmitting REPORT of Queen's Advocate and Attorney General on the CASE submitted for their opinion. The PRECAUTIONS taken for PROTECTION of the Nova Scotia FISHERIES by the Provincial Legislature appear to the Government to be sufficient, while the satisfactory reports from the Bay of Fundy and Gulf of St. Lawrence render it inexpedient to moot the question - - - - - Report of Sir J. Dodson, and Sir T. Wilde, on the case submitted for their opinion - Vice-Admiral Sir C. Adam respecting the state of the fisheries - - - - -	59 60 61
22	Lord Stanley to Viscount Falkland.	Aug. 31, 1843 (132.)	Transmitting copy of a NOTE from the AMERICAN MINISTER COMPLAINING of the SEIZURE of the schooner "Washington," and requesting a FULL REPORT of the circumstances of the seizure - - - - - H. U. Addington, Esq., to J. Stephen, Esq. - Mr. Everett (American Minister), complaining of seizure of the "Washington" Papers relating to said seizure -	62 62 62 63
23	Viscount Falkland to Lord Stanley.	Oct. 17, " (185.)	Acknowledging receipt of the above, and TRANSMITTING VARIOUS DOCUMENTS EXPLANATORY of the subject. The CESSION of the RIGHT OF FISHING within the limits claimed by the American Minister would be destructive of a branch of commerce of the utmost importance to the welfare of the colony - - - - - Report from Attorney General of Nova Scotia, explanatory of the seizure of the "Washington" - - - - - Viscount Falkland to Lord John Russell -	64 64 66

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
24	Lord Stanley to Viscount Falkland.	July 28, 1844 (176.)	Transmitting FURTHER REPRESENTATION from the United States Minister on the seizure of the "Washington." Lord Aberdeen being disposed to RELAX THE STRICT RULE applicable to American vessels found FISHING in the BAY OF FUNDY, Viscount Falkland's OPINION IS REQUESTED on Lord Aberdeen's proposal - - - - - H. U. Addington, Esq., to J. Stephen, Esq. - Mr. Everett (American Minister) on the seizure of the "Washington" -	66 67 67
25	Viscount Falkland to Lord Stanley.	Sept. 17, ,, (271.)	Acknowledging receipt of the above. The grounds of capture of the "Washington," already explained. The CONCESSIONS PROPOSED BY LORD ABERDEEN to be made to American fishermen AGREED IN, if care be taken that NO FURTHER PRETENSIONS be grounded on such concession - - - - - Memorandum by the Attorney-General on the subject of the seizure of the "Washington" -	70 71
26	Lord Stanley to Viscount Falkland.	Mar. 30, 1845 (213.)	Enclosing FURTHER CORRESPONDENCE relative to the right of American citizens to fish in the Bay of Fundy, and instructed to ISSUE THE ORDERS REQUISITE in consequence of the concessions made to the American Government - - - - - J. Stephen, Esq., to H. U. Addington, Esq. - H. U. Addington, Esq., to J. Stephen, Esq. - G. W. Hope, Esq., to H. U. Addington, Esq. - H. U. Addington, Esq., to J. Stephen, Esq. -	74 75 75 76 76
27	Lord Stanley to Viscount Falkland.	Oct. 26, 1844 (191.)	A FURTHER REPRESENTATION having been received from the American Minister complaining of the seizure of the "Argus," off Cape Breton, requests to be furnished with a REPORT so as to be enabled to answer the complaint - - - - - Viscount Canning to J. Stephen, Esq. - Representation from Mr. Everett (American Minister) respecting the capture of an American fishing vessel, the "Argus" - Messrs. J. and J. Starling to the Secretary of State of the United States - Consul of the United States at Halifax to Messrs. J. and J. Starling - Depositions of Joshua and Edward Doughty of the "Argus" -	76 77 77 78 78 78
28	Viscount Falkland to Lord Stanley.	Dec. 17, ,, (281.)	Acknowledging receipt of the above. With respect to the ALLEGATIONS OF HARSH TREATMENT in the case of the "Argus," circumstances prevent his readily crediting the accusation; explanations have been required, which will be forwarded by next packet - - - - -	80
29	Lord Stanley to Viscount Falkland.	May 19, 1845 (225.)	In consequence of numerous complaints, the Government deem it advisable to RELAX THE STRICT RULE OF EXCLUSION of United States vessels from the bays on the British North American coasts. It is proposed to regard as bays in the sense of the Treaty ONLY THOSE WHOSE ENTRANCE IS DOUBLE THE DISTANCE OF SIX MILES; and it is desired to know if his LORDSHIP HAS ANY OBJECTIONS to the proposed relaxation to the construction of the Treaty of 1808 - H. U. Addington, Esq., to James Stephen, Esq. - - - - - - Two notes from Mr. Everett (American Minister) relative to capture of the "Argus" -	81 81 82-84

SCHEDULE.

ix

No.	FROM and to whom.	Date and Number.	SUBJECT.	Page.
30	Viscount Falkland to Lord Stanley.	June 17, 1845 (324.)	Acknowledges the above Despatch. Referring to the importance of the subjects, REQUESTS THAT NEGOCIATION MAY BE SUSPENDED until his Lordship has an opportunity of replying	87
31	Viscount Falkland to Lord Stanley.	July 2, „ (331.)	Referring to Despatch No. 225 of the 19th May, and to previous correspondence on the intention to relax the construction of the Treaty as to the fishing by Americans on the coasts of British North America, IS CONVINCED THAT THE RELAXATION OF CONSTRUCTION PROPOSED WOULD PRODUCE MUCH DISSATISFACTION AND CAUSE MUCH INJURY both in Nova Scotia and New Brunswick; and if adopted, hopes that COMPENSATING ADVANTAGES may be obtained for the fishermen of Nova Scotia Report of the Attorney-General (Halifax, June 16) respecting a relaxation of the construction of the Treaty of 1818	87 88
32	Sir R. George, Provincial Secretary, to Mr. Hope, M.P.	Sept. 2, „	Forwarding a MEMORIAL from the principal merchants and other inhabitants of Halifax, showing the RUINOUS CONSEQUENCES that would result to Nova Scotia from GRANTING MORE EXTENSIVE PRIVILEGES to United States fishermen Memorial to Lord Stanley as above-mentioned	90 90
33	Lord Stanley to Viscount Falkland.	Sept. 17, „ (247.)	In consequence of his Lordship's representations, THE GOVERNMENT HAVE ABANDONED THE INTENTION OF GRANTING PERMISSION to the fishermen of the United States to fish in the large bays on the coasts of New Brunswick and Nova Scotia, and directing attention to the NECESSITY OF A STRICT OBSERVANCE OF THE TREATIES on the part of the colonial authorities. Transmitting opinion of the Queen's Advocate on the case of the "Argus," and DIRECTING MEASURES to be adopted for REPARATION TO THE PARTIES INJURED in that transaction Opinion of Sir J. Dodson on the case of the "Argus"	92 92
34	Lord Stanley to Viscount Falkland.	Sept 28, „ (252.)	Referring to the memorial forwarded by Sir R. George from Halifax, the DESPATCH of Sept. 17, No. 247, will CONVEY AN EXPLANATION of the views of Government on the subject	93
35	Viscount Falkland to Mr. Gladstone.	May 16, 1846 (34.)	Transmitting extract from REPORT of Committee of House of Assembly on the subject of the FISHERIES, and a RESOLUTION of the House consequent thereon, in regard to an Act of the Local Legislature affecting the HERRING FISHERY; also a LETTER to Sir J. Harvey on the same topic Extract from Report of Committee of House of Assembly on the subject of the fisheries Memorial from Inhabitants of Isle Madame to Viscount Falkland Resolution of the House of Assembly with reference to the Herring Fishery of Newfoundland Viscount Falkland to Sir J. Harvey on the same subject	93 93 94 94 94
36	Sir J. Harvey to Earl Grey.	Sept. 7, 1849 (139.)	Transmitting RESOLUTIONS adopted at a CONFERENCE OF DELEGATES from the Governments of Canada, New Brunswick, Prince Edward Island, and Nova Scotia Proceedings of said Conference	94 95

SCHEDULE.

No.	From and to whom.	From and to whom.	SUBJECT.	Page.
37	Sir J. Harvey to Earl Grey.	Sept. 7, 1849 (140.)	Enclosing REPORT of Committee of House of Assembly on the subject of the FISHERIES of the province, and on RECIPROCAL TRADE with the United States - - - Report of said Committee - - -	95 96
38	Sir J. Harvey to Earl Grey.	July 25, 1850 (184.)	Transmits copies of a Despatch to Governor of Canada and a communication to Sir H. L. Bulwer, in reference to the COMMERCIAL RELATIONS between the UNITED STATES and the NORTH AMERICAN PROVINCES Sir J. Harvey to the Earl of Elgin - - Sir J. Harvey to Sir H. L. Bulwer - -	96 97 98
39	J. Howe, Esq., to Earl Grey.	Sept. 2, 1851	Acknowledges his Lordship's note of August 1. Observations respecting the MACKEREL BOUNTY granted by the General Appropriation Act. - - -	98
40	Sir J. Harvey to Earl Grey.	Jan. 22, 1852 (49.)	Transmitting copy of PETITION now in course of signature, requesting that any CONCESSION to the UNITED STATES of the right of fishing on the coasts of the province MAY BE DELAYED till re-consideration - - Copy of said Petition to the Queen - -	99 99
41	Sir John Harvey to Earl Grey.	Feb. 19, "	Transmitting PETITION to the Queen, of merchants, &c., praying Her Majesty to REFUSE ANY CONCESSION to the UNITED STATES of the right of fishing on the shores of the North American provinces. The Governor expresses his opinion favourably to the views of the petitioners - - - Petition to the Queen - - -	101 101
42	Sir J. S. Pakington to Col. Bazalgette.	May 27, " (13.)	Her Majesty's Government, having taken into serious consideration the questions relating to the protection of the fisheries on the coasts of British North America, will give FAVOURABLE CONSIDERATION to any ACT which may be PASSED by the COLONIAL LEGISLATURE for the purpose - -	101
43	Col. Bazalgette to Sir J. S. Pakington.	June 9, " (21.)	Acknowledging Despatch No. 13, of the 27th May, which has been read with great satisfaction by the Executive Council. The Provincial Government will co-operate to its utmost with the Imperial authorities in protecting the coast fisheries. On the arrival of Sir G. Seymour a further Report will be made - - -	102
44	Sir J. S. Pakington to Sir G. Le Marchant.	Aug. 19, " (10.)	With reference to Despatch of May 27, apprizing of the employment of a small NAVAL FORCE for the protection of British subjects in the fisheries, encloses further instructions for the guidance of the Vice-Admiral commanding on the station, but without liberty of publishing them - - -	102
45	Sir J. S. Pakington to Sir G. Le Marchant.	Aug. 25, " (11.)	Acknowledging receipt of Col. Bazalgette's Despatch, enclosing return of NUMBER of AMERICAN VESSELS SEIZED since 1818 for violation of Convention of that date -	103
46	Sir J. S. Pakington to Sir G. Le Marchant.	Aug. 25, " (12.)	Acknowledging receipt of Despatch reporting SEIZURE of SCHOONER "HELEN MARIA," and her subsequent release. Particulars not having been reported, cannot express an opinion, but, suppositiously, approving of proceedings. Desires in all future cases of seizure the particulars may be reported -	103
47	Sir J. S. Pakington to Sir G. Le Marchant.	Sept. 5, " (16.)	Acknowledging receipt of a CORRECTED RETURN of VESSELS SEIZED and prosecuted for violation of the Convention of 1818	103

SCHEDULE.

The following Despatches relative to the North American Fisheries will be found in the series of correspondence printed by the Foreign Office.

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
	Col. J. Bazalgette to Sir J. S. Pakington.	June 24, 1851 (25.)	PROTECTION OF FISHERIES. Measures taken for, as fully set forth in enclosed CORRESPONDENCE WITH Vice-Admiral Sir G. Seymour. STATE OF PUBLIC FEELING in colony on the subject - - - INSTRUCTIONS to captains of cutters employed on protective service (enclosed).	
	Col. J. Bazalgette to Sir J. S. Pakington.	July 8, „ (27.)	SAME SUBJECT. AMENDED INSTRUCTIONS to captains of cutters enclosed. CORRESPONDENCE with Vice-Admiral Sir G. Seymour and Governor-General the Earl of Elgin and Kincardine - - -	
	Col. J. Bazalgette to Sir J. S. Pakington.	July 31, „ (32)	RETURN OF SEIZURES (since 1838) of American vessels for infractions of Treaty of 1818. Enclosures. DESPATCHES to Her Majesty's Minister at Washington and Governor-General the Earl of Elgin, transmitting the Return - - -	
	Sir J. S. Pakington to Sir G. Le Marchant.	Aug. 25, „ (11.)	REPLY TO DESPATCH No. 32, July 31, 1852	
	Sir G. Le Marchant to Sir J. S. Pakington.	Aug. 6, „ (2.)	SEIZURE OF THE "HELENA MARIA" for an infraction of the Treaty of 1818. Return of the vessel, and particulars connected with. Measures adopted to check illegal seizures -	
	Sir J. S. Pakington to Sir G. Le Marchant.	Aug. 25, „ (12.)	REPLY TO DESPATCH No. 2, Aug. 6, 1852	
	Sir G. Le Marchant to Sir J. S. Pakington.	Aug. 6, „ Confidential.	DISPUTED FISHERY RIGHTS. Encloses Correspondence with Her Majesty's Minister at Washington, and minute of council, &c. on PROPOSED TEMPORARY SETTLEMENT of this question pending final adjustment thereof	
	Sir G. Le Marchant to Sir J. S. Pakington.	Aug. 16, „ (4.)	CORRECTED RETURN of VESSELS SEIZED since 1838, for infraction of Treaty of 1818 -	
	Sir J. S. Pakington to Sir G. Le Marchant.	Sept. 5, „ (16.)	REPLY TO DESPATCH No. 4, Aug. 16, 1852	
	Sir G. Le Marchant to Sir J. S. Pakington.	Aug. 19, „ (7.)	COMMODORE PERRY, of United States frigate "MISSISSIPPI." Reports particulars of arrival and reception of. Bearer of an AMI-CABLE MESSAGE from President of the United States. Favourable opinion of Commodore Perry on Question of SEIZURES for infraction of Treaty of 1818 - - -	
	Sir G. Le Marchant to Sir J. S. Pakington.	Sept. 2, „ (13.)	ADDRESSES from Halifax to Her Majesty against proposed CONCESSIONS TO AMERICANS. MIS-STATEMENTS IN ENGLISH NEWSPAPERS. Propriety of contradicting, to allay excitement in colony caused by	

NEW BRUNSWICK.

1	Earl Bathurst to Major-General Smyth.	April 8, 1819	Transmitting a CONVENTION with UNITED STATES as to the right of fishing within certain limits by American fishermen, with instructions to enforce observance - - -	106
2	Viscount Goderich to Major-General Sir H. Douglas.	June 30, 1827 (5.)	Transmitting copy of a Despatch from Earl of Dalhousie, with reply of Board of Trade, and several other documents, referring to the REGULATION AND PROTECTION OF THE FISHERIES in the GULF OF ST. LAWRENCE - - -	106

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
3	Sir J. Harvey to Lord Glenelg.	Mar. 19, 1839 (14.)	Transmitting REPORT OF HOUSE OF ASSEMBLY relative to ENCROACHMENTS on the fishing grounds of the province - - Report of House of Assembly - -	107 107
4	Marquess of Normanby to Sir John Harvey.	June 17, " (25.)	With reference to the Report transmitted in the above encloses copy of a letter from the Admiralty relative to the subject - - - J. Barrow, Esq., to J. Stephen, Esq. - -	107 108
5	Sir W. M. G. Colebrooke to Lord Stanley.	Sep. 29, 1843 (94.)	REPORT of the STATE of the FISHERIES in the BAY OF FUNDY - - - -	108
6	Sir W. M. G. Colebrooke to Lord Stanley. (Extract.)	Oct. 27, " (102.)	Enclosing a COMMUNICATION from Mr. WILSON, formerly engaged in the fisheries in the Bay of Fundy. The importance of the subject is well deserving attention - - - - J. Wilson, Esq. (of St. Andrews) to Sir W. Colebrooke - - - -	108 109
7	Sir W. M. G. Colebrooke to Lord Stanley.	Apr. 10, 1844 (18.)	Enclosing ADDRESS from the HOUSE OF ASSEMBLY, praying for an ARMED VESSEL to be stationed in the Bay of Fundy during the fishing season to prevent infringement of treaties by foreigners - - - - Resolution of the House of Assembly respecting said address to the Lieut.-Governor - -	110 110
8	Lord Stanley to Sir W. M. G. Colebrooke.	June 5, " (237.)	Acknowledging receipt of the above; in reply, the APPLICATION has been TRANSMITTED to the Commander-in-chief on the station, with INSTRUCTIONS to COMPLY with the request as far as his means will enable him -	110
9	Lord Stanley to Sir W. M. G. Colebrooke.	July 6, " (242.)	Transmitting copy of a letter from Vice-Admiral Sir C. Adam, relative to the EMPLOYMENT of a SHIP OF WAR for protection of the fisheries	110
10	Lord Stanley to Sir W. M. G. Colebrooke.	Mar. 30, 1845 (288.)	The Government having had under consideration the CLAIM of UNITED STATES FISHERMEN to fish in the BAY OF FUNDY, although part of the British possessions, have resolved to relax the exclusion hitherto practised, considering it will tend to the mutual advantage of both countries - - - -	111
11	Sir W. M. G. Colebrooke to Lord Stanley. (Extract.)	Apr. 22, " (24.)	The fisheries have not benefited by the BOUNTY ACT of last year, and a small schooner is required in the Bay during the fishing season -	111
12	Lord Stanley to Sir W. M. G. Colebrooke.	May 19, " (298.)	In consequence of frequent COMPLAINTS of the AMERICAN MINISTER of the CAPTURE OF VESSELS for alleged infractions of the Convention of 1818, Government have resolved to relax the strict rule of exclusion of United States vessels from the bays of British North America - - - -	112
13	Sir W. M. G. Colebrooke to Lord Stanley.	June 13, " (48.)	Previous to receipt of the above, had prepared for transmission a PETITION and AFFIDAVITS praying for PROTECTION of the FISHERIES; it is desirable under any circumstances that the laws for that purpose be maintained. It is of the utmost importance to guard against the admission of the Americans as a right Captain Owen to the Lieut.-Governor respecting the fishery at Grand Manan - Robert Payne (Magistrate of St. John) to the Lieut.-Governor, representing the injuries sustained by several fishermen at Grand Manan - - - - Accompanying depositions - -	112 113 114 115, 117
14	Lord Stanley to Sir W. M. G. Colebrooke.	July 22, " (312.)	Referring to the above; copies of the papers on the subject have been forwarded to the Admiral on the station, with instructions to take such steps as he may think best - - -	117

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
15	Sir W. M. G. Colebrooke to Lord Stanley.	June 21, 1845 (50.)	Referring to the request to be informed if any OBJECTIONS exist to the PROPOSED RELAXATION IN FAVOUR of AMERICAN FISHERMEN ; transmits a minute of the Executive Council against the proposition. Recommends, under any circumstances, the constant employment of a vessel in the Bay of Fundy, and one on the northern coasts. Refers for further information to Mr. Simonds - - Minute of the Executive Council - -	118 118
16	Sir W. M. G. Colebrooke to Lord Stanley.	Aug. 29, „ (81.)	Enclosing copy of LETTER from MR. ROBERTSON , recommending that in consideration of permission to fish in the Bay of Fundy, Government should claim a REDUCTION OF THE DUTIES LEVIED ON FISH AND FISH OIL IMPORTED INTO THE UNITED STATES . Enclosing also communications from CAPTAIN SHARPE , reporting his PROCEEDINGS in the BAY OF FUNDY , and the result of his inquiries in the Bay of Chaleurs	119
17	Lord Stanley to Sir W. M. G. Colebrooke.	Sep. 17, „ (331.)	After attentive consideration of Sir W. Colebrooke's representations on the POLICY OF PERMITTING UNITED STATES FISHERMEN to FISH IN THE BAY OF CHALEURS , and other large bays on the British American coast, the Government have abandoned the intention of granting such permission : recommending to the Colonial Authorities a strict observance of treaty stipulations -	122
18	Sir W. M. G. Colebrooke to Lord Stanley.	Sep. 18, „ (86.)	Enclosing PETITION from the Chamber of Commerce of St. John's, praying that the PRIVILEGE OF FISHING on the coasts of the North American Provinces MAY NOT BE CONCEDED to the United States without equivalent advantages acquired in their ports for British produce - - -	122
19	Lord Stanley to Sir W. M. G. Colebrooke.	Oct. 20, „ (339.)	Acknowledging the above ; a reference to Despatch No. 86, of September 18, will, is hoped, remove all anxiety on the subject - -	123
20	Sir Edmund Head to Earl Grey.	April 4, 1849 (34.)	Enclosing Mr. PERLEY'S REPORT on the fisheries of the Gulf of St. Lawrence - -	123
21	Sir Edmund Head to Earl Grey.	June 4, 1850 (34.)	Requesting attention to enclosed memorandum and sketch relative to the fisheries. It is important that the PRIVILEGES GRANTED to the AMERICAN FISHERMEN be WELL DEFINED , and that the value attached to the rights of fishery possessed by England be made apparent by the instructions given to the commanding officers of Her Majesty's vessels - Memorandum by M. H. Perley, relative to the fisheries - - -	124 124
22	Earl Grey to Sir Edmund Head.	Sep. 14, „ (211.)	Referring to the above, transmits correspondence on the subject between the Colonial Office and the Foreign Secretary - - -	125
23	Sir Edmund Head to Earl Grey.	Sept. 7, „ (39.)	Transmitting a Minute from the Executive Council, to the effect that a RETALIATORY MEASURE will be introduced into the Provincial Legislature for the purpose of IMPOSING DIFFERENTIAL DUTIES on importations from the UNITED STATES , to the extent of those imposed by that country upon importations from New Brunswick. The Council desire TO LEARN the VIEWS of HER MAJESTY'S GOVERNMENT . Sir E. Head expresses his opinion as to the impolicy of a COLONIAL GOVERNMENT , one of a number of dependencies, LEGISLATING in COMMERCIAL AFFAIRS ; and that COMMERCIAL LEGISLATION should be viewed in its bearings upon the SEVERAL COLONIES - - - Minute of the Executive Council - - -	125 126

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
24	Earl Grey to Sir Edmund Head.	Nov. 1, 1850 (220.)	In reply, concurs in Sir E. Head's opinion respecting COMMERCIAL LEGISLATION by any individual COLONY; and CONFIRMS the INSTRUCTIONS already transmitted UPON THAT SUBJECT - - -	127
25	Sir Edmund Head to Earl Grey.	April 27, 1851 (19.)	Enclosing an ADDRESS from the Legislature of NEW BRUNSWICK on the subject of the PROTECTION of the FISHERIES , praying for remedy of the evils complained of - -	127
26	Sir Edmund Head to Earl Grey.	April 27, ,,	In forwarding the address mentioned above, it is considered advisable to offer a few CONFIDENTIAL REMARKS . Enclosing also REPORT by Mr. PERLEY on the FISHERIES in BAY OF FUNDY - - - Report of the Select Committee of the House on the fisheries - - -	128 130
27	Sir J. S. Pakington to officer administering the Government.	May 27, 1852 (8.)	Government have SERIOUSLY CONSIDERED the QUESTION of the FISHERIES , and intend to despatch a small NAVAL FORCE to ENFORCE OBSERVANCE of the Convention of 1818. On the question of bounties Government will advise the Royal Assent to an Act passed in Prince Edward Island for the promotion of its deep-sea fisheries, and will give a favourable consideration to Acts for a similar purpose in the other North American provinces	131
28	Sir J. S. Pakington to officer administering the Government.	Aug. 13, ,, (23.)	Acknowledging Despatch reporting the SEIZURE of an AMERICAN SCHOONER for trespassing within the limits assigned by Convention of 1818, and reporting approval of proceedings -	132
29	Sir J. S. Pakington to officer administering the Government.	Aug. 19, ,, (24.)	With reference to the NAVAL FORCE employed for the PROTECTION of the FISHERIES , encloses further INSTRUCTIONS for the guidance of the VICE-ADMIRAL commanding on the station, but without liberty of publication	132
30	Sir J. S. Pakington to Officer administering the Government.	Aug. 25, ,, (25.)	Acknowledging Despatch enclosing correspondence relative to the CAPTURE of the AMERICAN SCHOONER "HYADES," with approval of proceedings - - -	132
31	Sir Edmund Head to Sir J. S. Pakington.	Sept. 10, ,, (38.)	Enclosing copy of a MINUTE OF COUNCIL on the subject of the FISHERIES - -	133
32	Sir J. S. Pakington to Sir Edmund Head.	Oct. 29, ,, (44.)	In reply. The views of the Council will receive the careful CONSIDERATION of Her Majesty's Government. Meanwhile the PROTECTION of the FISHERIES will be CONTINUED -	133
33	Sir J. S. Pakington to Sir Edmund Head.	Sept. 18, ,, (29.)	Acknowledging Despatch reporting ARRIVAL at Fredericton of the United States STEAM FRIGATE "MISSISSIPPI," and expressing approval of proceedings - - -	134
34	Sir J. S. Pakington to Sir Edmund Head.	Sept. 20, ,, (30.)	Acknowledging Despatch forwarding Mr. PERLEY'S REPORTS on the SEA and RIVER FISHERIES of NEW BRUNSWICK , laid before the Provincial Legislature in 1849, 1850, and 1851 - - -	134
35	Sir J. S. Pakington to Sir Edmund Head.	Oct. 11, ,, (51.)	Complaining of the conduct of Mr. Perley in having communicated to an agent of the American Government a copy of a map of the Gulph of St. Lawrence, containing the boundary lines demanded by the British authorities -	134
36	Sir Edmund Head to Sir J. S. Pakington.	Oct. 16, ,,	Enclosing a return from the Vice-Admiralty Court of New Brunswick of the number of VESSELS SEIZED, PROSECUTED, and CONDEMNED for infractions of the Convention of 1818 -	135

The following Despatches relative to the North American Fisheries will be found in the series of Correspondence printed by the Foreign Office.

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
	Lieut.-Col. F. Murray to Sir J. S. Pakington.	July 1, 1852. (7.)	SEIZURE OF THE "CORAL," for fishing within British limits of the Bay of Fundy, and question as to course to be pursued towards foreign fishermen entering British harbours for BAIT. Encloses Reports of Lieutenant Kynaston and Provincial Attorney-General; also instructions to Lieutenant Kynaston as to course to be pursued in similar cases of infractions of Treaty of 1818	
	Lieut.-Col. F. Murray to Sir J. S. Pakington.	July 28, " (9.)	SEIZURE OF THE "HYADES," for a similar infraction of the Treaty of 1818. Encloses Report of Lieutenant Kynaston, and further instructions to that officer. Question as to restricting American citizens from holding SHARES IN FISH WEIRS on British North American Coasts	
	Lieut.-Col. F. Murray to Sir J. S. Pakington.	Aug. 14, " (12.)	VISIT OF COMMODORE PERRY, on board the United States steam frigate "MISSISSIPPI," with a friendly message from the President of the United States of America on subject of the Fisheries. Particulars of his reception and opinion as to SEIZURES of AMERICAN VESSELS for infraction of Treaty of 1818	
	Lieut.-Col. F. Murray to Sir J. S. Pakington.	Aug. 30, " (16.)	Mr. PERLEY'S REPORTS on the SEA AND RIVER FISHERIES, laid before Provincial Legislature in 1849, 1850, and 1851, enclosed.	
	Sir J. S. Pakington to Sir Edmund Head.	Sept. 20, " (30.)	Acknowledging Despatch No. 16, 1852	

PRINCE EDWARD ISLAND.

1	Earl Bathurst to the Lieut.-Governor.	April 7, 1819	Transmitting CONVENTION with the UNITED STATES for protection of the fisheries on the coast of British North America	138
2	Earl of Durham to Lord Glenelg.	Aug. 11, 1838 (40.)	Enclosing Despatches, &c. respecting an OUT-RAGE committed on the WRECK of the British vessel "SIR ARCHIBALD CAMPBELL" by the crew of an AMERICAN SCHOONER. Detailing proceedings taken in relation thereto C. A. Fitzroy to the Earl of Durham Extract from the Royal Gazette, dated Charlotte Town, June 26, 1838 Earl of Durham to Sir C. A. Fitzroy Earl of Durham to H. S. Fox, Esq., Her Majesty's Minister at Washington	138 138 139 139 139
3	Lord Glenelg to Earl Durham.	Oct. 21, " (120.)	Acknowledging preceding Despatch, and APPROVING PROCEEDINGS taken in the matter	140
4	Lord Glenelg to Sir C. FitzRoy.	Nov. 5, " (74.)	Acquainting him that the case of the "SIR ARCHIBALD CAMPBELL" has been submitted to the Queen's Advocate General for his opinion. A SMALL VESSEL is to be despatched to the coast to PROTECT the FISHERIES	140

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
5	Marquess of Normanby to Sir C. Fitz Roy.	Apr. 23, 1839 (2.)	Transmitting REPORT by the Queen's Advocate General on the case of the "SIR ARCHIBALD CAMPBELL" - - -	140
6	Sir H. V. Huntley to Lord Stanley.	Apr. 17, 1843 (80.)	Transmitting an ADDRESS TO HER MAJESTY FROM THE HOUSES OF LEGISLATURE OF THE ISLAND, praying for the protection of an ARMED STEAMER. The Lieutenant Governor expresses his disagreement from the prayer of the Address - Address to the Queen - - -	141 142
7	Lord Stanley to Sir H. V. Huntley.	May 31, " (72.)	Acknowledging Despatch of April 17, 1843; acquainting the Lieut. Governor that a WAR STEAMER cannot be afforded for the purpose, and that the protection of the fisheries is one of the duties of the Naval Commander-in-Chief in those seas - - -	142
8	Sir Donald Campbell to Earl Grey.	June 12, 1849 (27.)	Transmitting an ADDRESS TO HER MAJESTY FROM THE TWO HOUSES OF LEGISLATURE OF THE ISLAND, suggesting that the RELAXATION OF THE TREATY with the United States relating to the fisheries surrounding the Island, would be advantageous to its inhabitants. The effect which such a relaxation would have upon the agriculture, &c. of the island, and in encouraging illicit trade. Also transmitting a LETTER from HER MAJESTY'S CONSUL AT BOSTON, relating to the FISHERY LAWS of the UNITED STATES - - - Address to the Queen - - - Letter from Her Majesty's Consul - - -	143 144 145
9	Earl Grey to Sir Donald Campbell.	Nov. 26, " (91.)	Acknowledging the above Despatch - - -	145
10	Sir Donald Campbell to Earl Grey.	Sep. 21, " (51.)	Transmitting copies of RESOLUTIONS passed at the CONFERENCE held at HALIFAX, to deliberate upon the Interests of the British North American Colonies. The Lieut.-Governor expresses himself favourable to a RECIPROCAL FREE TRADE in certain articles, and also to the removal of the fishery restrictions. Intends to propose to the House of Assembly a measure for the removal of all duties upon the natural products of the British North American Colonies - - -	146
11	Sir Donald Campbell to Earl Grey.	Dec. 19, " (66.)	Transmitting copy of a Despatch, dated December 17, 1849, to Earl of Elgin and Kincardine, with reference to negotiations for an IMPROVEMENT of the COMMERCIAL RELATIONS between the UNITED STATES and the BRITISH NORTH AMERICAN PROVINCES - - -	147
12	Earl Grey to Sir Donald Campbell.	Jan. 15, 1850 (96.)	Acknowledging above Despatch and Enclosure, which will receive attention of Her Majesty's Government. His Lordship expresses his DISSENT from the Lieut.-Governor's views respecting the BALANCE OF TRADE -	148
13	Sir Donald Campbell to Earl Grey.	Feb. 18, " (13.)	Explaining his OPINION respecting the BALANCE OF TRADE, and declaring himself generally favourable to UNRESTRICTED COMMERCE - - -	149
14	Sir Alex. Bannerman to Earl Grey.	Nov. 15, 1851 (50.)	Directing his Lordship's attention to the Despatch of June 12, 1849; and representing the DANGER of allowing the FISHERIES QUESTION to remain in its present unsettled state Letter from the United States Consul at Picton to Sir A. Bannerman - - -	149 152

SCHEDULE.

xvii

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
15	Sir Alex. Bannerman to Earl Grey.	Nov. 22, 1851 (51.)	In the event of the Treaty of 1818 being enforced, offers some remarks relative to the supply of fuel, &c. for a WAR STEAMER; also the means of telegraphic communication, &c.	152
16	Sir Alex. Bannerman to Earl Grey.	Feb. 12, 1852 (9.)	Transmitting on ADDRESS from the LEGISLATIVE COUNCIL AND ASSEMBLY to the QUEEN, on the subject of the TREATY for regulating fisheries	153
17	Sir Alex. Bannerman to Earl Grey.	Feb. 12, " (10.)	Calls his Lordship's attention to the Colonial Act 6 Vict. c. 14., authorizing the SEIZURE OF VESSELS found fishing within prohibited limits. Probable that if the fishery question remain unsettled, attempts will be made to seize American vessels, which may lead to collision. Necessity of a WAR STEAMER to enable the Lieut.-Governor to carry that Act into effect	154
18	Sir J. S. Pakington to Sir Alex. Bannerman.	May 27, " (14.)	The protection of the fisheries on the coast of British North America having occupied the serious attention of Her Majesty's Government, they will advise the Queen to give Her ASSENT to an ACT passed by the Legislature of Prince Edward Island in 1851, for the promotion of its deep-sea fisheries	155
19	Sir J. S. Pakington to Sir Alex. Bannerman.	June 10, " (8.)	Acknowledging the last Two Despatches	156
20	Sir Alex. Bannerman to Sir J. S. Pakington.	July 19, " (45)	Directing attention to the case stated in the enclosed letter of an American vessel REFUSING to pay ANCHORAGE DUES. Proceedings adopted by the Lieut.-Governor in consequence of the STATUTE imposing those dues NOT YET having RECEIVED the ROYAL ASSENT	156
			Letter from the Harbour Master at Malpique stating the above case of refusal	157
21	Sir Alex. Bannerman to Sir J. S. Pakington.	Aug. 2, " (47.)	Announcing the SEIZURE of the "UNION," United States fishing schooner, by Her Majesty's steam-sloop "Devastation"	157
22	Sir J. S. Pakington to Sir Alex. Bannerman.	Oct. 5, "	In reply, transmits copy of OPINION furnished by the QUEEN'S ADVOCATE. Requests further information in connexion with the case. Urges the propriety of RAISING as FEW QUESTIONS AS POSSIBLE upon minor matters between the two governments	157
			Opinion of T. D. Hardy on the case submitted to him	158
23	Sir J. S. Pakington to Sir Alex. Bannerman.	Aug. 19, " (16.)	Transmitting copy of INSTRUCTIONS ISSUED TO THE ADMIRALTY for the guidance of the Vice-Admiral commanding on the North American Station	158
24	Sir Alex. Bannerman to Sir J. S. Pakington.	Aug. 31, "	Enclosing copy of a letter addressed to Sir George Seymour on the subject of ANCHORAGE DUES. SEIZURE of three schooners	159
			Letter from Sir Alex. Bannerman to Sir Geo. Seymour	159
			Extract of a letter from Sir Alex. Bannerman to Mr. Crampton	160
25	Sir J. S. Pakington to Sir Alex. Bannerman.	Sept. 11, "	Requesting information to be obtained from the Vice-Admiralty Court, as to the NUMBER OF VESSELS SEIZED and prosecuted, &c.	160

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
26	Sir Alex. Bannerman to Sir J. S. Pakington.	Sept. 27, 1852 (56.)	In reply to Despatch of August 19. Anticipating that the fishery question will be settled by negotiation, hopes that provision will be made for the regulation of fishermen frequenting the shores of Prince Edward Island - - - Extract of a letter from the Hon. H. Chetwynd, Lieutenant commanding the hired tender "Telegraph" - - -	160 160
27	Sir A. Bannerman to Sir J. S. Pakington.	Sept. 27, " (57.)	Transmitting copies of letters on the subject of the fisheries - - - Commander Campbell to Sir A. Bannerman, reporting his proceedings and observations at the fisheries - - - Sir A. Bannerman in reply - - -	161 161 161
28	Sir J. S. Pakington to Sir A. Bannerman.	Oct. 22, " (22.)	In reply ; signifying approval of Sir A. Bannerman's answer to Commander Campbell -	161
29	Sir A. Bannerman to Sir J. S. Pakington.	Oct. 11, " (59.)	Enclosing returns from Vice-Admiralty Court. No provincial vessel yet fitted out for the protection of the fisheries. Would hesitate to place such powers in the hands of persons who have not the means to enforce the law - Return from the Vice-Admiralty Court of American vessels seized and prosecuted - Memorial to Sir A. Bannerman relative to the seizure of the United States schooner "Caroline Knight," from the owner, Mr. Washington Knight - - - Sir A. Bannerman's reply to Mr. Knight's memorial - - -	162 162 163 164
30	Sir A. Bannerman to Sir J. S. Pakington.	Oct. 25, " (61.)	Affording information respecting the CONDEMNATION of a VESSEL in the Vice-Admiralty Court since the date of the return transmitted by the despatch of 11th instant - - -	164

NEWFOUNDLAND.

1	Earl Bathurst to Sir C. Hamilton.	June 21, 1819	Enclosing copy of an ACT for giving effect to a CONVENTION with the UNITED STATES, respecting the DRYING AND CURING OF FISH, by citizens of the United States, on the COASTS of HIS MAJESTY'S POSSESSIONS. Calling the Governor's attention to certain points on which he may desire instructions - - -	166
2	Sir C. Hamilton to Earl Bathurst. (Extract.)	Nov. 19, " (38.)	Stating the results generally of the COD AND SEAL FISHERIES - - - Messrs. Garland to Captain Rowley of the "Egeria," respecting two American brigs in Deer Harbour - - -	166 166
3	Sir C. Hamilton to Earl Bathurst. (Extract.)	Nov. 14, 1820 (61.)	The Americans have not yet availed themselves of the privilege of FISHING, &c. off the coast of NEWFOUNDLAND, but have been very alert on that of LABRADOR - - -	166
4	Captain Prescott to Lord Glenelg. (Extract.)	Jan. 29, 1836 (13.)	Having requested in June last TWO SHIPS OF WAR for the protection of the fisheries, the Admiral had not been able to send more than one - - -	167
5	Lord Glenelg to Captain Prescott.	Oct. 17, " (109.)	Transmitting an ORDER IN COUNCIL DISALLOWING an ACT of the LEGISLATURE of NEWFOUNDLAND for the protection of the fisheries, and an extract from a REPORT of the BOARD OF TRADE stating the reasons for such disallowance - - -	167

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
6	Captain Prescott to Lord J. Russell. (Extract.)	Oct. 14, 1840 (60.)	TWO VESSELS OF WAR are requisite on the Newfoundland station - - -	169
7	Lord J. Russell to Captain Prescott.	Dec. 11, " (73.)	Referring to the above-mentioned desire for two SHIPS OF WAR, the Admiralty have forwarded directions to the Commanding Officer on the station to supply them, if they can be spared - - -	169
8	Captain Prescott to Lord J. Russell.	Dec. 28, " (79.)	Referring to his request for two SHIPS OF WAR for PROTECTION of the FISHERIES, encloses copy of correspondence with the Naval Commander-in-Chief on the subject - - H. Prescott, Esq., to Vice-Admiral Sir T. Harvey - - - Vice-Admiral Sir T. Harvey to Captain Prescott - - -	169 169 170
9	Captain Prescott to Lord J. Russell.	Feb. 2, 1841 (12.)	Enclosing a Letter addressed to his Lordship from the CHAMBER OF COMMERCE of St. John's, deprecating a suggestion of admitting DRIED CODFISH from the United States at a low duty, and asserting there never was a time when support was more necessary to the existence of the British North American fisheries than the present - - -	170
10	Sir John Harvey to Lord Stanley.	Dec. 27, 1842 (45.)	Transmitting communication from the CHAMBER OF COMMERCE of St. John's, Newfoundland, on the subject of the ADDITIONAL DUTIES IMPOSED by the UNITED STATES GOVERNMENT on FISH IMPORTED into the States - - - Wm. Thomas, President of said Chamber, to Lord Stanley - - -	171 171
11	Lord Stanley to Sir John Harvey.	Feb. 2, 1843 (81.)	In reply. Regrets the INABILITY of the Government TO PROVIDE A REMEDY for the matters complained of - - -	171
12	Sir Gaspard Le Marchant.	Apr. 10, 1849 (14.)	Transmitting ADDRESS from the HOUSE OF ASSEMBLY requesting information with regard to the BOUNTIES and DRAWBACKS given by the FRENCH and AMERICAN Governments in SUPPORT of their FISHERIES on the coasts of Newfoundland - - -	172
13	Earl Grey to Sir G. Le Marchant. (Extract.)	July 24, " (115.)	Transmits Letter from the British Chargé d'Affaires at Washington, on the subject of BOUNTIES and DRAWBACKS allowed by the UNITED STATES in support of their FISHERIES - - -	172
14	Sir G. Le Marchant to Earl Grey.	May 4, 1850 (28.)	Transmitting an ADDRESS to the Queen from the HOUSE OF ASSEMBLY, detailing the DIFFICULTIES under which the NEWFOUNDLAND FISHERIES labour, and praying for RELIEF and PROTECTION - - -	173
15	Earl Grey to Sir G. Le Marchant.	June 14, " (157.)	Acknowledging Despatches enclosing Addresses on the DEPRESSED STATE of the FISHERIES. The subject is engaging the serious attention of Government - - -	174
16	Earl Grey to Sir G. Le Marchant.	July 5, " (160.)	Acknowledging receipt of Despatch of the 4th May, and enclosed address, and reporting Her Majesty's answer explaining the VIEWS of the GOVERNMENT on the question - - -	174
17	Sir G. Le Marchant to Earl Grey.	June 6, 1851 (34.)	Transmitting ADDRESS to Her Majesty from the LEGISLATIVE COUNCIL for the PROTECTION of the fisheries - - -	175
18	Earl Grey to Sir G. Le Marchant.	July 15, " (202.)	Acknowledging the above, and referring to Despatch of July 5, 1850, No. 160, for an EXPLANATION on the subject - - -	177

SCHEDULE.

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
19	Sir J. S. Pakington to Sir G. Le Marchant. (Extract.)	June 18, 1852 (13.)	Employment of FOUR SCHOONERS and a STEAM SLOOP for the PROTECTION of the fisheries in North America; the steamer "Janus" has been destined for Newfoundland	177
20	Sir G. Le Marchant to Sir J. S. Pakington.	June 23, " (40.)	Transmitting two ADDRESSES to the Queen from the LOCAL LEGISLATURE of NEWFOUNDLAND, praying for further PROTECTION for the fisheries, and that in negotiations on the subject of FREE TRADE with the United States the interests of the colony be not overlooked - - - -	177
21	Sir J. S. Pakington to the Officer administering the Government.	Aug. 26, " (20.)	Acknowledging the above, refers to his Despatch of June 18, No. 13, for an EXPLANATION on the question of PROTECTION, and the other matter will receive the serious CONSIDERATION of the Government - -	179
22	Sir G. Le Marchant to Sir J. S. Pakington.	July 27, " (52.)	Reports ARRIVAL of Sir G. SEYMOUR, Vice-Admiral commanding on the station. SATISFACTION of the colony at the MEASURES ADOPTED for the PROTECTION of the fisheries - - - -	179
23	Sir J. S. Pakington to the Officer administering the Government.	Sept. 11, "	Requesting INFORMATION of the number of VESSELS SEIZED, PROSECUTED, &c. for infraction of the Convention of 1818 between Great Britain and the United States - -	180
24	James Crowdy, Esq., to Sir J. S. Pakington.	Oct. 5, " (66.)	In reply. Transmitting the return required -	180

CORRESPONDENCE WITH PUBLIC DEPARTMENTS.

1	Lord Bathurst to Viscount Melville.	Oct. 2, 1818.	Desires that the PROCEEDINGS against certain VESSELS be conducted by the Attorney-General according to his discretion - -	183
2	Henry Goulburn, Esq., to W. Hamilton, Esq.	Oct. 16, "	Transmitting copies of two letters from Governor Sir C. Hamilton, respecting DETENTION of two AMERICAN VESSELS, and detailing the CONDUCT of the MASTER of the United States sloop "HANNAH" - - -	183
3	Earl Bathurst to Commissioners of Admiralty.	April 5, 1819.	Transmitting CONVENTION with the United States - - - -	183
4	Earl Bathurst to Commissioners of Admiralty.	June 23, "	Transmitting Copy of a Despatch addressed to Sir C. Hamilton - - - -	183
5	J. W. Croker, Esq., to H. Goulburn, Esq.	July 3, "	Enclosing DRAFT of an ORDER to the ADMIRAL on the HALIFAX STATION, for approval - - - -	183
6	J. Barrow, Esq., to H. Goulburn, Esq.	Dec. 23, 1820.	Transmitting Extract of a Letter from Vice-Admiral Sir C. Hamilton relative to PROCEEDINGS of AMERICAN FISHING VESSELS in the neighbourhood of NEWFOUNDLAND	184
7	R. W. Horton, Esq., to J. W. Croker, Esq.	May 30, 1827.	Transmitting Extract of a Letter from Earl of Dalhousie, stating that the British FISHERMEN of Gaspé and the Gulf of St. Lawrence are OVERPOWERED by the AMERICANS. Requesting further protection by a VESSEL OF WAR - - - -	185

SCHEDULE.

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
8	J. Backhouse, Esq., to Hon. E. G. Stanley.	Dec. 19, 1827	Transmitting copy of a letter from the Admiralty, with a Despatch and Enclosure from the Rear-Admiral on the North American station, relative to the practice of the Americans of DRYING AND CURING FISH on the Magdalen Islands - - - -	185
9	Hon. E. G. Stanley to J. Backhouse, Esq.	Dec. 31, ,,	In reply to the above letter, transmitting copy of MINUTE of BOARD OF TRADE, communicated to Earl of Dalhousie. Doubt whether the AMERICAN CONSTRUCTION of the TREATY can be admitted; if not, the Lord High Admiral should be instructed to CO-OPERATE with the civil authorities in REPRESSING these ENCROACHMENTS -	187
10	J. Backhouse, Esq., to Hon. E. G. Stanley.	Jan. 9, 1828.	With reference to the above letter of December 31, transmits copy of a REPORT of the ADVOCATE-GENERAL upon the practice of the Americans of DRYING FISH on Magdalen Islands - - - -	187
11	J. Barrow, Esq., to R. W. Hay, Esq.	Dec. 5, 1829.	Transmitting copy of a letter from Rear-Admiral Sir Charles Ogle, containing his REPORT on the NEWFOUNDLAND and NORTH AMERICAN FISHERIES - - - -	188
12	J. Backhouse, Esq., to J. Stephen, Esq.	Feb. 13, 1836.	Transmitting copy of a Despatch from Her Majesty's Chargé d'Affaires at Washington, which encloses a Despatch from the Governor-in-Chief of Canada, with a note from Mr. Bankhead to the Secretary of State of the United States, upon the subject of AMERICAN ENCROACHMENTS in the ST. LAWRENCE. Lord Palmerston is of opinion that the Government of the UNITED STATES HAS NO ADEQUATE MEANS of preventing these encroachments; and that the British right of fishing can only be maintained by the presence of A SHIP OF WAR - Charles Bankhead, Esq., to Viscount Palmerston - - - - Earl of Gosford to Charles Bankhead, Esq. - Letter from Officer of Customs at Gaspé Charles Bankhead, Esq., to the Hon. John Forsyth - - - -	189 189 190 190 191
13	J. Backhouse, Esq., to J. Stephen, Esq.	Feb. 20, ,,	Transmitting copy of a Despatch from His Majesty's Chargé d'Affaires at Washington, enclosing the answer of the American Secretary of State to the representation made to him by Mr. Bankhead, upon the ENCROACHMENTS of AMERICAN FISHERMEN - Charles Bankhead, Esq., to Viscount Palmerston - - - - Hon. John Forsyth to Charles Bankhead, Esq. - - - - Charles Bankhead, Esq., to the Earl of Gosford - - - -	191 191 192 192
14	J. Backhouse, Esq., to J. Stephen, Esq.	Mar. 5, ,,	Transmitting copy of a Despatch from His Majesty's Chargé d'Affaires at Washington, enclosing instructions from the Secretary of the Treasury of the United States to the collectors of the Customs, relative to the ENCROACHMENTS of AMERICAN FISHERMEN - Charles Bankhead, Esq., to Viscount Palmerston - - - - Instructions issued by the Secretary of the Treasury to the Collectors of Custom - - - -	192 192 193

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
15	James Stephen, Esq., to Sir J. Barrow.	Mar. 18, 1836	Transmitting three letters from Foreign Office, covering communications from Chargé d'Affaires at Washington, regarding ENCROACHMENTS OF AMERICAN FISHERMEN; desiring they may be brought under the consideration of the Lords of the Admiralty, and that the CONVENTION of 1818 BE ENFORCED - - - - -	193
16	James Stephen, Esq., to J. Backhouse, Esq.	July 11, 1837	Transmitting a Despatch from Lieut.-Governor of Nova Scotia, enclosing Report from the Provincial Assembly on the FISHERIES in the GULF OF ST. LAWRENCE, and on the coasts of NEWFOUNDLAND. Lord Glenelg's opinion, that if the complaint therein be correct, the INTERVENTION of Her Majesty's Government is necessary - - -	193
17	James Stephen, Esq., to J. Backhouse, Esq.	May 10, 1838	Transmitting a Despatch from Sir Colin Campbell, enclosing an Address from Legislative Council and House of Assembly of Nova Scotia, relative to ENCROACHMENTS by AMERICANS on BRITISH FISHING GROUNDS. Lord Glenelg thinks they can only be put down by STATIONING ARMED VESSELS in the vicinity, but DESIRES LORD PALMERSTON'S opinion before issuing orders to that effect - - - - -	194
18	Lord Glenelg to Commissioners of the Admiralty.	Sept. 29 "	Signifying the Queen's commands, that immediate measures be taken for STATIONING ARMED VESSELS on the COAST OF NOVA SCOTIA to protect the fisheries - - -	194
19	James Stephen, Esq., to the Hon. W. F. Strangways.	Sept. 29, "	LORD GLENELG CONCURS in the proposition of Lord Palmerston, to INVITE THE CO-OPERATION OF THE CENTRAL GOVERNMENT in putting a stop to encroachments by Americans on the fisheries of Nova Scotia. Directions have been sent to Admiralty to station a small armed vessel on the coast, &c.	194
20	James Stephen, Esq., to Sir J. Barrow.	Oct. 10, "	Transmitting a Despatch from the Lieut.-Governor of Nova Scotia, enclosing, among other papers, an Address from the Legislature, PRAYING FOR PROTECTION AGAINST ENCROACHMENTS OF AMERICAN FISHERMEN; also, letter transmitting copy of an instruction on the subject from Lord Palmerston; also, Despatch from the Earl of Durham, reporting an OUTRAGE COMMITTED BY AN AMERICAN VESSEL, and his Lordship's measures thereon - - - - -	195
21	James Stephen, Esq., to the Hon. W. F. Strangways.	Oct. 12, "	Transmitting copy of a Despatch from Earl of Durham, respecting an OUTRAGE committed by an AMERICAN FISHING schooner on a British vessel wrecked off Prince Edward Island. Enquiring whether there would be any objection to conveying to Lord Durham the approbation of the Government - - -	195
22	Sir J. Barrow to J. Stephen, Esq.	Oct. 12, "	Acknowledging letter of 10th instant, stating that Sir C. Paget has ordered two SHIPS OF WAR for this service in the present season; and requesting to be informed as to the period of the FISHING SEASON - - - - -	195
23	J. Backhouse, Esq., to J. Stephen, Esq.	Oct. 18, "	Acknowledging receipt of letter of 12th instant; and intimating Lord Palmerston's concurrence in the propriety of signifying the GOVERNMENT'S APPROVAL of the proceedings of Lord Durham - - - - -	196

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
24	Sir John Barrow to J. Stephen, Esq.	Oct. 27, 1838	Transmitting copy of a letter addressed to Vice-Admiral Sir C. Paget, directing that a SMALL VESSEL PROCEED TO NOVA SCOTIA , and another to PRINCE EDWARD ISLAND , for the protection of the fisheries - - -	196
25	J. Stephen, Esq., to Sir J. Barrow.	Nov. 3, "	Transmitting copy of a letter from Mr. Crane, of New Brunswick, respecting the FISHING SEASON off the coast of Nova Scotia -	197
26	J. Stephen, Esq., to J. Backhouse, Esq.	June 7, 1839	Transmitting copy of a Despatch from Sir J. Harvey, and report from a Committee of the Assembly of New Brunswick relative to the ENCROACHMENT OF AMERICAN FISHERMEN ON BRITISH FISHING GROUNDS , and stating that Lord Normanby has requested the Admiralty to issue such instructions as shall secure the rights guaranteed by treaties - - - - -	197
27	J. Stephen, Esq., to Sir J. Barrow.	June 7, 1838	A similar letter - - - - -	197
28	J. Stephen, Esq., to J. Backhouse, Esq.	May 13, 1840	Transmitting copy of Despatch from Lieutenant Governor of Nova Scotia, enclosing an ADDRESS to Her Majesty from HOUSE OF ASSEMBLY respecting ENCROACHMENTS OF AMERICAN FISHERMEN . Requests that requisite measures may be taken -	198
29	J. Stephen, Esq., to J. Barrow, Esq.	May 30, "	Transmitting copy of Despatch from Governor-General of British North America, enclosing Memorial from Mr. Etienne Labadie, representing the ILL TREATMENT OF BRITISH FISHERMEN , on the Coast of Labrador by foreign fishing vessels. Request that remedial steps may be taken - - - - -	198
30	J. Stephen, Esq., to Sir J. Barrow.	Dec. 4, "	Enclosing extract of Despatch from the Governor of Newfoundland, reporting the INADEQUATE NAVAL PROTECTION afforded to the fisheries, and requesting the services of TWO VESSELS for that purpose. Lord John Russell desires the OPINION of the ADMIRALTY thereon - - - - -	198
31	Sir J. Barrow to J. Stephen, Esq.	Dec. 8, "	Referring to the letter of the 4th instant, states that directions have been forwarded to Sir J. Harvey to SEND TWO SHIPS FOR PROTECTION of Newfoundland fisheries - - -	198
32	J. Stephen, Esq., to J. Backhouse, Esq.	Feb. 4, 1841	Referring to letters of 4th December and 8th ultimo, transmits copy of a Despatch from Governor of Newfoundland reporting that he had been INEFFECTUAL in his EFFORT to PROTECT the FISHERIES of that Island -	199
33	J. Stephen, Esq., to Lord Leveson.	April 12, "	Refers to letter of 2d instant, with accompanying note from the Minister of the United States, and states that they will be forwarded to Viscount Falkland for INQUIRY - - -	199
34	J. Stephen, Esq., to J. Backhouse, Esq.	Apr. 16, "	Transmitting copy of a Despatch from the Lieutenant-Governor of Nova Scotia, enclosing an address from the Legislative Council, OBJECTING to one of the regulations for the PROTECTION of the fisheries, proposed for Her Majesty's sanction by the HOUSE OF ASSEMBLY in the Session of 1840. Requesting Viscount Palmerston's opinion on the subject - - -	199
35	J. Stephen, Esq., to J. Backhouse, Esq.	May 25, "	Transmitting copy of a Despatch from the Lieutenant-Governor of Nova Scotia, enclosing the REPORT of a Committee of the HOUSE OF ASSEMBLY on the FISHERIES of the Province. Intimating that Vice Admiral Sir J. Harvey has been instructed to SEND TWO SHIPS for the protection of those fisheries -	199

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
36	J. Stephen, Esq., to J. Backhouse, Esq.	June 18, 1841	Transmitting copy of a Despatch from Viscount Falkland, containing answers to the statements of the American Minister respecting PROCEEDINGS of the COLONIAL AUTHORITIES of Nova Scotia TOWARDS AMERICAN CITIZENS engaged in the fisheries on the coasts of that province - - -	200
37	Viscount Canning to J. Stephen, Esq.	Sept. 7, "	Referring to letters of May 13, 1840, and April 16; April 16, May 25, and June 18, 1841; and transmitting copy of a REPORT of Her Majesty's LAW OFFICERS upon the QUESTION referred to in said letters - - -	200
38	J. Stephen, Esq., to J. S. Lefevre, Esq.	Jan. 25, 1843	Transmitting copy of Despatch from Governor of Newfoundland inclosing a representation from the CHAMBER OF COMMERCE, complaining of HIGH DUTY imposed by a RECENT TARIFF of the UNITED STATES on fish caught in British possessions - - -	200
39	J. Macgregor, Esq., to J. Stephen, Esq.	Jan. 28, "	Acknowledging receipt of copy of a Despatch from the Governor of Newfoundland, enclosing a representation from the Chamber of Commerce, COMPLAINING of the HIGH DUTY imposed by the RECENT TARIFF of the UNITED STATES on FISH caught in the British possessions. The Board of Trade do not see how they can interfere with the Government of the United States - - -	200
40	J. Stephen, Esq., to Sir J. Barrow.	May 23, "	Transmitting copy of a Despatch from the Lieut.-Governor of Prince Edward Island, enclosing an ADDRESS to the Queen from the Legislative Council and Assembly, praying that an ARMED STEAM VESSEL be present EVERY SEASON to PROTECT THE FISHERIES from encroachments of Americans. Desiring to be informed whether the means at the disposal of Admiralty will enable them to comply therewith - - -	201
41	Sir J. Barrow to J. Stephen, Esq.	May 26, "	In reply, stating that the REDUCED PEACE ESTABLISHMENT OF THE NAVY will NOT ALLOW of the APPOINTMENT of a STEAM VESSEL for the service of the fisheries; and directing the Lieutenant. Governor to communicate with the Admiral at Halifax - - -	201
42	J. Stephen, Esq., to H. U. Addington, Esq.	Aug. 31, "	Acknowledging letter of 21st instant. Lord Stanley will desire the Lieut.-Governor of Nova Scotia to REPORT fully upon the subject - - -	201
43	J. Stephen, Esq., to Sir J. Barrow.	Sept. 26, "	Transmitting copy of a Despatch from the Governor of Newfoundland enclosing a memorial addressed to him by the Chamber of Commerce at St. John, praying for ADDITIONAL NAVAL PROTECTION to the colonies. Desiring to know whether the Admiralty have a sufficient force at their disposal to be enabled to accede to this request - - -	202
44	Sir J. Barrow to J. Stephen, Esq.	Sept. 30, "	In reply, stating that INSTRUCTIONS have been sent to the Commander-in-Chief TO AFFORD THE PROTECTION sought for -	202
45	J. Stephen, Esq., to H. U. Addington, Esq.	Nov. 7, "	Refers to letter of August 31; and transmits copy of a Despatch, with enclosures, reporting the circumstances connected with the SEIZURE and CONDEMNATION of the VESSEL -	202

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
46	J. Stephen, Esq., to Sir J. Barrow.	May 28, 1844	Transmitting copy of a Despatch from the Lieut.-Governor of New Brunswick, with an ADDRESS presented to him from the House of Assembly REQUESTING the ESTABLISHMENT of an ARMED VESSEL in the BAY OF FUNDY during the fishing season - -	203
47	Sir J. Barrow to J. Stephen, Esq.	May 29 "	In reply, stating that Vice-Admiral Sir C. Adam WILL ATTEND to the REQUISITION, as far as the means of the harbour will enable him - - - -	203
48	J. Stephen, Esq., to H. U. Addington, Esq.	Oct. 7, "	Refers to letter of 20th July, and to proposal of Earl of Aberdeen for relaxing rule applied to American vessels found fishing in the Bay of Fundy; and transmits copy of Despatch from Lieutenant-Governor of Nova Scotia, stating that the PROPOSED CONCESSIONS might be GRANTED on certain conditions. Requests attention to the suggestion that if this concession be made, the Government of UNITED STATES will be urged to immediate REDUCTION of DUTIES on PRODUCE of PROVINCIAL FISHING - - -	203
49	J. Stephen, Esq., to Capt. W. A. B. Hamilton.	Apr. 30, 1845	Transmitting copy of Despatch from Lord Stanley respecting an arrangement whereby Americans will be ALLOWED TO FISH in any part of the BAY OF FUNDY NOT WITHIN THREE MILES of any bay on the coast of Nova Scotia or New Brunswick. Request that the Admiralty will communicate the information to the naval officers on the station - -	204
50	J. Stephen, Esq., to H. U. Addington, Esq.	July 11, "	With reference to letter of 8th May transmits copies of Despatches from Lieut.-Governors of Nova Scotia and New Brunswick on question whether they had any OBJECTIONS to RELAXATION in CONSTRUCTION of the TREATY of 1814 - - -	204
51	J. Stephen, Esq., to Capt. W. A. B. Hamilton.	July 11, "	Transmitting extract and copy of Despatches from Lieut.-Governor of New Brunswick, RECOMMENDING that a small VESSEL OF WAR be stationed in the BAY OF FUNDY during FISHING SEASON - - -	204
52	Capt. W. A. B. Hamilton to J. Stephen, Esq.	July 17, "	With reference to the above, states that the Admiral on the North American and West Indian stations has been directed to take such steps as may best meet the wishes expressed - -	205
53	G. W. Hope, Esq. to H. U. Addington, Esq.	Aug. 8, "	In answer to letter of 8th May respecting further RELAXATION of Treaty of 1818, transmits copies of Despatches from Lieut.-Governors of Nova Scotia and New Brunswick. States Lord Stanley's opinion that if it be made some EQUIVALENT should be OBTAINED from United States for colonial interests - -	205
54	J. Stephen, Esq., to H. U. Addington, Esq.	Sept. 30, "	Transmits copy of Despatch from Lieut.-Governor of New Brunswick, enclosing communication suggesting that, PERMISSION having been granted to Americans to FISH in BAY OF FUNDY, they should REDUCE DUTIES on IMPORTATION of FISH and FISH-OIL. Inquiries whether Lord Aberdeen would object to request being made - - -	205
55	H. G. Ward, Esq., to H. Merivale, Esq.	July 14, 1848	Transmitting copy of a letter from the Registrar of the Vice Admiralty Court at Halifax, relative to the international arrangements with regard to fisheries off Nova Scotia; and enquiring whether any new arrangements have been made since April 30, 1845 - - - Letter from Registrar of Vice-Admiralty Court, Halifax, to the Secretary of the Admiralty - - -	206 206

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
56	H. Merivale, Esq., to H. G. Ward, Esq.	Aug. 4, 1848	With reference to inquiry in letter of 14th ult., transmits copy of Despatch of 17th September 1845 from Lord Stanley to Lieut.-Governor of Nova Scotia respecting FISHERIES in British North America - - - -	206
57	H. Merivale, Esq., to H. U. Addington, Esq.	May 15, 1849	Transmitting copy of Despatch from Governor of Newfoundland, enclosing copy of address from House of Assembly requesting information respecting fisheries on coast of Newfoundland. Requests that INFORMATION be procured from PARIS and WASHINGTON, and TRANSMITTED to this country - -	207
58	H. U. Addington, Esq., to H. Merivale, Esq.	June 21, ,,	With reference to request in the above, transmits copy of return from Her Majesty's AMBASSADOR at PARIS with respect to BOUNTIES granted by FRENCH GOVERNMENT in support of trade in COD-FISH - -	207
59	H. U. Addington, Esq., to H. Merivale, Esq.	July 17, ,,	With reference to same request, transmits copy of answer on the subject from Her Majesty's CHARGE D'AFFAIRES at WASHINGTON	208
60	H. Merivale, Esq., to G. R. Porter, Esq.	Aug. 4, ,,	Transmitting copy of a Despatch from Lieut.-Governor of Prince Edward Island, enclosing Address to the Queen from the Legislative Council and House of Assembly for a RELAXATION or SUSPENSION of the TREATY regulating the fisheries. Explains the points at issue with respect to the CONSTRUCTION of certain terms in the TREATY. Suggests whether the FREE USE OF THE FISHERIES by the Americans might not be exchanged in return for RECIPROCAL FREE TRADE in certain articles - - -	209
61	G. R. Porter, Esq., to B. Hawes, Esq.	Aug. 8, ,,	In reply to the above. Conceiving that important POLITICAL QUESTIONS are INVOLVED in the whole of this subject, the Board of Trade express their readiness to communicate thereon with Earl Grey - - - -	211
62	T. F. Elliot, Esq., to H. U. Addington, Esq.	Sept. 24, ,,	Transmitting copies of two Despatches from the Lieut.-Governor of Nova Scotia, enclosing copy of the proceedings of the CONFERENCE of DELEGATES held at Halifax respecting COMMERCIAL AFFAIRS, and a report of the COMMITTEE of the HOUSE OF ASSEMBLY on the subject of the FISHERIES. Lord Grey calls attention to the DIFFICULTY of enforcing the EXCLUSIVE RIGHT of fishery, in consequence of the SYMPATHY of the INHABITANTS of the province IN FAVOUR of the fishermen of the UNITED STATES - - - -	211
63	J. Parker, Esq., to T. F. Elliot, Esq.	Oct. 24, ,,	Referring to a letter of 9th instant, respecting the employment of SMALL STEAMERS and SWIFT ROW BOATS to protect the fisheries of Newfoundland from the encroachments of the French. The Admiralty are of opinion that a different description of force would be more effective against SMUGGLING; but consider that the prohibition of SELLING BAIT is a question that belongs to the Colonial Office -	211
64	Captain W. A. B. Hamilton to H. Merivale, Esq.	Dec. 29, ,,	Transmitting copy of a report on the NEWFOUNDLAND FISHERIES by Capt. Warren, of Her Majesty's ship "Trincomalee" - -	212

No.	From and to whom.	Date and Number.	SUBJECT.	Page
65	Capt. Hamilton to B. Hawes, Esq.	Jan. 21, 1850	Transmitting copy of a letter from the Earl of Dundonald, dated December 20, 1849, relative to the AGITATION in CANADA and NEW BRUNSWICK for FURTHER CONCESSIONS to AMERICAN FISHERIES -	217
66	Capt. Hamilton to B. Hawes, Esq.	Feb. 28, 1851	Transmitting copy of a Letter from the Earl of Dundonald, dated January 17, 1851, reporting on the STATE of the FISHERIES off the coast of America, &c. Earl of Dundonald to the Secretary of the Admiralty - - - Report of the commander of Her Majesty's ship "Helena" - - - Report of the commander of Her Majesty's ship "Plumper" - - - Report of the Commander of Her Majesty's sloop "Sappho" - - -	217 218 218 230 235
67	H. Merivale, Esq., to Capt. Hamilton.	May 27, "	Transmitting copy of a Despatch from the Lieut.-Governor of New Brunswick, enclosing an ADDRESS to the Queen from the HOUSE OF LEGISLATURE, respecting PROTECTION of the LOCAL FISHERIES; and requesting the Lords of the Admiralty to inform Earl Grey whether they consider it practicable to adopt the plan recommended in the address -	236
68	Capt. Hamilton to H. Merivale, Esq.	June 30, "	In reply to the above, conveying their Lordships OPINION on the matter submitted to them -	236
69	Capt. Hamilton to B. Hawes, Esq.	Aug. 26. "	Transmitting copy of a Letter from Vice-Admiral Sir George Seymour, on the subject of the fisheries. Requesting that Earl Grey should furnish the Admiralty with any opinion he may entertain respecting the COLONIES furnishing a LOCAL FORCE for the PROTECTION of the FISHERIES - - -	236
70	B. Hawes, Esq., to Capt. Hamilton.	Sept. 17, "	In reply, CONCURRING in the OPINION of Sir George Seymour, that if SMALL VESSELS are to be EMPLOYED in protecting the fisheries, the service should be undertaken by the COLONIAL GOVERNMENTS. That while Her Majesty's Government furnish a force sufficient for the prevention of OPEN RESISTANCE, the duty of preventing EVASIONS OF LAW, &c. should devolve upon the colonial authorities, who should provide a MARITIME POLICE for the purpose - - -	238
71	Secretary of the Admiralty to B. Hawes, Esq.	Oct. 21, "	Transmitting copy of a Letter from Vice-Admiral Sir George Seymour, September 17, respecting FISHERIES of NEWFOUNDLAND and the BAY OF FUNDY - - - Vice-Admiral Sir G. F. Seymour to the Secretary of the Admiralty - - - Report from Captain Ramsay - - - Report from Commander Kynaston - - -	239 239 239 243
72	Secretary of the Admiralty to H. Merivale, Esq.	Nov. 7, "	Transmitting copy of a letter from Vice-Admiral Sir George Seymour, October 9, accompanying a Report from Commander A. A. Cochrane, Her Majesty's sloop "Sappho," on the FISHERIES in the GULF OF ST. LAWRENCE, and on the coast of LABRADOR and NEWFOUNDLAND - - - Vice-Admiral Sir G. F. Seymour to the Secretary of the Admiralty - - - Report from Commander the Hon. A. A. Cochrane - - -	246 246 246

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
73	Sir J. S. Pakington to Commissioners of the Admiralty.	June 2, 1852	Signifying Her Majesty's commands to the Lords of the Admiralty to give directions for STATIONING off New Brunswick, Nova Scotia, Prince Edward Island, and Gulf of St. Lawrence, a sufficient number of SMALL SAILING VESSELS and STEAMERS to prevent infraction of the Treaty of 1818 - -	252
74	Captain Hamilton to H. Merivale, Esq.	June 3, "	In reply, intimating their Lordships readiness to carry into immediate effect the commands of Her Majesty - - - -	252
75	A. Stafford, Esq., to H. Merivale, Esq.	June 28, "	Transmitting copy of a letter from Sir George Seymour, of 1st instant, relative to FISHERIES of NEWFOUNDLAND and the GULF of ST. LAWRENCE - - - -	253
76	A. Stafford, Esq., to Lord Desart.	July 6, "	Transmitting copy of a letter from Sir George Seymour, June 24, REPORTING his PROCEEDINGS with regard to the PROTECTION of the NORTH AMERICAN FISHERIES - - - -	253
77	Captain Hamilton to H. Merivale, Esq.	July 21, "	Transmitting copy of a letter from Sir George Seymour, July 8, respecting the NORTH AMERICAN FISHERIES - - - -	254
78	Captain Hamilton to H. Merivale, Esq.	Aug. 2, "	Transmitting copy of a letter from Sir George Seymour, July 16, reporting his having SAILED for NEWFOUNDLAND, and the MEASURES he has TAKEN for the PROTECTION of the FISHERIES - - - -	256
79	H. Merivale, Esq., to H. U. Addington, Esq.	Aug. 5, "	Transmitting copy of a letter from the Board of Admiralty respecting the FISHERIES. Sir J. Pakington presumes that on some points it will be necessary to CONSULT the LAW OFFICERS of the Crown; but as some points involve questions of POLITICAL EXPEDIENCY, he transmits the whole to Lord Malmesbury - -	257
80	Captain Hamilton to H. Merivale, Esq.	Aug. 17, "	Transmitting copy of a Letter from Sir G. Seymour, dated August 5, respecting his PROCEEDINGS at NEWFOUNDLAND - - - -	257
81	Captain Hamilton to H. Merivale, Esq.	Aug 17, "	Transmitting copies of letters from Sir Geo. Seymour, dated August 5 and 6, relative to the NORTH AMERICAN FISHERIES - - - - Vice-Admiral Sir G. F. Seymour to the Secretary of the Admiralty - - - - J. F. Crampton to Sir G. F. Seymour - - Extract from the Boston Courier - - Vice-Admiral Sir G. F. Seymour to the Secretary of the Admiralty - - - -	257 258 259 260
82	T. F. Elliot, Esq., to H. U. Addington, Esq.	Aug. 15, "	Transmitting copy of a Despatch from Lieut.-Governor of Prince Edward Island, enclosing a letter from the Harbour Master at Malpeque, reporting certain Americans REFUSING to PAY ANCHORAGE DUES. Requesting Earl of Malmesbury's opinion as to steps to be taken in the matter - - - -	261
83	T. F. Elliot, Esq., to Captain Hamilton.	Aug. 19, "	Referring to letter of 21st ult., and to certain QUERIES from Sir Geo. Seymour. Some of those questions have been REFERRED TO LAW OFFICERS of the Crown. But as regards those that involve CONSIDERATIONS of POLICY rather than of law, reference is made to instructions contained in the letter which Sir J. Pakington has addressed to the Admiralty - - - -	261

SCHEDULE.

xxix

No.	From and to whom.	Date and Number.	SUBJECT.	Page.
84	Sir J. S. Pakington to the Commissioners of the Admiralty.	Aug. 19, 1852	Referring to letter of June 2, 1852, and adverting to certain MISAPPREHENSIONS arising out of it. States that the Government have NO WISH to REVOKE the concession granted in 1835 of liberty to fish in the BAY OF FUNDY, or to RESORT to various British ports when NOT ENGAGED IN FISHING - -	262
85	T. F. Elliot, Esq., to Captain Hamilton.	Aug. 19, "	Referring to certain QUERIES proposed by Sir Geo. Seymour, and which have been SUBMITTED to the LAW OFFICERS of the Crown. Desires that copies of the ORDERS issued since the passing of 59 Geo. 3. c. 38., under which Her Majesty's NAVAL OFFICERS are acting, be transmitted to the Colonial Office -	263
86	Captain Hamilton to T. F. Elliot, Esq.	Aug. 23, "	In reply, transmitting copy of a letter addressed to the Under Secretary of State for Foreign Affairs, in answer to a SIMILAR APPLICATION - - - -	263
87	T. F. Elliot, Esq., to Captain Hamilton.	Aug. 27, "	In reply to letter of 23d instant, finding that the Admiralty are in communication with the Under Secretary for Foreign Affairs, Sir J. Pakington feels it UNNECESSARY to PROCEED FURTHER in the matter - -	264
88	Capt. W. A. Hamilton to H. Merivale, Esq.	Sept. 13, "	Transmitting copy of a letter from Vice-Admiral Sir Geo. Seymour, and enclosures, respecting Prince Edward Island and the Gulf of St. Lawrence - - - - Vice-Admiral Sir G. Seymour to the Secretary of the Admiralty, reporting his visit to Prince Edward Island fisheries - Extract of letter from Commander Campbell of the "Devastation" - Letter from Commodore Perry - Petition of the master of the "Golden Rule," American vessel - Letter from Lieutenant Chetwynd to Sir G. F. Seymour -	264 264 265 265 266 267
89	H. Merivale, Esq., to Captain Hamilton.	Oct. 9, "	Referring to a letter of the 13th ultimo, containing a letter from Sir George Seymour, reporting his proceedings in Prince Edward Island, &c.; and desiring the Admiralty to signify to Commander Campbell the APPROVAL of Her MAJESTY'S Government of his conduct in ABSTAINING from CAPTURING AMERICAN FISHING VESSELS under the circumstances detailed in the Vice-Admiral's Report - - - -	268
90	H. Merivale, Esq., to H. U. Addington, Esq.	Oct. 11, "	Referring to refusal of American fishermen to pay Anchorage Dues; and transmitting copy of a further Despatch from Sir A. Bannerman on the subject - - - -	268
91	T. F. Elliot, Esq., to H. U. Addington, Esq.	Oct. 25, "	Transmitting copy of a Despatch from the Lieutenant-Governor of Prince Edward Island, enclosing copy of a letter from the Commander of the "Telegraph," referring to REFUSAL of American fishermen TO PAY ANCHORAGE DUES - - - -	268
92	T. F. Elliot, Esq., to H. U. Addington, Esq.	Oct. 25, "	Transmitting copy of a Despatch from the Lieutenant-Governor of Prince Edward Island, enclosing copy of a Letter from the Commander of the "Telegraph," referring to the refusal to pay Anchorage Dues - - - -	268
93	T. F. Elliot, Esq., to H. U. Addington, Esq.	Oct. 25, "	Transmitting copy of a Despatch from the Lieutenant-Governor of Prince Edward Island on the subject of the Fisheries of that Island - -	269

SCHEDULE.

No.	From and to whom.	Date and Number.	SUBJECT.	Page
94	T. F. Elliot, Esq., to H. U. Addington, Esq.	Oct. 29, 1852	Transmitting copies of three Despatches enclosing Returns of American Vessels seized and prosecuted in Vice-Admiralty Courts of Canada, Prince Edward Island, and Newfoundland, for violation of the Fisheries Convention -	269
95	T. F. Elliot, Esq., to H. U. Addington, Esq.	Oct. 29, „	Transmitting copy of a Despatch from the Earl of Elgin, enclosing a joint Address from the Legislative Council and Assembly of Canada, on the subject of the Protection of the Fisheries -	269

P A P E R S

RELATIVE TO THE

FISHERIES OF BRITISH NORTH AMERICA.

CANADA.

CANADA.

No. 1.

(No. 55.)

No. 1.

EXTRACTS of a DESPATCH from the Right Hon. Earl of DALHOUSIE to the Right Hon. Earl BATHURST, dated November 14, 1826.

(Received, December 21, 1826.)

“THE Deep Sea fisheries on the Orphan and other banks have long been nearly destroyed by the numbers of American vessels (not less than twelve or fifteen hundred) which resort to these interior banks on our coasts. This has long been a subject of serious complaint. * * * * *

“A superintendent of the fisheries I think most essential; and although it is evident that several public officers are required on such extensive public concerns, yet I would be content were these duties confided to that one gentleman whom I have repeatedly pointed out to your Lordship as capable of rendering great services to Government in that quarter,—I allude to Mr. Crawford, whose abilities, activity, and character have already established him in the esteem and confidence of the people so as to be the arbiter and judge in their disputes.” * * * * *

(No. 4.)

No. 2.

No. 2.

COPY of a DESPATCH from the Right Hon. Earl of DALHOUSIE to the Right Hon. Earl BATHURST.

Castle of St. Lewis, Quebec, Jan. 8, 1827.

(Received, Feb. 26, 1827.)

Page 2.

MY LORD,

(Answered, January 6, 1827.)

THE nomination of the Superintendent of the Fisheries in Gaspé obliges me to ask of your Lordship some more accurate information on that subject than I have been able to obtain here, or even from the officers of the Navy whom I have had any opportunity of conversing with upon it, and who have been employed in cruising in the Gulf of St. Lawrence for the protection of our fisheries.

Your Lordship knows that repeated complaints have been made by those occupied in the fisheries along the shores of Gaspé and Bay Chaleurs; that they have been for the last ten years wholly overpowered by the American fishing vessels which resort there annually; an average of 1,500 sail pass at Canso into the Gulf of St. Lawrence, spreading early in the season along the Labrador shore high up in the salmon fisheries near the rivers of the Mingan and Seven Islands, then to the Magdalen Islands and Cape Breton shore, and latterly coming down upon the Gaspé shore, Orphan Bank, and north shore of Prince Edward's Island, completely driving the British fishermen out of their way.

I have in vain endeavoured to ascertain the exact bounds granted by treaty to the American fishing vessels. The only Act I have seen, and with which the captains of the Navy are furnished, is the convention of 1818, by which the advantage of fishing is expressly limited along the south shore of Newfoundland, the west coast of the Straights of Belleisle, the Labrador coast to Mount Joli; thence across by the east point of Anticosti to the Magdalen. By that description I should consider that the fisheries on the interior bank and gulf were not permitted to them, nor any rendezvous in the narrows of the Gut of Canso;

CANADA.

but that the open-sea fishery was meant to be left to them outwards of Cape Breton to the entrance between that island and the shores of Newfoundland.

I beg to submit this subject to your Lordship's consideration, with the view that proper instructions may be issued from hence to the Superintendent of the Fisheries at Gaspé and those employed under him, for the protection and regulation of this most important branch of our resources. And as the existing treaties on the subject are but temporary, and I believe now drawing near to the period agreed upon between the Government of Great Britain and the United States, I trust that the limits within which the latter are to enjoy the fisheries will be defined in such manner as to avoid the doubts and difficulties that now exist. It is a point which is in the highest degree important to Canada and Nova Scotia, as the intercourse now granted to American vessels is made by them subservient to all purposes of contraband trade, in every sense of the word unlimited, and in very many ways extremely mischievous.

I have, &c.,

The Right. Hon. Earl Bathurst, K.G. (Signed) DALHOUSIE.
&c. &c. &c.

No. 3.

(No. 4.)

No. 3.

COPY of a DESPATCH from the Right Hon. Lord GODERICH to the
Right Hon. the Earl of DALHOUSIE.

MY LORD,

Downing Street, June 6, 1827.

HAVING referred to the consideration of the Lords of the Committee of Privy Council for Trade your Lordship's Despatch of the 8th January last, on the subject of the fisheries in the Gulf of St. Lawrence, and on the shores of the Gaspé, &c., and stating the necessity of preventing the intrusion of American vessels, which completely overpower and drive away the British fishermen, I have the honour to transmit to your Lordship the copy of a letter from Mr. Lack, enclosing a minute of the Lords of the Committee respecting the measures which it may be proper to adopt for the regulation and protection of the fisheries in the Gulf of St. Lawrence; and I am to request that your Lordship will transmit to me the further information on this subject required by their Lordships, and you will consider yourself authorized to issue the proclamation suggested in the minute if you shall deem it expedient to do so:

I have, &c.

The Right Hon. the Earl of Dalhousie, (Signed) GODERICH.
&c. &c. &c.

P.S.—I enclose for your information, in case you are not already in possession of them, copies of the Act of Parliament referred to, as well as of the Order in Council, and the Instructions from the Admiralty.

59 G. 3. c. 38.
See App. No. 2. p. 274.
Col. Office, 23 June
1819, p. 4.
Col. Office, 5 April
1819, p. 5.
Order of Council,
19 June 1819,
App. 3. p. 275.
Admiralty Instruc-
tions, 12 April 1819,
p. 6.
Admiralty Instruc-
tions, 24 June p. 6.

Encl. 1 in No. 3.

Enclosure 1 in No. 3.

SIR,

Office of Committee of Privy Council for Trade,
Whitehall, April 26, 1827.

IN reference to your letter of the 14th March last, I am directed by the Lords of the Committee of Privy Council for Trade to transmit to you the enclosed copy of their Lordships minute of this day's date, respecting the measures which it may be proper to adopt for the regulation and protection of the fisheries in the Gulf of St. Lawrence.

I have, &c.

R. W. Horton, Esq. (Signed) THOMAS LACK.
&c. &c. &c.

Sub.Encl. in No. 3.

Sub-Enclosure to Enclosure 1 in No. 3.

At the Council Chamber, Whitehall,
April 26, 1827.

By the Right Honourable the Lords of the Committee of Council appointed for the consideration of all matters relating to trade and foreign plantations.

READ—Letter from R. W. Horton, Esq., dated 14th March, enclosing a copy of a despatch from the Earl of Dalhousie, representing the necessity of speedy measures being adopted for the protection and regulation of the fishing vessels of the United States resorting to the coast of Labrador, &c.

The Lords of this Committee are surprised to find it stated by Lord Dalhousie that the only Act which he has seen, and with which the captains of the Navy are furnished, is the Convention with the United States of 1818; that he has in vain endeavoured to ascertain the exact bounds granted by treaty to the American fishing vessels, and that he considers the Convention above referred to of the year 1818 as merely temporary, and now about drawing to a close.

By a simple reference to the first article of the said Convention, his Lordship might have perceived that as well the rights of fishing granted to the United States, as the renunciations to which they bind themselves, are not for a limited period, but specifically stated and agreed by both the contracting parties to be "*for ever*."

It does not appear to the Lords of this Committee that either the limits described in that article, or the renunciations made by the United States, are obscure, or of such a nature as to raise any difficulty in maintaining by the local authorities, jointly with His Majesty's naval forces, the rights and privileges of fishery which belong exclusively to His Majesty's subjects.

From the contents of Lord Dalhousie's despatch, the Lords of this Committee are almost disposed to infer that his Lordship is not in possession either of the Act of Parliament (59 Geo. III. c. 38), which was passed with reference to the Convention of the 20th of October 1818, or of the order of His Majesty in Council dated the 19th of June 1819, or of the instructions given by the Lords Commissioners of the Admiralty to the officer commanding His Majesty's ships on the Halifax and Newfoundland station.

By a reference to the Act in question Lord Dalhousie would at once have seen, "that if any person or persons, upon requisition made by the Governor of Newfoundland, or the person exercising the office of Governor, or by any Governor or person exercising the office of Governor in any other parts of His Majesty's dominions in America as aforesaid, or by any officer or officers acting under such Governor or person exercising the office of Governor in the execution of any orders or instructions from His Majesty in Council, shall refuse to depart from such bays or harbours, or if any person or persons shall refuse or neglect to conform to any regulations or directions which shall be made or given for the execution of any of the purposes of this Act, every such person so refusing or otherwise offending against this Act shall forfeit the sum of two hundred pounds, to be recovered in the Superior Court of Judicature of the island of Newfoundland, or in the Superior Court of Judicature of the colony or settlement within or near to which such offence shall be committed, or by bill, plaint, or information in any of His Majesty's Courts of Record at Westminster."

In respect to the geographical limits specified in the Convention of the 20th of October 1818, as those within which the citizens of the United States shall for ever have liberty of taking fish, those limits appear to the Lords of this Committee to be accurately defined, in so far as relates to the taking, connected with the drying and curing of fish. But it may be right to observe to Lord Dalhousie, that nothing in this Convention can be understood as implying any renunciation of the mere act of taking fish, except within three marine miles of any of the coasts, bays, or harbours of His Majesty's dominions in America, not being the coasts, bays, or harbours specified in the said Convention, as those upon which the American fishermen are not precluded from exercising that right within the above distance. The question, therefore, is one of local consideration merely, whether the acts complained of as committed by the American fishermen are done within three marine miles of the bays or coasts of His Majesty's dominions not specified in the Convention. Lord Dalhousie's letter, although it states that such acts have been done along the shores of Gaspé and the Bay of Chaleurs, does not contain specific information on this point. If the acts complained of come within the renunciation on the part of the United States, it will be competent for, as it is the duty of, the local authorities acting in concert with any naval force which may be employed in those seas for the protection of our fisheries, to take the means prescribed by the Act of Parliament to prevent such encroachments, by putting in force the penal provisions of that Act against the offending parties, either by proceedings in the Court of Admiralty, or the common law courts of the settlement having jurisdiction under the laws relating to trade and navigation, by the advice of the Advocate General or the Attorney General of the Colonial Government.

Perhaps, however, it may be thought more advisable by the Secretary of State, before any final orders are given for enforcing generally the penal provisions of the Act, upon the whole of the coasts of His Majesty's possessions in North America, upon which the United States have renounced the right of fishery within three marine miles, to require more particular and specific information from Lord Dalhousie, in respect to the nature and extent of the abuses complained of by his Lordship; and also whether there are any competent courts now established for the trial of such cases of abuse, and what are the particular courts which can conveniently exercise the jurisdiction given by the Act of Parliament. If it should be thought right to institute this preliminary inquiry, there can be no reason why, in the meantime, directions should not be sent out to the Governor, and to the authorities acting under him, to prevent encroachments and turn away offenders, and to notify, by proclamation, the prohibition intended to be maintained, in conformity to the Convention, and under the authority of the Act of Parliament, reserving the actual enforcement of the legal penalties for the further consideration and direction of the American Government.

CANADA.

Vide App. No. 1,
page 273.Vide App. No. 2,
page 274.

CANADA.

Encl. 2 in No. 3.

Enclosure 2 in No. 3.

Act 59 Geo. 3. Cap. 38.

AN ACT to enable His Majesty to make Regulations with respect to the taking and curing Fish on certain Parts of the Coasts of Newfoundland, Labrador, and His Majesty's other Possessions in North America, according to a Convention made between His Majesty and the United States of America. [14th June 1819.]

Vide App. No. 2. p. 274.

Encl. 3 in No. 3.

Enclosure 3 in No. 3.

MY LORDS,

Downing Street, June 23, 1819.

21 June 1819.

I HAVE the honour to transmit to your Lordships the copy of a Despatch which I have addressed to Governor Sir Charles Hamilton, relative to the privileges to be enjoyed by American fishermen under the late Convention between His Majesty and the United States of America; and I am to signify to your Lordships the pleasure of His Royal Highness the Prince Regent, that corresponding instructions should be given by your Lordships for the guidance of officers commanding His Majesty's ships on the Newfoundland and North American stations.

To the Lords Commissioners of the Admiralty,
&c. &c. &c.

I have, &c.
(Signed) BATHURST.

Sub-Encl. to
Encl. 3 in No. 3.

Sub-Enclosure to Enclosure 3 in No. 3.

SIR,

Downing Street, June 21, 1819.

IN my Despatch of the 8th April I had the honour of transmitting to you a Convention which has been entered into between His Majesty and the United States of America, part of which refers to the taking and curing of fish by the citizens of the United States on the coast of certain of His Majesty's possessions in North America. I have now to enclose you a copy of an Act to give effect to that Convention which has since received the Royal Assent, and of an Order in Council which His Royal Highness has been pleased to issue in the name and on the behalf of His Majesty. As the inhabitants of the United States will undoubtedly proceed without delay to exercise the privilege granted to them under that Convention, His Royal Highness has commanded me to call your special attention to some points upon which it is probable that in regulating your conduct under the Convention you may desire to receive instructions.

You will, in the first place, observe that the privilege granted to the citizens of the United States is one purely of fishery and of drying and curing fish within the limits severally specified in the Convention. It is the pleasure of His Royal Highness that this privilege, as limited by the Convention, should be fully and freely enjoyed by them without any hindrance or interference; but you will at the same time remark that all attempts to carry on trade, or to introduce articles for sale or barter into His Majesty's possessions under the pretence of exercising the rights conferred by the Convention, is in every respect at variance with its stipulations. You will therefore promulgate as publicly as possible the nature of the indulgence which you are under the Convention instructed to allow to them; and in case any of the inhabitants of the United States should be found attempting to carry on a trade not authorized by the Convention, you will in the first instance warn them of the illegality of such a proceeding, and in the event of their being afterwards engaged in it you will not hesitate to adopt with respect to them the same means of control and the same punishments and forfeitures as would be legally applicable in the trade of any other foreign nation possessing no privilege of fishery whatever.

With respect to the fishery which the citizens of the United States are authorized to carry on upon the coast of Labrador, you will take care that it be carried on by them within the specified limits, in the same manner as previous to the late war with the United States, taking every precaution however against that introduction of contraband articles into Newfoundland or His Majesty's possessions in North America to which it was previous to the war notoriously perverted.

The right of drying and curing in the southern part of the coast of Newfoundland stands in some degree upon a different footing. It is a new privilege conferred for the first time by this Convention, and is more limited than that assigned to them on the coast of Labrador, inasmuch as the inhabitants of the United States have no privilege, even with the consent of the settlers, of drying and curing in any bay, harbour, or creek of Newfoundland which may have been settled previous to the signature of the Convention, while a fair construction of the Treaty leaves open to them in Labrador every harbour not settled previous to the peace of 1783. I am aware that some difficulty may arise in deciding the extent to which a settlement in any bay, harbour, or creek is necessary to constitute an exclusion of American fishermen under the Convention.

It is obvious, from the terms of the Convention, that a single settlement in a bay, harbour, or creek is not in itself a sufficient ground for such an exclusion; but, on the other hand, it is equally clear, that if the settlements in any particular bay, harbour, or creek be

so numerous as to leave but little interval between the British establishments already formed, the American fishermen can have no fair ground for occupying any part of such bay, harbour, or creek; and you will so regulate your proceeding in this respect, as while you give the inhabitants of the United States on the one hand every facility for curing and drying their fish on the specified part of the coast of Newfoundland, you afford on the other to His Majesty's subjects every reasonable protection against an unfair interference and intrusion inconsistent with the spirit of the Treaty.

You will take care also, that the inhabitants of the United States do not become settlers in the colony, and that they do not make such establishments as may interfere with the future settlement of the land on which they may be made. The intention of the Treaty being merely that they should dry in His Majesty's territory for the purpose of curing their fish in common with British fishermen, and not that they should remain permanently established within His Majesty's dominions, to the prejudice of His Majesty's subjects.

You will also give such directions as may be necessary for securing to the American fishermen the privileges of entering the harbours of Newfoundland for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, but for no other purpose whatever; and I must on this point also direct your particular attention to the necessity of exercising great vigilance in order to prevent the abuse of these privileges in any manner whatever, and more especially for the purpose of carrying on an unauthorized fishery, or an illegal trade.

With respect to any difficulties which may arise in carrying the Convention into effect His Royal Highness relies entirely upon your discretion for adopting the most conciliatory line of conduct towards the inhabitants of the United States, giving to them on all occasions the full benefits of a liberal construction of the Treaty, but always guarding against any invasion by them of the privileges exclusively reserved to His Majesty's subjects.

If any difficulties should occur, you will communicate them to me with every necessary detail, and I will not fail to take the earliest opportunity of submitting them to the Prince Regent for his Royal Highness's further consideration.

To Governor Sir C. Hamilton, Bart.,
&c. &c. &c.

I have, &c.
(Signed) BATHURST.

Enclosure 3 in No. 3.

Encl. 3. in No. 3.

MY LORDS,

Downing Street, April 5, 1819.

I AM commanded by His Royal Highness the Prince Regent to transmit to you a Convention, which has been agreed upon and ratified between His Royal Highness in the name and on the behalf of His Majesty and the United States of America.

For Convention,
vide Appendix,
No. 1, page 273.

This Convention cannot be fully carried into effect without the aid of legislative provisions; but as the fishing season will have commenced before it will be possible that you should receive any instructions founded upon such provision as Parliament may find it necessary to enact, I am commanded to transmit to your Lordships these provisional instructions for the guidance of your conduct in the execution of the said Convention.

Your Lordships will observe, that under that Treaty the fishermen of the United States are excluded from fishing within three marine miles of any part of the coasts of His Majesty's dominions in North America, with the exception of the Magdalen Islands and of those parts of the coast of Newfoundland and Labrador which are particularly described in the first article of the Convention. Their right also to dry and cure fish is limited to the unsettled bays, harbours, and creeks on the southern coast of Newfoundland, from Cape Ray to the Rameau Islands, and to that part of the coast of Labrador on which they have, under the Convention, a right of fishery.

I am therefore to signify to your Lordships the pleasure of His Royal Highness the Prince Regent, that you should instruct Commanders of Her Majesty's ships in those stations, that if any vessels or inhabitants of the United States should be found fishing or preparing to fish within three marine miles of any part of the coasts of Her Majesty's North American dominions, other than those assigned to them under the Convention, they should warn them to desist from all attempts to carry on such fishery, and in the event of their continuing to fish, or to remain within such limits in defiance of such warning, they should detain and carry them to any neighbouring port, where they may be called upon to answer for such a violation of the provision of the Treaty.

With respect to the fishery carried on by the inhabitants of the United States on the coasts of Labrador, to the eastward of Mount Joly; on the southern and western coasts of Newfoundland, from the Rameau Islands, and on the shores of the Magdalen Islands; and also with respect to the right given to inhabitants of the United States of drying and curing fish within the limits and under the limitations specified in the Convention; I am to desire that your Lordships would instruct the Commanders of His Majesty's ships to consider themselves as acting under the instructions conveyed to them in the course of last year, and to abstain from in any way molesting such fishery so long as it shall be carried on in conformity with the provisions of the enclosed Convention.

The Lords Commissioners of the Admiralty.
&c. &c. &c.

I am, &c.
(Signed) BATHURST.

CANADA.

Encl. 4 in No. 3.

Enclosure 4 in No. 3.

ORDER IN COUNCIL.—June 19, 1819.

Regulations respecting the North American fisheries.—Vide Appendix No. 3, page 268.

Encl. 5 in No. 3.

Enclosure 5 in No. 3.

By, &c. &c. &c.

WHEREAS the Earl Bathurst, one of His Majesty's Principal Secretaries of State, has, with his letter of the 5th instant, transmitted to us a copy of a Convention concluded between His Majesty and the United States of America, on the 20th October last, and at the same time conveyed to us provisional instructions from His Royal Highness the Prince Regent with reference to the stipulations contained in the first article of the said Convention in regard to the inhabitants of the United States resorting to the fisheries on the coasts, and in the neighbourhood of His Majesty's dominions in America; we send you herewith a copy of Earl Bathurst's letter, with a copy of the Convention alluded to; and we hereby require and direct you to observe the instructions contained in the said letter, and cause the same to be observed by the officers under your command, until further orders be given on this subject to us.

Given, &c., this 12th day of April, 1819.

G. MOORE.
G. COCKBURN.
G. CLERK.

To Sir Charles Hamilton, Bart., Vice Admiral of the Blue,
&c. &c. &c,
Newfoundland.

By Command of their Lordships,
J. W. CROKER.

Encl. 6 in No. 3.

Enclosure 6 in No. 3.

By, &c. &c. &c.

WHEREAS the Earl Bathurst has communicated to us his instructions to you, as Governor of Newfoundland, dated the 21st of this month, relative to the conduct to be pursued by you towards the inhabitants of the United States, employed in the fisheries on the coasts of His Majesty's possessions in America, we do hereby require and direct you, so far as the Naval department is concerned, to conform yourself in all particulars to the Prince Regent's pleasure, conveyed to you by the said instructions.

Given, &c. this 24th day of June, 1819.

G. MOORE,
H. HOTHAM,
G. CLERK.

To Vice-Admiral Sir Charles Hamilton, Bart.,
Commander-in-Chief of H. M. Ships and Vessels,
Newfoundland.

By command of their Lordships,
J. BARROW.

No. 4.

(No. 24.)

No. 4.

COPY of a DESPATCH from the Right Hon. Earl of DALHOUSIE to the
Right Hon. Earl BATHURST.

Quebec, May 10, 1827.
(Received June 29, 1827.)

MY LORD,

IN my letter of the 23d March 1826, I had the honour to acquaint your Lordship with my having hired a brig at the rate of 1,500*l.* per annum, under the authority conveyed to me in your Despatch of the 10th March 1825, for the service of this Government. That vessel not having been found to answer the purpose fully, I agreed to a proposal made by two very respectable persons to build one, under the superintendence of the Deputy Quartermaster General, during the winter, to be furnished on the same terms as the former. This vessel is now nearly complete, and will be ready for sea early in the next month. Considering it indispensable that she should have some small guns on board, I applied to the Commanding Officer of Artillery for half a dozen brass pieces for this service; but it appearing by a letter, of which I have the honour to enclose a copy, that he does not feel himself justified in complying with my requisition without the sanction of the Master-General of the Ordnance, or very positive orders from me to that effect; I am under the necessity of

Quebec, May 8,
1827.

appealing to your Lordship's authority, and I have accordingly to request that instructions may be sent through the proper channel for furnishing the guns mentioned in Colonel Cockburn's letter, or any other that will answer the purpose; and that the Ordnance Department may be empowered to provide the necessary carriages and equipment, which, I presume, will be attended with very trifling expense.

The Right Hon. Earl Bathurst, K.G.,
&c. &c. &c.

I have, &c.
(Signed) DALHOUSIE,
Commander of the Forces.

Enclosure in No. 4.

Quebec, May 8, 1827.

Encl. in No. 4.

SIR,

HAVING received a communication from his Lordship, the Commander of the Forces, requiring eight 6-pounders (brass) for the use of the Government vessel intended for the protection of the fisheries, I have the honour to acquaint you for the information of his Lordship, that I have only in my charge, and including those also in charge of the store-keeper, 6-pounders belonging to the Field Artillery, intended for the service of the field in this country.

I, therefore, as Commanding Officer of Artillery, do not feel myself authorized to deliver up these guns without the sanction of the Master-General of the Ordnance, or positive orders from his Lordship the Commander of the Forces to that purpose.

I beg leave to suggest that we have two brigades of light 6-pounders of the old pattern, the guns 4 feet 6 inches in length.

These guns would answer very well for the vessel in question; and if it met with the approbation of the Director-General of Artillery, the service would be much benefited by these guns of the old pattern being replaced with the new pattern.

I have, &c.,
(Signed) JAMES COCKBURN,
Lieut.-Colonel Commanding Royal Artillery.

Major General Darling,
&c. &c.

(No. 26.)

No. 5.

COPY of a DESPATCH from the Right Hon. Earl of DALHOUSIE to the Right Hon. Earl BATHURST.

No. 5.

Quebec, May 14, 1827.

(Received June 29, 1827.)

MY LORD,

I BEG leave, with reference to my letter of the 10th instant, to report further to your Lordship that the vessel, which I then stated to have been engaged for the service of the fisheries and other purposes of this province, has since been launched, and will be ready for sea in a short time. I wish your Lordship to be informed, that the contract has been made for five years certain, at the annual rate of fifteen hundred and twenty pounds; by which agreement, I have obtained a finer vessel than could otherwise have been had for a larger sum. To those terms I request to be honoured with a communication of your Lordship's approval.

The vessel being quite new and totally unprovided with any cabin equipment for the use of passengers, a small additional expenditure for this object is indispensable. The sum cannot be accurately stated; but I imagine 150*l.* will cover the whole, which I trust I shall be authorized to expend.

I have, &c.
(Signed) DALHOUSIE,
Commander of the Forces.

The Right Hon. Earl Bathurst, K.G.,
&c. &c. &c.

Enclosure in No. 5.

Encl. in No. 5.

WANTED to hire, for the service of Government, to be employed during the summer months, from the 1st of June to the close of Navigation, a vessel of 200 tons register, for five years or longer, at the option of Government. To be a good, staunch, strong first-class vessel, coppered and copper fastened; to be built on a plan to be seen at the Deputy Quartermaster General's Office. The crew to consist of a captain, a mate, and eighteen

CANADA.

able-bodied seamen, and her accommodations to be ample and convenient for six officers and fifty men; the captain to be subject to the approval of the Commander of the Forces.

Tenders for the above to be given in to this office by twelve o'clock on the 8th of November.
Commissary General's Office, }
Quebec, 27th October 1826. }

SCHEDULE of TENDERS received under advertisement dated Quebec, 27th October 1826, for the hire of a vessel of 200 tons, for five years or longer, to be built agreeably to a prescribed plan—opened in our presence.

Tenders.		Names of persons tendering to build a Vessel.	Rate tendered from 1st June to the close of the Navigation.		
Date.	No.		£	s.	d.
1826.					
November 8.	1.	John G. Clapham - - - -	1,900	0	0
„ 7.	2.	Charles F. Aylwin - - - -	2,500	0	0
„ 7.	3.	George Douglass - - - -	1,995	0	0*
„ 8.	4.	John S. Campbell - - - -	1,600	0	0
„ 7.	5.	William Stevenson - - - -	1,790	0	0

* Or the "Ottawa," at 1,695*l.*, or the "St. Lawrence," at 1,390*l.*, both now in port.

Commissary-General's Office,
Quebec, 8th November 1826.

W. H. SNELLING.
JA. THOMPSON, D. A. C. S.,
For the Commissary-General, who is absent
from indisposition.

Submitted for the decision of the Commander of the Forces.

PETER TURQUAND, Commissary-Genl.

The whole of these tenders rejected, being too high.

By command,

H. J. DARLING, Military Secretary.

No. 6.

(No. 6.)

No. 6.

COPY of a DESPATCH from the Right Hon. W. HUSKISSON to the
Right Hon. the Earl of DALHOUSIE.

MY LORD,

Downing Street, October 30, 1827.

HAVING referred to the Lords Commissioners of the Treasury your Lordship's Despatch, stating that a vessel had been engaged for the service of the fisheries, and other purposes of the province of Lower Canada, I have now the honour to transmit to your Lordship the copy of a letter from Mr. Hill, conveying their Lordships' sanction to the expense which has been incurred, but stating their opinion, that it is a charge which ought to be submitted to the Colonial Legislature, in order that a proper provision may be made for its discharge.

I have, &c.

The Right Hon. Earl of Dalhousie,
&c. &c. &c.

(Signed) W. HUSKISSON.

Encl. in No. 6.

Enclosure in No. 6.

SIR,

Treasury Chambers, August 6, 1827.

HAVING laid before the Lords Commissioners of His Majesty's Treasury your letter of the 26th ultimo, enclosing copy of a Despatch from the Earl of Dalhousie relating to a vessel which has been engaged for the service of the fisheries and other purposes of the province of Lower Canada, I have it in command to acquaint you, for the information of Lord Goderich, that my Lords, presuming that the expense which has been incurred was absolutely necessary for the colony, do not object thereto; but it appears to them that it is an expense which should be submitted to the Colonial Legislature, in order that a proper provision may be made for its discharge.

R. W. Hay, Esq.,
&c. &c.

I am, &c.
(Signed) W. HILL.

(No. 59.)

No. 7.

CANADA

COPY of a DESPATCH from the Right Hon. the Earl of DALHOUSIE to the
Right Hon. W. HUSKISSON.

No. 7.

Castle of St. Lewis, Quebec, November 15, 1827.

(Received January 2, 1828.)

SIR,

I HAD the honour of receiving a Despatch from Lord Goderich of 6th June last, transmitting copy of a minute of the Lords of the Committee of Privy Council for Trade, on a reference made to them of my Despatch of 8th January last, respecting the fisheries in the Gulf of St. Lawrence.

Page 2.

Page 1.

On referring to my Despatch to Lord Bathurst on this subject, it will be seen that I professed myself imperfectly informed of the stipulations of the Convention with the United States in 1818, relating to the fisheries, and that I asked for more accurate information respecting it. My whole knowledge of this subject was derived, as I then stated, from having seen that Convention in the hands of captains of His Majesty's ships cruising in the Gulf of St. Lawrence; nor had I then the means of ascertaining whether that knowledge was correct, as no communication had ever been made to this Government either of the Convention of 1818, or of the Act of Parliament founded on it, or of any of the other documents which accompanied Lord Goderich's Despatch.

It is with great regret I now learn from the minute of the Privy Council and the accompanying documents, not only that the Convention of 1818, by which so much of the gulf fishery was given up to the Americans, is perpetual, but that the shore fishery, which is chiefly carried on beyond the distance of three miles from land, must in a great measure fall into their hands; while the facilities for smuggling are increased beyond any means of prevention or detection, when they may lie unmolested within sight of the shore under pretence of fishing.

Page 2.

In order to comply with that part of Lord Goderich's Despatch which calls for more particular and specific information as to the nature and extent of the abuses complained of in my former Despatch, I have caused inquiries to be made during the summer, and have now the honour to transmit copy of a report made to me by the Commander of the hired Government brig employed in cruising in the gulf, together with copies of two letters from Mr. Davidson and from a Mr. Colbeck, who resides at the Magdalen Islands.

10 Oct. 1827.5 Oct. 1827.1 Sept. 1827.

To these papers I add an extract of a letter addressed to me in 1825, by Captain Bouchier, of His Majesty's ship "Athol," enclosing a representation made to him by some of the inhabitants of the Bay of Chaleurs respecting the fisheries.

4 Sept. 1822.

From these documents His Majesty's Government will be able to see how far His Majesty's subjects engaged in the fisheries on these coasts have grounds of complaint against the encroachments of the Americans.

By the statements of Mr. Colbeck and Mr. Davidson, it appears that not only American but French vessels take and cure fish in the harbours of the Magdalen Islands, and that by this means they carry on a smuggling trade. It also appears that the Americans cure their fish on the shores of Prince Edward's Island, and carry on a barter trade along the coast of New Brunswick; and that they also take fish on the shores of Anticosti and Mingan, which are within the limits of this province.

In answer to the further inquiry contained in the minute of the Privy Council, "whether there are any and what competent courts now established for the trial of such cases of abuse, or which can conveniently exercise the jurisdiction given by the Act of Parliament," I have to state that the penalties imposed by the second clause of the Act may be recovered either in the Court of King's Bench or in the Court of Vice-Admiralty of this province, both sitting at Quebec, or in the Provincial Court at Gaspé, which has a limited jurisdiction to the extent of 100*l*. But the penalty mentioned in the last clause of the Act can only be sued for in the Court of King's Bench at Quebec.

I must now submit to your consideration a question arising out of the wording of the Convention, namely, whether the Americans having only renounced the right of fishing within three miles of the shore, may carry on the fishery in those parts of the River St. Lawrence, or of the Bay of Chaleurs, or of the Straits between Nova Scotia and Cape Breton and Prince Edward's Island, where the waters are sufficiently broad to admit of their fishing beyond

CANADA.

that limited distance; and it is also desirable that it should be determined, whether their fishing vessels have any right whatever to pass through or to anchor or lie in the Gut of Canso.

I have not thought it expedient to avail myself of the permission conveyed by Lord Goderich's Despatch to issue a proclamation respecting the encroachments complained of, until these points should be explained, and until I should be enabled to carry the provisions of the Act fully into effect. For this purpose I have to suggest the necessity of my being furnished with instructions and regulations under the 1st, 3d, and 4th clauses of the Act, so far as those clauses shall be considered as applying to the fisheries on the western shores of the gulf. But on this point some doubts may, perhaps, arise from the peculiar construction of the 3d and 4th clauses, which, in speaking of the restrictions and regulations which His Majesty may establish with respect to American fishermen entering and remaining in certain bays and harbours, make reference only to the bays and harbours "last mentioned," which will be found to be the bays and harbours where the Americans (or powers in amity with His Majesty) have the privilege of taking, drying, and curing fish, excluding of course from the operation of these regulations the whole of the coast of these North American provinces.

If, however, upon the general spirit and meaning of the Act and the Convention, it should be deemed proper to issue an Order in Council establishing such regulations with respect to this province, I request that they may be sent to me early in the spring; and as they will be of no avail without the appointment of proper persons to carry them into effect on the shores of the gulf, I beg that I may be enabled to employ for this purpose Captain W. R. Rayside of the Government brig "Kingfisher," who will cruize in the gulf, and Mr. James Crawford of the Bay of Chaleurs, whom I have lately appointed chief magistrate in the district of Gaspé, and whose merits and qualifications I have repeatedly had occasion to bring before Lord Bathurst.

And I have further to suggest the necessity of these officers having some authority from the Commissioners of the Customs, or the department here, to empower them to make seizures of vessels committing any breach of the Act of Parliament.

I have only to add that in framing such regulations as His Majesty may be advised to make upon this head, it may be necessary to advert to the particular situation of the Magdalen Islands named in the treaty and in the Act of Parliament, which are considered to be a part of this province, are inhabited by Canadians, were granted many years ago by the Government of this province to a private individual, and have their municipal organization from this Government.

The Right Hon. W. Huskisson,
&c. &c. &c.

I have, &c.
(Signed) DALHOUSIE.

Encl. 1. in No. 7.

Enclosure 1 in No. 7.

SIR,

Government Brig, "Kingfisher,"
Quebec, October 10, 1827.

IN conformity to the instructions received from you, dated 16th August, I beg to acquaint you, for the information of his Lordship the Governor in Chief and Commander of the Forces, that I proceeded down the river St. Lawrence on the 17th of that month, and visited Percé, Pictou, and the Magdalen Islands.

At the latter place I received the following information from Mr. Colbeck, deputy collector of customs, relative to the American fishermen resorting to the islands and the fishing grounds adjacent to them.

The Americans, making a distinction between the meaning of the words "coast," as applied to Newfoundland and Labrador, and "shores," as applied to the Magdalene Islands, in the convention of October 1818, between the British and American Governments, have for several years claimed and exercised the right of carrying on the herring fishing on the shores of the Magdalenes, and in the month of May last have taken and cured not less than four thousand barrels. Their value may be estimated at 7s. 6d. per barrel, exclusive of the price of the barrel. He could give me no information respecting the district of Gaspé or the north shore of the St. Lawrence. Although great numbers of American fishing vessels frequent the Bradella and Orphan Banks, was he aware of any mischief arising from the manner in which the fishing (cod) is there carried on by them. Great quantities of cod are taken by the Americans, and cured at the Magdalenes for them by the inhabitants, who get

at the rate of 10 per cent. upon the fish they cure and dry; a business they find as profitable, if not more so, than if they actually were employed in taking the fish.

About fifty sail of vessels from St. Pierre, Miquelon, and Langley Islands, under French colours, have during the present summer visited the Magdalenes for the purpose of fishing for cod, and Mr. Colbeck supposes that, one with another, these vessels may average one hundred quintals, value about 10s. per quintal. These fish are caught on the shores of the Magdalenes, and from thence carried away to be cured at the islands of St. Pierre and Miquelon. Mr. C. expressed a strong hope that some notice might be taken of this last information, as if a stop is not put to this intercourse of the French fishermen from the Miquelon and St. Pierre Islands, the whole trade of the Magdalenes will fall into the hands of the Frenchmen thither, and their fisheries will be ruined. They now actually supply the inhabitants with almost every article they want; and smuggling has this season been carried on much to the prejudice of the fair trader; and if some measures are not taken to prevent it, these islands, instead of being supplied from England or Quebec, will be provided with their supplies from the French and American fishermen frequenting them.

He does not, with the information he now possesses, feel himself competent to say to what amount the value of imports consumed on these islands may reach, but he intends to make up a probable estimate of the consumption, and also to ascertain what is regularly entered at the custom-house.

On the 1st of September that gentleman and myself boarded eight French vessels at Amherst Harbour in the Magdalenes, most of them were partly loaded with cod-fish taken off these islands. We received on the same day information to be relied upon, that about 400 quintals of cod-fish, the property of two Frenchmen, subjects of His most Christian Majesty, from Miquelon, were drying on Amherst Island.

The inhabitants of the Magdalenes, according to calculation, catch and cure annually about 1,200 quintals of cod-fish. The average number of seals killed yearly during the seal fishing may be stated at about 3,500. The value of furs exported from these islands is very inconsiderable, say about 50*l.* yearly.

At Natashquan river, ten miles westward of Mont Joli, on the north shore, five American schooners this year loaded cod-fish taken in that vicinity; and from 30 to 40 sail of American schooners have last summer, and for some years back, frequented the west end of Anticosti. Two of these vessels recently lay for six or eight days in Gad or Ellis Bay, off the provision post of that place, supposed to be taking bait for the cod-fishing. I landed at that post, and inspected the provisions left there by me in July 1826, from on board the Government brig "Carrington," and found it all in good order; that is to say, four barrels pork and four barrels pease. The flour, previously left at the post, is all in bad order, being partly damaged and sour, consequently a further supply will be required there.

There were no complaints at Percébiac (Bay Chaleurs) of any positive encroachment in that quarter by the Americans. One vessel, however, came not long since to that place under pretence of watering; he landed and hauled his seine for capling at the point of the *Barchois*, or Lagoon, but with what success the inhabitants could not say, nor did they ascertain the master's name or that of his vessel.

Mr. Fruing, of Messrs. Robins's employ at Paspebiac, represents the American fisheries on the Gulf of St. Lawrence, and the neighbourhood of the Bay of Chaleurs, as very prejudicial to the British fisheries carried on at the settlement in and contiguous to the Bay, and along the coast; they are considerably affected, both in quantity and quality, since the Americans have been re-admitted to the benefit of the gulf fishing. The quantity of gurry and offal thrown overboard on the fishing banks, from the American fishing craft, draw the larger and better fish in great quantities to these parts; so that the coasts and fishing grounds immediately contiguous to them are consequently less abundantly supplied with fish. The cod greedily devour these fragments of their own species, which, being indigestible, are injurious to the fish, and render them lean and unhealthy, as every day's experience at the fishing settlements on the coast is said to evince. Our fishing vessels, resorting to these fishing banks, are prohibited by law from throwing their gurry and offal overboard on the banks.

On the New Brunswick side of the Gulf and Bay Chaleurs the Americans carry on, as it is said, a considerable traffic, in exchanging green for dried fish with the inhabitants, and under this kind of trade it is supposed that smuggling is also practised. Two American schooners from East Port were this summer in the Bay Chaleurs, carrying on the smuggling trade extensively in that quarter, but with such circumspection and activity as to elude the vigilance of the officers of His Majesty's customs, who, indeed, have not at their disposal the necessary means of pursuing these interlopers.

A petition to the Admiral on the Halifax station is in progress at the Bay of Chaleurs, praying on the part of the merchants and inhabitants concerned in the British fisheries in that part of the Gulf, and in the Bay of Chaleurs, that one of His Majesty's ships on that station may be sent early every spring to cruise constantly about the fishing grounds during the fishing season.

At Percé there have been no complaints against the Americans for attempting to fish within three miles of the shore for some time back; since Mr. Le Boutillier of that place, with the concurrence of the inhabitants, did themselves the justice of boarding an American (who had come close in to fish among their boats), and of throwing overboard the fish he had caught there, and ordering him to depart immediately, which he accordingly did.

CANADA.

At Gaspé I heard of no complaints against the Americans; but that they wish for some local regulations about their salmon fisheries, which, as well as some proposed improvements by opening roads thereabouts, understanding they meant to bring under the consideration of his Excellency through other channels, I do not think it necessary to enter upon with the inhabitants.

The Hon. Lieut.-Colonel C. Gore,
Deputy Quartermaster-General.

I have, &c.
(Signed) W. R. RAYSIDE.

Encl. 2. in No. 7.

Enclosure 2 in No. 7.

SIR,

Quebec, October 5, 1827.

WHEN I had the honour of seeing you at your office, the day before I embarked in the colonial brig "Kingfisher," you desired that I might obtain for you some information on the following points: "The nature of the encroachments by the American fisherman on the shore fisheries along the coast of the district of Gaspé; how near they approach to the shore, both there and on the north shore of the St. Lawrence; whether they interfere with or drive away our fishermen; whether they injure the fishery by their mode of carrying it on; and in what way the injury is done; whether they attempt to dry or cure their fish either on the coast of Gaspé, or the neighbouring coast of New Brunswick, or the Magdalen Islands, or any part of the north shore of the St. Lawrence westward of Mont Joli;" and I now beg leave to communicate such as I have been able to collect.

The first port we put into was Pictou, to which we were obliged to go to refit our main topmast and gib-boom, which had been carried away in a squall; there I could obtain no correct information, as the merchants were not in the habit of making advances to fishermen on their own account, but of bartering with them when the fish was prepared for shipment. While the vessel was being refitted, I went to Prince Edward's Island, I there learned that upwards of 200 sail of Americans had resorted to different parts of the island; that they dried and cured their fish on shore, by agreement with the inhabitants. I could not understand that any cause of complaint had arisen in their transactions; it was, however, understood, that some West India merchants were about to engage in this fishery during the ensuing season.

At the Magdalen Islands I was informed by Mr. Colbeck that the American vessels which frequent those islands have drawn a distinction in their favour, from the word shore used in the convention, and claim and exercise a right of carrying on the herring fishery, by fixing nets in the harbour; and that this year they have cured 4,000 barrels of herrings, which, exclusive of the barrels, he estimated at 7s. 6d. the barrel. I could get no information at the Magdalens respecting the district of Gaspé, or the north shore of the St. Lawrence; but he states that the Americans fish for cod on the Bradley, Orphan, and Gulph banks generally; and that he believes them to be careful, and that they always haul off to deep water to throw over the gurry; from him I also heard that a considerable quantity of fish is cured for the Americans at the Magdalen Islands; they pay the inhabitants 10 per cent., which they appear to prefer to the risk and advance necessary to carry on the trade; the extent he could not positively state.

As a matter of complaint Mr. Colbeck mentioned that fifty or fifty-five French vessels had resorted during this summer to the Magdalen Islands from St. Pierre and Mequelon to fish for cod; he estimated these vessels, one with another, as taking 100 cwt. each, which he valued at 10s. per cwt., all of which was cured at the Magdalen Islands. Indeed, during the time the "Kingfisher" was at Amherst Harbour, Captain Rayside boarded eight French crafts, and ascertained that at that time 400 cwt. of cod-fish was on shore being cured, the property of Jean Vigneau and Bin Coste of Miquilon.

The inhabitants are principally supplied with the articles they require by the French and Americans. I myself saw the inferior French wine amongst them which had not cost more than eight or ten sols the bottle. Hats and articles of French manufacture were exposed for sale. Mr. Colbeck, who is sub-collector there, begged that I would call your attention to these points, so that he may be furnished with proper instructions, and have the authority of the Government supported by being occasionally visited by an armed vessel. Something of the kind is necessary; the people have been so long in the habit of doing as they please, that they are rather impatient when an attempt to keep them in any bounds is made by the magistrate.

The catch of fish by the inhabitants is estimated at 12,000 quintal; the seal fishery has produced about 3,500L., and the furs about 50L.

At Paspébiac Mr. Fuen, agent to Messrs. Robin, could make no positive complaint. He says the Americans do injure the fishery on the banks by throwing the gurry overboard, and that our own people are prevented from doing so by Acts of the Legislature of this province. One American vessel had come in this year under pretence of wanting water, and had hauled for caplin bait: they do not attempt to molest or drive away our people. Of the New Brunswick side he could not speak positively, but it was generally understood that the inhabitants there and the Americans were in the habit of bartering green for dry fish, the extent he could not say. Two vessels belonging to Eastport (U. States) had been carrying on a smuggling trade in the bay this year.

At Percé I heard no complaint. Mr. Leboutillier, Messrs. Robin's agent there, told me that a few years since an American had anchored and commenced fishing; he warned him off, but the American came nearer. Mr. Boutillier then waited until the vessel was nearly loaded, when he manned two or three barges, boarded the vessel, threw the fish overboard, weighed the anchor, hoisted the sails, and since that time he has not been troubled. In the neighbourhood of Mont Joli, Captain Rayside understood that five vessels had loaded, thirty to forty at Mingan, and the same number at Anticosti, where some had put into Grand Baye to fish for bait.

At Restigouche and Gaspé basin the people concerned in the salmon fishery expressed a wish for some further regulations, which I advised them to agree upon and forward to you and their representative. A petition, in course of signature, was shewn to me by Mr. Fuen. It was addressed to Sir Charles Ogle; the prayer was for an armed vessel to cruise among the bays, harbours, banks, and fishing grounds from the early part of May. This, the petitioners felt sure, would preserve order and prevent mischief. I recommended Mr. Fuen to send it to you for my Lord's approbation and information, as being the most proper channel for such a communication.

I trust that with Captain Rayside's report and this letter, you may obtain some of the information you require, as I communicated to him all I had heard; and I need scarcely add that I shall at all times be ready to explain anything which may not appear sufficiently clear.

I have, &c.

(Signed) JOHN DAVIDSON.

The Hon. A. W. Cochran,
&c. &c.

Enclosure 3 in No. 7.

Encl. 3. in No. 7.

SIR,

Magdalen Islands, 1st September 1827.

CAPTAIN Rayside, of the Government brig "Kingfisher," having called at the Magdalens for information respecting the fisheries, and the situation the islands are placed in, I take the liberty to state to you, for your information, that this spring ten vessels belonging to the United States of America arrived here the commencement of May, and caught and cured, in the course of the month, about 4,000 barrels of herrings, value, on an average, 7s. 6d. per barrel, which right they assumed, saying they were entitled to do so by treaty; independent of this, they carried on a smuggling trade.

Seven American vessels have had their cod-fish dried here this season, by consent of the inhabitants, paying them 10 per cent.—a handsome remuneration; these vessels and crews, I am not aware they have acted contrary to the existing treaty.

The islands have been infested this season with French vessels from the island of St. Pierre and Miquelon, 50 to 55 sail, for the purpose of cod fishing; the catch they have made averages about 100 quintals per vessel at 10s. per cwt., independent of which they have smuggled to a considerable extent with the inhabitants, the amount I cannot exactly state, all to the prejudice of the regular traders and importers of goods, provisions, &c. from England, Quebec, and other British ports. Should this nefarious encroachment on the rights of British subjects not be put a stop to by Government, the fishery at these islands will be ruined.

There is at present upwards of 400 quintals of fish making in *Amherst Harbour* (Magdalen Islands), belonging to the French fishermen, by the inhabitants, without the permission of any person in authority for so doing.

Captain Rayside can afford you every information respecting the fishery here, and corroborate the statement I now make, having witnessed the intrusion of the Frenchmen. This year the quantity of fish caught by the inhabitants will be about 12,000 quintals. The produce of the seal fishery this spring amounted to 3,500*l.* Hx. Cy.

It is very requisite that Government would be pleased to adopt some plan that may prove beneficial for establishing the laws of the province and a good police at these islands, without which there will be no protection for the lives or property of His Majesty's subjects. I myself, as a magistrate, stopping three men named Alex. M'Lean, sen., John M'Lean, and Daniel M'Lean, from committing a theft on the cargo of the brig "St. Lawrence," wrecked on these islands, was knocked down by these men, who had stolen some rope and were detected in the act of putting a barrel of flour in their boat; and had it not been for the timely aid of part of the brig's crew, I should probably have been assassinated, a knife having been found on the spot where I was assaulted.

I arrested these desperadoes, and confined them in a store with the intention to have them punished, or sent to the seat of Government; in the night, owing to the militiamen not doing their duty, they escaped, ran to the island of Entry, and are now at large. Capt. Rayside will affirm what I now state, having heard the particulars, as also Mr. Davison; and they can state everything that may be of consequence to know relative to these islands. I beg leave to apologise for troubling you respecting the Magdalen Islands, which I have been induced to do hoping some favourable change may take place for the future welfare of this part of the province.

I have, &c.

(Signed) P. F. COLBECK.

CANADA.

Enclosure 4 in No. 7.

Encl. 4. in No. 7.

Extract of a Letter from Captain H. Bouchier, of H.M. ship "Atholl."

"WITH respect to the treaty between the Americans and our Government, I have not the book which I showed you when on board the "Atholl," it being supplied me from the Admiralty; I was obliged to return it upon paying the ship off, but I inclose you the copy of the complaint made to me by the merchants in the St. Lawrence, while I was there for the protection of their fisheries, and which contains that part of the treaty which most materially affects them. If you recollect, I also mentioned to you the great loss the revenue sustained, as well as what our fishermen suffered, from the Americans being allowed to go backwards and forwards through the Gut of Canso. There is no mention made in the treaty for their being allowed to pass through it, and though of late some of them have been made to pay the lighthouse duty, still the greater number pass through without doing so; I believe those only pay who happen to arrive while a vessel of war is in the Gut, from the very earliest commencement of the season to the very latest period; the place is full of these vessels, who all, under the pretext of wooding and repairing sails, contrive to carry on a lucrative smuggling trade.

"I should tell you that when I received the enclosed paper, I transmitted it to my Commander-in-Chief, with some remarks or my own upon it; what he did with it I know not."

I have, &c.

(Signed) H. BOURCHIER.

Encl. 5. in No. 7.

Enclosure 5 in No. 7.

To Henry Bouchier, Esq., Commander of H.M. ship "Atholl," at anchor in Paspebiac Roads.

SIR,

It is with pleasure we comply with your request of yesterday to commit to writing what we have to say respecting the state of the cod fishery and the American fishing crafts.

The decrease of the fishery in the Bay of Chaleurs since the late peace with the United States, is so great that at Tracadigash (Carleton), and Cascapédiac (New Richmond), where the fishermen used to make it worth their while to carry on regular fisheries, they have of late caught very little more than for their own consumption; the best come far short of paying their outfit. At Bonaventure, New Carlisle, Paspebiac, Nouvelle, and Port Daniel the fish is yearly decreasing.

Out of the bay (to the northward and eastward), towards Percé, &c., since the above period, a sensible decrease in the fishery has also been experienced, though not in so great a degree as in the bay.

It is generally supposed by persons who have practised the cod fishery in this bay, both in schooners and boats, that it (the bay) receives its chief supply of fish from the southward or the Orphan bank.

It is, beyond any matter of doubt, ascertained that many hundred American crafts (chiefly schooners) catch their load of fish in the Gulf of St. Lawrence, and chiefly on Orphan Bank, and many close to the islands of Miscou and Chipagan.

As soon as the gulf is free of ice, the American crafts take their stations, so that by the 30th May there are generally several hundreds only on the Orphan Bank and its vicinity.

This year their fishery on that bank has not been very abundant, so that next year more of them might go to the northward than this year.

Thus, without their bounds, the Americans load their vessels with fish, to the great prejudice and annoyance of His Britannic Majesty's faithful and loyal subjects; for the first article of the Treaty of Commerce clearly and evidently prescribes their bounds.

"From Cape Ray (Newfoundland) to the Rameau Islands, from said Cape Ray to the Quirpon Islands, or to the shores of the Magdalen Islands, and along the coast, &c. from Mount Joly on the southern coast of Labrador, and through the Straits of Bellisle, and thence northward, and indefinitely along the coasts, &c." And further in the same article of the treaty it is said, "And the United States hereby renounce for ever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America, not included within the above-mentioned limits, &c."

From the above extract of the first article of the convention, concluded at London on the 20th October 1818, between Great Britain and the United States of America, it is evident that since that period the American fishermen have acted in direct violation of the treaty, by arrogantly and obstinately transgressing the generous bounds thereby allowed, for it is too well known and felt that they continue to fish on the coasts of Nova Scotia and the coasts of New Brunswick to the very great prejudice and annoyance of His Britannic Majesty's faithful and loyal subjects in those provinces; though as before cited "the United States hereby (by the treaty) renounce for ever any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take," &c.

We are sorry the Americans should be allowed to fish in any part of the gulf, yet it is far from our intention to scrutinize, or presume to fathom the causes which have

occasioned His Britannic Majesty's Government to allow them such generous bounds (from Cape Ray, &c.) as above noted."

But we most earnestly intreat that His Majesty's Government would oblige the Americans to keep within the limits allowed them by treaty.

It is grievous to every British subject who reflects for a moment that if the Americans, who are on the progressive in every respect, continue the cod fishery as they have done of late, the British merchants engaged in that still extensive and valuable branch of trade, will be obliged to abandon it, and that thereby it will fall to the lot of the Americans, to the great prejudice of thousands of His Majesty's faithful and loyal subjects, and also to the prejudice of His Majesty's Government, by lessening the revenue and destroying that valuable nursery for hardy seamen, formerly so highly prized. On these ruins the Americans would build a magnificent commercial and political edifice.

We humbly submit the above to your further consideration, and remain,
very respectfully, &c. &c.

(Signed) CHAS. ROBIN & Co.
pro FERGUSON WINTER.

Paspebiac, September 4, 1822.

(No. 97.)

No. 8.

No. 8.

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON,
to the Right Hon. Lord JOHN RUSSELL.

Government House, Montreal April 30, 1840.

MY LORD,

(Received May 25, 1840.)

(Answered May 27 and June 13, 1840.)

I HAVE the honour to transmit herewith the copy of a memorial from Mr. Etienne Labadie, representing the ill treatment to which British fishermen on the coast of Labrador are exposed from foreign fishing vessels. I request your Lordship to instruct the Lords Commissioners of the Admiralty, to take such steps as may be necessary for the protection of Her Majesty's subjects, engaged in this trade.

Quebec,
27 April, 1840.

The Right Hon.
Lord John Russell,
&c. &c.

(Signed) I have, &c.
C. POULETT THOMSON.

Enclosure in No. 8.

Encl. in No. 8.

To His Excellency the Right Honourable Charles Poulett Thomson, Governor-General of British North America, &c. &c. &c.

The Memorial of Etienne Labadie, of the Coast of Labrador, now at the City of Quebec,
Humbly represents,

THAT in the spring of 1837, your memorialist, on the part of the inhabitants of the coast of Labrador, presented a petition to his Excellency Lord Gosford, Governor-General, setting forth their maltreatment by the French and American fishing vessels, and the rapid destruction of their fisheries, upwards of 500 sail generally being on the coast; and praying that a vessel of war might be stationed along the coast during the fishing season; further that magistrates might be appointed to protect the peaceable inhabitants, there not being one man in authority along the whole coast. That to the said petition his Excellency replied that steps should be taken to protect the said petitioners.

And your memorialist further represents that in the year 1838, nothing having been done in their favour, he presented to his Excellency Lord Durham a second petition in their behalf, and received assurances of the same nature.

And your memorialist further represents that the evils complained of have increased to such an extent as almost to destroy the fisheries on the coast; the effect of which is not only felt by the said petitioners, but the people of the Canadas in general.

Your memorialist humbly urges that to prevent the total destruction of the fisheries steps be taken to place a Government vessel on the station, and that magistrates be appointed to preserve order.

Your memorialist would here beg to remark that the inhabited part of the coast is almost 800 miles from Quebec; that the inhabitants, about 300, are spread over a space of about 100 miles; that nearly nine months in the year they are shut out from any communication with any civilized country.

And your memorialist humbly prays that your Excellency will be pleased to adopt such measures as in your wisdom you may see fit in the premises; and in duty bound will ever pray.

(Signed) ETIENNE LABADINE.

Quebec, April 27, 1840.

CANADA.

No. 9.

(No. 139.)

No. 9.

COPY of a DESPATCH from the Right Hon. Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, May 27, 1840.

I HAVE to acknowledge the receipt of your Despatch, No. 97, of the 30th April, inclosing copy of a memorial from Mr. Etienne Labadie, representing the ill-treatment to which British fishermen on the coast of Labrador are exposed from foreign fishing vessels; and to acquaint you that I have referred this Despatch for the consideration of the Lords Commissioners of the Admiralty.

The Right Hon.
C. Poulett Thomson.

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

No. 10.

(No. 153.)

No. 10.

COPY of a DESPATCH from the Right Hon. Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, June 13, 1840.

I HAVE received your Despatch No. 97. of the 30th April, forwarding a representation which had been made to you by Mr. Etienne Labadie on the subject of the aggressions committed by foreigners on British fishermen inhabiting the coast of Labrador.

I have communicated your Despatch to the Lords Commissioners of the Admiralty, who have referred it to the Admiral commanding on the North American and West Indian station.

The Right Hon. C. P. Thomson.

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

No 11.

No. 11.

EXTRACT of a LETTER from F. HINCKS, Esq., to the Right Hon. Sir JOHN PAKINGTON, dated Morley's Hotel, Trafalgar Square, March 31, 1852.

"ON the subject of the fisheries I have only to state, that the violation of Treaty stipulations by the citizens of the United States is notorious and is universally admitted by themselves. As the right of fishing would cheerfully be conceded as part of a commercial arrangement between the two countries, the present depredations are the more reprehensible on the part of those who, having obtained such great advantages owing to recent commercial legislation in England, nevertheless refuse to admit the corn and timber of Canada into their markets. The British provinces with one voice demand that the fisheries be effectually protected, and they confidently rely on the co-operation of the Imperial Government. They, however, require no imperial expenditure. They are prepared to pay the expense of revenue cruisers, and Canada in particular will employ steam power in the River and Gulf of St. Lawrence, for the protection of her fisheries. It is, however, to be apprehended that the result of any energetic action may be the disturbance of those peaceful relations subsisting between Great Britain and the United States which it is so desirable to maintain; should such an unfortunate result take place the responsibility must rest solely on the latter country, as the depredations to which I have referred have been systematically committed for years in defiance of repeated remonstrances. Trusting that these important subjects will receive the consideration of Her Majesty's Government, &c."

(No. 82.)

No. 12.

CANADA.

No. 12.

COPY of a DESPATCH* from the Right Hon. Sir JOHN PAKINGTON to the Earl of ELGIN AND KINCARDINE.

MY LORD,

Downing Street, May 27, 1852.

Among the many pressing subjects which have engaged the attention of Her Majesty's Ministers since their assumption of office, few have been more important in their estimation than the questions relating to the protection solicited for the fisheries on the coasts of British North America.

Her Majesty's Government have taken into their serious consideration the representations which have been received on this subject from Nova Scotia, New Brunswick, and Prince Edward Island, and more recently from Mr. Hincks on the part of Canada, and have not failed to observe that whilst active measures have been taken by certain colonies for the purpose of encouraging their fisheries and repelling the intrusion of foreign vessels, it has been a subject of complaint in New Brunswick that impediments should have been offered by the policy of the Imperial Government to the enactment of bounties considered by the local Legislature essential for the protection of its trade.

Her Majesty's Ministers are desirous to remove all ground of complaint on the part of the colonies in consequence of the encroachment of the fishing vessels of the United States upon those waters from which they are excluded by the terms of the convention of 1818, and they therefore intend to despatch as soon as possible a small naval force of steamers and other small vessels to enforce the observance of that convention.

These vessels will of course be confined to the performance of the duties with which they are specially charged, and the commanders will be enjoined to exercise a careful discretion in the very delicate office of interfering with vessels belonging to foreign and friendly powers.

With regard to the question of promoting the fisheries of the British colonies by the means of bounties, Her Majesty's Government although desirous not to sanction any unnecessary deviation from that policy which regulates the commerce of this country, are still disinclined to prevent those colonies, by the interposition of imperial authority, and especially pending negotiations with the United States of America for the settlement of the principles on which the commerce with the British North American colonies is hereafter to be carried on, from adopting the policy which they may deem most conducive to their own welfare and prosperity.

Entertaining these views it is the intention of Her Majesty's Government to advise the Queen to give her assent to an Act passed by the Legislature of Prince Edward Island, in the session of 1851, for the promotion of its deep-sea fisheries, and they will be prepared to give favorable consideration to any acts for a similar purpose which may be passed by the Legislatures of the other North American provinces.

I have, &c.

The Right Hon. (Signed) JOHN S. PAKINGTON.
the Earl of Elgin and Kincardine,
&c. &c. &c.

(No. 68.)

No. 13.

No. 13.

COPY of a DESPATCH from the Earl of ELGIN and KINCARDINE to the Right Hon. Sir JOHN S. PAKINGTON, Bart.

Government House, Quebec, July 29, 1852.

(Received, August 17, 1852.)

SIR,

(Answered, August 25, 1852.)

I HAVE the honour to transmit herewith for your information, copies of a communication which I have received from Vice Admiral Sir G. Seymour, and of my reply thereto. The schooner despatched by this Government to the

12 July 1852.

29 July 1852.

3 Enclosures.

* Similar Despatches addressed to the Lieut.-Governor of Nova Scotia, New Brunswick, and Prince Edward Island.

CANADA.

Gulf, was sent chiefly for the purpose of observation, and the officer in charge was directed to place her in constant communication with and at the disposal of the commanders of any vessels of the Royal Navy he might find cruising in the vicinity of the fishing grounds.

I have, &c.

(Signed) ELGIN AND KINCARDINE.

The Right Hon. Sir J. S. Pakington, Bart.

&c. &c. &c.

Encl. 1 in No. 13.

Enclosure 1 in No. 13.

MY LORD,

"Cumberland," at Halifax, July 12, 1852.

I HAVE the honour to acquaint your Excellency that I have received instructions from Her Majesty's Government to take measures for the better protection of the fisheries in the Gulf of St. Lawrence, and to visit Newfoundland with the same object as regards the fisheries off the coasts of that island and Labrador, and I propose to sail to-morrow for St. John's.

I think it my duty to acquaint your Excellency that it has been recommended to Her Majesty's Government, by the Queen's Commissioner employed in negotiating with the French Government on the fisheries, that the senior captain of Her Majesty's ships on the coast of Newfoundland should be furnished with a Commission of the Peace, a course which received the sanction of the Queen's Advocate in 1843; and I have to request, if you shall consider with myself such an appointment will tend to assist the senior officers employed in the Gulf of St. Lawrence, that your Excellency will enable Commander Colin Yorke Campbell, of Her Majesty's steam sloop "Devastation," to act in that capacity.

It appears to me highly desirable that such authority should be granted to enable him to carry fully into effect the 4th clause of the Act 59 Geo. 3. cap. 38. relative to such foreign fishermen as may, after due warning, refuse to depart from, or re-enter, the harbours of Her Majesty's colonies for other purposes than those defined by the convention of 1818 with the United States; also to assist the local magistrates at the Magdalen Islands in any questions which may arise from the ambiguous manner in which the article of the convention respecting taking fish on its shores has been expressed; as well as to prevent irregularities on parts of the coasts of Canada or Labrador where no magistrate is resident, and where a reference to any other civil authority is unattainable.

Commander Campbell is a prudent and well informed officer, who will not abuse any power conferred on him by your Excellency for the public service. Communications to the "Devastation" will probably find her at Gaspé towards the end of this month.

It may, perhaps, be useful to your Excellency that I should mention the disposition of the squadron as regards the fisheries.

The "Devastation" and two schooners I have lately hired as tenders, are employed in the Gulf of St. Lawrence under Commander Campbell.

Her Majesty's brig "Sappho" in the Straits of Belleisle and Labrador, to which I have ordered the "Janus," steam vessel, on her arrival at St. John's.

The "Bermuda," schooner, is on the coast of Newfoundland, and the "Netley," cutter, in the Bay of Fundy.

The "Buzzard," steam vessel, is daily expected from England for the same service.

I have, &c.

(Signed) G. F. SEYMOUR,
Vice-Admiral and Commander-in-Chief.

His Excellency the Right. Hon.

The Earl of Elgin and Kincardine, K. T.

&c. &c. &c.

Encl. 2 in No. 13.

Enclosure 2 in No. 13.

SIR,

Government House, Quebec, July 29, 1852.

I HAVE had the honour to receive your Excellency's Despatch of the 12th instant, recommending that the necessary commission be granted to Commander Colin Yorke Campbell, of Her Majesty's steam sloop "Devastation," to enable that officer to act as a Justice of the Peace within the limits of Canada, on the shores of the Gulf of the St. Lawrence.

26 July 1852.

I enclose copies of letters which have been addressed by my direction to Commander Campbell and Mr. Fortin, the magistrate in charge of the schooner "Alliance," employed by the province for the protection of the fisheries, detailing the steps which have been taken by this Government with the view of meeting your wishes in respect to this matter.

8 June 1852.

I further avail myself of the opportunity to furnish your Excellency with a copy of the general instructions given to Mr. Fortin for his guidance in the service in which he is now engaged.

I have, &c.

(Signed) ELGIN AND KINCARDINE.

Vice-Admiral Sir George F. Seymour,
&c. &c.

SIR,

Quebec, July 26, 1852.

I HAVE the honour to inform you that his Excellency the Governor General of Canada has been pleased, on the recommendation of Vice Admiral Sir G. Seymour, to appoint you Justice of the Peace for the three districts of Quebec, Kamouraska, and Gaspé. The commissions appointing you as such have been transmitted to the clerks of the peace of the respective districts, to be by them kept of record, as usual in similar cases.

The law of Canada requires all magistrates, under a penalty, to subscribe to a qualification as to property before acting, so that, until an Act of Parliament can be passed, which will be introduced in a few weeks, dispensing with the formalities now required, it would be expedient that you should refrain from acting as a magistrate, and employ Mr. Fortin, now on board of the schooner "Alliance," in that capacity, who has been instructed to place himself under your orders.

I enclose a copy of the circular addressed to magistrates on their appointment, from which you will perceive that, although it is intended to exempt you by the proposed law from the oath of qualification, it will still be incumbent on you, when the proper time arrives, to take the magistrate's oath, and also the oath of allegiance, before a Commissioner of *Dedimus Potestatem*. The under-mentioned gentlemen hold the appointment of commissioners at the most likely places, to meet your convenience in taking these oaths; viz., the Hon. Mr. Justice De Blois, at Percé, G. F. Tremblay, at Percé, and J. B. F. Painchand, at the Magdalen Islands. Should not any letter on the subject have reached Mr. Fortin before your receiving mine, a communication of this letter to him, at your first meeting, will have the effect desired. He will also, I am confident, make it a duty to procure you every information, written or verbal, in his power; particularly as regards the performance of your magisterial duties under our laws and within our limits.

A copy of the Act intended to meet your case will be transmitted to you as soon as it is passed,—very likely towards the end of August, through the port master at Percé, with whom you may, in the meantime, leave directions for the forwarding of the same to the proper quarter.

I am to add, for your information, that Mr. Fortin, by his instructions, is directed to place the schooner under his control in constant communication with any vessels of the royal navy he might find cruising in the vicinity of the fishing grounds, and at their disposal when required to do so

Captain C. T. Campbell, R. N.,
H. M. steam vessel "Devastation,"
Gulf of St. Lawrence.

I have, &c.
(Signed) A. N. MORIN,
Provincial Secretary.

SIR,

Quebec, July 26, 1852.

I HAVE the honour to communicate to you for your information and guidance, the purport of a Despatch recently received by the Governor-General from Vice Admiral Sir G. Seymour, reporting that he has received instructions from Her Majesty's Government to take measures for the better protection of the fisheries in the Gulf of St. Lawrence, and to visit Newfoundland with the same object, as regards the fisheries off the coasts of that island and Labrador, and recommending that Commander Colin Yorke Campbell, of Her Majesty's steam sloop "Devastation," be appointed a Justice of the Peace. To this recommendation his Excellency has been pleased to comply, but Commander Campbell has been informed at the same time, as the law of Canada requires all magistrates to qualify, under a penalty to subscribe to a qualification as to property before acting, it would be expedient, until an Act of Parliament can be passed, which will be introduced in a few weeks, dispensing with the formalities now required, that he should refrain from acting as a magistrate, and employ you in that capacity, and that you had been instructed accordingly. I tell him at the same time that you will make it a duty to procure him all kinds of written or verbal information in your power, particularly as regards the performance of his magisterial duties under our laws and within our limits.

You will, therefore, place yourself in communication with, and under the orders of Commander Campbell as soon as possible after the receipt of the present letter.

It may be useful to you to know the disposition of the squadron as regards the fisheries, which is as follows:—

The "Devastation" and two schooners hired as tenders are employed in the Gulf of St. Lawrence under Commander Campbell.

Her Majesty's brig "Sappho," in the Straits of Belleisle and Labrador, to which the "Janus" steam vessel has been ordered on her arrival at St. John's.

The "Bermuda" schooner is on the coast of Newfoundland, and the "Netley" cutter in the Bay of Fundy.

The "Buzzard" steam vessel was expected daily from England for the same service.

G. Fortin, Esq., on board "Alliance."

I have, &c.
(Signed) A. N. MORIN,
Provincial Secretary.

CANADA.

SIR,

Quebec, June 8, 1852.

ADVERTING to my letter of the 20th April last, I have received the commands of the Governor-General to convey to you the following instructions for your guidance as the magistrate placed in control and direction of the schooner "Alliance," for the protection of the fisheries in the Gulf of St. Lawrence.

The vessel will be placed under your control and direction, but his Excellency has been pleased to appoint Captain Antoine Talbot as second in command to you. It will be his duty to follow your directions as regards the course of the vessel, but in other respects he is to be entrusted with its management. You are to be allowed the services of six men to man your boats, and to perform such other duties as you may require of them either as constables or otherwise. You will, with the captain, be required to live on board the vessel, unless when required by duty to visit the shore.

It is intended, if found possible, to commission Captain Talbot as a justice of the peace, and he will be, of course, in that capacity independent of your control; but, in the event of his appointment as such, he has been instructed to act only in concert with you in those cases where the services of two magistrates are required, or alone in your absence.

Although the means placed at your disposal may not be found sufficiently large for the efficient performance of the service, you will yet find it in your power to afford partial protection to the fisheries, and, at all events, of procuring such information as will enable the Government the better to attain the contemplated object.

The principal cruising ground of the schooner will be on the Labrador coast, which is the most important of the fishing-grounds within the limits of the Canadian territory; and it is intended that she shall penetrate into the bays and rivers where her services may be required; but, in case of meeting with parties coming in any great force, with whom you could not be expected to cope successfully, no interference is to be attempted,—in which case a full report of the circumstances will be transmitted to me for the information of the Government.

It will be your duty, in which you will be assisted by Captain Talbot, to procure detailed information as to every locality occupied, or capable of being occupied, as a fishing or trading post, its resources, its occupants, and the circumstances under which such parties may have become occupants, the extent to be allotted to each post, and for what purpose, the amount of yearly rent that could reasonably be demanded for such occupancy, or what charged for giving full titles, and by what means it might be possible to organize that section of the country and to render individual rights more secure.

In the execution of the service imposed on you, you will be careful not to contravene any treaty or law in force. And I am to instruct you to place the schooner in constant communication with the commanders of any vessels of the royal navy you may find cruising in the vicinity of the fishing-grounds, and at their disposal when required to do so.

Your salary will be 150*l.* for the season.

I have, &c.

(Signed) A. N. MORIN, Secretary.

Pierre Fortin, Esq., Special Magistrate.

No. 14.

(No. 57.)

No. 14.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON, Bart.,
to the Earl of ELGIN AND KINCARDINE.

MY LORD,

Downing Street, August 25, 1852.

I HAVE received your Lordship's Despatch, No. 63, of the 29th July, enclosing copies of communications between the Admiral commanding on the North American station and yourself on the subject of the fisheries.

I have now to signify to your Lordship my approval of the instructions which you have addressed to the provincial officers on this subject.

I have, &c.

(Signed) JOHN S. PAKINGTON.

The Right Hon.
the Earl of Elgin and Kincardine,
&c. &c. &c.

No. 15.

(No. 56.)

No. 15.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON, Bart.
to the Earl of ELGIN AND KINCARDINE.

SIR,

Downing Street, August 19, 1852.

WITH reference to my Despatch dated the 27th May* last, apprising you that a small naval force of steamers and other small vessels would be employed

for the protection of the rights of British subjects in the fisheries on the coasts of British North America, I enclose for your information the copy of some further instructions which have been issued to the Lords Commissioners of the Admiralty for the guidance of the Vice-Admiral commanding on the North American Station, for the execution of the service.

You will understand that these instructions are communicated to you for your own information, but that you are not at liberty to publish copies of them.

I have, &c.

(Signed) JOHN S. PAKINGTON.

The Right Hon.
the Earl of Elgin and Kincardine,
&c. &c. &c.

CANADA

19 Aug. 1852.

Enclosure in No. 15.

Encl. in No. 15.

*Page 252.

MY LORD,

Downing Street, August 19, 1852.

In my letter of the 2d June* last, I conveyed to you Her Majesty's commands for stationing off the coasts of the British possessions in North America a sufficient force of small vessels to protect the fisheries, and prevent the infractions of the Convention of 1818 with the United States; desiring, at the same time, that the officers employed on this service should be enjoined to avoid all unnecessary interference with the vessels of friendly powers, and all harshness in the performance of their duty.

Since the time when these instructions were issued, apprehensions have been expressed in the United States that it was intended by them to withdraw the concession made by Her Majesty's Government in 1845, of liberty to the fishermen of the United States to pursue their avocations within the waters of the Bay of Fundy, provided that they should not approach within three miles of the inlets and coasts of the British provinces situated within that bay.

And Admiral Sir George Seymour has referred to the instructions given to successive Naval Commanders-in-Chief that although no right on the part of the United States fishermen to fish from the shores of the Magdalen Islands, or to dry and cure their fish there, could be acknowledged, yet they should not be practically interfered with at those islands.

Sir George Seymour has also stated that the fishing vessels of the United States resort in large numbers to the various harbours in Cape Breton, Prince Edward Island, and New Brunswick, where they pass the Sundays without entering those harbours from stress of weather, or to repair damages, or for obtaining wood, and purchasing water, as provided for in the Convention; and he has inquired what course should be taken as to these vessels.

With reference to these several subjects, I have it in command to instruct your Lordships to inform the Admiral Commanding-in-Chief on the North American station, that Her Majesty's Government, in ordering that the British fisheries should be protected, are not making new claims against the United States, nor altering or reversing any standing orders to Her Majesty's Governors and public functionaries, nor revoking any such concession as that which was granted in 1845 as regards the Bay of Fundy or that which has long been practically made in the Magdalen Islands, it being clearly understood that no right of American citizens to land their crews upon those islands is acknowledged by this permission and sufferance on the part of the British authorities.

I have further to apprise your Lordships, that unwilling to withdraw any accommodation which fishermen of the United States now find in British harbours, although such accommodation may go beyond the terms of the Treaty, Her Majesty's Government do not for the present desire any interference with the resort which it appears that they have formed the habit of making to various ports in the British possessions at times when they are not engaged in fishing, so long as they may conduct themselves in an orderly and peaceable manner.

What course may be taken hereafter on these several concessions it is unnecessary now to determine. The various questions at issue between the Government of this country and the United States will be the subject of future discussion between them, but in the meantime Her Majesty's Government have no wish to withdraw the foregoing privileges from the fishermen of the United States in any manner which could be considered abrupt.

I have to request therefore that your Lordships will desire the Admiral to execute the instructions which you before conveyed to him with due regard to the above concessions, and with as much moderation and forbearance as may be consistent with the firm maintenance of those rights on the part of the British North American Provinces, the encroachments upon which have been the subject of their recent and repeated complaints.

I have, &c.

The Lords Commissioners of the Admiralty.

(Signed) JOHN S. PAKINGTON.

CANADA.

No. 16.

(Confidential.)

No. 16.

COPY of a DESPATCH* from the Right Hon. Sir JOHN S. PAKINGTON, Bart.,
to the Earl of ELGIN AND KINCARDINE.

Downing Street, September 11, 1852.

MY LORD,

(Answered Oct. 6, 1852, page 23.)

As it is desirable that Her Majesty's Government should be in possession of exact information as to the number of vessels seized and prosecuted in the Courts of Vice Admiralty in British North America, and condemned, or restored for infractions of the Convention of 1818 between Great Britain and the United States of America, I have to instruct your Lordship to obtain from the registrar of the Vice Admiralty Court at Quebec, and forward to me with the least possible delay, a return showing particulars of information similar to that contained in the accompanying return which has recently been received from the Lieutenant Governor of Nova Scotia, and a copy of which I enclose for your Lordship's information and guidance.

I have, &c.

(Signed) JOHN S. PAKINGTON.

The Right Hon.
the Earl of Elgin and Kincardine,
&c. &c. &c.

Encl. in No. 16.

Enclosure in No. 16.

COURT OF VICE-ADMIRALTY AT HALIFAX.

A RETURN of the number of American Vessels seized for violation of the Convention made between the Government of Great Britain and the United States of America in the year 1818, and prosecuted in this Court, with the dates of their seizure and condemnation or restoration.

Name of vessel.	Date of seizure.	Condemnation or restoration.
The Hero - - -	1st June 1838 - -	28th January 1839.
Combene - - -	1st November 1838 - -	28th January 1839.
Shetland - - -	4th June 1839 - -	8th July 1839.
Java - - -	— May 1839 - -	5th August 1839.
Independence - - -	26th May 1839 - -	5th August 1839.
Magniola - - -	25th May 1839 - -	5th August 1839.
Hart - - -	— May 1839 - -	5th August 1839.
Battelle - - -	— June 1839 - -	8th July 1839.
Hyder Ally - - -	14th June 1839 - -	8th July 1839.
Eliza - - -	14th June 1839 - -	8th July 1839.
May Flower - - -	— June 1839 - -	Restored.
Papineau - - -	2d June 1840 - -	10th July 1840.
Mary - - -	2d June 1840 - -	10th July 1840.
Alms - - -	11th September 1840 - -	8th December 1840.
Director - - -	18th September 1840 - -	8th December 1840.
Ocean - - -	1st October 1840 - -	8th December 1840.
Pioneer - - -	6th May 1841 - -	18th August 1841.
Two Friends - - -	20th May 1841 - -	Restored.
Mars - - -	20th September 1841 - -	2d November 1841.
Egret - - -	20th September 1841 - -	2d November 1841.
Warrior - - -	13th October 1841 - -	9th November 1841.
Hope - - -	13th October 1841 - -	Restored.
May Flower - - -	13th October 1841 - -	7th December 1841.
Washington - - -	7th May 1843 - -	1st August 1843.
Hyades - - -	10th May 1848 - -	5th September 1848.
Leonidas - - -	11th May 1849 - -	29th June 1849.
Harp - - -	15th September 1850 - -	28th January 1851.
Tiber - - -	29th October 1851 - -	

Of the above vessels three were restored, the "May Flower," "Two Friends," and the "Hope."

Dated 30th July 1852.

SCOTT TREMAIN, Regr.

* A similar Despatch addressed to the Governors of New Brunswick, Newfoundland, and Prince Edward Island.

(Confidential.)

No. 17.

CANADA.

COPY of a DESPATCH from the Earl of ELGIN and KINCARDINE to the
Right Hon. Sir JOHN S. PAKINGTON, Bart.

No. 17.

Government House, Quebec, October 6, 1852.

SIR,

(Received October 25, 1852.)

WITH reference to your Despatch of the 11th of September, marked confidential, I have the honour to enclose the copy of a return which I have received from the Registrar of the Vice-Admiralty Court of Lower Canada, containing information similar to that conveyed in the return from Nova Scotia transmitted by you for my guidance.

I have, &c.

(Signed) ELGIN AND KINCARDINE.

The Right Hon. Sir J. S. Pakington, Bart.

&c.

&c.

&c.

Enclosure in No. 17.

Encl. in No. 17.

Registry of the Vice-Admiralty Court of Lower Canada,
Quebec, October 5, 1852.

SIR,

IN answer to your letter of the 4th instant, wherein you state that Her Majesty's Government, being desirous to obtain correct information as to the number of vessels seized and prosecuted in the Courts of Vice-Admiralty in British North America, and condemned or restored for infraction of the Convention of 1818 between Great Britain and the United States of America, you are directed by the Governor-General to request that I will furnish, with the least possible delay, a return showing particulars of information similar to that contained in the accompanying return, &c.—

I have the honour to state, for the information of his Excellency the Governor-General, that after the necessary search and inquiry I found that no vessels belonging to American citizens have been prosecuted in this court, and seized for fishing, or preparing to fish, in British waters, from the year 1817 to 1821, both inclusive, or for violation of the convention made between the Government of Great Britain and the United States of America in the year 1818.

I have, &c.

(Signed) C. DROLET, Registrar.

The Hon. R. Bruce,
Governor-General's Secretary.

(No. 95.)

No. 18.

No. 18.

COPY of a DESPATCH from the Earl of ELGIN and KINCARDINE to the
Right Hon. Sir JOHN S. PAKINGTON, Bart.

Government House, Quebec, October 8, 1852.

SIR,

(Received, October 25, 1852.)

I HAVE the honour to enclose herewith, in order that it may be laid at the foot of the Throne, a joint Address to Her Majesty of Her Majesty's dutiful and loyal subjects the Legislative Council and Commons of Canada in Parliament assembled, on the subject of your Despatch* on the protection of the rights of British fishermen in the fisheries on the coasts of British North America.

* Page 17.

I have, &c.

(Signed) ELGIN AND KINCARDINE.

The Right Hon. Sir J. S. Pakington, Bart.

&c.

&c.

&c.

Enclosure in No. 18.

Encl. in No. 18.

To the Queen's most Excellent Majesty.

Most gracious Sovereign,

We, your Majesty's dutiful and loyal subjects, the Legislative Council and the Commons of Canada in Provincial Parliament assembled, most respectfully approach your Majesty for the purpose of expressing the grateful sense which we entertain of the prompt attention which it appears by the Despatch of the 27th May 1852,* from the Right Honourable Sir John S. Pakington, your Majesty's Secretary of State for the Colonies, to his Excellency the Governor General, your Majesty's Government has given to the representations made on the part of this province and other provinces of British North

* Page 17.

CANADA.

America on the subject of the encroachments of the fishing vessels of the United States upon those waters from which they were excluded by the terms of the Convention of 1818, and of the readiness with which your Majesty's Government has sent out a sufficient naval force to enforce the observance of that convention, and also to express the confident hope which we entertain that no treaty will be made with the United States of America by which any of the rights secured to British fishermen by that convention may be ceded, or impaired, unless such treaty shall also include provisions embracing the whole policy of the commercial intercourse between the said United States and the British North American colonies.

(Signed) E. CAREN, Speaker.

Legislative Council Chamber, Quebec,
October 6, 1852.

JOHN SANDFIELD MACDONALD, Speaker.

Legislative Assembly Hall, Quebec,
September 27, 1852.

No. 19.

(No. 75.)

No. 19.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON, Bart., to the Earl of ELGIN and KINCARDINE.*

MY LORD,

Downing Street, October 19, 1852.

I TRANSMIT, for your Lordship's information and guidance, the copy of a report of the law officers of the Crown on certain legal questions raised by Vice-Admiral Sir George Seymour in a memorandum (of which I also enclose a copy) on the subject of the fishery convention with the Government of the United States in 1818, and on the Imperial Act 59 George III. cap. 38.

I have, &c.

(Signed) JOHN S. PAKINGTON.

The Right Hon.
the Earl of Elgin and Kincardine,
&c. &c. &c.

25 Sept. 1852.
8 July 1852.
Printed in Foreign Office Series.

*Similar Despatches addressed to the Lieut.-Governors of Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland.

NOVA SCOTIA.

NOVA SCOTIA.

NOVA SCOTIA.

No. 1.

No. 1.

COPY of a DESPATCH* from the Right Hon. Earl BATHURST to the Right Hon. the Earl of DALHOUSIE.

MY LORD,

Downing Street, April 7, 1819.

I AM commanded by His Royal Highness the Prince Regent to transmit to you a Convention which has been agreed upon and ratified between His Royal Highness in the name and on the behalf of His Majesty and the United States of America. This Convention cannot be fully carried into effect without the aid of legislative provisions, but as the fishing season will have commenced before it will be possible that your Lordship should receive my instructions founded upon such provision as Parliament may find it necessary to enact, I am commanded to transmit to your Lordship these provisional instructions for the guidance of your conduct in the execution of the said Convention.

Your Lordship will observe that under the treaty the fishermen of the United States are excluded from fishing within three marine miles of any part of the coasts of His Majesty's dominions in North America, with the exception of the Magdalen Islands, and of those parts of the coast of Newfoundland and Labrador which are particularly described in the first article of the Convention. Their right also to dry and cure fish is limited to the unsettled bays, harbours, and creeks on the southern coast of Newfoundland, from Cape Ray to the Rameau Islands, and to that part of the coast of Labrador on which they have, under the Convention, a right of fishery. I am, therefore, to signify to your Lordship the pleasure of His Royal Highness, that if any vessels or inhabitants of the United States should be found fishing or preparing to fish within three marine miles of any part of the coasts of Nova Scotia, or should attempt to use any part of the coast of the province for drying and curing fish, or for other purposes connected with the fishery, you should take the necessary measures for enforcing a due adherence on their part to the stipulations of this Convention, by instituting the necessary legal proceedings against those who may be found acting in violation of its provisions.

Lieut.-General the Right Hon.
the Earl of Dalhousie,
&c. &c. &c.

I have, &c.
(Signed) BATHURST.

No. 2.

No. 2.

COPY of a DESPATCH from the Right Hon. Earl BATHURST to Lieut.-General Sir James KEMPT.

SIR,

Downing Street, April 10, 1822.

I AM induced to call your attention to the very great expense of the vessel in the service of the Superintendent of Fisheries, with the view of effecting an immediate reduction to a considerable amount: and you will observe that this expense has been the subject of some observation in Parliament.

* Similar Despatches addressed to the Lieut.-Governors of New Brunswick, Prince Edward Island, and Newfoundland.

NOVA SCOTIA.

ment of Great Britain, in the 59th year of the reign of His late Majesty King George the Third, all foreign ships, vessels, or boats, or any ship, vessel, or boat other than such as shall be navigated according to the laws of the United Kingdom of Great Britain and Ireland, found fishing or to have been fishing or preparing to fish within certain distances of any coasts, bays, creeks, or harbours whatever, in any part of His Majesty's dominions in America, not included within the limits specified in the first article of the said Convention are liable to seizure. And whereas the United States did by the said Convention renounce for ever any liberty enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish, on or within three marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America, not included within the above-mentioned limits; provided, however, that the American fishermen should be admitted to enter such bays or harbours for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever, but under such restrictions as might be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges thereby reserved to them: And whereas no rules or regulations have been made for such purpose, and the interests of the inhabitants of this province are materially impaired: And whereas the said Act does not designate the persons who are to make such seizure as aforesaid, and it frequently happens that persons found within the distances of the coasts aforesaid infringing the articles of the Convention aforesaid and the enactments of the Statute aforesaid, on being taken possession of profess to have come within said limits for the purpose of shelter and repairing damages therein, or to purchase wood and obtain water, by which the law is evaded and the vessels and cargoes escape confiscation, although the cargoes may be evidently intended to be smuggled into this province and the fishery carried on contrary to said Convention and Statute.

Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, that from and after the passing of this Act, it shall be lawful for the officers of His Majesty's customs, the officers of impost and excise, the sheriffs and magistrates throughout the province, and any person holding a commission for that purpose from his Excellency the Lieutenant-Governor for the time being, to go on board any ship, vessel, or boat within any port, bay, creek, or harbour in this province, and also to go on board of any ship, vessel, or boat, hovering within three marine miles of any of the coasts, bays, creeks, or harbours thereof, and in either case freely to stay on board such ship, vessel, or boat as long as she shall remain within such port or distance, and if any such ship, vessel or boat be bound elsewhere, and shall continue so hovering for the space of twenty-four hours after the master shall have been required to depart, it shall be lawful for any of the above enumerated officers or persons to bring such ship, vessel, or boat into port, and to search and examine her cargo, and to examine the master on oath touching the cargo and voyage, and if there be any goods on board prohibited to be imported into this province, such ship, vessel, or boat, and the cargo laden on board thereof shall be forfeited, and if the said ship, vessel, or boat shall be foreign, and not navigated according to the laws of Great Britain and Ireland, and shall have been found fishing or preparing to fish, or to have been fishing within such distance of such coasts, bays, creeks, or harbours of this province, such ship, vessel, or boat, and their respective cargoes shall be forfeited, and if the master or person in command thereof shall not truly answer the questions which shall be demanded of him in such examination, he shall forfeit the sum of 100*l*.

And be it further enacted, that all goods, ships, vessels, and boats liable to forfeiture under this Act, shall and may be seized and secured by any such officer of His Majesty's customs, officer of impost and excise, sheriffs, magistrates, or other person holding such commission as aforesaid, and every person who shall in any way oppose, molest, or obstruct any officer of the customs, officer of impost and excise, sheriff, magistrate, or other persons so commissioned and employed as aforesaid in the exercise of his office, or shall in any way oppose, molest, or obstruct any person acting in aid or assistance of such officer of the customs, officer of impost and excise, sheriff, magistrate, or other person so commissioned and employed as aforesaid, shall for every such offence forfeit the sum of 200*l*.

And be it further enacted, that all goods, ships, vessels, and boats which shall be seized as being liable to forfeiture under this Act, shall be taken forthwith and delivered into the custody of the collector and comptroller of the customs at the custom house next to the place where the same were seized, who shall secure and keep the same in such manner as other vessels and goods seized are directed to be secured by the Commissioners of His Majesty's customs.

And be it further enacted, that all goods, ships, vessels, boats, or other things which shall have been condemned as forfeited under this Act, shall, under the direction of the principal officers of the customs or excise where such seizures shall have been secured, be sold by public auction to the best bidder, and the produce of such sale shall be applied as follows; that is to say, the amount chargeable for the custody of said goods, ship, vessel, boat, or any other thing so seized as aforesaid shall be first deducted and paid, and the residue divided into two equal moieties, one of which shall be paid to the officer or other person or persons legally seizing the same, without deduction, and the other moiety to the Government, and paid into the treasury of this province, all costs incurred having being first deducted therefrom; provided always, that it shall be lawful for the Commissioners of the revenue to direct that any of such things shall be destroyed or reserved for the public service.

And be it further enacted, that all penalties and forfeitures which may be hereafter incurred under this Act shall and may be prosecuted, sued for, and recovered in the Court of Vice-Admiralty having jurisdiction in this province.

NOVA SCOTIA.

No. 5.

And be it further enacted, that if any goods, or any ship, vessel, or boat, shall be seized as forfeited under this Act, it shall be lawful for the Judge or Judges of any Court having jurisdiction to try and determine such seizures, with the consent of the person seizing the same, to order the delivery thereof on security by bond with two sufficient sureties, to be first approved by such seizing officer or person, to answer double the value of the same in case of condemnation, and such bond shall be taken to the use of His Majesty in the name of the collector of the customs in whose custody the goods, or ship, vessel, or boat may be lodged, and such bond shall be delivered and kept in the custody of such collector; and in case the goods, or the ship, vessel, or boat shall be condemned, the value thereof shall be paid into the hands of such collector, who shall cancel such bond and distribute the money paid in such manner as above directed.

And be it further enacted, that no suit shall be commenced for the recovery of any penalty or forfeiture under this Act, except in the name of His Majesty, and shall be prosecuted by His Majesty's Advocate, or Attorney-General, or, in his absence, by the Solicitor-General for this province, and if any question shall arise whether any person is an officer of the customs, excise, sheriff, magistrate, or other person authorized to seize as aforesaid, *vivâ voce* evidence may be given of such fact and shall be deemed legal and sufficient evidence.

And be it further enacted, that if any goods, ship, vessel, or boat shall be seized for any cause of forfeiture under this Act, and any dispute shall arise whether the same have been lawfully seized, the proof touching the illegality thereof shall lie on the owner or claimant of such goods, ship, vessel, or boat, and not on the officer or person who shall seize and stop the same.

And be it further enacted, that no claim to anything seized under this Act and returned into His Majesty's Court of Vice-Admiralty for adjudication, shall be admitted unless such claim be entered in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing be made by the owner or by his attorney or agent, by whom such claim shall be entered to the best of his knowledge and belief; and every person making a false oath thereto shall be deemed guilty of a misdemeanor, and shall be liable to the pains and penalties to which persons are liable for a misdemeanor.

And be it further enacted, that no person shall be admitted to enter a claim to anything seized in pursuance of this Act, and prosecuted in this province, until sufficient security shall have been given in the court where such seizure is prosecuted, in a penalty not exceeding sixty pounds, to answer and pay the costs occasioned by such claim, and in default of giving such security such things shall be adjudged to be forfeited, and shall be condemned.

And be it further enacted, that no writ shall be sued out against, nor a copy of any process served upon any officer of the customs, excise, sheriff, magistrate, or other person authorized to seize as aforesaid, for anything done in the exercise of his office, until one calendar month after notice in writing shall have been delivered to him or left at his usual place of abode by the attorney or agent of the party who intends to sue out such writ or process in which notice shall be clearly and explicitly contained, the cause of action, the name and place of abode of the attorney or agent of the person who is to bring such action, and the name and place of abode of the attorney or agent, and no evidence of the cause of such action shall be produced except of such as shall be contained in such notice; and no verdict shall be given for the plaintiff unless he shall prove on the trial that such notice was given, and in default of such proof the defendant shall receive in such action a verdict and costs, or judgment of nonsuit shall be awarded against the plaintiff as the Court shall direct.

And be it further enacted, that every such action shall be brought within three calendar months after the cause thereof, and shall be laid and tried in any of His Majesty's Courts of Record in this province, and the defendant may plead the general issue and give the special matter in evidence, and if the plaintiff shall become nonsuited, or shall discontinue the action, or if upon a verdict or demurrer judgment shall be given against the plaintiff, the defendant shall receive treble costs, and have such remedy for the same as any defendant can have in other cases where costs are given by law.

And be it further enacted, that in case any information or suit shall be brought to trial, on account of any seizure made under this Act, and a verdict shall be found for the claimant thereof, and the Judge or Court before whom the cause shall have been tried shall certify on the record that there was probable cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment, or other suit or prosecution on account of such seizure; and if any action, indictment, or other suit or prosecution shall be brought to trial against any person on account of such seizure, wherein a verdict shall be given against the defendant, the plaintiff, besides the thing seized or the value thereof, shall be entitled to no more than twopence damages, nor to any costs of suit; nor shall the defendant in such prosecution be fined more than one shilling.

NOVA SCOTIA.

And be it further enacted, that it shall be lawful for any such officer of the customs, excise, or sheriff or magistrate or other person authorized to seize as aforesaid, within one calendar month after such notice, to tender amends to the party complaining, or his agent, and to plead such tender in bar to any action, together with other pleas; and if the jury shall find the amends sufficient, they shall give a verdict for the defendant; and in such case, or in case the plaintiff shall become nonsuit, or shall discontinue his action or judgment, shall be given for the defendant upon demurrer; then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only: Provided always, that it shall be lawful for such defendants, by leave of the Court where such action shall be brought, at any time before or after issue joined, to pay money into Court, as in other actions.

And be it further enacted, that in any such action, if the Judge or Court before whom such action shall be tried shall certify upon the record that the defendant or defendants in such action acted upon probable cause, then the plaintiff in such action shall not be entitled to more than twopence damages, nor to any costs of suit.

And be it further enacted, that all actions or suits for the recovery of any of the penalties or forfeitures imposed by this Act, may be commenced or prosecuted at any time within three years after the offence committed, by reason whereof such penalty or forfeiture shall be incurred, any law, usage, or custom to the contrary notwithstanding.

And be it further enacted, that no appeal shall be prosecuted from any decree or sentence of any of His Majesty's Courts in this province, touching any penalty or forfeiture imposed by this Act, unless the inhibition shall be applied for and decreed within twelve months from the time when such decree or sentence was pronounced.

And be it further enacted, that this Act shall not go into force or be of any effect until His Majesty's assent shall be signified thereto; and an order made by His Majesty in Council that the clauses and provisions of this Act shall be the rules, regulations, and restrictions respecting the fisheries on the coasts, bays, creeks, or harbours of the province of Nova Scotia.

1st February 1836.

Then passed in the House of Assembly,
S. G. W. ARCHIBALD,
Speaker.

10th February 1836.

Then passed in Council,
BRENTON HALLIBURTON,
President.

Assented to,
C. CAMPBELL.

Encl. 2 in No. 4.

Enclosure 2 in No. 4.

TO THE KING'S MOST EXCELLENT MAJESTY.

The joint address of your Majesty's Council and House of Assembly for the provinces of Nova Scotia, now in General Assembly convened.

May it please your Majesty,

We, your Majesty's Council and House of Assembly of this your Majesty's loyal province of Nova Scotia, now convened in general assembly, beg leave most respectfully to submit to the consideration of your Majesty's Government the great importance of preserving unimpaired the rights and privileges belonging to your Majesty's subjects engaged in the fisheries upon the coasts of this province, and also to prevent foreigners from interfering or participating in such rights and privileges. That by the statute of the Imperial Parliament passed in the 59th year of the reign of our late most gracious Sovereign George the Third, power was given to His Majesty, by and with the advice of his Privy Council, by an Order or Orders in Council, to be from time to time made for that purpose, to make such regulations and give such directions as may be necessary to prevent fishermen of the United States from taking, drying, or curing fish in the bays or harbours of His Majesty's dominions in America, or in any other manner whatever abusing the privileges by the Treaty and Act of the Imperial Parliament reserved to them.

That as no such Order in Council has passed, it may be presumed that it may be extremely difficult for your Majesty's Council to submit such order for your Majesty's consideration as may be best adapted to meet the exigencies of the case in all your Majesty's dominions in America. That your Majesty's subjects in this province have experienced great inconvenience and loss in this branch of industry by foreign interference, and the revenue is injuriously affected by the illicit trade carried on by vessels ostensibly engaged in the fisheries, who hover on the coast, and, in many cases, combine trade with the fishery; a traffic prejudicial alike to the revenue, the importation of British manufactures, the honest trader, and the political and moral sentiments, habits, and manners of the people.

To prevent the continuance and extension of such evils the Legislature of this your Majesty's loyal province of Nova Scotia have embodied in an Act such regulations and restrictions as they conceive will most effectually prevent such interference in the fishery and the illicit trade connected with it, and thereby secure the rights and privileges recognized by the treaty, and intended to be guarded by the statute. This course has become the more necessary as the Act of the Imperial Parliament contemplates the further regulation of the fisheries by some such means, of which all persons concerned will be bound to take notice. Many of the irregularities complained of may have taken place from the want of such regulations. There is no intention of intimating that the Government of the United States approve of or sanction any interference with a branch of the fishery which they have expressly relinquished.

We, therefore, most earnestly but respectfully pray that your Majesty will be pleased to give your royal assent to the said Act, and, by an Order of your Majesty in Council, declare the said Act to contain the rules, regulations, and restrictions respecting the fisheries for the coasts, bays, creeks, and harbours of Nova Scotia.

In the House of Assembly,
24th February 1836,
S. G. W. ARCHIBALD,
Speaker of the Assembly.

In Council,
22d February 1836,
BRENTON HALLIBURTON,
President of His Majesty's Council.

(No. 46.)

No. 5.

No. 5.

COPY of a DESPATCH from the Right Hon. Lord GLENELG to Lieut.-Governor Sir COLIN CAMPBELL.

SIR,

Downing Street, July 6, 1836.

I HAVE received your Despatch, No. 16, of the 15th March last, enclosing a Bill passed by the Legislature of Nova Scotia, with a suspending clause, on the 12th March last, for regulating the fisheries in that province, accompanied by an address from the Council and Assembly praying that the Royal assent may be given to this Bill; in reply to which I have the honour to transmit to you an Order passed by His Majesty in Council*, on the 15th ultimo, specially confirming the said Bill, and also an Order* passed on the 6th instant, declaring that the clauses and provisions of this Act shall be the rules, regulations, and restrictions respecting the fisheries on the coasts, bays, creeks, or harbours of the province of Nova Scotia.

*Printed in Foreign Office series.

Lieut.-Governor Sir Colin Campbell,
&c. &c. &c.

I have, &c.
(Signed) GLENELG.

(No. 77.)

No. 6.

No. 6.

COPY of a DESPATCH from Lieut.-Governor Sir COLIN CAMPBELL to the Right Hon. Lord GLENELG.

Government House, Halifax, May 23, 1837.

(Received, June 14, 1837.)

MY LORD,

(Answered, July 12, 1837.)

THE resolution of the House of Assembly, which I have the honour to inclose, relative to the fisheries, was presented to me at the close of the Session; but the report to which it alludes has been only just received by me. The mail is already closed; and though I have not had time to read the report and annexed documents, and am consequently not prepared to make any observations upon them; yet, as the subject is of high national interest, and of peculiar importance to this province, I am happy to have the opportunity, which the detention of the packet by a contrary wind offers, of thus bringing the subject under your Lordship's notice, being fully persuaded that no time will be lost by His Majesty's Government in adopting efficient measures for the protection of the fisheries on the coasts of these provinces.

The Right Hon. Lord Glenelg,
&c. &c. &c.

I have, &c.
(Signed) C. CAMPBELL.

NOVA SCOTIA.

Enclosure in No. 6.

Encl. in No. 6.

In the House of Assembly, April 17, 1837.

Resolved, that the Report of the Committee on the fisheries, with the documents annexed thereto, be adopted and printed.

For Report of the committee, vide Appendix No. 4, page 276.

Whereas it may be necessary to correspond with His Majesty's Government during the recess, on the subject of the fisheries, and the most effectual mode of accomplishing the object sought in the Report of a Committee of this House on that subject.

Resolved, that a Committee be appointed to wait on his Excellency the Lieutenant-Governor, and respectfully request his Excellency to transmit the report of this House, and the documents thereto annexed, to His Majesty's Colonial Secretary, and to use his influence with His Majesty's Government to insure that protection of the fisheries which the whole of this province have so earnestly solicited.

Ordered that Mr. Uniacke, Mr. Des Barres, and Mr. Wm. Young, be a Committee for the above purpose.

J. WHIDDEN, Clerk.

No. 7.

No. 7.

For REPORT of the House of Assembly of Nova Scotia on the subject of the Fisheries, 1837, vide Appendix No. 4, page 276.

No. 8.

(No. 89.)

No. 8.

COPY of a DESPATCH from the Right Hon. Lord GLENELG to Lieut.-Governor Sir COLIN CAMPBELL.

SIR,

Downing Street, July 12, 1837.

I HAVE had the honour to receive your Despatch of the 23d May, No. 77, enclosing a report from a Committee of the Assembly of Nova Scotia on the subject of the fishery in the Gulf of St. Lawrence and on the coast of Newfoundland.

I beg to assure you that the report will receive the most serious consideration from Her Majesty's Government; and their decision on the subject, so soon as it can be maturely formed, will be communicated to you for your guidance.

Lieut.-Governor Sir Colin Campbell,
&c. &c. &c.

I have, &c.
(Signed) GLENELG.

No. 9.

(No. 16.)

No. 9.

COPY of a DESPATCH from Lieut.-Governor Sir COLIN CAMPBELL to the Right Hon. Lord GLENELG.

Government House, Halifax, March 26, 1838.

(Received, April 25, 1838.)

MY LORD,

(Answered, November 5, 1838.)

I HAVE the honour to transmit to your Lordship, and to recommend in the most earnest manner to the immediate and favourable consideration of Her Majesty's Government, the enclosed humble address of the Legislative Council and House of Assembly of this Province, complaining of the habitual violation by American citizens of existing treaties, and praying that, for the encouragement and protection of the commerce and fisheries of these colonies, Her Majesty will be pleased to order small armed vessels to cruize on our coasts, or direct two small steam-boats to be added to the fleet on this station, to prevent the encroachment of foreigners on our fishing grounds.

The Right Hon. Lord Glenelg,
&c. &c. &c.

I have, &c.
(Signed) C. CAMPBELL.

Enclosure in No. 9.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The humble address of the Legislative Council and House of Assembly of Nova Scotia, in Provincial Parliament.

May it please Your Majesty,

The Council and House of Assembly of Your loyal province of Nova Scotia humbly approach Your Majesty with their complaints against the citizens of the United States of America, who violate with impunity the provisions of treaties existing between the two nations, to the injury and detriment of the inhabitants of this colony.

Your Council and Assembly humbly refer Your Majesty to the Convention made in the year 1818, whereby the American Government obtained for the citizens of that country privileges not ceded to them by the treaty of 1783, and under the effect of which these provinces have languished ever since, and the operation of which is fully explained in the annexed report and documents.

The commercial eagerness which characterises the people of the United States of America, aided by the spirit of their Government, has for years caused them to transgress the bounds defined by treaty, and exercise rights over the fisheries of these colonies not ceded even by the unfortunate Convention alluded to. Their fishermen, in violation of that Convention, enter the gulfs, bays, harbours, creeks, narrow seas, and waters of these colonies; they land on the shores of Prince Edward and the Magdalen Islands, and by force, and aided by superior numbers, drive British fishermen from banks and fishing grounds solely and exclusively British,—and by carrying on an unlawful intercourse with needy and unprotected fishermen, induce them to violate all the laws of trade, and introduce feelings and opinions destructive to the principles of a well-intentioned but secluded and uninformed portion of Your Majesty's subjects;—thus demoralising and contaminating the ignorant but loyal inhabitants along our extensive shores, and most essentially injuring the manufacturers of the United Kingdom, the merchants and shipowners of the Empire, and the revenue of this and the other provinces.

Your Council and Assembly solicit Your royal attention to the address of this province to His late Majesty George the Fourth (hereto annexed) as prophetic of the effects of the Convention of 1818, and urge Your Majesty to mark the fulfilment of its anticipations in the report of 1837. Aware of the solicitude of Your Majesty for the happiness and welfare of Your faithful North American subjects, Your Council and Assembly humbly pray encouragement and protection of their commerce and fishery, and that Your Majesty will order small armed vessels to cruise on the coasts of these colonies to prevent such encroachments, or direct two steam-boats to be added to the fleet on this station, to resort to the various fishing grounds during the season. And the Legislature will cause depôts of fuel to be provided for them at the provincial expense. Confident that Your Majesty, considering the foregoing facts, and marking the character of the times, will adhere to the enlightened policy which has distinguished Your illustrious House, and extend to Your faithful and loyal subjects of Nova Scotia that protection of their interests which they ask as Britons, and which may prove consistent with the claims of other portions of Your Majesty's extensive dominions.

For Report of 1837,
vide Appendix,
No. 4, page 276.

In Council, 22d March 1838.

J. B. ROBIE,
President of the Legislative Council.

In the House of Assembly, 20th March 1838.

S. G. W. ARCHIBALD,
Speaker of the Assembly.

PROCEEDINGS of the General Assembly of Nova Scotia upon the Convention concluded between His Majesty and the United States of America. published by order of both Houses in General Session, at Halifax, in April 1819, vide Appendix No. 5, page 317.

Halifax Ss.

Robert Molleson Cutler, of Guysborough, in the county of Guysborough, Esquire, a member of Her Majesty's Legislative Council for the province of Nova Scotia, maketh oath and saith; That he hath been engaged upwards of thirty years in commerce and the fisheries of Canso Fox Island and Crow Harbour, in Chedabucto Bay, where, until within the last

NOVA SCOTIA.

four or five years, immense quantities of mackerel were annually caught and taken in seines and nets by persons resorting thither from various parts of this and the neighbouring provinces. That since the citizens of the United States have prosecuted the mackerel fisheries to any extent in the Gulf of St. Lawrence, those of Chedabucto Bay aforesaid have every year gradually decreased, and are now so seriously injured that they are no longer considered by merchant or fisherman an object of profitable pursuit. That, being apprehensive the almost entire failure of the fisheries in the said bay would compel many of the fishermen resident on its shores to abandon in utter despair an occupation no longer likely to yield them adequate support, and cause them to remove with their families to a foreign land, and being desirous of ascertaining the practicability of prosecuting from the bay the mackerel fisheries upon the system on which they are now carried on by American subjects in British waters, this deponent, by way of experiment and to stimulate others to follow his example, sailed from Guysborough aforesaid, in the month of August last, in a vessel equipped and manned by him for the purpose, on a mackerel voyage to the Gulf of St. Lawrence aforesaid, where he remained about five weeks fishing, sometimes on the shores of Cape Breton and Prince Edward Island within the distance of three miles, and at other times within half a mile of the shore. That he frequently observed American vessels in numbers of from fifty to seventy along the shores of Cape Breton and Prince Edward Island many of which were fishing within the distance of three miles therefrom. That it is the almost invariable practice of the American fishermen to make a harbour every Saturday night and remain at anchor until the Monday morning following. That during his said voyage this deponent frequently anchored in the harbours of Prince Edward Island and under Marguerite Island, distant about four miles from the shore, and at Port Hood in the island of Cape Breton, in company with from forty to sixty American fishing vessels which seemed to enter the said harbours as freely and with as little restraint as the vessels of British subjects. That this deponent is now perfectly satisfied from actual observation that the manner and system on which the citizens of the United States prosecute the mackerel fishery on the shores of the Gulf of St. Lawrence in numbers almost incredible, must be in the highest degree injurious to the net and seine fishery carried on by British fishermen on the eastern shores of Nova Scotia; and he hesitates not to declare it as his deliberate opinion, that if prompt and effectual measures be not soon adopted to prevent encroachments upon our coasts, and the open violation of existing treaties, by the fishermen of the United States, the hitherto important and valuable net and seine fishery of Chedabucto Bay and of Nova Scotia generally, already so much diminished, will ere long be entirely destroyed.

R. M. CUTLER.

Sworn to, at Halifax, this 23d March 1838.

JOHN LIDDELL, J.P.

SIR,

Government House, Fredericton, January 27, 1838,

WITH reference to the subject of your Excellency's communication of the 10th instant, and the document by which it was accompanied, I have the honour to transmit herewith a copy of information upon oath from two most respectable individuals of this province, detailing in very clear and forcible terms the unwarrantable proceedings of American fishing vessels within our waters on the north-east coast of this province.

These informations, resting upon no equivocal authority, I should feel obliged by your Excellency taking an opportunity of communicating to his Excellency the Vice-Admiral commanding in chief Her Majesty's naval forces on the North American station.

I have, &c.

(Signed) J. HARVEY.

His Excellency Major-General
Sir Colin Campbell, K.C.B.
&c. &c.

New Brunswick.

Duncan Hay, of Carraquette, in the county of Gloucester, in the province of New Brunswick, British North America, yeoman, and Charles Coughlan of the same place, yeoman, make oath and state as follows:—First, the said Duncan Hay deposed and saith that he has lived in Carraquette, in the Bay of Chaleur, in the Gulf of St. Lawrence, for three years last past, and during that period, and for three years before, was personally employed in carrying on the fishery at Point Miscou, being the outermost point of the island of Miscou, a fishing station very much resorted to by the inhabitants on both sides of the Bay des Chaleurs, as well as other British settlements both in this province of New Brunswick as well as Nova Scotia, embracing a line of coast of nearly 100 miles; that for the whole of the period of time above-mentioned the said fishing grounds have been during the fishing season frequented by great numbers of American fishermen who are in the constant habit of coming within the line marked out by the treaty subsisting between the British and American Governments, and in so doing interfering with the British fishermen to their very great detriment and the prevention of their taking fish; the destruction in a great measure of the beneficial use of the said fishery by British subjects, and dispersing the shoals of fish. That this deponent has witnessed every year from the commencement and during the continuance of the fishing

season, in the months of June and July, American fishing vessels, varying in numbers from 30, 40, 50, and sometimes 100 at a time, actively employed in taking fish, and not content with so doing in the deep waters, they approach within the small bays and close in with the shore, as well for catching fish as for the purpose of taking bait, without which latter the fishing cannot be carried on, and in so doing frequently directly interfere with the inhabitants and British fishermen, and in some instances being the most numerous and therefore not to be restrained or prevented take such bait out of the nets and seines used by the said inhabitants for taking such bait, and also by the number of vessels extended in continuous lines in positions that break up and turn the shoals of fish from entering the different bays and places of resort, to which the said bait and other fish have been and are in the habit of resorting. That to protect the British subjects in the right of fishing, it will require more than an occasional visit of an armed vessel: some permanent establishment during the whole of the fishing season, in the opinion of the deponent, will be necessary to do away with the interference and annoyance above detailed.

And the deponent, Charles Coughlan, for himself saith, that he has resided at Carraquette aforesaid, thirty miles from Point Miscon aforesaid, about nine years last past, and has also been employed in carrying on a fishing establishment, and that the foregoing statement as relates to the interference of the American fishermen in taking fish, and the other interruptions mentioned by the deponent, Duncan Hay, are correct and true; and that he perfectly coincides with him as to the means of preventing the same.

(Signed) DUNCAN HAY,
CHAS. COUGHLAN.

Sworn this 24th day of January 1838, before me at Fredericton, in the county of York.

(Signed) THOMAS C. LEE, J.P.

Duncan Hay and Charles Coughlan, the deponents named in the accompany affidavits, further by way of general observations relating to the subject of the interference of the American fishermen, would particularly mention the mode in which they carry on their fishing, which they, these informants, consider to have a very injurious effect on the fishery in general.

In the first place, they, the said American fishermen, are in the constant habit, after catching the fish, of bringing their vessels in very near to the shore, frequently as near as they will ride, and in that situation clean their fish and throw overboard the garbage, which at that season of the year shortly becomes putrid, and has a direct tendency to drive away the shoals of fish there resorting.

Secondly, they are in the habit, when their vessels are surrounded by a shoal or shoals of mackerel, of cutting up with machines calculated for that purpose quantities of fish into small pieces, and then scattering the same about to keep the shoals about their vessels, and at the same time throwing into the water quantities of dry salt, which the fish seize together with the small cut up bait, which is supposed to stupify or have such effect as to detain them, and thereby the fishermen are enabled to take fish in great quantities and break up the shoals. They also throw into the water, together with the said small bait and dry salt, quantities of Indian meal, which renders the surface turbid. This course being pursued by a large number of vessels stationed generally across the entrance of the bays and other places into which the mackerel are in the habit of resorting, necessarily turns their course and prevents the British fishermen from taking the same into those bays, coves, and inlets where they have always, before the American fishermen were in the habit of frequenting the said fishing grounds, been accustomed to take fish.

(Signed) DUNCAN HAY,
CHAS. COUGHLAN.

Fredericton, January 24, 1838.

(No. 187.)

No. 10.

No. 10.

COPY of a DESPATCH from the Right Hon. Lord GLENELG to Lieut. Governor
Sir COLIN CAMPBELL.

SIR,

Downing Street, November 5, 1838.

I HAVE the honour to acknowledge your Despatch, No. 16, of the 26th March last, transmitting a joint address to the Queen from the Legislative Council and House of Assembly of Nova Scotia, complaining of the habitual violation by American citizens of the Treaty subsisting between Great Britain and the United States on the subject of the fisheries, and praying for additional naval protection to British interests.

In obedience to Her Majesty's command, this subject has engaged the serious attention of Her Majesty's Government, and it has been determined for the future to station during the fishing season an armed force on the coast of Nova Scotia, to enforce a more strict observance of the provisions of the treaty by American citizens; and Her Majesty's Minister at Washington has been instructed to invite the friendly co-operation of the American Government for that purpose.

NOVA SCOTIA.

The necessary directions having been conveyed to the Lords Commissioners of the Admiralty, their Lordships have issued orders to the naval Commander-in-chief on the West Indian and North American stations to detach, so soon as the fishing season shall commence, a small vessel to the coast of Nova Scotia, and another to Prince Edward Island to protect the fisheries. The commanders of these vessels will be cautioned to take care that, while supporting the rights of British subjects, they do not themselves overstep the bounds of the Treaty. You will, of course, afford them every information and assistance which they may require for the correct execution of this duty.

I trust that these measures will prove satisfactory to the Legislature of Nova Scotia.

Lieut.-Governor Sir C. Campbell,
&c. &c. &c.

I have, &c.
(Signed) GLENELG.

No. 11.

(Confidential.)

No. 11.

COPY of a DESPATCH from the Right Hon. Lord GLENELG to Lieut.-Governor SIR COLIN CAMPBELL.

SIR,

Downing Street, November 5, 1838.

13 September 1838.

WITH reference to my Despatch of this date, No. 187, I enclose, for your information, a copy of a letter from the Foreign Office, enclosing copies of various reports from the Queen's Advocate, on the subject of the relative rights of fishery possessed under treaty by Great Britain and the United States, together with the copy of an instruction which has been addressed to Her Majesty's Minister at Washington.

Lieut.-Governor Sir C. Campbell,
&c. &c. &c.

I have, &c.
(Signed) GLENELG.

Encl in No. 11.

Enclosure in No. 11.

SIR,

Foreign Office, September 13, 1838.

I HAVE laid before Viscount Palmerston your letter of the 10th of May last, transmitting for his Lordship's consideration the copy of a Despatch from Sir Colin Campbell, enclosing an address from the Legislative Council and House of Assembly of Nova Scotia, relative to the encroachments of the citizens of the United States on the fishing grounds reserved by Treaty to British subjects.

I am directed to state to you in reply, for Lord Glenelg's information, that Lord Palmerston is of opinion that the best thing which could be done would be to station some small vessels of war on the coast of Nova Scotia, with orders to protect British fishermen against the encroachments complained of, taking care that the commanders of those vessels should not themselves overstep the bounds of the Treaty.

Draft to Mr Fox.

Queen's Advocate,

31 October 1837.

10 March 1838, to

Board of Trade,

Board of Trade,

13 June 1836.

Printed Proceed-

ings June 1819.

Printed Reports of

1837.

MS. despatch from

Sir J. Hervey to

Sir C. Campbell,

with two deposi-

tions, January 1838,

page 31:

Further deposition,

23 March 1838,

page 31.

Lord Palmerston is further of opinion that notice of this measure should be given to the government of the United States; and with this view his Lordship proposes to address to Her Majesty's minister at Washington, an instruction, of which a draft is herewith transmitted for Lord Glenelg's consideration, together with copies of the Reports of the Queen's Advocate, and a letter from the Board of Trade, referred to in the draft to Mr. Fox.

These last-mentioned papers contain the answers to references which were made to the Queen's Advocate and to the Board of Trade, by this department, in consequence of your letter of the 11th July 1837.

Agreeably to your request, I herewith return the papers which accompanied the address from Nova Scotia.

James Stephen, Esq.,
&c. &c.

I am, &c.
(Signed) W. FOX STRANGWAYS.

MY LORD,

Doctors Commons, October 31, 1837.

I AM honoured by your Lordship's Commands, signified in Mr. Fox Strangway's letter of the 19th of September, transmitting the accompanying letter from the Colonial Department, containing copies of a Despatch from the Lieutenant-Governor of Nova Scotia, together with copies of the resolution and report of the House of Assembly of that colony, relative to the fisheries in the Gulf of St. Lawrence, and on the coast of Newfoundland, and requesting that I would take these papers into consideration, and report to your Lordship my opinion thereupon.

In obedience to your Lordship's commands I have taken into consideration the letter from the Colonial Department, together with copies of the Despatch from the Lieutenant-Governor of Nova Scotia, and of the Resolution and Report of the House of Assembly of that colony; and have the honour to report that, I am of opinion that the intervention of Her Majesty's Government ought to be employed for the protection of British subjects engaged in the North American fisheries, against the encroachments of American citizens, so far as the international rights of this Kingdom and of the United States of America will permit.

The first Article of the Convention between Great Britain and the United States, signed at London on the 20th October 1818, purports to settle and define those rights. The question therefore is, whether the complaints of the Assembly of Nova Scotia are founded upon a correct interpretation of that Article. In many respects they appear to me to be so founded. By the Convention the United States renounced not only the right of fishing within three marine miles of the coast, but also of the *bays, creeks, or harbours* of certain parts of the British dominions in America, and I therefore think that the citizens of America have no right to calculate, as it is asserted they do, their three marine miles as being a line curving and corresponding with the coast.

It is stated in the Report of the House of Assembly, that the fishermen of the United States have, in many instances, set their own nets within the harbours of the province of Nova Scotia, and that they have on various occasions by force coerced the inhabitants to submit to their encroachment: this is clearly a violation of the Convention. It is also stated that they approach within the prescribed limits, and by the use of bait tole the fish into deep water, and then take them by jigs: this likewise appears to me to be contrary to the provisions of the Treaty. I also think that they cannot claim the privilege of coming within the bays or harbours either to buy bait from the inhabitants, or to take it for themselves: by the terms of the Treaty they may enter for the purpose of shelter and repairing damages therein, of purchasing wood, and of obtaining water, but for no other purpose whatever.

Another complaint is, that the citizens of the United States land on the Magdalen Islands and pursue the fishery therefrom. The stipulation of the Convention in this respect is as follows:—"It is agreed between the high contracting parties that the inhabitants of the United States shall have for ever, in common with the subjects of Her Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland, which extends from Cape Ray to the Rameau Islands on the western and northern coast of Newfoundland, from the said Cape Ray to the Quipou Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northward indefinitely along the coast." The contracting parties may have intended some material distinction when they used the word "shores" as applicable to the Magdalen Islands, and the word "coast" with reference to the other parts of the territories mentioned, and possibly may have meant to confer upon or reserve to American citizens in common with British subjects a right to land upon the shores of the Magdalen Islands for the purpose of taking fish, although I am inclined to think otherwise, inasmuch as I conceive that the word "shore" has not either in law or in common parlance, a larger signification than the word "coast;" a reference, however, to any documents showing what passed upon the subject when the Convention was negotiating, may perhaps afford the requisite information.

Upon another point the complaint of the House of Assembly does not appear to me to be well founded. I cannot concur in the opinion expressed in the Report that the fishing vessels of the United States may not enter the bays, harbours, and creeks of Nova Scotia for the purchase of wood or to obtain water, except on proof of having left their own ports sufficiently supplied for the voyage. Such proof may perhaps be very properly required from vessels entering an interdicted port on the plea of necessity; but I find no such proof required by the Convention. It provides expressly that the American fishermen shall be permitted to enter such bays or harbours for the purpose of shelter and repairing damages therein, of purchasing wood and of obtaining water, but that they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other matter whatever abusing the privileges thereby reserved to them. Under this stipulation I think the privilege of entering the harbours for the purposes mentioned cannot be denied to the fishing vessels of America, although proper restrictions may be imposed upon them when they do enter to prevent an abuse of the privilege.

I have further the honour to observe that the statute 59 G. 3. c. 38. enabled the Crown to make regulations for the government of the North American fisheries, according to the Convention, and to prevent the abuse of the privileges thereby conceded to the fishermen of the United States. I take leave to submit to the judgment of your Lordship whether it may not be advisable to transmit the report and resolution of the House of Assembly to the Board of Trade for their consideration, and for any observations which they may have to offer thereon.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

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

NOVA SCOTIA.

Office of Committee of Privy Council for Trade,
Whitehall, June 13, 1838.

SIR,

I HAVE laid before the Lords of the Committee of Privy Council for Trade your letter of the 4th December last, with its accompanying papers on the aggressions alleged to have been committed by the citizens of the United States on our fisheries in the Gulf of St. Lawrence and the coast of Newfoundland, and also the Queen's Advocate's opinion thereon.

Their Lordships in reply direct me to request that you will inform Lord Palmerston, that having, pursuant to his Lordship's desire, at the Queen's Advocate's suggestion, perused the above-mentioned documents, and having likewise communicated with various individuals well acquainted with the matters in dispute, they have to offer the following observations thereon for his Lordship's consideration.

Their Lordships presume, that after the opinion expressed by the Queen's Advocate upon the international rights of this Kingdom and the United States in respect to the fisheries in question, the recommendation of Lord Glenelg that the intervention of Her Majesty's Government should be employed for the protection of the British subjects engaged in such fisheries, will be adopted, and Her Majesty's Minister at Washington will be instructed by Lord Palmerston to come to a proper understanding with the Government of the United States upon this subject.

In the instructions that Lord Palmerston may give to Mr. Fox for this negotiation, their Lordships would suggest that his Excellency's attention should be drawn to the depositions of the witnesses attached to the Report of the Committee of the House of Assembly of Nova Scotia, as constituting, in conjunction with the remarks of the Queen's Advocate, the case on which his application must be grounded. The case, however, may be brought within a more narrow compass than the colonists seem to apprehend; for the grievances of which they complain are in many instances in no degree imputable to the American Government, and consequently, will not enter into the negotiation. That the Americans have succeeded in appropriating to themselves a very valuable portion of the fishing trade to the serious prejudice of the colonist is, unhappily, an incontrovertible fact; but it should be borne in mind, that the above-mentioned report admits the Americans concerned in the trade to abound in capital, enterprize, and skill, whilst the colonial fishermen are usually poor, ill provided with vessels, and often following other pursuits beside fishing, which must cause them to be but moderately skilled fishermen; and as long as the competition is carried on upon such unequal terms, the superior prosperity of the fishermen of the United States over our fishermen may be sufficiently explained without resorting to the alleged violation of the Treaty by the former. In fact, the complaints made by the colonists against the Americans are too much like those raised by our own fishermen at home against the French, which have been so often brought before the public and the Government without producing a satisfactory result.

The exclusion of the Americans from the Gut of Canso might indeed be of great service to the colonists; but this has been pronounced by the Queen's Advocate to be impracticable. The acts of aggression with which the citizens of the United States are charged will probably be disputed, but their Lordships do not entertain a doubt of their having been committed. It may be presumed that if the French venture upon vexatious and fraudulent practices against our fishermen absolutely on our coasts, the citizens of the United States are not likely to pay scrupulous attention to the exclusive rights of the Nova Scotia fishermen. In the one case the remedy may be said to be in our hands, and to rest mainly with ourselves; but the same argument cannot be used in the other, for the distance of Nova Scotia from this country, and the long line of coast to be watched, makes it incumbent on a friendly power such as the United States, considering their participation in the benefit of the fisheries, which is certainly a serious sacrifice on our part, to co operate with us in putting down the offences in question, and for that purpose to give the Nova Scotia fishermen the benefit of a liberal construction of the treaty in their favour.

The points which Mr. Fox will have to establish are—

1st. The three marine miles within which the citizens of the United States are by the Convention prohibited from fishing must be calculated from the headlands of Nova Scotia, and not, as the Americans contend, beyond a line curving and corresponding with the coast.

2d. The fishermen of the United States are to be restrained from setting their nets within the bays or harbours of Nova Scotia and Newfoundland.

3d. They are to be restricted from the use of jigs upon the coasts of Nova Scotia and Newfoundland.

4th. They are to be restrained from coming within the bays and harbours of Nova Scotia or Newfoundland, the Magdalen Islands not excepted, for any other purpose than obtaining shelter or repairing damage, or purchasing wood or procuring water, and the provision in the first article of the Convention, by which such limitation is expressed, should be strictly enforced.

How these restrictions are to be carried into effect will be a most important subject of consideration, and one involved in much difficulty; but under the circumstances stated in the Report of the Committee above mentioned, their Lordships think that additional facilities should be required from the Government of the United States for the detection of offenders with, perhaps, a more summary mode of punishment than the Admiralty Court affords; but the negotiation will probably lead to the suggestion of measures for this purpose on which

their Lordships will be ready to give an opinion when the same shall have been brought before this Board.

Their Lordships direct me further to inclose for Lord Palmerston's information the opinion of the Queen's Advocate upon a case submitted to him by this Board with reference to some parts of the Report of the Committee, which their Lordships had reason to believe, might otherwise be supposed to have escaped his attention.

J. Backhouse, Esq.
&c. &c.

I am, &c.
(Signed) DENIS LE MARCHANT.

NOVA SCOTIA:

SIR,

Doctors Commons, March 10, 1838.

I AM favoured with your letter of the 20th of January, stating that the Lords of the Committee of Privy Council for Trade direct you to inform me that they have received from Lord Palmerston my Report of the 31st of October 1837* on the questions that have arisen out of the interference of the citizens of the United States with the fisheries in the Gulf of St. Lawrence, the same having been transmitted with the accompanying papers to the Board of Trade by his Lordship pursuant to my recommendation.

*Page 36.

And you are pleased to state that their Lordships, feeling the importance which is attached to the matter in Nova Scotia, have attentively considered the above-mentioned papers, as well as consulted other sources of information, and the result has been to raise doubts in the minds of their Lordships on the following points, to which my attention has not yet been drawn with the preciseness that the light in which they are regarded by the colony appears to their Lordships to require.

1st. Concurring, as their Lordships do, in the opinion expressed in my Report, that the Americans cannot, under the Treaty, come beyond a line of three miles from the coast, such coast line running a direct course from headland to headland, their Lordships are still apprehensive that the question raised by the reference of the House of Assembly in Nova Scotia to this part of the Treaty remains in some degree unanswered. The Gut of Canso, through which the Americans claim and at present exercise the right of sailing in their route to the Gulf of St. Lawrence, is not more than a mile in breadth, and the exclusion of the Americans from it is represented to the Board as most essential to the interests of the colonial fisheries, and both shores being in the possession of Great Britain, it has been contended by some of the authorities in the colony that it must [not] be regarded as the high sea; and therefore, coming under the above-mentioned clause of the Treaty, or else as the maritime way of the province, and as such, by the principles of international law, under the exclusive jurisdiction of Great Britain, the Americans having sufficient access left to the shores of the colony by going round Cape Breton to satisfy the general words of the treaty. That their Lordships therefore direct you to submit the point to my consideration, and to report my opinion whether Great Britain has the power to close the gut or strait in question to the Americans.

The 2d point to which their Lordships direct you to draw my attention relates to the Magdalen Islands. That it appears from the information which their Lordships have obtained on the subject to be extremely doubtful whether the committee of the House of Assembly of Nova Scotia intended to found any distinction upon the use of the two terms of "coast" and "shores" in the article of the Treaty so far as these islands were concerned, it being understood in the colony that no right of landing on the shores of these islands had been claimed by the Americans, although the practice had prevailed to some extent surreptitiously: That the nature and limit of the restriction to which the Americans subject themselves on entering the harbours of these islands are represented to their Lordships to constitute the chief object of interest with the colony on this head, and you are therefore directed to request that I would report to the Board my opinion whether, under the sound construction of the Treaty, the Americans have the right of entering the harbours of those islands upon other conditions than are imposed upon them when entering those of Nova Scotia and Cape Breton.

In obedience to the directions above contained I have the honour to report, that having carefully perused and considered the documents, and also the Convention between Great Britain and the United States of the 20th October 1818, with reference to the points to which my attention has now been directed, I am of opinion that the terms of the Convention do not deprive the citizens of America of the right of passing through the Strait of Canso for the purpose of taking fish in common with British subjects in the Gulf of St. Lawrence.

Upon the other point, I think that the British Government have the right of imposing the same restrictions upon Americans entering the harbours of the Magdalen Islands as are imposed upon them when entering those of Nova Scotia and Cape Breton.

Denis Le Marchant, Esq.
&c. &c.

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

NOVA SCOTIA.

(No. 20.)

No. 12.

No. 12.

COPY of a DESPATCH from Lieut.-Governor Sir COLIN CAMPBELL to the Marquess of NORMANBY.

MY LORD,

Government House, Halifax, April 12, 1839.

THE Committee of the Nova Scotia Society for the Encouragement of Trade and Manufactures having recently had under consideration various subjects connected with the commercial and manufacturing interests of the province, and being of opinion that they may be promoted by the interference of Her Majesty's Government, I have the honour, at their request, to enclose a memorial which they have accordingly addressed to your Lordship, with two explanatory reports which have been adopted by the Committee; and I feel persuaded that these documents will receive that deliberate attention from Her Majesty's Government to which all statements from this respectable and intelligent body are justly entitled.

I have, &c.

The Most Noble the Marquess of Normanby,
&c. &c. &c.

C. CAMPBELL.

Encl. in No. 12.

Enclosure in No. 12.

To the Most Noble the Marquess of Normanby, Her Majesty's Principal Secretary of State for Colonial Affairs, &c. &c. &c.

The Petition of the Committee of Trade and Manufactures at Halifax, Nova Scotia.

HUMBLY SHOWETH,

That your Petitioners, representing a large number of merchants, manufacturers, and others residing in Halifax, have lately had under consideration the evils to which the trade of this province is subjected by the interference of foreigners on our fishing grounds, the illicit introduction of foreign goods on our extended sea coast, and the advantage which would result to the trade of these colonies if some modifications were introduced into the Act 3 & 4 Will. 4. cap. 59. by which the foreign trade of these possessions is regulated. Your petitioners beg to refer to the annexed Report marked A. for more particular details of their views on these subjects.

Your petitioners have also had under their consideration the proposed repeal of the imperial duties levied in New Brunswick, Nova Scotia, and Prince Edward's Island, on foreign flour and salted provisions, and having also adopted the Report annexed marked B. on this subject, they beg permission to refer your Lordship to that Report, for the reasons which induce them to think that it would be contrary to sound policy to repeal those duties in the Lower Provinces, and more especially at the present moment, when it is so desirable on every account to promote our trade with the Canadas, instead of giving to citizens of the United States the whole supply of these colonies with the articles in question, which would result from the proposed repeal of duties.

Your petitioners therefore humbly pray that your Lordship will move Her Majesty's Government to adopt such measures as will effectually prevent the interference of foreigners on our fishing grounds, and check in some degree the illicit trade conducted on our shores; and that such amendments, and those only, may be made to the Act 3 & 4 Will. 4. c. 59. as may appear conducive to the general interests of all the colonies to which its provisions extend.

And your petitioners as in duty bound will ever pray.

MICHAEL TOBIN, Chairman.
(And 12 others.)

A.

The Sub-Committee, to whom were referred an inquiry into the practicability of uniting the protection of the revenue with the protection of the fisheries, and also the propriety of applying to Her Majesty's Government for some modifications of the Imperial Acts which regulate our foreign trade, beg leave to report,—

That the facts contained in the Report of the Committee of the House of Assembly in 1837 respecting encroachments on the rights of our fishermen by foreigners are so well authenticated the Committee deem it sufficient merely to refer to that Report in urging the necessity of vigorous and effective measures being adopted by our Government to protect the interest of the numerous class of the inhabitants of these provinces who are engaged in that branch of industry.

The same Report contains ample evidence of the extent to which the trade of the province is injured by the illegal introduction of goods liable to duty by foreign vessels; and this Committee regret to add, that their inquiries lead them to believe that certain foreign goods which are subject to high duties are also smuggled in large quantities in vessels owned in the province, viz., manufactured tobacco, spirits, pork, cordage, leather, and cotton manufactures, as well as tea, the importation of which is prohibited from foreign countries. The existence of this contraband trade, so far as respects the upper part of the Bay of Fundy, is not

denied; but it is alleged, that having no convenient port of entry importers are debarred the opportunity of entering their cargoes and paying the duty thereon, a just ground of complaint which will probably be soon removed by opening such additional free ports as may be necessary for the convenience of vessels bound up the different rivers emptying into the bay. In proof of the illicit trade carried on in ports already open, and in the immediate neighbourhood of such, the committee refer to returns made by the collectors of customs the past year, by which it will be seen that the seizures which have been actually made are such as to justify the belief that the business is conducted in some places to an alarming extent.

It is understood that an application has been made to Her Majesty's Government to employ a sufficient number of steam-vessels to protect our fishermen in the enjoyment of their exclusive right to the in-shore fisheries. And your committee would humbly suggest that the commanders of such steamers or other vessels so employed should be also empowered to make seizures of contraband or uncustomed goods found on board of vessels entering the bays or harbours of the provinces, under commissions similar to those formerly issued to the revenue cutters belonging to Nova Scotia and New Brunswick.

The Committee are of opinion that the section of Act 3 & 4 Will. 4. c. 59. which provides for the distribution of the proceeds of goods condemned for illegal importation should be so modified as to give at least one-half of said proceeds to the seizing officer, whether an officer of the Navy, or an officer of the Customs Department.

The Committee are also of opinion that application should be made to Her Majesty's Government to have the articles of barilla, cork wood, and seeds of all kinds added to the list of free articles in the Act 3 & 4 Will. 4. c. 59., and that the duty of 15 per cent. now levied on leaf tobacco should either be repealed or reduced to a low rate, for the further encouragement of the manufacture of this article, the difference in duty between manufactured tobacco and the raw material being now only 5 per cent.

The Committee deem it most desirable that many articles of foreign manufacture now subject to ad valorem duties should be charged with specific duties, as in England, and that the ad valorem duties on some articles which cannot easily be charged at specific rates should be increased, to afford due protection to the manufactures of Great Britain and her colonies. Of the first class they enumerate nails, soap, candles manufactured of tallow, wax, or spermaceti, chocolate, manufactured tobacco, cordage, hats; and of the second class they would mention, chairs and other articles of cabinet-makers' furniture, wearing apparel, including all kinds of slop-clothing, wool and cotton cords, stoves and castings. The Committee would further respectfully suggest that the commercial and manufacturing interests of this province might be greatly promoted if Her Majesty's Government, in revising the present system of duties on foreign corn imported into Great Britain, would place all flour manufactured in the North American provinces on the same footing as to duty as if it were of the growth and manufacture of the same. Under the Act 9 Geo. 4. c. 60. wheat of the growth of the British colonies is admitted at very reduced rates of duty compared with foreign wheat; and by the 4th section of that Act a declaration of the shipper of the growth of the grain, certified by the collector of customs at the place of shipment, is required to be produced at the port of entry to entitle it to admission at the low duty. Flour is charged the same duty for each barrel as would be paid on 38½ gallons wheat; and your Committee recommend that the 4th section above mentioned should be so modified as to allow flour actually manufactured in the colonies to be admitted on the same terms, whether made from foreign or colonial wheat, the existing regulation being continued on the importation of corn unground.

(Signed) GEORGE P. LAWSON,
STEPHEN BINNEY.
DAVID ALLISON.

Halifax, 11th April 1839.

Approved by the General Committee,
MICHAEL TOBIN.

B.

Halifax, March 12, 1839.

The Sub-Committee, to whom were referred the consideration of the proposed repeal of the imperial duties levied in New Brunswick, Nova Scotia, and Prince Edward Island, on flour and salted provisions, beg leave to report,—

That the Committee have perused the various communications which have passed between the Colonial Department and the local governments of Nova Scotia and New Brunswick, during the past year, by which it appears that Her Majesty's Ministers are disposed to repeal those duties, whenever the legislatures of those two provinces unite in recommending such a repeal.

It is well understood that the duties levied in the colonies under the Act of 6th Geo. 4. cap. 114., and under the different Acts since passed in amendment or in lieu thereof, were imposed by the Imperial Parliament for the regulation of trade, and not for purposes of revenue, the primary object of such regulations being to protect the produce and manufactures of Great Britain and her colonies, and to preserve the carrying trade, as far as possible, in British and colonial shipping, a perfectly free trade being incompatible with those important interests.

By the Act 6 Geo. 4. cap. 114. duties and regulations nearly similar were applied to the

NOVA SCOTIA.

North American and West Indian colonies. Subsequently sundry articles, the produce of the United States, including lumber of various kinds, ashes, hides, tallow, &c., when brought into Canada by inland navigation, were declared to be duty free. In 1828, by the Act 9 Geo. 4. cap. 76., several articles, including grain, flour, bread, &c., imported from the warehouses in Great Britain, were admitted duty free in these provinces; and in 1831, by the Act 1 Will. 4. cap. 24., all the duties imposed in any of the colonies, on grain of all kinds, flour not made from wheat, bread, and rice, were repealed, also on wheat flour, salted provisions, and lumber, in Canada, and on lumber imported into the lower provinces; while in the West Indies the same articles admitted free into Canada were exempted from duty if imported from British possessions in North America, but levied as before when imported direct.

The intention of these various amendments to the Act 6 Geo. 4. cap. 114. was to promote the carrying trade in British vessels. The repeal of the duties on flour, salted provisions, &c., in the two Canadas, has been very beneficial to the trade of those provinces, by bringing large quantities of American produce down the Saint Lawrence. It is presumed that importations of similar articles by sea were not contemplated at that time, the import of these articles from the continent of Europe into Canada being then unknown; and having reference to the general principle which runs through all the Acts before referred to, the Committee are of opinion that the different colonial interests will be best consulted by permitting the imperial duties on wheat flour and salted provisions to remain in force in the lower provinces, and by confining the exemption from duty in the Canadas to imports by "inland navigation," in accordance with the letter of the Act of 1827, with reference to other articles which were to be deemed the produce of Canada when imported from thence into the United Kingdom.

They also consider that a uniformity of system is essential to the proper regulation of their foreign trade, and that such uniformity will not be maintained if these duties are repealed by the Imperial Parliament, and the legislatures of the different provinces left to make such regulations as best suit their respective views.

The Committee feel convinced that the system of colonial trade which has been fostered by the Acts before referred to has been generally beneficial, and if the change now contemplated is introduced it will lead to others fatally destructive of that system. Such changes in the commercial regulations of a maritime country cannot be too strongly deprecated, and the Committee therefore hope that the local authorities in both provinces will concur in a recommendation to this effect.

The Committee are further of opinion that the interests of Nova Scotia in particular require the continuance of those duties, numerous investments having been made in mills and other fixed property, in the expectation of their remaining as at present, while the trade with the Canadas is yearly increasing in importance and value to our shipowners, the geographical position of this province being such as to make our vessels the natural carriers of the West India productions received at Quebec and Montreal.

The small sums which have lately been collected on importations of flour do not afford any valid objection to the present system, the operation of which has been to turn the trade into other channels. They are aware that the practice hitherto pursued of entering flour and other articles free of duty for the use of the fisheries is liable to some objections; but looking to the various interests now involved in that practice in Newfoundland, in Lower Canada, and this province, its discontinuance would be severely felt by those for whose benefit it was intended; and the Committee are of opinion that the imposition of a moderate provincial duty on foreign flour, when entered for the fisheries, will be sufficient to equalize the price of the article to different classes of consumers, and thus remove the inducement to fraud which is now complained of.

All which is respectfully submitted.

(Signed) DAVID ALLISON.
STEPHEN BINNEY.
J. H. REYNOLDS.

Approved by the General Committee,
MICHAEL TOBIN.

No. 13.

No. 13.

EXTRACT of a LETTER from Messrs. YOUNG and HUNTINGDON, Delegates from Nova Scotia, to the Marquess of NORMANBY, dated Princess Street, Hanover Square, July 11, 1839.

"WE have to solicit your Lordship's attention to the eleventh resolution of the Assembly, with regard to the continued illegal and oppressive encroachments of American citizens upon our fisheries. We are not aware of the steps that may have been taken by Her Majesty's Government during the present summer, but are perfectly satisfied that the evil cannot be checked by any but an armed force of one or other of the kinds recommended by the Assembly. The violations of the existing Treaties by American fishermen are committed to an enormous extent, and without disguise, and exercise a most injurious influence on the industry and trade of the lower provinces."

(No. 34.)

No. 14.

NOVA SCOTIA.

No. 14.

EXTRACT of a DESPATCH from the Marquess of NORMANBY to Sir COLIN CAMPBELL, dated Downing Street, August 31, 1839.

“ The illegal and oppressive encroachments of American citizens on the British fishery grounds are the next subject adverted to by the Council and Assembly, and pressed on my notice by the delegates of the latter body in their letter of the 11th July. I have the honour to inform you, that the Admiral commanding on the North American station has already been instructed to take the necessary steps for the protection of Her Majesty’s subjects.”

(No. 24.)

No. 15.

No. 15.

COPY of a DESPATCH from Lieut-Governor Sir COLIN CAMPBELL to the Right Hon. Lord JOHN RUSSELL.

Government House, Halifax, April 11, 1840.

(Received, May 9, 1840.)

MY LORD,

I HAVE the honour to request that your Lordship will lay at the foot of the throne the enclosed Address of the House of Assembly to Her Majesty, complaining of the continued encroachments of American fishermen on our fishing grounds; and praying that Her Majesty will be pleased, under the authority of the Act of 59 G. 3. c. 38., to establish by an Order of Her Majesty in Council general regulations for the protection of the fisheries, according to the code* annexed to the address, which the Assembly consider as well adapted for such important purpose.

*In Appendix
No. 4, page 360.

The Assembly further pray that Her Majesty will be graciously pleased to order some small armed vessels to aid the revenue cutters which this government employ on that service.

I have, &c.,

The Right Hon. Lord John Russell,
&c. &c. &c.

(Signed) C. CAMPBELL.

Enclosure in No. 15.

Encl. in No. 15.

TO THE QUEEN’S MOST EXCELLENT MAJESTY.

May it please your Majesty,

We, your Majesty’s dutiful and loyal subjects, the representatives of your Majesty’s loyal people of Nova Scotia, humbly approach your Majesty with their complaints against the citizens of the United States of America, who continue to disregard the terms and provisions of treaties existing between the two nations, by encroaching on the reserved fishing grounds of this province and the adjoining colonies, to the detriment and injury of the inhabitants thereof.

Your Majesty’s Council and Assembly in 1838 approached your Majesty’s throne with an address, humbly referring your Majesty to the Convention of 1818, between your Majesty’s Government and that Republic, and to the Report of this House of 1837, as exhibiting the gross violation of the rights of the inhabitants of the lower provinces; and your people regret that the defective state of the regulations for the protection of the British North American fisheries still permits such infringements with comparative impunity.

Although the Convention of 1818 secured to the people of Great Britain and your Majesty’s dominions in America certain rights of exclusive fishery on the shores of such provinces, and the citizens of the United States renounced for ever any liberty enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish within three marine miles of any of the coasts, bays, creeks, or harbours not included within certain limits mentioned in such Convention, no rules or regulations were adopted to prevent the abuse of the privileges ceded to the United States, until 1836, when his late Majesty William the Fourth signified his royal assent to a statute of this province, embodying rules and regulations for the fishery thereof, the operation of which has been most wholesome, and has curbed the illegal trespasses of foreigners, by subjecting their vessels to forfeiture on detection, and condemnation in the Court of Vice Admiralty of Nova Scotia.

That no regulations having been adopted (as your House of Assembly believe) for the same salutary purposes in the provinces of New Brunswick, Prince Edward Island, the Canadas, and Newfoundland, the revenue vessels employed by the government of this pro-

NOVA SCOTIA.

vince cannot make seizures, because the encroachments are beyond the operation of the said law, which is confined to the province; and therefore it becomes indispensable, for the preservation of the valuable source of wealth with which Providence has blessed these colonies, that similar regulations should be granted by your Majesty for all the colonies; and your Assembly solicit your royal attention to the accompanying code* as well adapted for such important purpose.

*Appendix No. 4,
page 360.

That the citizens of the United States pass through the Strait of Canso, a narrow strip of water completely within and dividing several counties of this province, whereby they violate the letter and spirit of the Treaty or Convention of 1818, to the detriment of your Majesty's people; and on the shores of the Magdalen Islands they conduct the fishery in a manner destructive thereof, by taking herring, which swarm on those shores, at a time they are casting their spawn.

Aware of the solicitude of your Majesty for the happiness and welfare of your faithful North American subjects, your Assembly humbly pray encouragement and protection of their commerce and fishery, and as they have appointed revenue cutters for such service, that your Majesty will order armed vessels to aid them in such laudable undertaking, and extend to your loyal subjects of Nova Scotia that protection which may be consistent with the claims of other portions of your Majesty's extensive dominions.

In the House of Assembly, March 27, 1840.

(Signed) S. G. W. ARCHIBALD, Speaker.

No. 16.

(No. 50.)

No. 16.

COPY of a DESPATCH from the Right Hon. Viscount FALKLAND to the Right Hon. Lord JOHN RUSSELL.

Government House, Halifax, March 18, 1841.

(Received, April 1, 1841.)

MY LORD,

THE Legislative Council having lately had under consideration the code of regulations proposed by the House of Assembly in the last session for the protection of the fisheries, and transmitted for the approval of the Queen in Council with their address of the 27th March 1840,* and deeming one of those regulations (No. 22.), in reference to the jurisdiction of the Admiralty Court, to be highly objectionable, they have expressed their sentiments on the subject in the enclosed address to myself. I entirely concur in those sentiments, and join with the Council in recommending that Her Majesty's sanction be not given to the regulation in question.

*p. 43.

I have, &c.

The Right Hon. Lord John Russell,
&c. &c. &c.

FALKLAND.

Encl. in No. 16.

Enclosure in No. 16.

To his Excellency the Right Honourable Lucius Bentinck Viscount Falkland, Knight Grand Cross of the Guelphic Order, and Member of Her Majesty's most Honourable Privy Council, Lieutenant-Governor and Commander-in-Chief in and over the province of Nova Scotia and its dependencies, &c. &c.

THE ADDRESS OF THE LEGISLATIVE COUNCIL.

May it please your Excellency,

The House of Assembly at its last session passed an address to Her Majesty requesting Her Majesty to adopt certain rules and regulations for the protection of the fisheries, the object of one of which is to extend the jurisdiction of the Court of Vice-Admiralty over all matters arising out of or in any way relating to the fisheries, and the effect of it, if adopted, will be to give to that court cognizance of almost all causes connected with the commerce of the province.

That the expenses attendant upon suits brought in the Court of Vice-Admiralty render it very burdensome to suitors, and the Legislative Council are of opinion that if the regulation referred to should go into operation it would be attended with results highly prejudicial to the interests of the mercantile part of the community; and they respectfully beg your Excellency to communicate to Her Majesty their views on this subject, and to pray Her Majesty not to give her sanction to the regulation in question, especially as a Bill is now before the Legislature, and other measures sought to be adopted to remedy some of the evils complained of.

(Signed) SIM. B. ROBIE, President.

Legislative Council Chamber, March 16, 1841.

(No. 45.)

No. 17.

COPY of a DESPATCH from the Right Hon. Lord JOHN RUSSELL to the
Right Hon. Viscount FALKLAND.

Downing Street, April 9, 1841.

MY LORD,

(Answered, May 8, 1841, p. 50.)

I HAVE the honour to transmit herewith to your Lordship the copy of a letter from the Under Secretary of State for Foreign Affairs, enclosing the copy of a note from the Minister at this Court from the United States of America, complaining of the proceedings of the provincial authorities in Nova Scotia towards the vessels and citizens of that Republic engaged in fishing on the coasts of the province.

I have to request, that you will make immediate inquiry into the allegations contained in Mr. Stevenson's note, and that you will furnish me with a detailed report on the subject, for the information of Her Majesty's Government.

I have, &c.

The Right Hon. Viscount Falkland,
&c. &c. &c.

(Signed) J. RUSSELL.

Enclosure in No. 17.

Encl. in No. 17.

SIR,

Foreign Office, April 2, 1841.

I AM directed by Viscount Palmerston to transmit to you herewith, for the consideration of Lord John Russell, a copy of a note from Mr. Stevenson, Minister from the United States of America, relative to certain proceedings of the colonial authorities of Nova Scotia towards the vessels and citizens of the United States engaged in fishing on the neighbouring coasts of Nova Scotia.

From Mr. Stevenson,
27 March 1841.

James Stephen, Esq.,
&c. &c.

I am, &c.,
(Signed) LEVESON.

32, Upper Grosvenor Street, March 27, 1841.

THE undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, has the honour to acquaint Lord Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, that he has been instructed to bring to the notice of Her Majesty's Government, without delay, certain proceedings of the colonial authorities of Nova Scotia in relation to the seizure and interruption of the vessels and citizens of the United States, engaged in intercourse with the ports of Nova Scotia, and the prosecution of the fisheries on its neighbouring coasts, and which, in the opinion of the American government, demand the prompt interposition of Her Majesty's government. For this purpose, the undersigned takes leave to submit to Lord Palmerston the following representation—

By the first Article of the Convention between Great Britain and the United States, signed at London on the 20th day of October 1818, it is provided, 1st. That the inhabitants of the United States shall have, for ever, in common with the subjects of Great Britain, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands;—on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands; on the shores of the Magdalen Islands; and also on the coasts, bays, harbours, and creeks, from Mount Joly on the southern coast of Labrador, to and through the Straits of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to the exclusive rights of the Hudson Bay Company. 2ndly. That the American fishermen shall also have liberty, for ever, to dry and cure fish in any part of the unsettled bays, harbours, and creeks of the southern portion of the coast of Newfoundland, before described, and of the coast of Labrador; the United States renouncing any liberty before enjoyed by their citizens to take fish within three marine miles of any coasts, bays, creeks, or harbours of the British dominions in America, not included within the above limits, i.e. Newfoundland and Labrador. And, 3rdly. That American fishermen shall also be admitted to enter such bays or harbours for the purpose of shelter, and of repairing damages therein, and also of purchasing wood and obtaining water, under such restrictions only as might be necessary to prevent their taking, drying, or curing fish therein, or abusing the privileges reserved to them. Such are the stipulations of the Treaty, and they are believed to be too plain and explicit to leave room for doubt or misapprehension, or render the discussion of the respective rights of the two countries at this time necessary. Indeed, it does not appear that any conflicting questions of right between them have as yet arisen out of differences of opinion regarding the true intent and meaning of the treaty. It appears, however, that in the actual application of the provisions of the Convention (committed on the part of Great Britain to the hands of subordinate agents subject to and controlled by local legislation), difficulties

Appendix No. 1,
page 273.

NOVA SCOTIA.

* Page 56.

growing out of individual acts have unfortunately sprung up from time to time, amongst the most important of which have been recent seizures of American vessels for supposed violations of the Treaty. These have been made, it is believed, under colour of a provincial law of the 6th Wm. 4. c. 8. 1836,* passed doubtless with a view to restrict vigorously, if not intended to aim a fatal blow at the fisheries of the United States on the coasts of Newfoundland. It also appears, from information recently received by the Government of the United States, that the provincial authorities assume a right to exclude the vessels of the United States from all their bays (even including those of Fundy and Chaleurs), and likewise to prohibit their approach within three miles of a line drawn from headland to headland, instead of from the indents of the shores of the provinces. They also assert the right of excluding them from British ports, unless in actual distress, warning them to depart, or get under weigh and leave harbour, whenever the provincial custom-house or British naval officer shall suppose that they have remained a reasonable time, and this without a full examination of the circumstances under which they may have entered the port. Now, the fishermen of the United States believe (and it would seem they are right in their opinion, if uniform practice is any evidence of correct construction) that they can with propriety take fish anywhere on the coasts of the British provinces, if not nearer than three marine miles to land, and have the right to resort to their ports for shelter, wood, and water. Nor has this claim, it is believed, ever been seriously disputed, based as it is on the plain and obvious terms of the Convention. Indeed, the main object of the Treaty was, not only to secure to American fishermen in the pursuit of their employment, the right of fishing, but likewise to ensure to him as large a proportion of the conveniences afforded by the neighbouring coasts of British settlements as might be reconcileable with the just rights and interests of British subjects, and the due administration of Her Majesty's dominions. The construction, therefore, which has been attempted to be put upon the stipulations of the Treaty by the authorities of Nova Scotia is directly in conflict with their object, and entirely subversive of the rights and interests of the citizens of the United States. It is one, moreover, which would lead to the abandonment, to a great extent, of a highly important branch of American industry, which could not for a moment be admitted by the Government of the United States. The undersigned has also been instructed to acquaint Lord Palmerston that the American Government has received information that in the House of Assembly of Nova Scotia, during the session of 1839-40, an address to Her Majesty was voted, suggesting the extension to adjoining British colonies of rules and regulations relating to the fisheries, similar to those in actual operation in that province, and which have proved so onerous to the fishermen of the United States; and that efforts, it is understood, are still making to induce the other colonies to unite with Nova Scotia in this restrictive system. Some of the provisions of her code are of the most extraordinary character. Amongst these is one which declares that any foreign vessel preparing to fish within three miles of the coast of any of Her Majesty's dominions in America shall, together with her cargo, be forfeited; that in all cases of seizure the owner or claimant of the vessel, &c. shall be held to prove his innocence, or pay treble costs; that he shall be forced to try his action within three months, and give one month's notice at least to the seizing officer containing everything intended to be proved against him, before any suit can be instituted; and also prove that the notice has been given. The seizing officer, moreover, is almost wholly irresponsible, inasmuch as he is liable to no prosecution if the Judge certifies that there was probable cause; and the plaintiff, if successful in his suit, is only to be entitled to twopence damages, without costs, and the defendant fined not more than one shilling. In short, some of these rules and regulations are violations of well-established principles of the common law of England, and of the principles of the just laws of all civilized nations, and would seem to have been designed to enable Her Majesty's authorities to seize and confiscate with impunity American vessels, and embezzle indiscriminately the property of American citizens employed in the fisheries on the coasts of the British provinces. It may be proper also, on this occasion, to bring to the notice of Her Majesty's Government the assertion of the Provincial Legislature, "that the Gut or Strait of Canso is a narrow strip of water completely within and dividing several counties of the province," and that the use of it by the vessels and citizens of the United States is in violation of the Treaty of 1818. This strait separates Nova Scotia from the island of Cape Breton, which was not annexed to the province until the year 1820. Prior to that, in 1818, Cape Breton was enjoying a government of its own, entirely distinct from Nova Scotia, the strait forming the line of demarkation between them, and being then, as now, a thoroughfare for vessels passing into and out of the gulf of St. Lawrence. The union of the two colonies cannot therefore be admitted as vesting in the province the right to close a passage which has been freely and indisputably used by the citizens of the United States since the year 1783. It is impossible, moreover, to conceive how the use on the part of the United States of this right of passage, common, it is believed, to all other nations, can in any manner conflict with the letter or spirit of the existing Treaty stipulations. The undersigned would, therefore, fain hope that Her Majesty's Government will be disposed to meet, as far as practicable, the wishes of the American Government in accomplishing, in the fullest and most liberal manner, the objects which both Governments had in view in entering into the conventional arrangements of 1818. He has accordingly been instructed to bring the whole subject under the consideration of Her Majesty's Government, and to remonstrate on the part of his Government against the illegal and vexatious proceedings of the authorities of Nova Scotia against the citizens of the United States engaged in the fisheries, and to request that

For address, see
page 43.

measures may be forthwith adopted by Her Majesty's Government to remedy the evils arising out of the misconstruction on the part of the provincial authorities of their conventional engagements, and prevent the possibility of the occurrence of similar acts.

NOVA SCOTIA

The undersigned renews to Lord Palmerston, &c. &c.

To Viscount Palmerston, G.C.B.,
&c. &c. &c.

(Signed) A. STEVENSON.

(No. 69.)

No. 18.

No. 18.

COPY of a DESPATCH from the Right Hon. Viscount FALKLAND to the
Right Hon. Lord JOHN RUSSELL.

Government House, Halifax, April 28, 1841.

(Received, May 17, 1841.)

MY LORD,

I TRANSMIT a copy of a Report of a Committee on the Fisheries of Nova Scotia, which Report has been adopted by the House of Assembly, and to which I have been requested to call your Lordship's attention. Vide Appendix,
No. 4. page 268.

The greatest anxiety is felt by the inhabitants of this province that the Convention with the Americans, signed at London on the 20th of October 1818, should be strictly enforced; and it is hoped that the consideration of this Report may induce your Lordship to exert your influence in such a manner as to lead to the augmentation of the force (a single vessel) now engaged in protecting the fisheries on the banks of Newfoundland and the south shore of Labrador, and the employment in addition of one or two steamers for that purpose.

The people of this colony have not been wanting in efforts to repress the incursions of the natives of the United States upon their fishing grounds, but have fitted out with good effect some small armed vessels adapted to follow the trespassers into shoal water, or chase them on the seas (and the expediency of this measure has been corroborated by the testimony of Captain Milne, R.N., in his report on the fisheries of Newfoundland); but finding their own means inadequate to the suppression of this evil, the Nova Scotians earnestly entreat the further intervention and protection of the mother country.

I have the honour to forward herewith, in accordance with the request made to me in the same resolutions, a case stated (raising the necessary questions as to the right of fishery which the people of these colonies possess), for the purpose of being referred to the Crown officers in England, in order that the existing treaties, and the rights of these North American provinces under them, may be more strictly defined.

I shall feel obliged by your Lordship's allowing the opinion of the Crown officers to be taken on the said case, and I am authorized by the House of Assembly here to defray any expense that may be incurred in obtaining such opinion.

I have, &c.

The Right Hon. Lord John Russell,
&c. &c. &c.

(Signed) FALKLAND

Enclosure 1 in No. 18.

Encl. 1 in No. 18.

In the Court of Vice Admiralty in Halifax.—Tuesday, February 1, 1842.

Our Sovereign Lady the Queen against the American schooner "Hope" of Gloucester in the state of Massachusetts in the United States of America, owned by the master, Ezekiel Harding, and sundry other persons, claimants.

This cause was argued before the Worshipful S. G. W. Archibald, LL.D., Judge of the said Court, on Tuesday the 25th January, by John W. Ritchie, Esquire, on the part of the Advocate General for the Crown, and by Beamish Murdoch and John McGregor, Esquires, for the claimants. The question was submitted to his worship upon the affidavits, which the parties agreed should be read in evidence in the same manner as if taken under a commission, and without any exception as to the admission of the proof upon the ground of interest of the witnesses. His worship, in pronouncing judgment in this cause, referred to the Act or Convention of 1818, between His late Majesty and the United States of America, and to the Statutes of the Imperial Parliament and of this province regulating the fisheries, and then recapitulated the evidence adduced on the part of the prosecution, by which it appeared, by the affidavits of James Marshall, Esquire, master of the revenue cutter "Victory," and Mr. Cann, the sailing master, that they had observed a fleet of American vessels, some at

NOVA SCOTIA.

anchor and some laying to inside of Margaree Island, on the 14th of October, in which fleet, and appearing to be fishing within one and a half mile of the shore, was the schooner "Hope;" that they afterwards came down in the "Victory" among the fleet, on the morning of the 15th, and found there, among others, the "Hope;" that the whole fleet put to sea, some of them cutting their cables and making their escape, except two vessels, which they seized on the ground and brought them to Guysborough; that immediately after the "Victory" sailed with the vessels so taken, the whole fleet, including the "Hope," returned, and resumed fishing; that the "Hope" was afterwards seen passing through the Gut of Canso, and was then seized by Captain Marshall in the "Victory," and prosecuted in this Court.

For the defence, it appeared by the affidavits of Ezekiel Harding, the master, and two of his crew, that they sailed from Gloucester in September last on a fishing voyage, and having taken three barrels of mackarel in sight of Cape Cod, which were the only fish on board at the time of the seizure; that they sailed in the schooner "Hope" for the Gulf of St. Lawrence, and when near Cape North they fell in with the long boat of the British brig "Ellen," and found in it the captain and thirteen of the crew in great distress, which vessel had been wrecked; that they took them on board, and took their boat in tow, and returned to Sydney, a distance of forty-five miles out of their course, and landed them there; that the north-east wind having set in, they could not get round the Cape again, and were obliged to bear up for the Gut of Canso; that they anchored in Port Hood, and lay there until the 14th of October, which port they left on that day, in company with the British schooner "Thomas Cribbin," Grant, master, and anchored off Margaree Island about sunset of that day, which place they left early the next morning, and returned to Port Hood, where they remained from the 16th to the 20th of October, and then sailed for the Gut of Canso, where the "Hope" was seized. They positively deny taking any fish within three marine miles of the coast.

The captain and two of the crew of the "Thomas Cribbin" confirm this evidence as to the sailing, and that the "Hope" did not arrive off Margaree Island until sunset on the 14th. This British vessel entered in the morning of the 15th among the American fleet, as they were called, and was there when the "Victory" came down and made the seizure. They did not see the "Hope" there, and swore she was not among the vessels that returned to port after the seizure.

Upon this evidence the Judge at first remarked, that a most meritorious service had been performed by Captain Harding; and although there was no cause before the Court in which a recompense could be made to him, the Court would take care that, as far as this humane deviation was connected with the evidence, which required explanation, the Court would give him the full benefit of every circumstance which could make in his favour, it being the peculiar duty of the Court of Admiralty to encourage and promote all such acts of humanity on the ocean. His worship further remarked, that the evidence produced on the part of the claimants satisfied the Court that the "Hope" was not in the fleet on the 14th, as stated in the evidence of Marshall and Cann on the part of the Crown, who may have been strengthened in that error from finding her there on the morning of the 15th.

The impropriety of conduct of the American fishermen was strongly commented upon by the learned Judge; and among other things he stated that the evidence in this case clearly proved, that not single vessels, but large fleets, usurped the most valuable of our fishing grounds, and when driven away by our cutters that they immediately returned and resumed the trespass; and if they could exercise the right of entering our harbours whenever they pleased, fully equipped for fishing, it would be in vain to attempt to guard the fisheries against them; that the right granted to them for such resort to our harbours was, first, for shelter, which pre-supposed storm or tempest; secondly, for refitting or repairs, which supposed a state of distress; and third, for wood and water, in case of real want of those articles not occasioned by their own contrivance.

The Judge further observed, that this cause, which could form no general precedent, was submitted to the Court for its opinion upon the broad ground of evidence, and that the claimants should have the same advantage in this Court as any subject of the British government, nor should their claim be prejudiced by the acts of other American citizens not parties to this suit; that the penalties for violating the Acts for the regulation of the fisheries were heavy, but were likewise just, under the Convention and the Statutes of the Imperial Parliament and of this province; but when the Court was called upon to condemn property as in present case, that there must be evidence either of preparing to fish, which can be proved by immediate acts, or having fished within the limits, which is also capable of proof from acts and circumstances as well the act of fishing itself; that the proof must not be such as merely tends to perplex the Court, but must be certain to such an extent as may lead the mind to conviction.

His worship further remarked, that there was not in this case any satisfactory proof under any of the heads mentioned, although there were circumstances very suspicious; that the master had acquitted himself and crew of catching any fish within the limits, but had not gone so far as to deny having made trial for them, nor had he given any account why he remained so long in Port Hood on his homeward voyage, nor indeed why he entered among the fleet at Margaree. All these were circumstances which would prevent the Court from considering favourably that part of his claim which sought damages and costs against the seizers, who appear to have acted from a sense of duty on the occasion.

The Court therefore, on the whole view of the case, decree the schooner "Hope," her tackle, apparel, and furniture, to be restored to the claimants, on payment of their own costs in Court, which, the Judge observed, he was happy to say were a mere trifle, and expressed a hope that the Colonial Government would view the conduct of the seizing officer favourably, and grant him relief as to the costs of the prosecution, which was beyond the power of the Court to order.

The learned Judge further remarked, that the seizure and condemnation of the property of individuals of the United States was an unpleasant duty to Her Majesty's Government of this province, but that the recklessness with which the intrusions upon the fishing grounds of Nova Scotia were made rendered it unavoidable.

We are sorry we cannot give a full report of this decree, which embraced many important points necessary to be understood as respects the fisheries, as well as the prosecution of causes in the Admiralty.

The case of the "Hope" is the first instance in which a regular defence has been made by filing a claim, and putting in bail for the claimants, as required by the Statute.

Enclosure 2 in No. 18.

Encl. 2 in No. 18.

CASE.

Case stated by direction of the Right Honourable Lord Viscount Falkland, Lieutenant-Governor of Nova Scotia, at the request of the House of Assembly of that province, for the purpose of obtaining the opinion of the Law Officers of the Crown in England.

At the Peace of 1783 a Treaty was entered into between the United States of America and Great Britain, by which the people of the former obtained the right "to take fish on the Grand Bank, and all other Banks of Newfoundland, in the Gulf of St. Lawrence, and all other places in the sea where the inhabitants of both countries had been used to fish before, and the liberty to fish on such part of the Coast of Newfoundland as British fishermen used (but not to dry or cure fish there), and on the coasts, bays, and creeks of all other British dominions in America;" they also obtained liberty to dry and cure fish in any unsettled bays, harbours, and creeks of Nova Scotia, Magdalen Islands, and Labrador; but as soon as any of them were settled this liberty was to cease, unless continued by agreement with the inhabitants.

The United States declared war against Great Britain in 1812. Peace was subsequently proclaimed, and a Convention was entered into between Great Britain and the United States, and signed at London, October 20th, 1818, the first Article of which is as follows:—

"Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbours, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Joly on the southern coast of Labrador to and through the Straits of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company; and that the American fishermen shall also have liberty for ever to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland here-above described, and of the coast of Labrador; but so soon as the same or any portion thereof shall be settled it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce for ever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America not included within the above-mentioned limits provided, however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter, and of repairing damages therein; of purchasing wood, and of obtaining water, and for no other purpose whatever; but they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

An Act passed in the 59th year of the reign of His late Majesty George the Third, cap. 38., intituled, "An Act to enable His Majesty to make regulations with respect to the taking and curing of fish on certain parts of the coast of Newfoundland, Labrador, and His Majesty's other possessions in North America, according to a Convention made between His Majesty and the United States of America." And in the year 1836 His late Majesty William the Fourth, in the 6th year of his reign, by an Order in Council, assented to and made the clauses of a certain Act of the Assembly of Nova Scotia the rules, regulations, and restrictions respecting the fisheries on the coasts, bays, creeks, or harbours of the pro-

NOVA SCOTIA.

vince of Nova Scotia, by the 1st section of which it is enacted, "That any ship, vessel, or boat which shall be foreign, and not navigated according to the laws of Great Britain and Ireland, which shall have been found fishing, or preparing to fish, or to have been fishing, within three marine miles of the coasts, bays, creeks, or harbours of this province, such ship, vessel, or boat, and their respective cargoes, shall be forfeited."

Nova Scotia is indented with bays, many of which reach from 60 to 100 miles into the interior, such as the Bay of Fundy, St. Mary's Bay, the Bras D'Or Lake, and Manchester Bay; the land on the shores is entirely British territory; and Nova Scotia Proper is separated from the Island of Cape Breton by a narrow strait called the Gut of Canso, in some parts not wider than three quarters of a mile. In the Bay of Fundy, St. Mary's Bay, and the Straits of Canso, Americans conduct the fishery, and their fishing-vessels pass also through the Strait of Canso, or anchor there, and not only fish, but by using bait tole the mackerel into deep water, thereby injuring the profitable seine fisheries of Fox Island, Crow Harbour, Arichat, St. Peter's Bay, and other stations in the neighbourhood of Canso, which formerly were the most productive fisheries of Nova Scotia. They also land on the Magdalen Islands, and set nets and sweep seines in the spring of the year, at a time when the herring resort to those quarters to spawn, thereby destroying the spawn and young fish, and, consequently, ruining the fishery.

The opinion of the law officers of the Crown in England is requested on the following points:—

First, Whether the Treaty of 1783 was annulled by the war of 1812, and whether the citizens of the United States possess any right of fishery in the waters of the lower provinces other than ceded to them by the Convention of 1818; and if so, what right?

Second, Have American citizens the right, under that Convention, to enter any of the Bays of Nova Scotia to take fish, if, after they have so entered, they prosecute the fishery more than three marine miles from the shores of such bays?—or should the prescribed distance of three marine miles be measured from the headlands at the entrance of such bays, so as to exclude them?

Third, Is the distance of three marine miles to be computed from the indents of the coasts of British America, or from the extreme headlands?—and what is to be considered a headland?

Fourth, Have vessels of the United States of America fitted out for fishing a right to pass through the Gut of Canso, which they cannot do without coming within the prescribed limits, or to anchor there, or to fish there?—and is casting bait to lure fish in the tract of their vessels fishing within the meaning of the Convention?

Fifth, Have citizens of the United States of America a right to land on the Magdalen Islands and conduct the fishery from the shores thereof, by using nets and seines?—or what right of fishery do they possess on the shores of those islands?—and what is meant by the term shore?

Sixth, Have fishermen of the United States of America the right of entering the bays or harbours of the province of Nova Scotia for the purpose of purchasing wood and obtaining water, having provided neither of these articles at the commencement of their voyages in their own country?—or have they the right only of entering such bays and harbours in cases of distress, or to purchase wood and obtain water after the usual stock of those articles for the voyage of such fishing craft has been exhausted or destroyed?

Seventh, Under existing Treaties, what rights of fishery are ceded to the citizens of the United States of America, and what reserved for the exclusive enjoyment of British subjects?

No. 19.

(No. 75.)

No. 19.

COPY of a DESPATCH from the Right Hon. Viscount FALKLAND to the
Right Hon. Lord JOHN RUSSELL.

Government House, Halifax, May 8, 1841.

(Received, June 10, 1841)

MY LORD,

*Vide page 45.

I HAVE had the honour to receive your Despatch, No. 45,* dated 9th April 1841, transmitting a copy of a letter from the Under Secretary of State for Foreign Affairs, enclosing a note from the American Minister at the Court of St. James's, complaining of certain proceedings of the colonial authorities of Nova Scotia towards the vessels and citizens of the Republic engaged in fishing on the coasts of the province, and desiring that I will make immediate inquiry into the allegations made by Mr. Stevenson, and forward to you a detailed report on the subject. I have lost no time in obeying your instructions, and beg to submit the following observations for your consideration.

Mr. Stevenson commences his representation by citing the first article of the Convention† entered into between Great Britain and the United States on the 20th October 1818, and signed at London; and having done so, he says, "Such are the stipulations of the Treaty, and they are believed to be too plain and explicit to leave room for misapprehension, or render the discussion of the respective rights of the two countries at this time necessary; indeed it does not

† Appendix No. 1,
Page 273.

appear that any conflicting questions of right between them have as yet arisen out of the differences of opinion regarding the true intent and meaning of the Treaty. It appears, however, that in the actual application of the provisions of the Convention (committed on the part of Great Britain to the hands of subordinate agents, subject to and controlled by local legislation), difficulties growing out of individual acts have unfortunately sprung up from time to time, among the most important of which have been recent seizures of American vessels for supposed violations of the Treaty. These have been made, it is believed, under colour of a provincial law, 6 Will. 4. c. 8., passed doubtless with a view to restrict rigorously if not intended to aim a fatal blow at the fisheries of the United States on the coast of Newfoundland. It also appears, from information recently received by the Government of the United States, that the provincial authorities assume a right to exclude the vessels of the United States from all their bays, even including those of Fundy and Chaleurs, and likewise to prohibit their approach within three miles of a line drawn from headland to headland, instead of from the indents of the shores of the province."

The difficulties which exist, and of which Mr. Stevenson complains as growing out of "individual acts," are created by the difference of the interpretation put by the Nova Scotians and the Americans upon "the true intent and meaning" of the Treaty referred to by his Excellency and the Act of the Imperial Parliament 59 Geo. 3. c. 38. founded on that Treaty, and more fully referred to hereafter; and until formal adjudication resulting from the seizure and prosecution of American vessels for abuse of the privilege ceded to them shall take place, and consecutive precedents for future guidance be thereby established, it appears probable that doubts may and will arise as to the interpretation to be borne by the said Treaty.

It is true that some seizures have been made of American fishing vessels under the provincial Act 6 Will. 4., referred to by Mr. Stevenson; but his Excellency has fallen into much misapprehension as to the character of this law, the extent of its operation, and the nature of the seizures made under it. The Act recites the Convention and the Imperial Statute 59 Geo. 3. c. 38., before mentioned, and in describing the encroachment on the coasts of the province, which it was its object to prevent, it will be found to be in perfect conformity with the letter and spirit of that Statute; while the provisions by which it seeks to effect the object in view are borrowed from imperial enactments relating to trade and navigation. Its operation is limited, as of necessity it must be, to Nova Scotia, and therefore it could not have been passed, as is assumed by Mr. Stevenson, with a view to restrict or destroy the fisheries of the United States on the coast of Newfoundland, and for the same reason this Act does not affect the Bay of Chaleurs, also mentioned by his Excellency.

In point of fact, I have not been able to learn that any seizures have been made when the vessels have not been within the distance prescribed by the Statute, or considered so to be, although it is true that the Bay of Fundy (as well as smaller bays on the coast of Nova Scotia) is thought by the law officers in the province to form part of the exclusive territory of the Crown, under the authority of a principle of the law of nations laid down by Grotius, and adopted by English jurists. Vide Chitty's Commercial Law, vol. i. p. 90., extracts from which are contained in the paper marked No. 1. herewith transmitted.

Encl. No. 1.
Page 55.

The complaint made, that "the provincial authorities assume the right to prohibit the approach of American vessels within three miles of a line drawn from headland to headland, instead of from the indents of the shores of the province," is another exemplification of the difference I have stated to exist in the interpretation put upon the treaty by the subjects of the two Governments; the following words of the Convention of 1818, cited by Mr. Stevenson, "The United States renouncing any liberty before enjoyed by their citizens to take fish within three marine miles of any coasts, bays, creeks, or harbours of the British dominions in America not included within the above limits, *i. e.* Newfoundland and Labrador," appearing to the authorities here to bear them out in the assumption of such right, whereas the citizens of the United States maintain the direct contrary.

On this point the law officers of the Crown in the colony express themselves very strongly, both on the general principle of international law and the letter and direct spirit of the Convention. They deem it to be a settled rule that the shore of a state lying on the sea is determined by a line drawn from the pro-

NOVA SCOTIA.

Encl. No. 2.

jecting headlands, and not by following the indentations of the coast (vide Chitty, vol. i. pp. 99, 100, an extract from which is contained in the paper marked No. 2. herewith transmitted), and therefore think it a necessary consequence that the three miles fixed upon by the Convention should always be measured from such a line. But they also say that the words of the Convention would put an end to the question, could any be raised on the general rule.

The language used in the Convention (1st Article) is, "Three marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America;" and it is considered that three miles from a bay, creek, or harbour must mean three miles from any part of it, and consequently from its entrance or mouth, or, in other words, from a line drawn from its projecting headlands.

The Convention, however, does not stop here. It provides that American fishermen may enter "such bays or harbours" for the purpose of shelter, repairing damages, and obtaining wood and water, and "for no other purpose whatever;" but they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

This language is considered conclusive against any pretence that American fishermen should have the right to enter any bays or harbours in Her Majesty's North American Colonies, excepting only for shelter, repairing damages, or providing wood and water. Indeed the claim now set up there is reason to think is new, as in point of practice the American fishermen, when questioned for being within the waters of this province, have uniformly resorted to the pretexts afforded by the Convention, viz., the want of shelter, repairs, or wood and water, and never, it is believed, have asserted the right to fish within the bays or harbours of the coasts.

This question is of extreme importance to Nova Scotia, as from the indented nature of its coasts the claim set up by the American Minister would lead to results most injurious to the province.

The right to resort to the ports of Nova Scotia for shelter, wood, and water, which Mr. Stevenson conceives has never been seriously disputed, has always been frankly conceded in cases of real distress and unaffected calamity, but never when such right was supposed to be exercised for the purpose of evading the British commercial regulations. Thus, in the case of the "Nabby," seized in 1818 by Her Majesty's ship "Saracen," and prosecuted in the Admiralty Courts of Nova Scotia, it was decided that vessels are bound to have a sufficient quantity of wood, water, and provisions on board for the voyage in which they are engaged, a scarcity of either of these articles arising from design or neglect not necessarily opening British ports to any adventurer seeking to contravene the law.

The American Minister states in his Despatch, that "the fishermen of the United States believe (and it would seem they are right in their opinion, if uniform practice be evidence of correct construction,) that they can with propriety take fish anywhere on the coasts of the British provinces, if not nearer than three marine miles to land."

This, from the general context of Mr. Stevenson's note, evidently means within three miles of the indents of the shore. "The uniform practice" alluded to by that gentleman is a practice which has always been resisted by the authorities of this colony, although it is difficult, with an extended coast and inadequate means of protection, entirely to suppress it.

Mr. Stevenson goes on to say, that "the construction which has been attempted to be put upon the stipulations of the Treaty by the authorities of Nova Scotia is directly in conflict with their object, and entirely subversive of the rights and interests of the citizens of the United States."

And, again, "that some of the provisions of her code are of the most extraordinary character;" and towards the conclusion of his communication; that "some of these rules and regulations are violations of well-established principles of the common law of England, and of the principles of the just laws of all civilized nations, and would seem to have been designed to enable her Majesty's authorities to seize and confiscate with impunity American vessels; and embezzle indiscriminately the property of American citizens employed in the fisheries on the coasts of the British provinces."

This is very strong language, and if justly applicable at all is applicable to the Statute of 59 Geo. 3. passed by the Imperial Parliament one year after the signing of the Convention, and with the express design of carrying out its provisions

The words of the above Imperial Statute 59 Geo. 3. c. 38. are, "And that it shall not be lawful for any person or persons, not being a natural-born subject of His Majesty, in any foreign ship, vessel, or boat, nor any person in any ship, vessel, or boat, other than such as shall be navigated according to the laws of the United Kingdom of Great Britain and Ireland, to fish for, or to take, dry, or cure, any fish of any kind whatever, within three marine miles of any coasts, bays, creeks, or harbours whatever, in any part of His Majesty's dominions in America not included within the limits specified and described in the first article of the said Convention; and that if any such foreign ship, vessel, or boat, or any persons on board thereof, shall be found fishing or to have been fishing, or preparing to fish within such distance of such coasts, bays, creeks, or harbours within such parts of His Majesty's dominions in America out of the said limits as aforesaid, all such ships, vessels, and boats, together with their cargoes, and all guns, ammunition, tackle, apparel, furniture, and stores, shall be forfeited, and shall and may be seized, taken, sued for, prosecuted, recovered, and condemned, by such and the like ways, means, and methods, and in the same courts, as ships, vessels, or boats may be forfeited, seized, prosecuted, and condemned for any offence against any laws relating to the revenue of customs or the laws of trade and navigation under any Act or Acts of the Parliament of Great Britain or of the United Kingdom of Great Britain and Ireland; provided that nothing in this Act contained shall apply or be construed to apply to the ships or subjects of any prince, power, or state, in amity with His Majesty who are entitled by Treaty with His Majesty to any privilege of taking, drying, or curing fish on the coast, in the bays, creeks, or harbours, or within the limits in this Act described."

Thus the very words "preparing to fish," so strongly animadverted on by Mr. Stevenson, are copied from an Imperial Act which has been twenty-three years in force, and which, inasmuch as it has relation to American interests of the greatest importance, and sprung out of a Convention concluded with a view to the establishment of those interests, could not but be well known to the Government of the United States.

The 8th section of 6 Will. 4. which provides that the owner of the vessel seized shall be held to prove his innocence, does not involve the payment of treble costs in case of failure; and Mr. Stevenson is, as I am assured by the Crown officers here, in error with respect to the interpretation he has given to it.

Mr. Stevenson objects to the seizing officer being "liable to no prosecution, if the Judge certifies that there is probable cause of seizure;" and complains, that "the plaintiff, if successful in his suit, is only entitled to 2*d.* damages, without costs; and the defendant can be fined no more than 1*s.*"

This is an imperfect statement of the clause, inasmuch as the plaintiff is entitled to recover the value of his goods; but in case probable cause is certified, he can only in addition recover 2*d.* damages. The provision was, however, transcribed from the Imperial Statute of 6 Geo. 4. cap. 114, entitled "An Act to regulate the trade of the British possessions abroad," and, therefore, if it be in reality "a violation of the well-established principles of the common law of England, and of the principles of the just laws of all civilized nations," has been long submitted to by British subjects, and could not have been designed by the Assembly of Nova Scotia "to enable Her Majesty's authorities to seize and confiscate with impunity American vessels, and embezzle indiscriminately the property of American citizens."

Her Majesty's exclusive property and dominion in the Strait of Canso is deemed maintainable upon the principles of international law, already referred to, and which it is considered will apply equally whether the shores on each side form parts of the same province, or of different provinces belonging to Her Majesty. This strait is very narrow, not exceeding in some parts one mile in breadth, as may be seen on the Admiralty charts, and its navigation is not necessary for communication with the space beyond, which may be reached by going round the Island of Cape Breton.

NOVA SCOTIA.

Having noticed successively the allegations of the American Minister, I may be permitted to make one or two remarks on the general tenor of his Excellency's communication, which goes to charge the Legislature of Nova Scotia with a design to subvert the rights and interests of the citizens of the United States, in contravention of the Treaty of 1818.

* Page 47.

It appears to me, that the Provincial Legislature cannot fairly be accused of any such intention. It is manifest that neither the Statute of the Imperial Parliament, nor that of the Colonial Legislature, can extend the terms of the Treaty itself, or render them more comprehensive; its true construction, according to the law of nations, must govern those to be affected by it, and the colonists, aware of this, and conceiving themselves wronged by the interpretation given to the treaty by their neighbours of the United States, have long been and now are as my Despatch No. 69,* date April 28, 1841, will have informed your Lordship, anxious to obtain the opinions of the most eminent jurists on the subject, not seeking for any forced construction of the Treaty to give them privileges not contemplated at its execution, but merely to protect themselves from that which, be they in error or not, they now deem an infringement of their rights. The whole course of their legislation appears to prove this. In the laws they have made for the protection of their fisheries, which are in no case more extensive than the Imperial Statute 59 Geo. 3., there is not only nothing new, but they have endeavoured, as I have shown, to adopt on all occasions the principles of Imperial legislation, and have copied even the words of Imperial Acts.

Encl. No. 3, p. 56.

I have now, I trust, established, that if the interpretation put on the Treaty by the inhabitants of Nova Scotia is an incorrect one, they are sincere in their belief of the justice and truth of that interpretation, and are most anxious to have it tested by capable authorities; and further, that if the laws passed by the Provincial Legislature are really of the oppressive nature they are asserted to be by Mr. Stevenson, they were enacted in the belief that the framers of them were doing nothing more than carrying out the views of the Home Government as to the mode in which the colonists should protect their own dearest interests. I enclose a copy of a proclamation containing the Act of 6 Will. 4., of which Mr. Stevenson complains, and any alteration in its provisions, should such be deemed necessary, may be made early in the next session of the Provincial Parliament.

With regard to the Convention of 1818, it is, I think, apparent (from the history of the transaction as given by Mr. Rush in his Memoirs, chap. 19, page 400), that at the time it was concluded the American Plenipotentiaries, acting on wrong information, derived from their own fishermen, believed that in renouncing for ever the liberty of fishing within three miles of any part of the coasts of British America, where the right of fishing is not guaranteed to them by the terms of the said Convention, they did not in reality relinquish the advantages to be derived from these fisheries, for they supposed the whole fishing ground on the coast of Nova Scotia to extend to a greater distance than three miles from the land.

The Plenipotentiaries, however, acted on bad information, and were mistaken. Beyond three miles from the land, very few, if any, herring or mackarel, the chief objects of pursuit, are to be caught; and the natives of the United States are now consequently disappointed and discontented at not continuing to enjoy that which they had, as they conceived, only apparently covenanted to give up. Mr. Rush, in his Memoirs, page 400, cap. 19, claims credit for his astuteness in regard to this arrangement, and the introduction into the Treaty of a clause not found in the British contre-projet, in the following words:

"It was by our act that the United States renounced the right to the fisheries not guaranteed to them by the Convention. That clause did not find a place in the British contre-projet. We deemed it proper, under a three-fold view:—first, to exclude the implication of the fisheries secured to us being a new grant;—secondly, to place the rights secured and renounced on the same footing of permanence;—thirdly, that it might expressly appear that our renunciation was limited to three miles from the coasts. This last point we deemed of the more consequence from our fishermen having informed us that the whole fishing ground on the coasts of Nova Scotia; extended to a greater distance than three miles from the land; whereas along the coasts of Labrador it was almost universally close in with the coast."

Whatever the true construction of the Treaty may be,—and I cannot but conceive that that construction must be ascertained, not by negotiation, but in the courts of law,—Her Majesty's subjects in this province will willingly abide by it; and, in like manner, I cannot doubt but that any course Her Majesty's Government may deem it expedient to follow with regard to the above Treaty will be cheerfully acquiesced in by the people of Nova Scotia, who feel assured that in a matter of such vital importance to their future prosperity the conduct of the mother country will be guided by principles of equity, and a due regard to the interests of her offspring, wherever those interests ought in justice to be upheld.

The Right Hon. Lord John Russell,
&c. &c. &c.

I have, &c.
(Signed) FALKLAND.

Enclosure 1 in No. 19.

Encl. 1 in No. 19.

Chitty's Commercial Law, vol. i. p. 90.

All writers seem to admit that there may be a property in gulfs, and even in straits which are open at both ends.

Thus Grotius, after speaking of the property which may be acquired in a river, continues: "By this instance it seems to appear that the property and dominion of the sea might belong to him who is in possession of the lands on both sides, though it may be open above as a gulf, or above and below as a strait, provided it is not so great a part of the sea that when compared with the lands on both sides it cannot be supposed to be some part of them."

Enclosure 2 in No. 19.

Encl. 2 in No. 19.

Chitty's Commercial Law, vol. i. p. 99.

It is not easy to determine to what distance a nation may extend its rights over the sea by which it is surrounded.

Bodinus pretends that, according to the common right of all maritime nations, the prince's dominion extends to the distance of thirty leagues from the coast; but this exact determination can only be founded on a general consent of nations, which it would be difficult to prove. Each state may on this head make what regulations it pleases, so far as respects the transactions of the citizens with each other, or their concerns with the sovereign; but between nation and nation all that can reasonably be said is, that in general the dominion of the state over the neighbouring sea extends as far as her safety renders it necessary, and her power is able to assert it, since, on the one hand, she cannot appropriate to herself a thing that is common to all mankind, such as the sea, except so far as she has need of it for some lawful end, and, on the other, it would be a vain and ridiculous pretension to claim a right which she were wholly unable to assert.

Azuni and other eminent authors consider that, in the absence of express regulation on the subject between particular states, the natural dominion of the sea adjoining any state is limited to the distance that a ball from a cannon or a bomb from a mortar fired from the shore, usually calculated at three miles, would reach.

It is, however, an established rule amongst nations, that when by the bending of the shores of a State ports, harbours, gulfs, bays, and straits are formed, it should be supposed that a line is drawn from one of the most projecting points of the main land, or small islands near to it, to the other most projecting land of the same main land, and that the whole of the intermediate sea shall be considered as the territory of that state, although the middle of it may much exceed three miles from the shore; but this rule, it is said, only applies to bays and straits of small extent, and not to those great tracts of sea, such as Hudson's Bay and the Straits of Magellan, over which the empire cannot extend, and still less a right of property: but that a bay, whose entrance can be defended, may be possessed and rendered subject to the laws of the sovereign. So with respect to straits, when they serve as a communication between two seas the navigation of which is common to all or several nations, the nation which possesses the strait cannot refuse the others a passage through it, provided that passage be innocent, and attended with no danger to herself. By refusing it without just reason she would deprive those nations of an advantage granted them by nature; and indeed a right to them to such a passage is a remnant of the primitive liberty enjoyed by all mankind. Nothing but the care of his own safety can authorize the owner of the strait to make use of certain precautions and to require certain formalities commonly established by the custom of nations.

He has a right to levy a moderate tax on the vessels that pass;—partly on account of the inconvenience they give by obliging him to be on his guard;—partly as a return for the safety he procures them by protecting them from their enemies, by keeping pirates at a distance,

NOVA SCOTIA.

and by defraying the expense attendant on the support of lighthouses, seamarks, and other things necessary to the safety of mariners.

Thus the King of Denmark requires a custom at the Straits of the Sound. Such right ought to be founded on the same reasons and subject to the same rules as tolls established on land or on a river.

Encl. 3 in No. 19.

Enclosure 3 in No. 19.

A PROCLAMATION.

Whereas the legislature of this province, in the sixth year of His present Majesty's reign, passed a certain Act or Statute, entitled, "An Act relating to the Fisheries, and for the Prevention of Illicit Trade in the Province of Nova Scotia, and the Coasts and Harbours thereof;" which said Act is as follows:

An Act relating to the Fisheries, and for the Prevention of Illicit Trade in the Province of Nova Scotia, and the Coasts and Harbours thereof. (Passed the 12th day of March 1836.)

Preamble.

WHEREAS by the Convention made between His late Majesty King George the Third and the United States of America, signed at London on the twentieth day of October in the year of our Lord one thousand eight hundred and eighteen, and the Statute made and passed in the Parliament of Great Britain in the fifty-ninth year of the reign of His late Majesty King George the Third, all foreign ships, vessels, or boats, or any ship, vessel, or boat other than such as shall be navigated according to the laws of the United Kingdom of Great Britain and Ireland, found fishing, or to have been fishing, or preparing to fish, within certain distances of any coasts, bays, creeks, or harbours whatever, in any part of His Majesty's dominions in America, not included within the limits specified in the First Article of the said Convention, are liable to seizure: And whereas the United States did by the said Convention renounce for ever any liberty enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America, not included within the above-mentioned limits: Provided, however, that the American fishermen should be admitted to enter such bays or harbours for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever, but under such restrictions as might be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges thereby reserved to them: And whereas no rules or regulations have been made for such purpose, and the interests of the inhabitants of this province are materially impaired: And whereas the said Act does not designate the persons who are to make such seizure as aforesaid, and it frequently happens that persons found within the distances of the coasts aforesaid, infringing the articles of the Convention aforesaid, and the enactments of the Statute aforesaid, on being taken possession of, profess to have come within said limits for the purpose of shelter, and repairing damages therein, or to purchase wood and obtain water, by which the law is evaded, and the vessels and cargoes escape confiscation, although the cargoes may be evidently intended to be smuggled into this province, and the fishery carried on, contrary to the said Convention and Statute:

Power given to revenue officers, &c. to board and seize vessels hovering on coast, &c.

I. Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly, That from and after the passing of this Act, it shall be lawful for the officers of His Majesty's customs, the officers of imposts and excise, the sheriffs and magistrates throughout this province, and any person holding a commission for that purpose from his Excellency the Lieutenant-Governor for the time being, to go on board any ship, vessel, or boat within any port, bay, creek, or harbour in this province, and also to go on board any ship, vessel, or boat hovering within three marine miles of any of the coasts, bays, creeks, or harbours thereof, and in either case freely to stay on board such ship, vessel, or boat as long as she shall remain within such port or distance; and if any such ship, vessel, or boat be bound elsewhere, and shall continue so hovering for the space of twenty-four hours, after the master shall have been required to depart, it shall be lawful for any of the above-enumerated officers or persons to bring such ship, vessel, or boat into port, and to search and examine her cargo, and to examine the master upon oath, touching the cargo and voyage; and if there be any goods on board prohibited to be imported into this province, such ship, vessel, or boat, and the cargo laden on board thereof, shall be forfeited; and if the said ship, vessel, or boat shall be foreign, and not navigated according to the laws of Great Britain and Ireland, and shall have been found fishing, or preparing to fish, or to have been fishing, within such distance, of such coasts, bays, creeks, or harbours of this province, such ship, vessel, or boat, and their respective cargoes, shall be forfeited; and if the master or person in command thereof shall not truly answer the questions which shall be demanded of him in such examination he shall forfeit the sum of one hundred pounds.

Penalty for opposing officers.

II. And be it further enacted, That all goods, ships, vessels, and boats liable to forfeiture under this Act shall and may be seized and secured by any such officer of His Majesty's customs, officer of impost and excise, sheriffs, magistrates, or other person holding such commission as aforesaid; and every person who shall in any way oppose, molest, or obstruct any officer of the customs, officer of impost and excise, sheriff, magistrate, or other person so commissioned and employed as aforesaid, in the exercise of his office, or shall in any way oppose, molest, or obstruct any person acting in aid or assistance of such officer of the customs, officer of impost and excise, sheriff, magistrate, or other person so commissioned

and employed as aforesaid, shall for every such offence forfeit the sum of two hundred pounds. NOVA SCOTIA.

III. And be it further enacted, That all goods, ships, vessels, and boats which shall be seized as being liable to forfeiture under this Act shall be taken forthwith and delivered into the custody of the collector and comptroller of the customs, at the custom house next to the place where the same were seized, who shall secure and keep the same in such manner as other vessels and goods seized are directed to be secured by the Commissioners of His Majesty's Customs. Officers of customs to take charge of goods and vessels seized.

IV. And be it further enacted, That all goods, ships, vessels, boats, or other thing which shall have been condemned as forfeited under this Act shall, under the direction of the principal officer of the customs or excise where such seizures shall have been secured, be sold by public auction to the best bidder, and the produce of such sale be applied as follows; that is to say, the amount chargeable for the custody of said goods, ship, vessel, boat, or any other thing so seized as aforesaid shall be first deducted and paid, and the residue divided into two equal moieties, one of which shall be paid to the officer or other person or persons legally seizing the same, without deduction, and the other moiety to the Government, and paid into the treasury of this province, all costs incurred having been first deducted therefrom: Provided always, that it shall be lawful for the Commissioners of the Revenue to direct that any of such things shall be destroyed, or reserved for the public service. Sale of forfeited property, and disposal of proceeds.

V. And be it further enacted, That all penalties and forfeitures which may be hereafter incurred under this Act shall and may be prosecuted, sued for, and recovered in the Court of Vice-Admiralty having jurisdiction in this province. Prosecutions.

VI. And be it further enacted, That if any goods, or any ship, vessel, or boat, shall be seized as forfeited under this Act, it shall be lawful for the Judge or Judges of any Court having jurisdiction to try and determine such seizures, with the consent of the person seizing the same, to order the delivery thereof, on security by bond, with two sufficient sureties, to be first approved by such seizing officer or person, to answer double the value of the same in case of condemnation; and such bond shall be taken to the use of His Majesty, in the name of the collector of the customs in whose custody the goods, or ship, vessel, or boat, may be lodged; and such bond shall be delivered and kept in the custody of such collector; and in case the goods, or the ship, vessel, or boat, shall be condemned, the value thereof shall be paid into the hands of such collector, who shall cancel such bond, and distribute the money paid in such manner as above directed. Bonds may be taken for property seized.

VII. And be it further enacted, That no suit shall be commenced for the recovery of any penalty or forfeiture under this Act except in the name of His Majesty, and shall be prosecuted by His Majesty's Advocate or Attorney-General, or in his absence by the Solicitor-General for this province; and if any question shall arise whether any person is an officer of the customs, excise, sheriff, magistrate, or other person authorized to seize as aforesaid, *viva voce* evidence may be given of such fact, and shall be deemed legal and sufficient evidence. Suits—by whom prosecuted, &c.

VIII. And be it further enacted, That if any goods, ship, vessel or boat shall be seized for any cause or forfeiture under this Act, and any dispute shall arise whether the same have been lawfully seized, the proof touching the illegality thereof shall lie on the owner or claimant of such goods, ship, vessel, or boat, and not on the officer or person who shall seize and stop the same. Proof of illegality of seizures.

IX. And be it further enacted, That no claim to any thing seized under this Act, and returned into His Majesty's Court of Vice-Admiralty for adjudication, shall be admitted, unless such claim be entered in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing be made by the owner, or by his attorney or agent, by whom such claim shall be entered, to the best of his knowledge and belief; and every person making a false oath thereto shall be deemed guilty of a misdemeanor, and shall be liable to the pains and penalties to which persons are liable for a misdemeanor. Claim to property seized.

X. And be it further enacted, That no person shall be admitted to enter a claim to any thing seized in pursuance of this Act, and prosecuted in this province, until sufficient security shall have been given, in the court where such seizure is prosecuted, in a penalty not exceeding sixty pounds, to answer and pay the costs occasioned by such claim; and in default of giving such security such things shall be adjudged to be forfeited, and shall be condemned. Claimants to give security.

XI. And be it further enacted, That no writ shall be sued out against, nor a copy of any process served upon, any officer of the customs, excise, sheriff, magistrate, or other person authorized to seize as aforesaid, for anything done in the exercise of his office, until one calendar month after notice in writing shall have been delivered to him, or left at his usual place of abode, by the attorney or agent of the party who intends to sue out such writ or process, in which notice shall be clearly and explicitly contained the cause of action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent; and no evidence of the cause of such action shall be produced except of such as shall be contained in such notice, and no verdict shall be given for the plaintiff unless he shall prove on the trial that such notice was given; and in default of such proof the defendant shall receive in such action a verdict and costs, or judgment of non-suit shall be awarded against the plaintiff, as the court shall direct. Notice of action against officers of customs, &c.—issue of writs.

XII. And be it further enacted, That every such action shall be brought within three calendar months after the cause thereof, and shall be laid and tried in any of His Majesty's courts of record in this province, and the defendant may plead the general issue, and give the special matter in evidence; and if the plaintiff shall become nonsuited, or shall discon- Time limited within which actions shall be brought.

NOVA SCOTIA.

Verdicts in favour
of claimants.

tinue the action, or if upon a verdict of demurrer judgment shall be given against the plaintiff, the defendant shall receive treble costs, and have such remedy for the same as any defendant can have in other cases where costs are given by law.

XIII. And be it further enacted, That in case any information or suit shall be brought to trial, on account of any seizure made under this Act, and a verdict shall be found for the claimant thereof, and the judge or court before whom the cause shall have been tried shall certify on the record that there was probable cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment or other suit or prosecution on account of such seizure; and if any action, indictment, or other suit or prosecution shall be brought to trial against any person on account of such seizure, wherein a verdict shall be given against the defendant, the plaintiff, besides the thing seized, or the value thereof, shall be entitled to no more than twopence damages, nor to any costs of suit, nor shall the defendant in such prosecution be fined more than one shilling.

Amends may be
tendered to parties
complaining.

XIV. And be it further enacted, That it shall be lawful for any such officer of the customs, excise, or sheriff or magistrate, or other person authorized to seize as aforesaid, within one calendar month after such notice, to tender amends to the party complaining, or his agent, and to plead such tender in bar to any action, together with other pleas; and if the jury shall find the amends sufficient they shall give a verdict for the defendant; and in such case, or in case the plaintiff shall become nonsuit, or shall discontinue his action, or judgment shall be given for the defendant upon demurrer, then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only: Provided always, that it shall be lawful for such defendant, by leave of the court where such action shall be brought, at any time before or after issue joined, to pay money into court as in other actions.

Justification of
seizing officers.

XV. And be it further enacted, That in any such action, if the judge or court before whom such action shall be tried shall certify upon the record that the defendant or defendants in such action acted upon probable cause, then the plaintiff in such action shall not be entitled to more than twopence damages, nor to any costs of suit.

Recovery of
penalties.

XVI. And be it further enacted, That all actions or suits for the recovery of any of the penalties or forfeitures imposed by this Act may be commenced or prosecuted at any time within three years after the offence committed by reason whereof such penalty or forfeiture shall be incurred, any law, usage, or custom to the contrary notwithstanding,

Appeals.

XVII. And be it further enacted, That no appeal shall be prosecuted from any decree or sentence of any of His Majesty's courts in this province touching any penalty or forfeiture imposed by this Act, unless the inhibition shall be applied for and decreed within twelve months from the time when such decree or sentence was pronounced.

Act reserved for
His Majesty's plea-
sure [His Majesty
has been pleased
to give his Assent
to this Act.]

XVIII. And be it further enacted, That this Act shall not go into force or be of any effect until His Majesty's assent shall be signified thereto, and an Order made by His Majesty in Council that the clauses and provisions of this Act shall be the rules, regulations, and restrictions respecting the fisheries on the coasts, bays, creeks, or harbours of the province of Nova Scotia.

And whereas His Majesty, by his Order in Council bearing date the 15th day of June 1836, was graciously pleased to declare his special confirmation of the said Act: And whereas by another Order of the King's most Excellent Majesty, bearing date the 6th day of July 1836, it is declared, by and with the advice of his Privy Council, that the clauses and provisions of the said Act shall be the rules, regulations, and restrictions respecting the fisheries on the coasts, bays, creeks, or harbours of the province of Nova Scotia:

And whereas I have deemed it expedient to make known by this my Proclamation the powers and authorities by the said Act conferred on the several officers therein mentioned, and also to require their immediate and effectual observance thereof: I do, therefore, in the name of His Majesty, and by and with the advice and consent of His Majesty's Council, charge and command all officers of His Majesty's customs, the officers of impost and excise, all sheriffs and magistrates throughout the province, and all persons already commissioned or who shall be from time to time commissioned by me for that purpose, that they be vigilant and active in enforcing a strict observance of the stipulations of the said Convention, and of the provisions of the before-recited Statutes of the Imperial Parliament and of the legislature of this Province, and in prosecuting and bringing to punishment all persons who shall be found acting in opposition to the terms of the said Convention, or the provisions of the said Statutes or any of them.

Given under my hand and seal at arms, at Halifax, this 28th day of April
1837, and in the seventh year of His Majesty's reign.

By his Excellency's command,

RUPERT D. GEORGE.

GOD SAVE THE KING.

This proclamation has been renewed by me.

(Signed)

FALKLAND.

(No. 90.)

No. 20.

NOVA SCOTIA.

No. 20.

COPY of a DESPATCH from the Right Hon. Viscount FALKLAND to the
Right Hon. Lord STANLEY.

Government House, Halifax, July 11, 1842.

(Received, July 29, 1842.)

MY LORD,

(Answered, November 28, 1842.)

AT the request of the Chairman of the Committee of the House of Assembly of Nova Scotia on the fisheries (a copy of the report* of which Committee I enclose), I have the honour to call your attention to the subject of my Despatch No. 69,† dated April 28, 1841, addressed to your Lordship's predecessor. I also send a copy of the case‡ stated, raising certain questions as to the rights of fishery which the people of these colonies possess, which accompanied my former communication on this matter.

* Vide Appendix,
No. 6. page 355.

† Page 47.

‡ Page 49.

I have, &c.

The Right Hon. Lord Stanley,
&c. &c. &c.

(Signed) FALKLAND.

Enclosure in No. 20.

Encl. in No. 20:

CASE.

Case stated by direction of the Right Honourable Lord Viscount Falkland, Lieutenant-Governor of Nova Scotia, at the request of the House of Assembly of that Province, for the purpose of obtaining the opinion of the law officers of the Crown in England. See page 49.

(No. 86.)

No. 21.

No. 21.

COPY of a DESPATCH from the Right Hon. Lord STANLEY to the Right
Hon. Viscount FALKLAND.

MY LORD,

Downing Street, November 28, 1842.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch No. 90, of the 11th July last, enclosing copies of two reports made by Committees of the House of Assembly of Nova Scotia, complaining of the encroachments of American citizens on the fisheries of British North America, and praying the establishment of a general code of regulations for their protection, together with the copy of a case prepared by you in April 1841, to be submitted to Her Majesty's Law Officers, raising certain questions as to the rights of fishery conferred by the treaties on the subject on British and American fishermen respectively.

I enclose for your information a copy of the report which, on the 30th August 1841, was received from the Queen's Advocate and Her Majesty's Attorney General on the case drawn up by your Lordship. Since that date the subject has frequently engaged the attention of myself and my colleagues, with the view of adopting further measures, if necessary, for the protection of British interests, in accordance with the law as laid down in the enclosed report. We have, however, on full consideration, come to the conclusion, as regards the fisheries of Nova Scotia, that the precautions taken by the Provincial Legislature appear adequate to the purpose, and that, being now practically acquiesced in by the Americans, no further measures are required; while, with respect to the proposed establishment of a general code of regulations to apply to all the North American provinces, the very satisfactory reports lately received from Vice Admiral Sir C. Adam (of which copies are enclosed for your information), regarding the fisheries in the Bay of Fundy and Gulf of St. Lawrence, appear to us to render it inexpedient to moot the question.

30 August, 1841.

17 October, 1842.

17 October, 1842.

I have, &c.

(Signed) STANLEY.

The Right Hon. Viscount Falkland.

NOVA SCOTIA.

Encl. 1 in No. 21.

Enclosure 1 in No. 21.

MY LORD,

Doctors Commons, August 30, 1841.

*Page 43.

WE are honoured with your Lordship's commands, signified in Mr. Backhouse's letter of the 26th of May, stating that he was directed to transmit to us the accompanying letter from the Colonial Office, enclosing the copy of a despatch* from the Lieutenant-Governor of Nova Scotia, enclosing an address to Her Majesty from the House of Assembly of that province, complaining of the continued encroachments of American fishermen on the fishing ground of Nova Scotia and the adjoining colonies, and praying that Her Majesty would establish, by an Order in Council, general regulations for the protection of the fisheries according to the code annexed to the address.

Mr. Backhouse is pleased to request that we would take these papers into consideration, and report to your Lordship our opinion, whether there is anything in the proposed regulations which would be inconsistent with the stipulations of the Convention of the 28th of October 1818 between Great Britain and the United States of America.

*Page 44.

We are also honoured with Mr. Backhouse's letter of 19th of April, stating that he was directed to transmit to us a further letter from the Colonial Office, dated the 16th instant, enclosing the copy of a despatch* from the Lieutenant-Governor of Nova Scotia, covering a copy of an address from the Legislative Council of that province, objecting to one of the above-mentioned regulations proposed by the House of Assembly in the session of 1840; and to request that we would take these papers into consideration, in addition to those referred to in his letter of the 26th of March last, and that we would report to your Lordship at our early convenience our opinion thereupon.

*Page 47.

We are also honoured with Mr. Backhouse's letter of the 8th of June, stating that he was directed to transmit to us the accompanying copy of a letter from the Colonial Office, together with a copy of a despatch* from the Lieutenant-Governor of Nova Scotia, enclosing a copy of a report of the House of Assembly on the subject of the fisheries of that province, and also containing a case for opinion as to what rights have been ceded to the citizens of the United States of America, and as to what rights have been exclusively reserved to Her Majesty's subjects; and to request that we would take these papers into consideration, and report to your Lordship our opinion upon the several questions stated in the case above mentioned.

We are also honoured with Mr. Backhouse's letter of the 5th ultimo, stating that he was directed to transmit to us a correspondence, as marked in the margin, which has passed between the Foreign Office and Mr. Stevenson, the American minister at this court, and the Colonial Department, on the subject of a remonstrance addressed by Mr. Stevenson against the proceedings of the authorities of Nova Scotia towards American fishing vessels encroaching on the fisheries of that coast, and to request that we would take these papers into consideration, and report to your Lordship our opinion thereupon.

First Query.—In obedience to your Lordship's commands, we have taken these papers into consideration, and have the honour to report that we are of opinion that the Treaty of 1763 was annulled by the war of 1812; and we are also of opinion that the rights of fishery of the citizens of the United States must now be considered as defined and regulated by the convention of 1818. And with respect to the general question, "if so, what right," we can only refer to the terms of the Convention, as explained and elucidated by the observations which will occur in answering the other specific queries.

Second and Third Queries.—Except within certain defined limits to which the query put to us does not apply, we are of opinion that by the terms of the convention American citizens are excluded from any right of fishing within three miles of the coast of British America, and that the prescribed distance of three miles is to be measured from the headlands, or extreme points of land next, the sea, of the coast, or of the entrance of the bays, and not from the interior of such bays or indents of the coast; and consequently that no right exists on the part of American citizens to enter the bays of Nova Scotia, there to take fish, although the fishing, being within the bay, may be at a greater distance than three miles from the shore of the bay; as we are of opinion that the term "headland" is used in the treaty to express the part of the land we have before mentioned, excluding the interior of the bays and the indents of the coast.

Fourth Query.—By the Convention of 1818 it is agreed that American citizens should have the liberty of fishing in the Gulf of St. Lawrence, and within certain defined limits, in common with British subjects; and such Convention does not contain any words negating the right to navigate the Passage or Gut of Canso, and therefore it may be conceded that such right of navigation is not taken away by that Convention. But we have now attentively considered the course of navigation to the Gulf by Cape Breton, and likewise the capacity and situation of the Passage of Canso, and of the British dominions on either side, and we are of opinion that, independently of treaty, no foreign country has the right to use or navigate the Passage of Canso; and, attending to the terms of the Convention relating to the liberty of fishery to be enjoyed by the American citizens, we are also of opinion that that Convention did not, either expressly or by necessary implication, concede any such right of using or navigating the passage in question. We are also of opinion that casting bait to lure fish in the tract of any American vessels navigating the passage would constitute a fishing within the negative terms of the Convention.

Fifth Query.—With reference to the claim of a right to land on the Magdalen Islands, and to fish from the shores thereof, it must be observed that, by the Convention, the liberty of drying and curing fish (purposes which could only be accomplished by landing) in any of the unsettled bays, &c. of the southern part of Newfoundland and of the coast of Labrador, is specifically provided for; but such liberty is distinctly negatived in any settled bays, &c., and it must therefore be inferred that if the liberty of landing on the shores of the Magdalen Islands had been intended to be conceded, such an important concession would have been the subject of express stipulation, and would necessarily have been accompanied with a description of the inland extent of the shore over which such liberty was to be exercised, and whether in settled or unsettled parts; but neither of these important particulars are provided for, even by implication; and that, among other considerations, leads us to the conclusion that American citizens have no right to land or conduct the fishery from the shores of the Magdalen Islands. The word “shore” does not appear to have been used in the Convention in any other than the general or ordinary sense of the word, and must be construed with reference to the liberty to be exercised upon it, and would therefore comprise the land covered with water as far as could be available for the due enjoyment of the liberty granted.

Sixth Query.—By the Convention the liberty of entering the bays and harbours of Nova Scotia for the purpose of purchasing wood and obtaining water is conceded in general terms, unrestricted by any condition, expressed or implied, limiting the enjoyment to vessels duly provided with those articles at the commencement of their voyage, and we are of opinion that no such condition can be attached to the enjoyment of the liberty.

Seventh Query.—The rights of fishery ceded to the citizens of the United States, and those reserved for the exclusive enjoyment of British subjects, depend altogether upon the Convention of 1818, the only existing treaty on this subject between the two countries; and the material points arising thereon have been specifically answered in our replies to the preceding queries.

We have, &c.
(Signed) J. DODSON,
T. WILDE.

Viscount Palmerston, K.B.
&c. &c.

Enclosure 2 in No. 21.

Encl. 2 in No. 21.

Extract of a Letter from Vice-Admiral Sir Charles Adam, dated Halifax, October 17, 1842, No. 363.

“I REQUEST you will acquaint the Lords Commissioners of the Admiralty that the ‘Pickle’ schooner returned from the Bay of Fundy on the 5th instant, where Lieut. Montrevoir was employed for a short time for the protection of the fisheries.

“I have received a very detailed report of his proceedings and observations, but it is unnecessary to trouble their Lordships further than to say that it does not appear that the fisheries have been molested in any way during the season which has just closed, and which, like the last, has been very favourable.”

Enclosure 3 in No. 21.

Encl. 3. in No. 21.

Extract of a Letter from Vice-Admiral Sir C. Adam to the Hon. S. Herbert, M.P., dated at Halifax, October 17, 1842, No. 365.

“I ENCLOSE, to be laid before the Lords Commissioners of the Admiralty, a report from Commander Parrey, of the ‘Sappho,’ and one from Commander Peel, of the ‘Racehorse,’ who relieved the first-mentioned officer in the protection of the fisheries in the Gulf of St. Lawrence.

“I have signified to both these officers my approbation of the manner in which they conducted the service intrusted to them; and of the reports they have made.

“It does not appear that there has been any serious cause of complaint of the fishery vessels, either of the French or of those from the United States of America; and I believe the protection which is afforded by Her Majesty’s ships usually employed in the Gulf of St. Lawrence has been sufficient.

“There can be no doubt, however, that fishermen from the United States frequently occupy the best ground for the mackarel fishery on the north shore of Prince Edward Island; and I believe it could only be entirely prevented by small vessels under the revenue department being employed there, as is the case on the shores of Nova Scotia; but that would involve an expense which I believe the colony would not readily bear; and even if the fishermen from the United States were entirely prevented from resorting to it, I doubt if the ground would be occupied by fishermen belonging to the island or the other colonies.”

NOVA SCOTIA.

No. 22.

(No. 132.)

No. 22.

COPY of a DESPATCH from the Right Hon. Lord STANLEY to the Right Hon. Viscount FALKLAND.

Downing Street, August 31, 1843.

MY LORD,

(Answered, October 17, 1843, page 64.)

21 August.

I TRANSMIT herewith the copy of a letter from the Foreign Office, dated the 21st instant, enclosing the copy of a note from the American Minister in this country, complaining of a seizure last May of an American fishing schooner, "the Washington," by an officer of the Provincial Custom House of Nova Scotia, for an alleged infraction of the stipulations of the Convention of the 20th October 1818, between Great Britain and the United States; and I have to request that your Lordship would make a full report to me of the circumstances under which this seizure has taken place.

I have, &c.

(Signed) STANLEY.

The Right Hon. Viscount Falkland.

Encl. in No. 22.

Enclosure in No. 22.

SIR,

Foreign Office, August 21, 1843.

I AM directed by the Earl of Aberdeen to transmit to you a copy of a note which his Lordship has received from Mr. Everett, the American Minister at this court, complaining of the seizure, on the 10th of May last, on the coast of Nova Scotia, by an officer of the provincial customs, of the American fishing schooner "Washington," for an alleged infraction of the stipulations of the convention of the 20th of October 1818 between Great Britain and the United States.

Mr. Everett, in bringing the case of the "Washington" under Lord Aberdeen's notice, refers to others of a similar nature which have from time to time been made the subjects of complaint by the Government of the United States, and suggests that the proceedings on the part of the colonial authorities render desirable an authoritative interference on the part of Her Majesty's Government.

I am to request that you will lay these papers before Lord Stanley, for his Lordship's consideration; and that you will move him to cause inquiries to be instituted into the circumstances which led to the seizure of the "Washington," and to communicate the result thereof to Lord Aberdeen, in order that a suitable answer may be returned to Mr. Everett's representation.

I am, &c.

James Stephen, Esq.

(Signed) H. U. ADDINGTON.

THE undersigned Envoy Extraordinary and Plenipotentiary of the United States of America has the honour to transmit to the Earl of Aberdeen, &c. &c., the accompanying papers relating to the seizure, on the 10th of May last, on the coast of Nova Scotia, by an officer of the provincial customs, of the American fishing schooner "Washington," of Newbury Port, in the state of Massachusetts, for an alleged infraction of the stipulations of the Convention of the 20th of October 1818 between the United States and Great Britain.

It appears from the deposition of William Bragg, a seaman on board the "Washington," that at the time of her seizure she was not within ten miles of the coast of Nova Scotia.

By the 1st article of the Convention above alluded to, the United States renounce any liberty heretofore enjoyed or claimed by their inhabitants to take, dry, or cure fish on or within three marine miles of any of the coasts of Her Majesty's dominions in America, for which express provision is not made in the said article. This renunciation is the only limitation existing on the right of fishing upon the coasts of Her Majesty's dominions in America, secured to the people of the United States by the 3d article of the Treaty of 1783. The right, therefore, of fishing on any part of the coast of Nova Scotia at a greater distance than three miles is so plain, that it would be difficult to conceive on what ground it could be drawn in question, had not attempts been already made by the provincial authorities of Her Majesty's colonies to interfere with its exercise. These attempts have formed the subject of repeated complaints on the part of the Government of the United States, as will appear from

several notes addressed by the predecessor of the undersigned to Lord Palmerston. From the construction attempted to be placed on former occasions upon the 1st article of the Treaty of 1818, by the colonial authorities, the undersigned supposes that the "Washington" was seized because she was found fishing in the Bay of Fundy; and on the ground that the lines within which American vessels are forbidden to fish are to run from headland to headland, and not to follow the shore. It is plain, however, that neither the words nor the spirit of the convention admits of any such construction; nor, it is believed, was it set up by the provincial authorities for several years after the negotiation of that instrument. A glance at the map will show Lord Aberdeen that there is perhaps no part of the great extent of the sea coasts of Her Majesty's possessions in America in which the right of an American vessel to fish can be subject to less doubt than that in which the "Washington" was seized.

For a full statement of the nature of the complaints which have from time to time been made by the Government of the United States against the proceedings of the colonial authorities of Great Britain, the undersigned invites the attention of Lord Aberdeen to a note of Mr. Stevenson, addressed to Lord Palmerston, on the 27th of March 1841.* The receipt of this note was acknowledged by Lord Palmerston on the 2d of April, and Mr. Stevenson was informed that the subject was referred by his lordship to the Secretary of State for the colonial department. On the 28th of the same month Mr. Stevenson was further informed by Lord Palmerston that he had received a letter from the colonial department, acquainting his lordship that Mr. Stevenson's communication would be forwarded to Lord Falkland with instructions to inquire into the allegations contained therein, and to furnish a detailed report upon the subject. The undersigned does not find on the files of this legation any further communication from Lord Palmerston in reply to Mr. Stevenson's letter of the 27th of March 1841, and he believes that letter still remains unanswered.

In reference to the case of the "Washington," and those of a similar nature which have formerly occurred, the undersigned cannot but remark upon the impropriety of the conduct of the colonial authorities in undertaking, without directions from Her Majesty's Government, to set up a new construction of a treaty between the United States and England, and in proceeding to act upon it by the forcible seizure of American vessels. Such a summary procedure could only be justified by a case of extreme necessity, and where some grave or impending mischief required to be averted without delay. To proceed to the capture of the vessels of a friendly power for taking a few fish within limits alleged to be forbidden, although allowed by the express terms of the treaty, must be regarded as a very objectionable stretch of provincial authority. The case is obviously one for the consideration of the two Governments, and in which no disturbance of a right exercised without question for fifty years from the Treaty of 1783 ought to be attempted by any subordinate authority. Even Her Majesty's Government, the undersigned is convinced, would not proceed, in such a case, to violent measures of suppression, without some understanding with the Government of the United States, or, in the failure of an attempt to come to an understanding, without due notice given of the course intended to be pursued.

The undersigned need not urge upon Lord Aberdeen the desirableness of an authoritative intervention on the part of Her Majesty's Government to put an end to the proceedings complained of. The President of the United States entertains a confident expectation of an early and equitable adjustment of the difficulties which have been now for so long time under the consideration of Her Majesty's Government. This expectation is the result of the President's reliance upon the sense of justice of Her Majesty's Government, and of the fact that from the year 1816, the date of the convention, until some years after the attempts of the provincial authorities to restrict the rights of American vessels by colonial legislation, a practical construction was given to the first article of the convention, in accordance with the obvious purport of its terms, and settling its meaning as understood by the United States.

The undersigned avails, &c.

(Signed) EDWARD EVERETT.

46, Grosvenor Place, August 10, 1843.

SIR,

Boston, May 23, 1843.

I TRANSMIT herewith a memorial of the owner of an American fishing vessel which has within a few days past been seized by the authorities of Nova Scotia for an alleged violation of treaty stipulations. I learn that many of the fishing vessels of this State would be liable to seizure under the construction which has been adopted by the British authorities in the present instance. The early attention of our Government to the subject is therefore earnestly desired by those who are engaged in this branch of business, and more especially by the memorialists, whose property is immediately in jeopardy.

If any other evidence is required, I will thank you to notify the parties through me.

I am, &c.

The Hon. H. S. Legaré,
Secretary of State.

(Signed) ROBT. C. WINTHROP.

NOVA SCOTIA.

Boston, May 17, 1843.

To the Honourable Hugh S. Legaré, Acting Secretary of State of the United States.

The undersigned, Charles Currier, of Newbury Port, in the State of Massachusetts respectfully represents,—

That he is the owner of a schooner called the "Washington," of and belonging to said Newbury Port; That the said schooner sailed from Newbury Port on the 28th day of April last on a fishing cruise, under the command of John C. Cluney as master, and manned by three seamen, of whom Wm. Bragg, whose deposition accompanies this memorial, was one: That on the 10th day of the present month the said schooner, while her crew were engaged in taking fish, at a place ten miles distant from the coast of Nova Scotia, was taken possession of by an officer of the Provincial Customs, and taken into some port of the Province of Nova Scotia, where she is still detained, and, as he has reason to apprehend, will be confiscated. The undersigned forwards herewith the deposition of the said Bragg, and begs leave to refer the same for a more particular account of the case. As your memorialist believes that the master and crew of said vessel had not been guilty of violating any treaty or engagements between Great Britain and the United States, he humbly prays that the Government of the United States will, as soon as may be, take effective measures to restore to him his property so seized, with compensation for damages, and expenses occasioned by such seizure.

(Signed) CHARLES CURRIER.

"I, William Bragg, of Seasbrook, in the State of New Hampshire, on oath depose that on the 28th day of April now last past I sailed from Newbury Port as a seaman, in the schooner "Washington," whereof John C. Cluney was master, the said schooner being bound on a fishing excursion, there being four men all told on board said vessel, including the master: That the said master and crew fished from time to time between the Coasts of Maine and Nova Scotia, until the 10th day of this present month: That on the said last-mentioned day, while engaged in taking fish at least ten miles from the coast of Nova Scotia, the said schooner was boarded by an officer employed in the British Revenue Service, of the name of Darby, and taken possession of in the name of the British Government, the said officer alleging that the place where we were fishing was within the bounds prohibited by treaty to American fishermen: That I, together with the other men belonging to the schooner, was then put on board a small vessel, and we were landed at a place near Digby: That the captain (Cluney) continued on board the schooner, whether voluntarily or not I do not know; and when we left the schooner the British officer was in command thereof, and set sail with her for Yarmouth in said Nova Scotia, to which place, I have no doubt, the schooner was carried under his command: that on the 11th instant, I and the other men of the schooner got passage from Digby in a vessel bound for Portsmouth, N.H., at which place we arrived on the 15th inst. I further depose and say, that at no time while I was on board said schooner did we, or any of us, take or attempt to take fish within ten miles of the coast of Nova Scotia, New Brunswick, or of the islands belonging to either of these provinces: that the place where said schooner was taken possession of as aforesaid was opposite to a place on the coast of Nova Scotia called Gulliver's Hole, and is distant from Annapolis Gut about fifteen miles, the said Gulliver's Hole being to the south-westward of said Annapolis Gut.

(Signed) WILLIAM BRAGG.

Boston, May 17, 1843.

United States of America;—State of Massachusetts;

County of Suffolk and City of Boston.

(L.S.)

On this 17th Day of May, A.D. 1843, before me, John P. Bigelow, a Notary Public duly constituted and sworn within and for said county and city, came the above Wm. Bragg, and made oath that the statement by him above signed is true.

Witness my hand and notarial seal,

(Signed) JOHN P. BIGELOW, Notary Public.

No. 23.

(No. 185.)

No. 23.

COPY of a DESPATCH from the Right Hon. Viscount FALKLAND to the Right Hon. Lord STANLEY.

Government House, Halifax, October 17, 1843.

(Received October 30, 1843.)

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch, No. 132,* enclosing the copy of a letter from Mr. Addington, covering the copy of a

* Page 62.

note from Mr. Everett the American Minister in London, complaining of the seizure in the month of May last by an officer of the Provincial Custom House in Nova Scotia of an American fishing schooner, the "Washington," for an alleged infraction of the stipulations of the Convention of the 20th of October 1818 between Great Britain and the United States, and desiring that I would make a full report of the circumstances attending the transaction.

In obedience to your Lordship's commands I herewith transmit a report of the Attorney General of Nova Scotia (see paper No. 1.) explaining the grounds on which the above vessel was captured, and setting forth the reasons which induced me, in accordance with the advice of the Provincial Crown Officers, not to interfere to prevent her condemnation.

I likewise forward (see paper No. 2.) a copy of a Despatch, numbered 75,* dated May 8, 1841, and addressed by me to Lord John Russell, on the occasion of the letter sent by Mr. Stevenson to Lord Palmerston on the 27th March 1841,† (to which letter Mr. Everett alludes in his communication to your Lordship, dated 10th August 1843),‡ the perusal of which will apprise you of the footing on which matters stood with regard to American fishermen trespassers on these coasts, up to that period, since which no reference has been made to the subject by either the British or, in as far as I am aware, the American Government. The House of Assembly of Nova Scotia, however, anxious to set at rest by means of a legal determination a question likely to engender unpleasant feelings between Her Majesty's subjects of this province, and their neighbours of the United States, have never ceased from their endeavours to obtain a judicial decision as to the interpretation to be given to the terms of the Convention of 1818; but unwilling to proceed with precipitation in a case in which some of the most important interests of this colony are involved, and in which therefore it was natural to suppose the judgments of the local authorities might be in some degree biassed,—the house requested that I would obtain, through your Lordship's predecessor, the opinion of the Crown Officers of England as to the several points on which the Provincial Legislature and the citizens of the United States are at issue. I, in consequence, begged, in my Despatch No. 69,* dated 28th April 1841, that Lord John Russell would allow a case stated, and therewith forwarded, to be submitted to the Attorney and Solicitor General, which being done, your Lordship in your Despatch, No. 86,* dated November 28, 1842, inclosed an opinion signed "J. Dodson," and "Thomas Wilde," directly confirmatory of the interpretation put on the words of the treaty by the Assembly; and on the capture of the "Washington," the captor having an interest in the result, and being resolved to stand all the consequences of his acts, as he believed himself supported by the opinion above referred to, I, after consulting the Provincial Crown Officers, decided on allowing the law to take its course, in the hope that the question might be adjudicated on and finally determined.

It is worthy of remark, that the American Government, or even any American citizen, can settle the point in dispute at any time, by appealing to the Courts of Law; but the trespassers on our fishing grounds prefer invoking the protection of their ambassador, and charging the provincial authorities with impropriety of conduct, which impropriety, if any exists, is, in the present instance at least, solely attributable to the reliance of those authorities on the opinion of the English Crown Officers.

Mr. Everett says, "it is believed that no such construction as that now sought to be put on the terms of the Convention was set up by the provincial authorities for several years after the negotiation of that instrument." But his Excellency is mistaken on this point, as I have already shown, in the Despatch, No. 75,* which accompanies this.

Mr. Everett complains of "the harsh measure of proceeding to the capture of the vessels of a friendly power for taking a few fish within the limits alleged to be forbidden, although allowed by the express terms of the treaty;" thus assuming the point at issue, in contradiction to the judgment of Dr. Dodson, and Sir Thomas Wilde.

In conclusion, I deem it my duty, as the advocate of the interests of the province of Nova Scotia, to state to your Lordship in the most forcible terms that the cession of the right of fishery, to the extent claimed by the American Minister, (that is to say, within the headlands of the bays and harbours of Nova Scotia, when those bays or harbours shall exceed three miles in depth), would,

14 October, 1843.

* Page 50.

† Page 45.

‡ Page 62.

* Page 47.

* Page 59.

* Page 50.

NOVA SCOTIA.

although apparently treated by his Excellency as a matter of small moment, be nearly destructive of a branch of commerce, the prosperity of which is of the utmost importance to the welfare of this colony; and, that such a measure would be viewed with extreme apprehension by all classes of its inhabitants.

The Right Hon. Lord Stanley,
&c. &c.

I have, &c.
(Signed) FALKLAND.

Encl. 1. in No. 23.

Enclosure 1 in No. 23.

MY LORD,

Halifax, October 14, 1843.

AGREEABLY to your Lordship's desire, I have the honour to communicate for your Lordship's information the circumstances of a case of seizure of the American schooner "Washington," John E. Chunev, master.

The vessel was seized by John E. Darby, the commander of the provincial revenue schooner "Sisters," who holds your Excellency's commission as a seizing officer, and for carrying into effect the Convention and Acts relating to the fisheries on the coasts of Nova Scotia. The seizure was made on the 10th of May last, in the Bay of Fundy off the Nova Scotian shore, in consequence of the schooner "Washington" being then engaged in fishing. It is, I believe, not disputed that the "Washington" was then more than three miles from the coast of Nova Scotia, but it is also, I believe, unquestioned that she was far within the headlands of the bay, nor was there any doubt on the fact of fishing.

When the case was in the usual course submitted to me for prosecution, it was apparent that two questions arose; first, whether the Bay of Fundy was prohibited ground under the view of the law formerly submitted to your Excellency, and subsequently distinctly announced by Her Majesty's Advocate and Attorney General in their opinion, dated Doctors Commons, 30th August 1841,* transmitted to your Excellency by the Right Honourable the Secretary of State for the Colonies, in Despatch No. 86,† dated 28th November 1842; and secondly, whether the former question being determined in the affirmative, Captain Darby's commission, or more properly any Nova Scotian jurisdiction, extended beyond three miles from the coasts of this province, in a case where both sides of the bay were not within Nova Scotia.

Captain Darby was fully determined to press the prosecution, and procure a judicial decision on these questions; and as the seizing party had an interest in the result, and the questions, the first especially, had engaged a good deal of interest and attention in the Provincial Assembly, and as they were both proper subjects for judicial investigation and determination, it was not deemed proper to interpose your Excellency's authority against the prosecution; it being hoped that the owners, perhaps supported by their Government, might set up a defence which would bring the case under the full consideration of his Lordship, the Judge of the Vice Admiralty, and thus put it in course for higher judicial investigation, if his judgment were unsatisfactory.

The cause, however, was undefended, and the vessel condemned for want of claim or defence.

To his Excellency the Right Hon.
Viscount Falkland, Lieut.-Governor, &c.

I have, &c.
(Signed) J. W. JOBERT.

Encl. 2. in No. 23.

Enclosure 2 in No. 23.

Copy of a Despatch from Viscount Falkland to Lord John Russell, dated Government House, Halifax, May 8, 1841, vide page 50.

No. 24.

(No. 176.)

No. 24.

COPY of a DESPATCH from the Right Hon. Lord STANLEY to the Right Hon. Viscount FALKLAND.

Downing Street, July 28, 1844.

MY LORD,

(Answered September 17, 1844, p. 70.)

July 20, 1844.

I TRANSMIT herewith the copy of a letter from the Foreign Office enclosing a further representation from the Minister of the United States in

this country upon the subject of the seizure of the American fishing vessel the "Washington," in relation to which a correspondence passed between my predecessor and your Lordship in 1843.*

The present remonstrance is addressed not only to the circumstance of the seizure of this vessel by the colonial authorities of Nova Scotia, but to the alleged strained interpretation of the Convention of 1818, by which American vessels are excluded from fishing in the Bay of Fundy; and your Lordship will perceive that Lord Aberdeen is well disposed, on mature consideration, to relax the strict rule which has been hitherto declared applicable to American vessels found fishing within the limits of that bay (but without renouncing the right of Great Britain to consider the Bay of Fundy as distinguished from the ocean), provided the fishermen of the United States do not approach within three miles of any inlet within the bay or within three miles of the coast.

The attention which your Lordship has already paid to this subject, together with the advantage which Her Majesty's Government will derive from your local knowledge, make me anxious to consult your Lordship before any further communication be addressed to the American Minister. I have, therefore, to request that your Lordship will favour me, at your earliest convenience, with your unreserved opinion upon Lord Aberdeen's proposal.

I have, &c.

(Signed) STANLEY.

The Right Hon. Viscount Falkland.

NOVA SCOTIA.

* Pages 62-64.

Enclosure 1 in No. 24.

Encl. in No. 24.

SIR,

Foreign Office, July 20, 1844.

WITH reference to the correspondence which has taken place between this office and the Colonial Department on the subject of the seizure of the United States fishing vessel "Washington" by the officers of Nova Scotia, for having been found fishing within the limits of the Bay of Fundy, I am directed by the Earl of Aberdeen to request that you will lay before Lord Stanley the enclosed copy of a fresh representation which has been made to this office on the subject of that specific act, as well as generally against our practice under the Treaty of October 1818, with reference to the Bay of Fundy. I am at the same time to state that Lord Aberdeen would be disposed, if Lord Stanley should concur in that view, to relax the stringency of the principle on which we have lately acted with regard to American vessels found fishing within those limits; and, without renouncing our right to consider that bay as really distinguished from the ocean, to admit United States fishing vessels to pursue their trade within those waters, provided they do not, except in the cases provided for by treaty, approach within three miles of any inlet within the Bay of Fundy, or within three miles of the coast.

From Mr. Everett.
May 25, 1844.

James Stephen, Esq.

I have, &c.
(signed) H. U. ADDINGTON.

Enclosure 2 in No. 24.

Encl. 2 in No. 24.

THE undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, had the honour duly to receive the note of the 15th April, addressed to him by the Earl of Aberdeen, &c., in reply to the note of the undersigned of the 10th of August* last, relative to the seizure of the American vessel the "Washington" for having been found fishing within the limits of the Bay of Fundy.

* Page 62.

The note of the undersigned of the 10th of August last, although its immediate occasion was the seizure of the "Washington," contained a reference to the correspondence between Mr. Stevenson and Viscount Palmerston, on the subject of former complaints of the American Government of the manner in which the fishing vessels of the United States had, in several ways, been interfered with by the provincial authorities, in contravention, as is believed, of the Treaty of October 1818, between the two countries. Lord Aberdeen's attention was particularly invited to the fact that no answer had yet been returned to Mr. Stevenson's note to Lord Palmerston of 27th March 1841,* the receipt of which, and its reference to the Colonial Department, were announced by a note of Lord Palmerston of the 2d April; the undersigned further observed, that on the 28th of the same month, Lord Palmerston acquainted Mr. Stevenson that his Lordship had been advised from the Colonial Office, that "Copies of the papers received from Mr. Stevenson would be furnished to Lord Falkland, with instructions to inquire into the allegations contained therein, and to furnish a detailed report on the subject;" but that there was not found on the files of this legation any further communication from Lord Palmerston on the subject.

* Page 45.

The note of Lord Aberdeen of the 15th April last is confined exclusively to the case of the "Washington;" and it accordingly becomes the duty of the undersigned again to invite his Lordship's attention to the correspondence above referred to between Mr. Stevenson and Lord Palmerston, and to request that inquiry may be made, without unnecessary delay, into all the causes of complaint which have been made by the American Government against the improper interference of the British colonial authorities with the fishing vessels of the United States.

In reference to the case of the "Washington," Lord Aberdeen, in his note of the 15th April, justifies her seizure by an armed provincial vessel, on the assured fact, that, as she was found fishing in the Bay of Fundy, she was within the limits from which the fishing vessels of the United States are excluded by the provisions of the Convention between the two countries of October 1818.

The undersigned had remarked, in his note of the 10th of August last, on the impropriety of the conduct of the colonial authorities in proceeding, in reference to a question of construction of a treaty, pending between the two countries, to decide the question in their own favour, and in virtue of that decision, to order the capture of the vessels of a friendly state. A summary exercise of power of this kind the undersigned is sure would never be resorted to by Her Majesty's Government, except in an extreme case, while a negotiation was in train on the point at issue; such a procedure on the part of a local colonial authority, is, of course highly objectionable; and the undersigned cannot but again invite the attention of Lord Aberdeen to this view of the subject.

With respect to the main question of the right of American vessels to fish within the acknowledged limits of the Bay of Fundy, it is necessary, for a clear understanding of the case, to go back to the Treaty of 1783.

By this Treaty it was provided that the citizens of the United States should be allowed "to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, (but not to dry and cure the same on that island,) and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of that ground."

These privileges and conditions were, in reference to a country of which a considerable portion was then unsettled, likely to be attended with differences of opinion as to what should, in the progress of time, be accounted a settlement from which American fishermen might be excluded. These differences, in fact, arose; and by the year 1818 the state of things was so far changed that His Majesty's Government thought it necessary, in negotiating the Convention of that year, entirely to except the province of Nova Scotia from the number of the places which might be frequented by Americans, as being in part unsettled, and to provide that the fishermen of the United States should not pursue their occupation within three miles of the shores, bays, creeks, and harbours of that and other parts of His Majesty's possessions similarly situated. The privilege reserved to American fishermen by the Treaty of 1783, of taking fish in all the waters, and drying them on all the unsettled portions of the coast of these possessions, was accordingly, by the Convention of 1818, restricted as follows:—

"The United States hereby renounce for ever any liberty, heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America, not included within the above-mentioned limits; provided, however, that the American fishermen shall be permitted to enter such bays or harbours for the purpose of sheltering, and repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever."

The existing doubt as to the construction of this provision arises from the fact that a broad arm of the sea runs up to the north-east, between the provinces of New Brunswick and Nova Scotia. This arm of the sea, being commonly called the Bay of Fundy,—though not in reality possessing all the characters usually implied by the term "bay,"—has of late years been claimed by the provincial authorities of Nova Scotia to be included among "the coasts, bays, creeks, and harbours" forbidden to American fishermen.

An examination of the map is sufficient to show the doubtful nature of this construction. It was notoriously the object of the article of the Treaty in question to put an end to the difficulties which had grown out of the operations of the fishermen from the United States along the coasts and upon the shores of the settled portions of the country, and for that purpose to remove their vessels to a distance not exceeding three miles from the same. In estimating this distance, the undersigned admits it to be the intent of the Treaty, as it is in itself reasonable, to have regard to the general line of the coast, and to consider its bays, creeks, and harbours,—that is, the indentations usually so accounted,—as included within that line. But the undersigned cannot admit it to be reasonable, instead of thus following the general direction of the coast, to draw a line from the south-westernmost point of Nova Scotia to the termination of the north-eastern boundary between the United States and New Brunswick, and to consider the arm of the sea, which will thus be cut off, and which cannot, on that line, be less than sixty miles wide, as one of the bays on the coast from which American vessels are excluded. By this interpretation, the fishermen of the United States

would be shut out from waters distant not three but thirty miles from any part of the colonial coast. The undersigned cannot perceive that any assignable object of the restriction imposed, by the Convention of 1818, on the fishing privilege accorded to the citizens of the United States by the Treaty of 1783, requires such a latitude of construction.

It is obvious that by the terms of the Treaty, the farthest distance to which fishing vessels of the United States are obliged to hold themselves from the colonial coasts and bays is three miles. But, owing to the peculiar configuration of these coasts, there is a succession of bays indenting the shores both of New Brunswick and Nova Scotia within the Bay of Fundy. The vessels of the United States have a general right to approach all the bays in Her Majesty's colonial dominions within any distance not less than three miles,—a privilege from the enjoyment of which, however, they will be wholly excluded in this part of the coast, if the broad arm of the sea which flows up between New Brunswick and Nova Scotia is itself to be considered one of the forbidden bays.

Lastly,—and this consideration seems to put the matter beyond doubt,—the construction set up by Her Majesty's colonial authorities would altogether nullify another, and that a most important stipulation of the Treaty, about which there is no controversy, viz., the privilege, reserved to American fishing vessels, of taking shelter and repairing damages in the bays within which they are forbidden to fish. There is, of course, no shelter nor means of repairing damages for a vessel entering the Bay of Fundy, in itself considered. It is necessary, before relief or succour of any kind can be had, to traverse that broad arm of the sea, and reach the bays and harbours, properly so called, which indent the coast, and which are no doubt the bays and harbours referred to in the Convention of 1818. The privilege of entering the latter in extremity of weather, reserved by the Treaty, is of the utmost importance. It enables the fisherman, whose equipage is always very slender (that of the "Washington" was four men, all told,) to pursue his laborious occupation with comparative safety, in the assurance that in one of sudden and dangerous changes of weather, so frequent and so terrible on this iron-bound coast, he can take shelter in a neighbouring and friendly port. To forbid him to approach within thirty miles of that port, except for shelter in extremity of weather, is to forbid him to resort there for that purpose. It is keeping him at such a distance at sea as wholly to destroy the value of the privilege expressly reserved.

In fact it would follow, if the construction contended for by the British colonial authorities were sustained, that two entirely different limitations would exist, in reference to the right of shelter reserved to American vessels on the shores of Her Majesty's colonial possessions. They would be allowed to fish within three miles of the place of shelter along the greater part of the coast; while, in reference to the entire extent of shore within the Bay of Fundy, they would be wholly prohibited from fishing along the coast, and would be kept at a distance of twenty or thirty miles from any place of refuge in case of extremity. There are certainly no obvious principles which render such a construction probable.

The undersigned flatters himself that these considerations will go far to satisfy Lord Aberdeen of the correctness of the American understanding of the words "Bay of Fundy," arguing on the terms of the Treaties of 1783 and 1818. When it is added that, as the undersigned is advised, there has been no attempt till late years to give them any other construction than that for which the American Government now contends, the point would seem to be placed beyond doubt.

Meantime Lord Aberdeen will allow that this is a question, however doubtful, to be settled exclusively by Her Majesty's Government and that of the United States. No disposition has been evinced by the latter to anticipate the decision of the question; and the undersigned must again represent it to the Earl of Aberdeen, as a matter of just complaint and surprise on the part of his Government, that the opposite course has been pursued by Her Majesty's colonial authorities, who have proceeded (the undersigned is confident, without instructions from London,) to capture and detain an American vessel, on a construction of the Treaty which is a matter of discussion between the two Governments, and while the undersigned is actually awaiting a communication on the subject promised to his predecessor.

This course of conduct, it may be added, objectionable under any circumstances, finds no excuse in any supposed urgency of the case. The "Washington" was not within three times the limit admitted to be prescribed in reference to the approach of American vessels to all other parts of the coast; and, in taking a few fish out of the abundance which exists in those seas, she certainly was inflicting no injury on the interests of the colonial population, which required this summary and violent measure of redress.

The undersigned trusts that the Earl of Aberdeen, on giving a renewed consideration to the case, will order the restoration of the "Washington," if still detained, and direct the colonial authorities to abstain from the further capture of the fishing vessels of the United States, under similar circumstances, till it has been decided between the two Governments whether the Bay of Fundy is included among "the coasts, bays, creeks, and harbours," which American vessels are not permitted to approach within three miles.

The undersigned, &c.

(Signed) EDWARD EVERETT.

Grosvenor Place, May 25, 1844.

NOVA SCOTIA.

No. 25.

(No. 271.)

No. 25.

COPY of a DESPATCH from the Right Hon. Viscount FALKLAND to the Right Hon. Lord STANLEY.

Government House, Halifax, September 17, 1844

(Received, September 30, 1844.)

MY LORD,

(Answered, March 30, 1845, p. 74.)

* Page 66.

I HAVE had the honour to receive your despatch, No. 176*, date July 28, 1844, enclosing a letter from Mr. Addington, covering a further representation from the Minister of the United States at London upon the seizure of the American fishing vessel "The Washington," in which his Excellency complains of the alleged strained interpretation of the Convention of 1818, by which American vessels are excluded from fishing in the Bay of Fundy. Your Lordship likewise informs me that Lord Aberdeen is well disposed, on mature consideration, to relax the strict rule which has hitherto been declared applicable to American vessels found fishing within the limits of the Bay, (but without renouncing the right of Great Britain to consider the Bay of Fundy as distinguished from the ocean,) provided the fishermen of the United States do not approach within three miles of any inlet within the bay, or within three miles of the coast; and you do me the honour to require my unreserved opinion upon Lord Aberdeen's proposal.

* Page 64.

With regard to the seizure of "The Washington," I have already in my despatch, No. 185*, date October 17, 1843, explained the grounds of her capture, and the reasons which induced me, in accordance with the advice of the provincial Crown officers, to refrain from interfering to prevent her condemnation.

Mr. Everett complains that the provincial authorities captured and detained "The Washington," while a negotiation between the Governments of the United States and Great Britain on the point at issue, namely, the right of American fishermen to fish in the waters of the Bay of Fundy, *was in train*, and undetermined; but it is manifest that if the American fishermen had acted in accordance with the rule here laid down by their minister, and abstained from exercising the right they claim until it was decided that they actually possessed it, no such act as that against which they now protest could have been committed.

In respect to the expediency of relaxing the strict rule which has hitherto been declared applicable to American vessels found fishing within the limits of the Bay of Fundy, I have found it difficult to arrive at a conclusion, because although some members of the Executive Council believe, with myself, that such a concession, *provided it led to no other* of a like nature, would not be productive of injury to Nova Scotia, and might in fairness be granted, other members of the board, among whom is the Attorney General, entertain a strong opinion to the contrary.

* Page 67.

When, however, I perceive that Mr. Everett, in his note of the 25th May 1844,* addressed to Lord Aberdeen, admits that (in estimating the distance of three miles from the shore within which American fishermen are not permitted to approach) it is "the intent of the treaty, as it is in itself reasonable, to have regard to the general line of the coast, and to consider its bays, creeks, and harbours (that is the indentations so accounted) as included within that line," which I take to be an acquiescence in the opinion of Messrs. Dodson and Wilde that the distance within which American fishermen must not approach is three miles from a line drawn from headland to headland, taking the general configuration of the coast, I cannot but conceive that a great portion of what I have contended for (in my despatch No. 75,* date May 8, 1841, addressed to Lord John Russell) on the part of the province is conceded, and it is therefore my unreserved opinion, provided always that this interpretation of Mr. Everett's phraseology be correct, that that which is now asked by the Americans may be granted, without evil consequences, if due care be taken that no further pretensions can hereafter be founded on the concession.

* Page 50.

The difficulties to be apprehended in future, if the arguments of the American minister are yielded to on the present occasion, are embodied in a

paper which I enclose, drawn up by the Attorney General, to which I beg very earnestly that your Lordship and Lord Aberdeen will direct your particular attention.

I regret much that the course which I view as unobjectionable in this matter will not be so regarded by the provincial Legislature; and I feel very sensibly that while the Americans seek for every advantage to be obtained by exercising the rights of fishery on the coasts of Nova Scotia, the produce of the labour of the *provincial fisherman* is excluded from the markets of the United States by prohibitive duties. This consideration induces me to submit to your Lordship whether an opportunity of strongly urging on the Government of the United States the immediate diminution of these duties, is not afforded by the present negotiation.

The Right Hon. Lord Stanley,
&c. &c. &c.

I have, &c.
(Signed) FALKLAND.

Enclosure in No. 25.

Encl. in No. 25.

MEMORANDUM on the Seizure of the American schooner "Washington" for fishing in the Bay of Fundy, and on the Questions raised in the American Minister's Note of 25th May 1844,* vindicating the Right of American Subjects to fish in that Bay.

* Page 67.

His Excellency the American minister considers the Bay of Fundy as not included in the term "bays" in the treaty entered into at London on the 20th October 1818, because of its size and situation,—of its containing other bays and harbours within it,—and because, if excluded from it, American vessels could not use for shelter, &c. those other bays and harbours. Had the treaty of 1818 used only the word "coasts," it is presumed it would, under general international law, have excluded approach within three miles of any line to be drawn from the headlands of the coast; not the outer points of each harbour and inlet, but the extremities of the coast in its main features and general configuration.

The treaty was, however, specific, and excluded bays, creeks, and harbours by name, probably to prevent disputes, as the treaty of 1783 had used these words in conjunction with the word "coasts," in defining the privilege then granted.

Under the word "coasts," and still more emphatically under the term "bays," it is conceived the American fishermen are excluded from the Bay of Fundy.

The American minister has failed to advert to the fact that the Bay of Fundy, after entering Her Majesty's possessions, is encircled and enclosed therein, and terminates in the heart of the country.

If the term "coasts," in international law, embraces a large expanse of water stretching into and forming one with the Atlantic ocean, and which every passing ship may find occasion to use as part of the highway of nations, and defined only by an imaginary line drawn from two far separated promontories or headlands, it is not a little difficult to exclude from its import an inlet of water, though considerable in size, confined and situated as the Bay of Fundy is.

If, however, the term "coasts" did not operate to exclude the American fishermen from the Bay of Fundy, the word "bays" used in the treaty, it is conceived, must, if any language can do so, short of an identical designation by name.

For there is not only nothing in the size or situation of these waters to exclude them from the distinctive term "bay," but no other general term could be used with equal or with any propriety.

The alterations in the stipulations of the two treaties, reasoned upon by the American minister, had, it is believed, not the limited cause or end which his Excellency has suggested; namely, to avoid disputes which had arisen under the former treaty, as to what should be esteemed *unsettled* portions of Her Majesty's North American provinces.

The treaty of 1783 gives permission to fish on the coasts of Nova Scotia without reference to their settlement or non-settlement. The distinction regarding the settlement of the country applied only to the privilege of curing fish on the shores, and any disputes arising from this cause would have been prevented by withdrawing this latter privilege alone; but the treaty of 1818 went further, and withdrew the privilege of fishing also, about which no such dispute existed or could arise. The occasion and object of the treaty in this particular, therefore, was much more extensive than his Excellency has supposed. We must believe it was designed to give to the inhabitants of these British North American provinces the exclusive right to take the fish which entered their waters, over which the British Crown could exercise control. Hence the restriction within three marine miles, the limit of British authority.

This object would be better advanced by including the Bay of Fundy within the prohibition than most of the bays besides, about which no dispute is now raised.

The Bay of Fundy being completely interterritorial, and receiving the fresh water from a large portion of both provinces, was an obvious appendage of the territory surrounding it,

NOVA SCOTIA.

and would naturally be deemed the inheritance of its inhabitants, while it furnished the congenial resort for the most valuable sorts of fish; whereas such bays as open into the ocean in a more broad and expansive manner would afford less appearance of exclusive property, and be of less value as fishing ground.

As a large portion of the reasoning in his Excellency's note is drawn from the assertion that a succession of bays indent the shores of the Bay of Fundy, it may, in passing, be not inexpedient to observe that as the mode in which the distance across the Bay of Fundy is spoken of is calculated to convey an exaggerated notion of its general width, so the description of the configuration of its shores is not appropriate. So far from those shores being indented by a succession of bays, there are exceedingly few indentations approaching to this character, or having the attributes of a harbour, between the Gut of Annapolis on the Nova Scotia side and St. John Harbour on the New Brunswick shore, and the termination of the Bay in the channel and basin of Mines on one side, and in Chignecio Bay on the other.

His Excellency argues largely on the assumption that "the vessels of the United States have a general right to approach *all* the bays in Her Majesty's colonial dominions within any distance not less than three miles," and thence concludes that the Bay of Fundy is not a bay from which they are excluded by the treaty, because such exclusion would prevent their approaching within three miles of the bays within its limits.

This argument, if correct, would prove a great deal, because it applies equally to other bays and harbours.

For instance, Bedford Basin, lying above the harbour of Halifax, is unquestionably a bay or harbour within the terms of the treaty. The American fisherman, it is said, has a right to approach *all* our bays within three miles, and the treaty puts bays and harbours on the same footing; therefore it would follow he has a right to approach within three miles of Bedford Basin, and consequently to fish within Chebucto Head and the mouth of Halifax Harbour, keeping, as he may, more than three miles distant from any shore or from the basin.

This argument however, it is believed, inverts the case.

The American fisherman is excluded by the formal agreement of his own Government from fishing within three miles of any of the coasts, bays, &c. of Her Majesty's dominions in America not excepted in the treaty; and he has no such privilege affirmatively granted as the argument assumes. The sole question seems very evidently to be, whether the Bay of Fundy be within the meaning of the treaty; and there appears no reason for assuming that the determination of it can be affected by the fact that it contains interior bays or harbours.

The concluding argument of the American minister, and one which he declares puts the matter beyond doubt, is, that as the American fisherman has the privilege reserved of seeking reserved shelter, &c. in the bays and harbours from which he is excluded for the purposes of fishing, and the Bay of Fundy not affording the accommodations designated in the treaty, it follows, that this bay is not one from which he is excluded;—in other words, that the American fisherman may fish in any bay which does not afford him shelter from storms, and accommodation for repairing damage, and procuring wood and water.

This argument seems inconsistent with the ordinary and acknowledged rules of construction. The portion of the treaty under consideration was not made for the purpose of granting the privilege of shelter, &c. to American fishermen. Its primary object was to exclude them from fishing in certain parts of Her Majesty's North American dominions. The proviso guards against this exclusion being extended to another and different object,—the privilege of shelter, &c.; and was intended to protect this privilege just as far as the clause of exclusion might have been liable to affect it, but not to limit the subject matter itself of the exclusion. The construction seems simply to be, that in distress the fishermen may use *any* of the bays in Her Majesty's possessions, according to his necessity and their capacity for relief.

This argument also appears to prove too much.

The majority of our bays are in themselves as little adapted as the Bay of Fundy for shelter or repairing damages, &c.

If the argument is good at all, it is applicable to those bays as well as to the Bay of Fundy.

But this would lead to incongruity in the application of the treaty.

For as this construction of the American Minister depends on a strained meaning put upon the word "*such*" in the proviso, if this mode of interpretation should be pursued with a like verbal severity, bays not affording accommodation for shelter, &c. being mentioned in the proviso would not be included in the American relinquishment of claim to fish, but "*coasts*" not being mentioned in the proviso would be included. And thus those bays may be used for the purposes of fishing at the distance of three miles from the shores (and it is doubtful whether the argument would not over-ride even this limitation, when the adjacent open sea-board is protected against American fishing).

His Excellency complains that exclusion from the Bay of Fundy keeps the American fishermen at such a distance from the harbours within it as prevents their use of them for shelter in time of necessity.

But if the Bay of Fundy be within the relinquishments by Americans, the fisherman is not privileged to pursue his occupation within it, and has nothing to fear from its "*iron-bound coasts*" or to depend upon from its harbours.

The storm finds him on other shores in the vicinity of other harbours.

So far from the construction contended for by the British Colonial Authorities leading, as is alleged, to two entirely different limitations in reference to the right of shelter, it alone gives, as it is humbly conceived, perfect uniformity and consistency in the interpretation alike of the relinquishment and the reservation.

The American Minister condemns, as his predecessor in yet stronger language did, the conduct of the colonial authorities in enforcing their construction of the treaty by the capture of an American fisherman, and places in contrast the forbearance of the United States, by which, as his Excellency says, no disposition had been evinced to anticipate the decision of the question under negotiation between the two countries.

But seeing that the American fisherman was permitted to carry into practical effect the construction of the treaty favourable to his own interest by fishing in the Bay of Fundy, the colonial authorities have not been able to discover on the part of the United States that forbearance which challenges the commendation of his Excellency, nor the exercise of a reciprocity with which the province was called on to be content.

Before acting on their own view of the subject the Provincial Assembly obtained, through Her Majesty's Government, the favourable opinion of the first law officers of the Crown on the general question on a case in which the Bay of Fundy was specially stated to be one of the bays in which American subjects conducted the fishery regarding which their opinion was sought.

The treaty sanctioned rights in which the inhabitants of this colony are deeply interested. The Imperial Statute 59 Geo. 3. c. 31. and the Colonial Act 6 Will. 4. c. 8. specially confirmed by His late Majesty, directed the mode in which these rights were to be guarded from invasion.

In seizing the "Washington," and bringing her to adjudication, the seizing officer but sought the decision of a competent legal tribunal having jurisdiction over the cause on her liability to forfeiture.

The ability and integrity of the Judge who presides in the Vice-Admiralty Court at Halifax offered sufficient security for a sound and impartial judgment; and an appeal to the highest appellate court in the realm afforded the means of the fullest investigation and the most authoritative determination. It has been occasion of regret that the Government of the United States, in a matter of so much importance, had not seen it fit to meet the question in a mode that would have insured the most perfect consideration of the argument on both sides, and the decision of a tribunal having constitutional authority to adjudicate upon and determine the questions raised.

In conclusion, it is humbly urged upon the consideration of Her Majesty's Government, that the Bay of Fundy furnishes very valuable and productive fisheries of herring, mackerel, and shad, as well as cod; and Her Majesty's Government cannot appreciate too highly the importance and value set by the Legislature and people of Nova Scotia upon the exclusion of American fishermen from the fisheries in the Bay of Fundy.

Any concession on this point would be viewed with feelings of deep regret and disappointment in this colony, heightened by the consideration that the arguments urged by the American minister, although now confined to the fisheries in the Bay of Fundy, are calculated to be pressed to consequences yet more extended; and little hope will be entertained, should they be allowed to be successful now, but that as occasion may offer these arguments will be renewed, and directed to other attacks upon the system under which the fisheries of this province can only be protected from injury by the American fishermen.

It is conceived that the American Government has little claim at present to urge their construction of the treaty as being sound and correct in law, from having failed to sanction and use the opportunity of competent legal investigation and decision afforded by this province; and that the colony may with propriety solicit from Her Majesty's Ministers to withhold any concessions, either on the ground of favour or of right, until the points in question shall have received a full judicial investigation and decision.

In seeking the preservation of every right in favour of the colony and its trade and fisheries in a matter of so deep interest as that under consideration, which the treaty of 1818 will legally sustain, the province is well warranted by the policy pursued by the American Government in protecting their own fisheries by the imposition of prohibitory duties which exclude the produce of the British fisheries from the extensive markets of the United States, and give to the fishermen of that country an advantage more than commensurate with the benefits which the Nova Scotia fishermen derive from all the advantages they enjoy.

The mischiefs attendant on the interference of the Americans with the fisheries in the Bay of Fundy are so great, and the fisheries are of so large importance and value to the inhabitants of that part of the province, as to demand for the subject the fullest investigation, and lead to the hope that Her Majesty's Government will not yield to the claims of the American Minister until the case in all its bearings shall be fully exhibited and substantiated on the part of the people of these provinces, so deeply interested in its results. The schools of fish enter the Bay of Fundy for the purpose of passing into the basin and river of Annapolis, the basin of Mines and Colchester Bay, and Chignecto Bay and other inlets at the head of the Bay of Fundy, and the various rivers that fall into these basins and inlets. There the inhabitants follow the shore fishery, and take herring, alewives, mackerel, salmon, and shad, sometimes in quantities sufficient for considerable exportation, but always,

NOVA SCOTIA.

when the fisheries are not injured by foreign intrusion, to an extent most beneficial and necessary for their own consumption, and under regulations calculated to prevent the fish from being driven from their natural resort to the rivers.

The American fishermen, on the contrary, intercept and destroy or disperse the school on their approach to the shores by means of seines of great size, sometimes hardly less than a mile in length, managed between two vessels, or by means of giggering, as it is called, which is conducted by trailing lines, with a multitude of hooks attached, through the schools of fish, by which many are captured, but more are mangled and mutilated.

The consequence has been, that the fish having been driven from their resort to the shores and inlets, the fisheries have at times been nearly destroyed, and the foreign fisherman forced, for want of success, to discontinue his visits to the Bay. The effect has been seen in the revival of the fishery until again checked by the return of the former causes; and the diminished quantities now caught, compared with what it is known the people were many years ago in the habit of taking, may be traced to the abiding effects of these causes.

Besides this consideration it is worthy of continual remembrance, in treating of this subject, that the licensed introduction of the American fishermen into the Bay of Fundy is equivalent to his unlicensed but active and extensive intrusion on the coasts and in the basins and mouths of the rivers to take bait and fish. The one is the inevitable and the very injurious concomitant of the other. When the American fisherman shall be at liberty to enter the Bay of Fundy to fish, there will exist no means within the reach of the Provincial Government or the people to watch and guard against his further intrusion; and the concession sought by the American Minister may be considered practically as nearly equivalent to placing the whole fishery at the control of the American fishermen.

Last season, notwithstanding the example made in the case of the "Washington," vessels from the American lines ventured so far as to enter the basin of Mines, and with long seines swept the mouths of the river, and immediately completed their fares from the schools of fish that were entering.

The facts connected with the fisheries in the Bay of Fundy practically show that it is indeed well entitled to be treated as a bay within the objects of the Treaty.

The question, then, is, whether the claims of the foreign fisherman shall be permitted to prevail over the rights of Her Majesty's subjects as regards the fish passing through a bay surrounded by Her Majesty's territories, on their way to their accustomed and natural places of resort within that territory, where they form a considerable element in the means of subsistence provided by Providence for its inhabitants.

On a subject of so much moment, and viewed with so lively an interest by the people of this province, Her Majesty's Government is humbly, but most urgently, besought to withhold the concession required by the American Minister. If the construction his Excellency has attempted to put on the Treaty shall be judicially decided to be correct, it will be the duty of the colonies to submit. If otherwise, it is hoped a boon will not be conferred on foreigners to which they have no title, and which they can only enjoy, as the people of this country believe, at the expense and to the deep and lasting injury of Her Majesty's loyal subjects.

I have, &c.
(Signed) J. W. JOHNSTON,
Attorney-General.

Halifax, N. S., Sept. 17, 1844.

No. 26.

(No. 213.)

No. 26.

COPY of a DESPATCH from the Right Hon. Lord STANLEY to the Right Hon. Viscount FALKLAND.

MY LORD,

Downing Street, March 30, 1845.

WITH reference to your Lordship's Despatch, No. 271* of the 17th September last, I have the honour to enclose for your information the copy of a further correspondence between this department and the Foreign Office relative to the right of citizens of the United States to fish in the Bay of Fundy, and I have to instruct you to issue to the commanders of the cruizers employed in the protection of the British fisheries, the orders which will be requisite in consequence of the concession which has been made to the American Government.

I have, &c.
(Signed) STANLEY.

The Right Hon. Viscount Falkland.

Enclosure 1 in No. 26.

NOVA SCOTIA.

Encl. 1. in No. 26.

SIR,

Downing Street, October 7, 1844.

WITH reference to your letter of the 20th July,* on the subject of the seizure of the American fishing vessel, the "Washington," by a vessel belonging to Nova Scotia, and the proposal of the Earl of Aberdeen for relaxing the rule which has been hitherto applied to American vessels found fishing in the Bay of Fundy, I am directed by Lord Stanley to transmit to you, herewith, the copy of a Despatch, with an enclosure, from the Lieutenant Governor of Nova Scotia, signifying his opinion that, provided the distance within which American fishermen must not approach, be decided to be three miles from a line drawn from headland to headland, and that no further pretensions be raised in consequence by the United States, the proposed concession to that country might be granted by Her Majesty's Government.

* Page 67.

No. 271.

Sept. 17, 1844.

Lord Stanley requests that you would direct the special attention of Lord Aberdeen to the suggestion offered by the Lieutenant-Governor, that if this concession be made, the opportunity be taken to urge upon the Government of the United States the immediate reduction of the duties imposed by that country upon the produce of the provincial fisheries.

I have, &c.

H. U. Addington, Esq.

(Signed) J. STEPHEN.

Enclosure 2 in No. 26.

Encl. 2. in No. 26.

SIR,

Foreign Office, November 16, 1844.

WITH reference to your letter of the 7th ultimo, I am directed by the Earl of Aberdeen to transmit to you, for the consideration of Lord Stanley, a draft of a note which Lord Aberdeen proposes to address to Mr. Everett, the United States Minister at this Court, respecting the case of the American fishing vessel "Washington," and the general question of the right of United States fishermen to pursue their calling in the Bay of Fundy; and I am to request that you will move Lord Stanley to favour Lord Aberdeen upon this proposed note.

I have, &c.

J. Stephen, Esq.

(Signed) H. U. ADDINGTON.

Lord Aberdeen's proposed Note to Mr. Everett (subsequently dated March 10, 1845).

* Page 67.

THE undersigned duly referred to the Colonial Department the note which Mr. Everett, &c. did him the honour to address to him on the 25th of May last,* respecting the case of the "Washington" fishing vessel, and on the general question of the right of United States fishermen to pursue their calling in the Bay of Fundy; and having shortly since received the answer of that department, the undersigned is now enabled to make a reply to Mr. Everett's communication, which he trusts will be found satisfactory.

In acquitting himself of this duty, the undersigned will not think it necessary to enter into a lengthened argument in reply to the observations which have at different times been submitted to Her Majesty's Government by Mr. Stevenson and Mr. Everett on the subject of the right of fishing in the Bay of Fundy as claimed in behalf of the United States citizens. The undersigned will confine himself to stating that after the most deliberate re-consideration of the subject, and with every desire to do full justice to the United States, and to view the claims put forward on behalf of United States citizens in the most favourable light, Her Majesty's Government are nevertheless still constrained to deny the right of United States citizens under the Treaty of 1818, to fish in that part of the Bay of Fundy, which from its geographical position may properly be considered as included within the British possessions.

Her Majesty's Government must still maintain, and in this view they are fortified by high legal authority, that the Bay of Fundy is rightfully claimed by Great Britain, as a bay within the meaning of the Treaty of 1818. And they equally maintain the position which was laid down in the note of the undersigned, dated the 15th of April last, that, with regard to the other bays on the British American coasts, no United States fisherman has, under that Convention, the right to fish within three miles of the entrance of such bays as designated by a line drawn from headland to headland at that entrance.

But while Her Majesty's Government still feel themselves bound to maintain these positions as a matter of right, they are, nevertheless, not insensible to the advantages which would accrue to both countries from a relaxation of the exercise of that right;—to the United States, as conferring a material benefit on their fishing trade; and to Great Britain and the United States conjointly, and equally, by the removal of a fertile source of disagreement between them.

NOVA SCOTIA.

Her Majesty's Government are also anxious, at the same time that they uphold the just claims of the British Crown, to evince by every reasonable concession their desire to act liberally and amicably towards the United States.

The undersigned has accordingly much pleasure in announcing to Mr. Everett the determination to which Her Majesty's Government have come, to relax in favour of the United States fishermen that right, which Great Britain has hitherto exercised, of excluding those fishermen from the British portion of the Bay of Fundy; and they are prepared to direct their colonial authorities to allow henceforward the United States fishermen to pursue their avocations in any part of the Bay of Fundy, provided they do not approach, except in the cases specified in the Treaty of 1818, within three miles of the entrance of any bay on the coast of Nova Scotia or New Brunswick.

In thus communicating to Mr. Everett the liberal intentions of Her Majesty's Government, the undersigned desires to call Mr. Everett's attention to the fact that the produce of the labour of the British colonial fishermen is at the present moment excluded by prohibitory duties on the part of the United States from the markets of that country; and the undersigned would submit to Mr. Everett that the moment at which the British Government are making a liberal concession to United States trade might well be deemed favourable for a counter-concession on the part of the United States to British trade, by the reduction of the duties which operate so prejudicially to the interests of the British colonial fishermen.

Encl. 3. in No. 26.

Enclosure 3 in No. 26.

SIR,

Downing Street, March 8, 1845.

I HAVE laid before Lord Stanley your letter of the 16th of last November, transmitting the draft of a note which the Earl of Aberdeen proposes to address to the Minister for the United States at this Court, in answer to his representation on the subject of the seizure of the American fishing vessel "Washington," and the general question of the right of fishermen of the United States to fish in the Bay of Fundy, and I am directed to request that you will acquaint Lord Aberdeen that after a careful perusal of the proposed note Lord Stanley has no objection to offer to it.

I have, &c.

H. U. Addington, Esq.

(Signed) G. W. HOPE.

Encl. 4. in No. 26.

Enclosure 4 in No. 26.

SIR,

Foreign Office, March 22, 1845.

I HAVE laid before the Earl of Aberdeen your letter of the 8th instant, conveying Lord Stanley's acquiescence in the draft of the note which Lord Aberdeen proposed to address to Mr. Everett, the United States Minister at this Court, upon the question of the right of fishermen of the United States to fish in the Bay of Fundy, with reference to the case of the American vessel "Washington" which had been seized for fishing in that bay; and I am to acquaint you, for Lord Stanley's information, that Lord Aberdeen forwarded the note in question to Mr. Everett on the 10th instant.

I am at the same time to request that you will move Lord Stanley to give such directions to the authorities of Nova Scotia as he may think necessary in consequence of the decision which Her Majesty's Government have taken upon this subject.

I am, &c.

James Stephen, Esq.

(Signed) H. U. ADDINGTON.

No. 27.

(No. 191.)

No. 27.

COPY of a DESPATCH from the Right Hon. Lord STANLEY to the Right Hon. Viscount FALKLAND.

Downing Street, October 26, 1844.

MY LORD,

(Answered, December 17, 1844, page 80.)

* Page 70.

I HAVE to acknowledge the receipt of your Lordship's Despatch, No. 271,* of the 17th ultimo, on the subject of the American ship "Washington," and the

proposed relaxation in the rule respecting vessels of the United States found fishing in the Bay of Fundy, and I have to acquaint your Lordship that I have communicated that Despatch to the Earl of Aberdeen, for his consideration.

NOVA SCOTIA.

A further representation having been received by Her Majesty's Government from the Minister of the United States of America in London, complaining of the seizure of a vessel named the "Argus," which had been found fishing off Cape Breton, under similar circumstances to those of the "Washington," and stating that the captors had been harsh in their treatment towards the master of the "Argus," it is necessary that I should transmit to your Lordship a copy of that representation, and request you to furnish me with such a report upon the subject as may enable Her Majesty's Government to answer the complaint of the American Minister.

Foreign Office,
Oct 16, 1844.

I have, &c.

The Right Hon. Viscount Falkland,
&c. &c. &c.

(Signed) STANLEY.

Enclosure 1 in No. 27.

Encl. 1 in No. 27.

SIR,

Foreign Office, October 16, 1844.

WITH reference to your letter of the 7th instant,* in reply to Mr. Addington's of the 20th of last July, relative to the relaxation which Lord Aberdeen proposed should be made in the rule respecting American vessels found fishing in the Bay of Fundy, I am directed by the Earl of Aberdeen to transmit to you a copy of a note from Mr. Everett, the Minister of the United States of America, bringing forward a complaint made by the master of an American fishing vessel, the "Argus," on account of the seizure of his vessel off Cape Breton, by a Government cutter from Halifax, and also on account of the harsh treatment experienced by him at the hands of the captors.

* Page 75.

Mr. Everett,
Oct. 9, 1844.

I am to request that you will lay Mr. Everett's note, with its enclosure, before Lord Stanley, and move his Lordship to cause inquiry to be made into this matter, and to communicate the result thereof to this office, in order to enable Lord Aberdeen to reply to the allegations contained in Mr. Everett's note.

I have, &c.

J. Stephen, Esq.

(Signed) CANNING.

Enclosure 2 in No. 27.

Encl. 2 in No. 27.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honour to transmit to the Earl of Aberdeen, &c. the accompanying papers relating to the capture of an American fishing vessel, the "Argus," by a Government cutter from Halifax, the "Sylph," on the 6th of July last.

In addition to the seizure of the vessel, her late commander, as Lord Aberdeen will perceive from his deposition, complains of harsh treatment on the part of the captors.

The grounds assigned for the capture of this vessel are not stated with great distinctness. They appear to be connected partly with the construction set up by Her Majesty's provincial authorities in America, that the line within which vessels of the United States are forbidden to fish is to be drawn from headland to headland, and not to follow the indentations of the coast, and partly with the regulations established by those authorities in consequence of the annexation of Cape Breton to Nova Scotia.

With respect to the former point, the undersigned deems it unnecessary on this occasion to add anything to the observations contained in his note to Lord Aberdeen of the 25th of May* on the subject of the limitations of the right secured to American fishing vessels by the Treaty of 1783 and the Convention of 1818, in reply to the note of his lordship of the 15th of April on the same subject. As far as the capture of the "Argus" was made under authority derived from the Act annexing Cape Breton to Nova Scotia, the undersigned would observe that he is under the impression that the question of the legality of that measure is still pending before the Judicial Committee of Her Majesty's Privy Council. It would be very doubtful whether rights secured to American vessels under public compacts could, under any circumstances, be impaired by Acts of subsequent domestic legislation; but to proceed to capture American vessels in virtue of such Acts, while their legality is drawn in question by the Home Government, seems to be a measure as unjust as it is harsh.

* Page 67.

NOVA SCOTIA.

Without enlarging on these views of the subject, the undersigned would invite the attention of the Earl of Aberdeen to the severity and injustice which in other respects characterize the laws and regulations adopted by Her Majesty's provincial authorities against the fishing vessels of the United States. Some of the provisions of the provincial law in reference to the seizures which it authorizes of American vessels were pronounced, in a note of Mr. Stevenson to Viscount Palmerston of the 27th of March 1841,* to be "violations of well-established principles of the common law of England, and of the principles of the just laws of all civilized nations;" and this strong language was used by Mr. Stevenson, under the express instructions of his Government.

* Page 45.

A demand of security to defend the suit from persons so little able to furnish it as the captains of small fishing schooners, and so heavy that, in the language of the consul at Halifax, "it is generally better to let the suit go by default," must be regarded as a provision of this description. Others, still more oppressive, are pointed out in Mr. Stevenson's note above referred to, in reference to which the undersigned finds himself obliged to repeat the remark made in his note to Lord Aberdeen of the 10th of August 1843,* that he believes it still remains unanswered.

* Page 67.

It is stated by the Captain of the "Argus," that the commander of the Nova Scotia schooner by which he was captured said, that he was within three miles of the line beyond which "on their construction of the Treaty we were a lawful prize, and that he seized us to settle the question."

The undersigned again feels it his duty, on behalf of his Government, formally to protest against an act of this description. American vessels of trifling size, and pursuing a branch of industry of the most harmless description, which, however beneficial to themselves, occasions no detriment to others, instead of being turned off the debateable fishing ground, a remedy fully adequate to the alleged evil, are proceeded against as if engaged in the most undoubted infractions of municipal law or the law of nations, captured and sent into port, their crews deprived of their clothing and personal effects, and the vessels subjected to a mode of procedure in the courts which amounts in many cases to confiscation; and this is done to settle the construction of a Treaty.

A course so violent and unnecessarily harsh would be regarded by any Government as a just cause of complaint against any other with whom it might differ in the construction of a national compact; but, when it is considered that these are the acts of a provincial Government with whom that of the United States has and can have no intercourse, and that they continue and are repeated, while the United States and Great Britain, the only parties to the treaty, the purport of whose provisions is called in question, are amicably discussing the matter, with every wish, on both sides, to bring it to a reasonable settlement, Lord Aberdeen will perceive that it becomes a subject of complaint of the most serious kind.

As such the undersigned is instructed again to bring it to Lord Aberdeen's notice, and to express the confident hope that such measures of redress as the urgency of the case requires will, at the instance of his Lordship, be promptly resorted to.

The Undersigned, &c.

EDWARD EVERETT.

Grosvenor Place,
October 9, 1844.

Papers transmitted with a Note to Lord Aberdeen of October 9, 1844.

Messrs. J. and J. Starling to the Secretary of State of the United States, 26th August 1844.

The Consul of the United States at Halifax to Messrs. J. and J. Starling, 19th August 1844.

Depositions of Edward Doughty and Joshua Doughty, enclosed in the foregoing.

SIR,

Portland, August 26, 1844.

WE beg leave to lay before you the enclosed letter from our consul at Halifax, and earnestly beg for your interference to see justice done us. We are fishermen, and have but little property, and are wholly unable to pay the sum the consul says is required by the court to be secured before we are permitted to have a trial of our vessel. Our vessel was fifteen miles from any land when she was seized, and if the British construction of the treaty is right, then no American can fish in the Bay of Fundy even if he is fifty miles from any shore.

As well might we draw a line from Cape Florida to Cape Cod, and say that meant three "marine miles from our shore" between these capes.

It appears from the consul's letter to be the determination of the English Government to condemn the vessel, and all vessels found within "three marine miles" of a line drawn from cape to cape. Our vessel had 250 quintals of fish on board, and the vessel was valuable to us and to her crew, who were turned on shore without funds or means to help them home.

It appears that this seizure is made to settle the disputed construction of the Treaty, and we must confidently rely on the strong arm of our Government to defend and protect us in our honestly acquired property and peaceful industry.

NOVA SCOTIA.

The Hon. J. C. Calhoun.

With great respect, &c.,

(Signed) J. & J. STARLING.

Consulate of the United States of America,
Halifax, N.S., August 19, 1839.

GENTLEMEN,

I HAVE to inform you that William Doughty, master of the schooner "Argus," called at my office on the 17th instant, and stated that his vessel had been seized by one of the colonial cruizers off the Cape Breton coast on the 5th of this month, and was taken into Sydney for an infraction on the British fisheries, or rather from the construction put upon the Treaty of 1818 by the Crown officers in England, which states that the three marine miles shall be from headlands. The seizing officer has determined to prosecute the suit as the Attorney-General this day informed me. It will be some two months ere the Admiralty Court will be convened. I have endeavoured thus far to procure the release of this vessel, but without effect. The expenses in this court are very heavy, and previous to defending a suit, the judge requires security to the amount of \$300, so that, generally speaking, it is better to let the suit go by default, and purchase the vessel after condemnation.

The master of the "Argus" and two of the crew are here, waiting a passage to Boston. As they have no means, you will please establish a credit with Alfred Greenough, Esq., Boston, for my account, say to the amount of \$50, or authorize him to pay the master's bill for the amount of his expenses here and passage to Boston.

I hold the depositions of Captain Doughty and two of his crew.

With respect, &c.,

(Signed) T. B. LIVINGSTON,
U.S. Consul.Messrs. J. and J. Starling,
Portland.

I, Edward Doughty of Portland, state of Maine, aged twenty-three years, on oath testify and say, that I was shipped in April last as salter on board the fishing schooner "Argus" of Portland, of which vessel William Doughty was master or skipper; that we sailed in April for Cape Sable, made our fare of fish, returned about the 19th of June last. We sailed again about the 18th of June last, and in six days arrived on St. Ann's Bank, which lays between Cow Bay Head and Cape North, and is more than fifteen marine miles from any land. We fished there until the 6th day of July last, when we were captured by a cutter called the "Sylph" of Halifax, being a Nova Scotia Government schooner, commanded by a man named Dodge, and carried us into Sydney. We arrived about five o'clock on the morning of the 7th of July, where we lay until ten o'clock on the morning of the 8th of July, when this Dodge ordered us all to leave the "Argus" in fifteen minutes, and that such of our wearing apparel as we did not get in "fifteen minutes" this Dodge declared would be held with the prize. We all left within the fifteen minutes, though some of the crew forgot some of their effects, and requested leave to go on board for them. This request was denied, nor would this Dodge deliver them up. We told this Dodge that we had not a cent of money, and requested leave to take some of our bread, beef, and pork on shore to live on for a day or two, until we could find some chance to get home. He replied we should not have a single biscuit. We urged our destitute situation; but all the reply we got was, that our situation was nothing to him. When Dodge took us our skipper told him we were more than fifteen miles from land. This Dodge admitted, for from where we lay Cape North bore north by compass*; and inspection of the chart will show we were more than sixteen miles from any shore, and in fact we were all of three miles outside of a line drawn from Cow Bay Head to Cape North; but Dodge said we were within three miles of such line, and on their construction of the Treaty that we were a lawful prize. He said he had seized us to settle the question. Dodge read the annexed document as his authority, and gave it to my father, the skipper, who gave it to me to bring home to the owners.

I got on board the fishing schooner "Emma" of Portland, and came home with two of my brothers, and left my father and two of the crew at Sydney, who were to go to Halifax.

(Signed) EDWARD DOUGHTY.

Cumberland Ss.—August 26, 1844.

Then the above-mentioned Edward Doughty personally appeared, and made solemn oath to the foregoing depositions, by him subscribed before me.

(Signed) JOHN ANDERSON, Justice of the Peace.

* And Cow Head bore S.S. West by compass.

NOVA SCOTIA

I, Joshua Doughty, of Portland in the County of Cumberland and State of Maine, aged fourteen years, on oath declare, that I was a boy on board the fishing schooner "Argus," shipped in April last, and was in her until she was captured by the British cutter "Sylph," on the 9th of July last. I further say that I was present at the noting of the deposition of my brother, Edward Doughty, and that all he has related of our capture and treatment is true.

his
JOSHUA X DOUGHTY,
mark.

Witness, (Signed) JOHN ANDERSON.

Cumberland Ss.—August 26, 1844.

Then the above-named Joshua Doughty personally appeared, and made oath to the foregoing deposition, by him subscribed before me.

(Signed) JOHN ANDERSON,
Justice of the Peace.

No. 28.

(No. 281.)

No. 28.

COPY of a DESPATCH from the Right Hon. Viscount FALKLAND to the
Right Hon. Lord STANLEY.

Government House, Halifax, December 17, 1844.

(Received, December 30, 1844.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Despatch, No. 191, of the 26th of October, enclosing a letter from the Minister of the United States of America at London, "complaining of the seizure of a vessei named the " 'Argus,' which was found fishing off Cape Breton under similar circumstances " to those of the ' Washington,' and stating that the captors had been harsh in " their treatment towards the master of the ' Argus,'" and likewise covering depositions to that effect, signed by Edward and John Doughty.

After the correspondence I have lately had with your Lordship as to the true construction to be put on the Convention of 1818, on the interpretation of which the legality or illegality of the capture of the " Argus " as well as of the " Washington " of course depends, I feel it is unnecessary for me to enter again on that branch of the subject; and from the difficulty of communication by post at this season of the year I am not at present in a position to meet the allegations contained in Mr. Everett's representation with respect to the harsh treatment of the skipper and crew of the " Argus " by the captain and crew of the provincial schooner.

These charges have, however, taken me by surprise, as William Doughty, the commander of the " Argus," (and apparently from the similarity of name the brother of the other two men who feel themselves aggrieved,) was in Halifax for some days, and in communication with the Attorney-General, to whom he made no complaint of having been ill treated or harshly dealt with by Mr. Dodd, whose general character, as well as the kindly feeling he evinced towards William Doughty, forbids me readily to give credence to any accusation of such a nature that may be brought against him, until he shall have had an opportunity of offering a counter statement.

I have in consequence transmitted to Mr. Dodd a copy of the affidavits of Edward and John Doughty, and required an explanation from him, which I trust to receive in sufficient time to allow of my addressing your Lordship satisfactorily on this topic by the next packet.

The Right Hon. Lord Stanley,
&c. &c. &c.

I have, &c.
(Signed) FALKLAND.

(No. 225.)

No. 29.

COPY of a DESPATCH from the Right Hon. Lord STANLEY to the Right Hon. Viscount FALKLAND.

Downing Street, May 19, 1845.

MY LORD,

(Answered June 17 and July 2, 1845, p. 88.)

HER Majesty's Government having frequently had before them the complaints of the Minister of the United States in this country, on account of the capture of vessels belonging to fishermen of the United States, by the provincial cruizers of Nova Scotia and New Brunswick, for alleged infractions of the Convention of 20th October 1818,* between Great Britain and the United States, I have to acquaint your Lordship, that, after mature deliberation, Her Majesty's Government deem it advisable for the interests of both countries to relax 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. Her Majesty's Government, therefore, henceforth propose to regard as bays, in the sense of the treaty, only those inlets of the sea which measure from headland to headland at their entrance the double of the distance of three miles, within which it will still be prohibited to the fishing vessels of the United States to approach the coast for the purpose of fishing. I transmit to your Lordship herewith, the copy of a letter, together with its enclosures, which I have received from the Foreign Office upon this subject; from which you will learn the general views entertained by Her Majesty's Government as to the expediency of extending to the whole of the coasts of the British possessions in North America the same liberality with respect to United States fishing boats as Her Majesty's Government have recently thought fit to apply to the Bay of Fundy; and I have to request that your Lordship would inform me whether you have any objections to offer, on provincial or other grounds, to the proposed relaxation of the construction of the Treaty of 1818, between this country and the United States.

* Appendix No. 1,
p. 273.

I have, &c.
(Signed) STANLEY.

The Right Hon. Viscount Falkland.

Enclosure in No. 29.

Encl. in No. 29.

SIR,

Foreign Office, May 8, 1845.

WITH reference to the correspondence which has passed between this Office and the Colonial Department on the subject of the "Washington" and the "Argus," United States fishing boats, captured by New Brunswick and Nova Scotia revenue cruizers, the one in the Bay of Fundy, the other off the coast of Cape Breton, for alleged infractions of the Convention of the 20th October 1818, between Great Britain and the United States, I am directed by the Earl of Aberdeen to transmit to you, for the purpose of being laid before Lord Stanley, copies of two additional notes, relative to the capture of the "Argus," which have been recently addressed to Lord Aberdeen by the United States Minister in this country.

It will be seen that in those notes Mr. Everett urges the expediency of an extension, on the part of Great Britain, to the whole of the coasts of the British possessions in North America, of the same principle of liberality with respect to United States fishing boats as Her Majesty's Government have thought proper to apply to the Bay of Fundy. In fact, Mr. Everett appears willing to assume, from the tenour of Lord Aberdeen's note to him, dated the 10th of March last*, of which a draft was sent to the Colonial Department on the 16th of November last, that such is the implied intention of Her Majesty's Government.

* Page 75.

Although that assumption is erroneous, the note in question having been intended to apply to the Bay of Fundy alone, I am directed by Lord Aberdeen to state to you that it is his decided opinion that the overstrained exercise of an assumed right on our part to exclude United States fishermen from all those vast inlets of the sea on the British North American coasts somewhat incorrectly termed bays, ought to be henceforward foregone by us, and that we ought to consider as bays, in the sense of the treaty, those inlets only which measure from headland to headland at their entrance the double of the distance of three miles, within which it is prohibited to the United States fishing vessels to approach the coast for the purpose of fishing.

The Bay of Chaleurs, that of Miramichi, and numerous other bays on the coasts of New Brunswick, Nova Scotia, Cape Breton, and the other English dependencies in that quarter,

NOVA SCOTIA.

would seem to be equally entitled to be considered as open to United States fishermen as the Bay of Fundy.

In the case of the "Argus," it appears to Lord Aberdeen that the assumption of the right of exclusion on our part was more than usually strained, since the officer who captured that vessel admits that she was not within three miles of any land, but alleges that she was still "much within the bay that is formed by a straight line drawn from Cape North to the northern head of Cow Bay."

After attentively examining the map, Lord Aberdeen has been unable to discover any bay formed by a straight line thus described. In fact, there is no such bay in existence.

Since, therefore, it cannot be denied that such exercises of power are extreme, and may justly be offensive to and resisted by the United States, and as much greater injury is liable to result to us nationally from the ill feeling which such occurrences engender than could be sustained, provincially, by our dependencies, from the admission of United States fishing vessels to within an equitable distance of their coasts or of the entrance of the *bonâ fide* bays on their coasts, Lord Aberdeen would submit to Lord Stanley whether the time is not come at which we should voluntarily recede from the exercise of a doubtful and dangerous right, and grant to the citizens of the United States that boon to which they appear to be fairly entitled.

James Stephen, Esq.

I am, &c.

H. U. ADDINGTON.

* Page 75.

The undersigned, &c. has the honour to acknowledge the receipt of a note of the 10th instant,* from the Earl of Aberdeen, &c., in reply to the communication of the undersigned of the 15th of May last, on the case of the "Washington," and the construction given by the Government of the United States to the Convention of 1818, relative to the right of fishing on the coasts of Nova Scotia and New Brunswick.

Lord Aberdeen acquaints the undersigned, that after the most deliberate reconsideration of the subject, and with every desire to do full justice to the United States, and to view the claims put forward on behalf of their citizens in the most favourable light, Her Majesty's Government are nevertheless still constrained to deny the right of citizens of the United States under the Treaty of 1818, to fish in that part of the Bay of Fundy which, from its geographical position, may properly be considered as included within the British possessions; and also to maintain, that with regard to the other bays on the British American coasts, no United States fisherman has, under that Convention, the right to fish within three miles of the entrance of such bay, as designated by a line draw from headland to headland at that entrance.

Lord Aberdeen, however, informs the undersigned, that, although continuing to maintain these positions as a matter of right, Her Majesty's Government are not insensible to the advantages which might accrue to both countries from a relaxation in its exercise; that they are anxious, while upholding the just claims of the British Crown, to evince by very reasonable concession their desire to act liberally and amicably toward the United States; and that Her Majesty's Government have accordingly come to the determination, "to relax in favour of the United States fishermen the right which Great Britain has hitherto exercised of excluding those fishermen from the British portion of the Bay of Fundy; and are prepared to direct their colonial authorities to allow henceforward the United States fishermen to pursue their avocations in any part of the Bay of Fundy, provided they do not approach, except in the cases specified in the Treaty of 1818, within three miles of the entrance of any bay on the coast of Nova Scotia or New Brunswick."

The undersigned receives with great satisfaction this communication from Lord Aberdeen, which promises the permanent removal of a fruitful cause of disagreement between the two countries, in reference to a valuable portion of the fisheries in question. The Government of the United States, the undersigned is persuaded, will duly appreciate the friendly motives which have led to the determination on the part of Her Majesty's Government, announced in Lord Aberdeen's note; and which he doubts not will have the natural effect of acts of liberality between powerful states, of producing benefits to both parties, beyond any immediate interest which may be favourably affected.

While he desires, however, without reserve, to express his sense of the amicable disposition evinced by Her Majesty's Government on this occasion in relaxing in favour of the United States, the exercise of what, after deliberate re consideration, fortified by high legal authority, is deemed an unquestioned right of Her Majesty's Government, the undersigned would be unfaithful to his duty, did he omit to remark to Lord Aberdeen, that no arguments have at any time been adduced to shake the confidence of the Government of the United States in their own construction of the treaty. While they have ever been prepared to admit, that in the letter of one expression of that instrument, there is some reason for claiming a right to exclude United States fishermen from the Bay of Fundy, (it being difficult to deny to that arm of the sea the name of "bay" which long geographical usage has assigned to it,) they have ever strenuously maintained, that it is only on their own construction of the entire article, that its known design in reference to the regulation of the fisheries admits of being carried into effect.

The undersigned does not make this observation for the sake of detracting from the liberality evinced by Her Majesty's Government in relaxing from what they regard as their right; but it would be placing his own Government in a false position to accept as a mere favour that for which they have so long and strenuously contended as due to them under the Convention.

It becomes the more necessary to make this observation in consequence of some doubt as to the extent of the proposed relaxation. Lord Aberdeen, after stating that Her Majesty's Government felt themselves constrained to adhere to the right of excluding United States fishermen from the Bay of Fundy, and also with regard to other bays on the British American coasts, to maintain the position that no United States fisherman has, under that Convention, the right to fish within three miles of the entrance of such bays, as designated by a line drawn from headland to headland at that entrance, adds that "while Her Majesty's Government still feel themselves bound to maintain these positions as a matter of right, they are not insensible to the advantages which would accrue to both countries from the relaxation of that right."

This form of expression might seem to indicate that the relaxation proposed had reference to both positions. But when Lord Aberdeen proceeds to state more particularly its nature and extent, he confines it to a permission to be granted to "the United States fishermen to pursue their avocations in any part of the Bay of Fundy, provided they do not approach, except in the cases specified in the Treaty of 1818, within three miles of the entrance of any bay on the coast of Nova Scotia and New Brunswick;" which entrance is defined in another part of Lord Aberdeen's note as being designated by a line drawn from headland to headland.

In the case of the "Washington," which formed the subject of the note of the undersigned on the 25th May 1844,* to which the present communication of Lord Aberdeen is a reply, the capture complained of was in the waters of the Bay of Fundy; the principal portion of the argument of the undersigned was addressed to that part of the subject; and he is certainly under the impression that it is the point of greatest interest in the discussions which have been hitherto carried on between the two Governments in reference to the United States right of fishery on the Anglo-American coasts.

* Page 67.

In the case, however, of the "Argus," which was treated in the note of the undersigned of the 9th of October,* the capture was in the waters which wash the north-eastern coasts of Cape Breton, a portion of the Atlantic Ocean, intercepted indeed between a straight line drawn from Cape North to the northern head of Cow Bay, but possessing none of the characters of a bay (far less so than the Bay of Fundy), and not called a "bay" in any map which the undersigned has seen. The aforesaid line is a degree of latitude in length; and, as far as reliance can be placed on the only maps (English ones) in the possession of the undersigned on which this coast is distinctly laid down, it would exclude vessels from fishing grounds which might be thirty miles from the shore.

* Page 77.

Lord Aberdeen, in his note of the 10th instant on the case of the "Argus," observes that "as the point of the construction of the Convention of 1818, in reference to the rights of fishing on the Anglo-American dependencies by citizens of the United States, is treated in another note of this date relative to the case of the 'Washington,' the undersigned abstains from again touching on that subject."

This expression taken by itself would seem to authorize the expectation that the waters where these two vessels respectively were captured would be held subject to the same principles, whether of restriction or relaxation; as indeed all the considerations which occur to the undersigned, as having probably led Her Majesty's Government to the relaxation in reference to the Bay of Fundy, exist in full and even superior force, in reference to the waters on the north-eastern coast of Cape Breton, where the "Argus" was seized. But if Her Majesty's provincial authorities are permitted to regard as a "bay" any portion of the sea which can be cut off by a direct line connecting two points of the coast, however destitute in other respects of the character usually implied by that name, not only will the waters on the north-eastern coasts of Cape Breton, but on many other parts of the shores of the Anglo-American dependencies, where such exclusion has not yet been thought of, be prohibited to American fishermen. In fact the waters which wash the entire south-eastern coast of Nova Scotia from Cape Sable to Cape Canso, a distance on a straight line of rather less than 300 miles, would in this way constitute a bay, from which United States fishermen would be excluded.

The undersigned, however, forbears to dwell on this subject, being far from certain, on a comparison of all that is said in the two notes of Lord Aberdeen of the 10th instant, as to the relaxation proposed by Her Majesty's Government, that it is not intended to embrace the waters on the north-eastern coasts of Cape Breton as well as the Bay of Fundy.

Lord Aberdeen, toward the close of the note in which the purpose of Her Majesty's Government is communicated, invites the attention of the undersigned to the fact, that British Colonial fish is, at the present time, excluded by prohibitory duties from the markets of the United States; and suggests that the moment at which the British Government are making a liberal concession to United States trade might be deemed favourable for a counter concession on the part of the United States to British trade, by the re-

NOVA SCOTIA.

duction of duties, which operate so prejudicially to the interests of the British colonial fishermen.

The undersigned is, of course, without instructions which enable him to make any definite reply to this suggestion. It is no doubt true, that the British colonial fish, as far as duties are concerned, enters the United States market if at all to some disadvantage. The Government of the United States, he is persuaded, would gladly make any reduction in these duties, which would not seriously injure the native fisherman; but Lord Aberdeen is aware that the encouragement of this class of the seafaring community has ever been considered, as well in the United States as Great Britain, as resting on peculiar grounds of expediency. It is the great school, not only of the commercial, but of the public marine, and the highest considerations of national policy require it to be fostered.

The British colonial fishermen possess considerable advantages over those of the United States. The remoter fisheries of Newfoundland and Labrador are considerably more accessible to the colonial than to the United States fishermen. The fishing grounds on the coasts of New Brunswick and Nova Scotia, abounding in cod, mackerel, and herring, lie at the doors of the former; he is therefore able to pursue his avocation in a smaller class of vessels, and requires a smaller outfit; he is able to use the net and the seine to great advantage in the small bays and inlets along the coast, from which the fisherman of the United States, under any construction of the Treaty, is excluded; all or nearly all the materials of ship-building, timber, iron, cordage, and canvass, are cheaper in the colonies than in the United States, as are salt, hooks, and lines. There is also great advantage enjoyed in the former in reference to the supply of bait and curing the fish; these and other causes have enabled the colonial fishermen to drive those of the United States out of many foreign markets, and might do so at home, but for the protection afforded by the duties.

It may be added, that the highest duty on the kinds of fish that would be sent to the American market, is less than a halfpenny per pound, which cannot well do more than counterbalance the numerous advantages possessed by the colonial fisherman.

The undersigned supposes, though he has no particular information to that effect, that equal or higher duties exist in the colonies on the importation of fish from the United States.

The undersigned requests, &c.

(signed) EDWARD EVERETT.

Grosvenor Place, March 25, 1845.

* Page 77.

The undersigned, &c. has had the honour to receive a note of the 10th ultimo from the Earl of Aberdeen, &c., in reply to the note of the undersigned of the 9th of October* last, relative to the case of the United States fishing vessel the "Argus," seized on the 6th of July last, off the north-eastern coast of Cape Breton, by the provincial armed vessel the "Sylph."

In the above-mentioned note of the 9th October, after alluding very briefly to the alleged harsh treatment of the master and crew of the "Argus," by the captors, and adverting to the general subject of the contested right of the fishermen of the United States in the waters of the Anglo-American provinces, the undersigned dwelt with all the earnestness in his power on the extremely objectionable character of the course pursued by the provincial authorities in presuming to decide for themselves a question under discussion between the two Governments.

Of the often repeated complaint of the Government of the United States on this point, a subject distinct from the general question, as to the limits of the fishing privilege secured by the Convention of 1818 to the people of the United States, no notice has been taken in any communication of Lord Aberdeen to the undersigned.

In reference to the complaint of "harsh treatment" in the case of the "Argus," the undersigned hastens to do an act of justice to the master of that vessel, by observing that it was through the inadvertence of the undersigned that this complaint was said to be made in the deposition of "the late commander of the vessel." The letter of the American Consul at Halifax, a copy of which accompanied the note of the undersigned of the 9th of October, mentions a deposition of the master; and this circumstance, with the similarity of the name, led the undersigned to the too hasty conclusion that one of the affidavits forwarded to him from Washington, and by him transmitted to Lord Aberdeen was the deposition in question. Such however is not the case. The depositions accompanying the note of the undersigned are those of two of the crew, sons of the master, one of them a boy of fourteen. The Earl of Aberdeen will perceive from Lord Falkland's letter of the 2d of January, that his Lordship had conjectured that such was the fact, and was consequently disposed to exonerate William Doughty, the master of the vessel, from the charge of ingratitude, and of having made a deposition at home at variance with his professions of thankfulness, both at Sydney and Halifax.

It does not appear that Captain Doughty had returned home at the time that Messrs. J. and J. Starling, of Portland in Maine, the owners of the "Argus," represented the case to the Department of State at Washington.

With respect the depositions of Edward and Joshua Doughty, the undersigned agrees with Lord Aberdeen that they are "confused and obscure," and that they are in some important particulars inaccurate; and he has much pleasure in adding that Mr. Dodd, the Commander of the "Sylph," so far from treating the crew of the "Argus" with harshness, seems to have manifested to them every possible kindness consistent with the performance of his duty as an officer charged with the execution of the provincial law.

But although the depositions of the Doughtys are materially incorrect, the undersigned is inclined to think them not open to the charge of intentional falsehood, wilful and shameless misrepresentation, and gratuitous malice ascribed to them by Mr. Dodd, with the sanction of Lord Aberdeen. The statements, for instance, of Edward Doughty, that the capture of the "Argus" took place on the 6th July, and of Joshua Doughty, that it took place on the 9th July, to which Lord Aberdeen alludes as a contradiction, showing a light respect to the obligation of an oath, are, the undersigned thinks, hardly a sufficient ground for so heavy an imputation. The capture having taken place on the 6th of August (not on the 7th, as stated by Lord Aberdeen,) both the depositions are in that respect, of course, inaccurate, but it is in a point of no prejudice to the captors, nor benefit to the deponents or their cause. Had they combined to swear to a false account they would not have differed in details of this kind, nor would they have assigned a wrong day to the capture. The deposition was sent to the undersigned, not in the original, but in copy, apparently written in haste, and containing, either for that reason, or the rapidity with which it was taken down before the magistrate, several clerical errors. The undersigned is disposed to think that the words "on the 9th" in the deposition of Joshua Doughty, should read "in the month." This would remove the only point of contradiction between the brothers, and leave no error in reference to the date, but that of "July" for "August," an error for which the undersigned is unable to account, but which from its nature cannot well be other than inadvertent.

The report of Mr. Davenport, the collector, is itself not wholly free from contradiction, in some important points. He observes in the earlier portion of it, that the "Argus" was brought into Sydney in the morning of the 7th of August, as was the fact; but, in the last paragraph he says, that this took place on the night of the 7th; and after having detailed at length, in the body of his statement, the transactions of the 8th instant, he adverts in its conclusion to an incident which, as he says, took place "later on the 9th than the events I have narrated." The undersigned by no means points out these errors for the sake of impeaching the general character of Mr. Davenport's statement, but to show that similar errors, on the part of the Doughtys, are not conclusive proof of wilful misrepresentation and falsehood.

As far as Mr. Dodd's conduct is concerned, the greatest inaccuracy of the depositions of the Doughtys consists in ascribing to him what was done by order of Mr. Davenport, the collector of Sydney. It appears by Mr. Davenport's statement that these orders were not given by him in person, but by a "waiter or searcher." The undersigned thinks that it is very much the custom of officers of this class in delivering orders, not to describe very particularly from what superior functionary the orders emanate; and it seems natural that these uninformed fishermen, the Doughtys, might have supposed that the orders brought them to quit their vessel, and the prohibition to remove any of her stores with them, proceeded from the officer by whom the capture was made. The undersigned sees no bad motive which they could have had in ascribing to Mr. Dodd what was done by Mr. Davenport. Their doing so may argue ignorance and carelessness, but not necessarily malice.

It is worthy of remark that Mr. Dodd does not, with one exception, seem to discredit the statement of the Doughtys as to what took place before there was any opportunity to fall into this confusion, that is, after the capture and before the bringing into port, although that portion of their statement contains a report of Mr. Dodd's observations about what is called the "Annexation Document," and his having seized the vessel in order "to settle a question" under a Treaty, which, if incorrectly alleged, it may be thought, he could hardly have failed to contradict. Mr. Dodd states, indeed, that it was impossible that the master of the "Argus," as asserted by the deponents, could have thought himself outside the line drawn from Cape North to the head of Cow Bay, because if he had so thought, he would have gone to trial against the captors at Halifax. But Lord Aberdeen is aware that it is one of the grievances which the Government of the United States has had repeatedly to complain of, and which was prominently brought forward in connexion with this very capture by the undersigned in his letter of the 9th of October, that no defence can be made in such a suit without giving security in 300 dollars, besides encountering the delay and the heavy expenses of court. After adverting to that fact, the consul at Halifax, in his letter of the 19th of August, which was sent by the undersigned to Lord Aberdeen with his note of the 9th October, adds, "so that, generally speaking, it is better to let the suit go by default, and purchase the vessel after condemnation."

Mr. Dodd, on this subject, proceeds to say, that "all on board the 'Argus' were too well satisfied of their liability, and of their having violated the Treaty which excludes them from our shores, to have risked the test of an examination as witnesses in the case, and therefore they abandoned the attempt as useless." But not to dwell on the circumstance that Mr. Dodd himself opposes no specific contradiction to the assertion of the Doughtys that he stated that he made the capture "to settle the question" as to the construction of the Treaty,

NOVA SCOTIA.

it is not to be conceived that he should be so uninformed on this subject as not to know that not merely on the part of the fishermen as a body, but on that of their Government, the validity of the British construction of the Treaty has always been contested; and that, if the fishermen of the United States forbear to act on the construction which their own Government has ever maintained, it is simply to avoid capture by the provincial armed vessels.

Admitting that the Doughtys may innocently have thought that the orders which were brought by the "searcher" proceeded not from the collector, but from the officer who captured the vessel, the undersigned does not find in their statement itself much further discrepancy than the admissions of Mr. Davenport than may always be expected between the representations of an officer of intelligence justifying his conduct to his superiors, and those of ignorant men telling their story to their employers under a strong sense of recent loss and oppression.

Mr. Davenport in one point makes a charge against the Doughtys for which there is no foundation in their narrative. He says, "the crew of the 'Argus' remained on board that vessel from the time she was brought into port, the night of the 7th of August, to about mid-day of the 8th, and therefore the story about their removal in fifteen minutes is not correct." But the Doughtys expressly mention that the crew of the "Argus" remained on board from the time the vessel was brought in on the morning of the 7th till ten o'clock of the 8th. The "fifteen minutes" ran from the time the order was given to leave the vessel, not from their arrival in port; and without any reference to the deposition of the Doughtys, the undersigned would infer from the statement of the collector himself, that after the inventory was taken on the morning of the 8th, the crew were peremptorily required to quit the vessel; and as her "stores" were included in the inventory, it is equally plain that they were not permitted to carry the means of subsistence away with them. It appears from his own report that Mr. Davenport, even when urged to do so by Mr. Dodd, refused to relax in any degree the rigour of the law towards those whom he thinks proper to designate as the "hostile crew" of the "Argus."

The conduct of Mr. Dodd in endeavouring to procure from the collector permission for these poor fishermen to stay on board their own vessel another day, (for it must be remembered she was not yet judicially proceeded against, and therefore in the humane intendment of the law, her master was as yet innocent of its violation,) was certainly kind; and his furnishing unsolicited a gratuitous passage to Halifax for the captain of the "Argus" and two of her crew, still more so; although this was not done, as Lord Aberdeen appears to be under the impression, "after the condemnation of the vessel," but before the commencement of any judicial proceeding against her. It was, however, not the less meritorious, and the undersigned sincerely regrets the injustice done him in the deposition of the Doughtys. Could he now deem that injustice wilful, or should it on further inquiry so appear, the undersigned would not fall behind Lord Aberdeen in his emphatic reprobation of it.

The undersigned hopes, however, that the foregoing suggestions will lead Lord Aberdeen to a judgment somewhat more favourable on that point. That the deposition of the Doughtys was given under feelings of great irritation is quite evident. This furnishes no excuse for exaggeration and mis-statement, still less does it palliate falsehood and perjury. Of these crimes the undersigned is inclined to think them innocent; and Lord Aberdeen will agree with him in regarding some colouring in statements made under real or imaginary wrong as almost inseparable from human frailty.

In this case the undersigned is constrained to add, that in the judgment of the Government of the United States, the wrong was real and extreme, not in the harsh treatment on the part of the capturing officer, (a charge against Mr. Dodd to which no prominence was originally given by the undersigned, which he has much pleasure in abandoning, and should have had none in being able to substantiate,) but in the essential injustice of the colonial law, which that gentleman and the collector were employed in enforcing. It cannot need an argument to show, that while a question is in discussion between Her Majesty's Government and that of the United States, and is even, as appears by Lord Aberdeen's note to the undersigned, under reference to legal authorities, an enactment of the Provincial Legislature purporting to decide said question for themselves, and enforcing that decision by capture and condemnation, possesses none of the qualities of the law of civilized states, but its forms.

The undersigned sincerely hopes that he has not erred in believing that the recent determination of Her Majesty's Government, communicated by a separate note of Lord Aberdeen of the 10th ultimo, may be intended to receive such a construction as will furnish a final and effectual remedy of this grievance.

The undersigned, &c.

(Signed) EDWARD EVERETT.

Grosvenor Place, April 2, 1845.

(No. 324.)

No. 30.

NOVA SCOTIA.

No. 30.

COPY of a DESPATCH from the Right Hon. Viscount FALKLAND to the
Right Hon. Lord STANLEY.

Government House, Halifax, June 17, 1845.

MY LORD,

(Received, June 28, 1845.)

I HAVE the honour to acknowledge the receipt of your Despatch, No. 225,* of the 19th May, on the subject of a further relaxation of the construction of the Treaty of 1818 between Great Britain and the United States of America.

* Page 83.

Your Lordship's communication has reference to matters so deeply affecting the interests of Nova Scotia, and involving so many considerations, to the elucidation of which local knowledge and information are so essentially necessary, that I do not at this moment feel myself qualified to reply to it in the manner its importance demands; and I venture to request your Lordship will move Lord Aberdeen to allow any negotiation on the various topics to which it relates to remain suspended until I shall have an opportunity (which I hope will occur by the next packet) of addressing your Lordship in regard to them.

I have &c.

The Right Hon. Lord Stanley,
&c. &c. &c.

(Signed) FALKLAND.

(No. 331.)

No. 31.

No. 31.

COPY of a DESPATCH from the Right Hon. Viscount FALKLAND to the
Right Hon. Lord STANLEY.

Government House, Halifax, July 2, 1845.

MY LORD,

(Received, July 15, 1845)

I LOSE no time in replying to your Lordship's Despatch, No. 225,* date 19th May, desiring me to inform you whether I have any objections to offer on provincial or other grounds to a further relaxation of the construction of the Treaty of 1818, between Great Britain and the United States; such relaxation, I learn from the above despatch, going to the extent of allowing to American fishing vessels free ingress, with liberty to fish therein, to all inlets of the sea which measure from headland to headland at their entrance more than the double of three miles, and still continuing to prohibit United States fishing vessels to fish within any bays which do not measure that distance at the entrance, or to enter therein, except under circumstances and for purposes provided for by the above treaty.

* Page 81.

In my former correspondence, see No. 75,* date 8th May 1841, addressed to your Lordship's predecessor, and No. 185,* date 17th October 1843, addressed to your Lordship, I have very fully explained, that as the advocate of the interests of the province, over the administration of the affairs of which I have now for some time presided, I should deeply lament any relaxation of the construction of the Treaty which would admit of American fishing vessels carrying on their operations within three marine miles of a line drawn from headland to headland of the various bays on the coast of Nova Scotia, nor, as governor of the colony, do I now retract that opinion; but as in matters of this nature much technical knowledge as well as verbal accuracy is required in treating of details, I have directed the Attorney-General to prepare a report on this subject, which I herewith send, recommending it to your Lordship's particular attention, and to which I have only to add, that I am convinced such a relaxation of the construction of the treaty of 1818, as is apparently contemplated by Lord Aberdeen, would, if carried into effect, except in as far as regards the Bay of Fundy, produce very deep-rooted dissatisfaction both here and in New Brunswick, and cause much injury to a very large and valuable class of Her Majesty's subjects.

* Page 50.

* Page 64.

Whether the arguments so strongly urged in the inclosed Report ought to give way to considerations of *national interest*, which Her Majesty's Government may deem involved in the question, I do not venture to pronounce, but I earnestly hope that if any further privileges injurious to the *local interests*

NOVA SCOTIA.

* Page 70.

of the inhabitants of this colony are accorded to the fishermen of the United States, some such compensating advantages as are pointed out in my despatch, No. 271 of the 17th September 1844, will be demanded and obtained for the fishermen of Nova Scotia, and I take the liberty of again requesting your Lordship to bring this important point under the notice of the Secretary of State for Foreign Affairs.

The Lord Stanley,
&c. &c. &c.

I have, &c.
(Signed) FALKLAND.

Encl. in No. 31.

Enclosure in No. 31.

MY LORD,

Halifax, June 16, 1845.

* Page 81.

AGREEABLY to your Excellency's desire, I have the honour to report such suggestions as appear to arise from the despatch of the Right Honourable Secretary of State for the Colonies, dated 19th May last, No. 225, and the correspondence accompanying it of the United States minister at London and Her Majesty's Government, on the subject of the fisheries on the coasts of Her Majesty's North American provinces.

* Page 71.

The concession of a right to fish, in the Bay of Fundy has been followed by the anticipated consequence,—the demand for more extended surrenders, based upon what has been already gained; and it is to be feared that the relaxations now contemplated, if carried into effect, will practically amount to an unrestrained licence to the American fishermen. When their right to fish within the larger bays or at the mouth of the smaller inlets shall be established, the ease with which they may run into the shores, whether to fish or for obtaining bait, or drawing off the schools of fish, or for smuggling, and escape before detection under any guards which it is within the means of the province to employ, will render very difficult the attempt to prevent violations of the remaining restrictions; while in the case of seizures, the facilities for evasion and excuse, which experience has shown to be under any circumstances ever ready, will be much enlarged. An instance has just occurred which illustrates this apprehension and the observations to the same effect contained in the report I had the honour to make your Excellency on the 17th September last.

An American fisherman on the 5th of this month was seized in the Bay of Fundy at anchor inside of the lighthouse at the entrance of Digby Gut, about one quarter of a mile from the shore, with nets on deck still wet, and with the scales of herrings attached to the meshes, and having fresh herring on board.

The excuse sworn to is, that rough weather had made a harbour necessary, that the nets were wet from being recently washed, but that the fish were caught while the vessel was beyond three miles from the coast.

Hence will be extended and aggravated all the mischiefs to our fisheries from the means used by the Americans in fishing, as by "jigging," drawing seines across the mouth of the river, and other expedients, from their practice of drawing the schools from the shore by baiting, and, above all, from their still more pernicious practice of throwing the garbage upon the fishing grounds and along the shore.

Every facility afforded the American fishermen to hold frequent, easy, and comparatively safe intercourse with the shore extends another evil, perhaps more serious in its results,—the illicit traffic carried on under cover of fishing, in which not only the revenue is defrauded and the fair dealer discountenanced, but the coasts are filled with noxious or useless articles in exchange for the money or fish of the settlers in the remote harbours, among which may be mentioned the poisonous rum and gin and manufactured teas, of which already too much is introduced into the country; and from this intercourse, when habitual and established from year to year, the moral and political sentiments of our population cannot but sustain injury.

In the argument of the American minister his Excellency appears to assume that the question turns on the force of the word "bay," and the peculiar expression of the treaty in connexion with that word.

But although it was obviously the clear intention of its framers to keep the American fishermen at a distance of three marine miles from the "*bays, creeks, and harbours,*" there does not therefore arise any just reason to exclude the word "*coasts,*" used in the same connexion in the treaty, from its legitimate force and meaning; and if it be an admitted rule of general law that the outline of a coast is to be defined, not by its indentations but by a line from its principal headlands, then waters, although not known under the designation nor having the general form of a bay, may yet be within the exclusion designed by the treaty.

His Excellency the American minister complains of "the essential injustice" of the law of this province, under which the fisheries are attempted to be guarded, and declares that it possesses none of the qualities of the law of civilized states, but its forms.

His Excellency, in using this language, possibly supposed the Colonial Act attempted to give a construction to the treaty of 1818, or originated the penalty and mode of confiscation of which he so much complains. But had his Excellency examined the Act of this province he has so strongly stigmatized, he would have discovered that, as regards the limits within which foreign fishermen are restricted from fishing, the Colonial Legislature has used but the words of the treaty itself. And a comparison of the Provincial Act with an Act of the Imperial Parliament, the 59th Geo. 3. cap. 38, will show that as regards the description of the offence, the confiscation of the vessel and cargo, and the mode of proceeding, the Legislature of Nova Scotia has in effect only declared what was already, and still is, the law of the realm under Imperial enactments.

Mr. Everett adverts to what he considers "the extremely objectionable character of the course pursued by the provincial authorities in presuming to decide for themselves a question under discussion between the two Governments."

But it is submitted that if the American Government controverted the construction given to the treaty, the course which made confiscation dependent on a judicial trial and decision was neither presumptuous nor inexpedient, nor could the necessity of security for 60*l.*, or the risk of costs in case of failure, offer any serious impediment to the defence in a matter which the Government of the United States deems of great national importance. If, on the other hand, the American fisherman could only claim the relaxation of the treaty, as construed in England and Nova Scotia, as matter of favour, the presumption would rather seem to lie on the side that insisted on exercising the privilege before the boon was conferred.

In any view of the matter, as the American fisherman was never meddled with until he had voluntarily passed the controverted limit, it seems difficult to comprehend why the American minister's proposition might not stand reversed with more propriety than it exhibits in its present form. For his Excellency's regrets might not unreasonably, it would seem, have been expressed at "the extremely objectionable course pursued by American subjects in presuming to decide for themselves a question under discussion between the two Governments," by fishing upon the disputed grounds, and thereby reducing the provincial authorities to the necessity of vindicating their claim, or seeing it trampled on, before the sanction had been obtained either of legal decision or diplomatic arrangement.

When Mr. Everett says that the necessity of fostering the interests of their fishermen rests on the highest grounds of national policy, he expresses the sentiment felt in Nova Scotia as regards the provincial welfare in connexion with this subject. The Americans are fortunate in seeing the principle carried into practice, for the encouragement afforded to their fishermen by the Government of the United States is not small, and its strenuous, persevering, and successful efforts to extend their fishing privileges on Her Majesty's coasts, but too practically evince its desire and ability to promote this element of national and individual prosperity. As far as I can learn, a liberal tonnage bounty is given on their fishing craft, and a bounty per barrel on the pickled fish cured, thus guarding the fishermen against serious loss in case of the failure of his voyage; and he is, I believe, further favoured by privileges allowed on the importation of salt and other articles, while a market is secured him at home which ensures him a profitable reward for the fruit of his labours by a protecting duty of 5*s.* per quintal on dry fish, equal to 50 per cent. of its value, and from two to one dollars per barrel on pickled fish, according to the different kinds, equal to at least 20 per cent. of their values.

The duty on American fish imported into the colonies is much less, and the British colonial fisherman is unsustained by bounties; but the chief drawback to his success is the want of certain and stable markets; those on which he is chiefly dependent being very limited and fluctuating.

In the contrast, therefore, between the advantages of the colonial and American fishermen, the extensive home market of the latter, independently of the encouragement he receives from bounties and other sources, much more than compensates, I believe, for any local conveniences enjoyed by the former.

The colonists cannot understand the principle on which *concession* in any form should be granted to the American people in a case avowedly touching "the highest grounds of national policy," even although concession did not involve consequences, as it unhappily does in the present case, *both immediate and remote, most injurious to British colonial interests.*

The strong and emphatic language of the treaty of 1818 is that "the United States renounce for ever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, or creeks or harbours of His Britannic Majesty's dominions in America not included within the above-mentioned limits. Provided, however, that the American fishermen shall be admitted to enter such bays and harbours for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

If this national contract does not exclude the Americans from fishing within the indentations of our coasts, and from our bays and harbours, then the people of Nova Scotia would

NOVA SCOTIA.

not complain of their exercise of a right so acquired while the treaty continued in force. But we believe it does exclude them, and we ask a judicial inquiry and determination before these valuable rights are relinquished. The highest law opinions in England have justified that belief. Her Majesty's Government in theory avows and maintains it.

The compact was a reciprocal one, and had the treaty in this particular been (as it was not) hard and unfavourable to the United States, there were doubtless to be found other portions of it at least equally unfriendly to British interests.

I repeat, my Lord, we cannot understand why the Americans should not be held to their bargain, nor can we perceive the principle of justice or prudence which would relax its terms in favour of a foreign people whose means and advantages already preponderate so greatly, and that without reciprocal concessions and at the expense of Her Majesty's colonial subjects, whose prosperity is so deeply involved in the promotion and enlargement of this important element of their welfare.

If the present concessions to the United States are hoped to end and quiet the controversy between their fishermen and this province there is too much reason to fear the expectations will end in disappointment, and that increased and not diminished occasions of collision will be the result from the greater encouragement that will be afforded for violation of the treaty under the modified conditions proposed to be imposed on the American fishermen, and the increased facilities for evasion and falsehood; and it may safely be asserted from a knowledge of the subject and the parties, that unless the British Government are content to maintain the strict construction of the treaty as a mere question of past contract and right, whatever that construction may be, the encroachment of the American fishermen will not cease, nor collision end, until they have unlimited licence over the whole shore of Nova Scotia.

It is hoped, my Lord, that if any arrangement such as is contemplated should be made, its terms may clearly express that the American fishermen are to be excluded from fishing, &c. within three miles of the entrance of the bays and inlets in which they are not to be permitted to enter.

There seems some doubt on this point in the language of Lord Stanley's despatch, and the making the criterion of the bays, &c. to be the width of the double of three marine miles would strengthen such a doubt by giving the appearance that the shores of these bays, &c. and of the general coast were to be considered in the same light.

To avoid such a construction, no less than to abridge the threatened evil, the suggestion made to your Lordship by Mr. Stewart that the width of those bays, creeks, and inlets should be more than the double of three marine miles, say three or four times more.

I have, &c.

The Right Hon. Viscount Falkland,
&c. &c. &c.

(Signed) J. W. JOHNSTON.

No. 32.

No. 32.

COPY of a LETTER from Sir RUPERT A. GEORGE to G. W. HOPE Esq.

Halifax, September 2, 1845.

(Received September 15, 1845.)

SIR,

THE principal merchants and numerous other inhabitants of Halifax, apprehending that it may possibly be intended by Her Majesty's Government to grant more extensive privileges to the fishermen of the United States of America than they have hitherto enjoyed under the convention of 1818, have addressed a memorial to Lord Stanley, showing the ruinous consequences to Nova Scotia with which any further concessions of the kind would be attended; and as they deem it of importance that their memorial should obtain the early attention of his Lordship, I am induced, in the absence of the Lieutenant Governor, to forward it to you, and on their behalf to request that you will have the goodness to lay it before the Secretary of State, to whose favourable consideration it would, I know, be now recommended by Lord Falkland were his Lordship at present in town.

I have, &c.

G. W. Hope, Esq., M.P.
&c. &c. &c.

(Signed) RUPERT A. GEORGE,
Provincial Secretary.

Encl. in No. 32.

Enclosure in No. 32.

To the Right Honourable Lord Stanley, Her Majesty's Principal Secretary of State for the Colonial Department, &c. &c. &c.

The Memorial of the undersigned Merchants and others residing in Halifax, Nova Scotia Humbly sheweth,

THAT your memorialists, being deeply interested in the commercial prosperity of this province, have learned with regret that Her Majesty's Government have consented to relax the provisions of the convention with the United States concluded in 1818, so far as to

permit American fishermen to take fish in those waters of the Bay of Fundy from which they have hitherto been excluded by the terms of said convention, and in opposition to the policy pursued by Her Majesty's predecessors for the protection of the valuable fisheries carried on by Her subjects in Her North American colonies.

That your memorialists have recently been informed, that, in addition to the extensive privileges already granted to the people of the United States by the convention of 1818, and the relaxation of some of its provisions in their favour just referred to, the representative of that Government in London has applied to Her Majesty for such a further relaxation of the construction hitherto placed upon the convention by the British Government as will (if granted) virtually give to the citizens of the United States a free participation with Her Majesty's subjects in the reserved fisheries of this province.

When your memorialists remember how short a time has elapsed since the fisheries in North America were justly appreciated as one of the most valuable sources of British wealth and power, they cannot readily believe that this extraordinary request has been made by the American Minister with any serious expectation that it would be granted. Yet, when they refer to the numerous concessions already made to the Governments of France and the United States with reference to the fisheries on the banks of Newfoundland, they cannot help feeling apprehensive that further privileges may be yielded to the persevering applications of the American Minister, which in their results will be ruinous to many of the fishing settlements in this province, and highly injurious to the best interests of the nation at large.

Your Memorialists need not now remind your Lordship that the fisheries of the United States and of France are fostered by large bounties, and their home markets secured by the imposition of high protecting duties on any fish imported from other countries. The position of the British North American fisherman is directly the reverse of this, having no bounty to aid him in the outfit for his voyage, and the produce of foreign fisheries being now admitted into the British colonies at such low rates of discriminating duty that the foreigner, with the aid of his large bounty, is enabled to compete with him on more than equal terms in the British West India markets, as well as in those of foreign countries.

But, exclusive of the great national advantage which will be gained by the United States should the further concession sought for be granted, the inhabitants of Nova Scotia will feel themselves deeply aggrieved and injured, should such an interference with their private rights and privileges be permitted as the reported application of the American Minister contemplates. The fishery in many of our fishing settlements having heretofore been much injured by the interference of American fishermen, and the trade and revenue of the province having suffered in like manner from the illicit traffic carried on by them, the local Government of this province has found it necessary during the last three years to employ two or more armed vessels for the double purpose of preventing the aggressions of American fishermen, and protecting the revenue.

Of the deep importance attached to our remaining rights in the fisheries on our own shores your Lordship may form some estimate by referring to the numerous reports made to the Provincial Legislature on the subject, and particularly in the years 1840 and 1841, when the employment of these armed vessels at the expense of the province was first recommended, and a code of rules and regulations adopted relating to the fisheries; two measures which have proved highly advantageous to our trade and commerce, and, it is believed, have received the warm approbation of the whole population of the province,

The report for the year 1840 is accompanied by affidavits setting forth various acts of violence committed by American fishermen in British waters, which, as far as regards this province, have been effectually checked by the measures adopted by our provincial authorities for that purpose.

The concession lately made of the right of fishing in the Bay of Fundy has already afforded an instance of renewed aggression and interference on that part of our shores. An American fishing vessel having recently been taken in Digby Gut within one mile from the main land, partly laden with fish, and with her gear prepared for the immediate prosecution of her voyage. Although this occurred in the finest season of the year, stress of weather was the ready plea for a palpable invasion of the rights of the inhabitants of the district; and it must be evident that if the further concessions sought for be granted the difficulty of defining the acquired privileges of foreigners will be such that the rights of Her Majesty's subjects can only be protected by the employment of a numerous and vigilant marine force, in the absence of which scenes of strife and violence (perhaps of bloodshed) will, as heretofore, be of frequent occurrence.

Your memorialists would therefore humbly pray your Lordship and Her Majesty's Government maturely to weigh the importance of the subject now submitted, the valuable interests, national and private, involved in the question which has been raised by the Minister of the United States, and to maintain to the uttermost the rights and privileges reserved by treaty to Her Majesty's loyal subjects in Nova Scotia.

And, as in duty bound, your memorialists will ever pray.

Halifax, August 26, 1843.

(260 signatures.)

NOVA SCOTIA.

No. 33.

(No. 247.)

No. 33.

COPY of a DESPATCH from the Right Hon. Lord STANLEY to the Right Hon. Viscount FALKLAND.

MY LORD,

Downing Street, September 17, 1845.

* Page 87.

HER Majesty's Government have attentively considered the representations contained in your Despatches, Nos. 324* and 331,* of the 17th June and 2d July, respecting the policy of granting permission to the fishermen of the United States to fish in the Bay of Chaleurs, and other large bays of a similar character on the coasts of New Brunswick and Nova Scotia, and apprehending from your statements that any such general concession would be injurious to the interests of the British North American Provinces, we have abandoned the intention we had entertained upon the subject, and shall adhere to the strict letter of the Treaties which exist between Great Britain and the United States relative to the fisheries in North America, except in so far as they may relate to the Bay of Fundy, which has been thrown open to the Americans under certain restrictions. In announcing this decision to you I must at the same time direct your attention to the absolute necessity of a scrupulous observance of those Treaties on the part of the colonial authorities, and to the danger which cannot fail to arise from any over-strained assumption of the power of excluding the fishermen of the United States from the waters in which they have a right to follow their pursuits. The case of the "Argus" is an exemplification of my meaning, that vessel having been seized by a provincial revenue cruizer, under the plea of illegal encroachment, in a spot where she was not within three miles of the shore, and where there does not appear to have been any pretence for asserting that she was within any bay, or in unlawful propinquity to any bay on the coast of Nova Scotia. I transmit herewith to your Lordship the copy of the opinion delivered upon the case of the "Argus" by the Queen's Advocate, and have to direct your Lordship to adopt such measures as may appear to you to be expedient for affording reparation to the parties who have been injured in the transaction.

Sept. 9, 1845.

I have &c.

The Right Hon. Viscount Falkland,
&c. &c. &c.

(Signed) STANLEY.

Encl. in No. 33.

Enclosure in No. 33.

MY LORD,

Doctors Commons, September 9, 1845.

* Page 77.

I am honoured with your Lordship's commands, signified in Mr. Addington's letter of the 9th ultimo, stating that he was directed to transmit to me the enclosed note from Mr. Everett, late minister of the United States at this court, dated the 9th of October* last, relative to the seizure of the American fishing vessel the "Argus," off Cape Breton, Nova Scotia, by a Government cutter from Halifax, together with two letters and their enclosures received from the Colonial Office, explanatory of the circumstances attending that seizure.

Mr. Addington is pleased to request that I would take these papers into consideration, and report to the Secretary of State my opinion whether, with reference to the territorial limits within which the "Argus" was seized, and to the rights secured to American fishing vessels by the Treaty of 1783 and the Convention of 1818, that seizure was legal or otherwise.

In obedience to your Lordship's commands I have taken the papers into consideration, and have the honour to report, that, with reference to the locality of the seizure and to the stipulations of the treaty and convention above mentioned, I am not prepared to say that the capture of the "Argus" was fully warranted, inasmuch as I incline to think that the vessel was not fishing "within three marine miles of the coasts, bays, creeks, or harbours of the British dominions in America," within the true meaning of the Convention of 1818.

I have, &c.

The Right Hon. the Earl of Aberdeen,
&c. &c. &c.

(Signed) J. DODSON.

(No. 252.)

No. 34.

NOVA SCOTIA.

No. 34.

COPY of a DESPATCH from the Right Hon. Lord STANLEY to the Right Hon. Viscount FALKLAND.

MY LORD,

Downing Street, September 28, 1845.

MR. HOPE has laid before me a letter addressed to him by Sir Rupert George on the 2d instant,* enclosing a memorial from the principal merchants and others at Halifax, deprecating concessions which they apprehended were about to be made by Her Majesty's Government in favour of the fisheries of the United States of America.

*Page 90.

My Despatch of the 17th* of September, No. 247, will enable your Lordship to convey to the memorialists such an explanation of the views of Her Majesty's Government on this subject as will, I trust, entirely remove their anxiety respecting it.

*Page 92.

The Right Hon. Viscount Falkland,
&c. &c. &c.

I have, &c.
(Signed) STANLEY.

(No. 34.)

No. 35.

No. 35.

COPY of a DESPATCH from the Right Hon. Viscount FALKLAND to the Right Hon. W. E. GLADSTONE.

Government House, Halifax, May 16, 1846.

(Received, May 29, 1846.)

SIR,

I HAVE the honour to transmit herewith an extract from a Report of a Committee of the House of Assembly of Nova Scotia on the subject of the fisheries, as well as a copy of a Resolution, consequent thereon, passed by the House, requesting that I would communicate with Her Majesty's Secretary of State for the Colonies and the Government of Newfoundland in regard to an Act of the local Legislature of that island affecting the herring fishery, by which the fishermen of this province conceive themselves to be aggrieved. I likewise transmit a copy of my letter to Sir John Harvey in relation to this topic.

I have, &c.

The Right Hon. W. E. Gladstone,
&c. &c. &c.

(Signed) FALKLAND.

Enclosure 1 in No. 35.

Encl. 1. in No. 35.

Extract from the Report of the Committee of the House of Assembly on the subject of the Fisheries, 1846.

"The Committee have inquired into the statements made by the merchants and inhabitants of Isle Madame, complaining of a duty on fish exported from Newfoundland, and find that the sum of three shillings sterling is demanded on every hundred pounds weight of pickled fish exported in bulk; and two shillings and sixpence per barrel on fish exported without previous inspection. This law appears partial in its operation, applying to the southern coast of Newfoundland, but not extending to the Bay of St. George. The policy which induced the Legislature of that colony to pass an Act so restricted in its nature may have been to break up a trade in bait with foreigners, but its application to British subjects trading with possessions is oppressive and unwise. The herring fishery of Fortune Bay produces from 30,000 to 40,000 barrels annually, chiefly taken in nets by the inhabitants, and sold to traders or exported to the French islands. The effect of the law is to compel a sale to the resident merchants or traders at their own price, and to limit the market. This fishery is carried on between November and June, a period of the year when the fishery of Nova Scotia is interrupted, and the fishing population of the eastern parts of the province resort to those waters, and have contributed extensively by their enterprise to develop the value of that fishery; and the continuance of a law imposing an export duty equal to six shillings per barrel on fish caught by nets in vessels which hold no communication with the shore, by the British subjects, in British waters, is impolitic and oppressive, if not arbitrary, illegal, and unconstitutional, the repeal of which ought to be sought by address to Her Majesty on the action of the Executive Government of this province in England and Newfoundland, in such way as may be most likely to afford redress."

NOVA SCOTIA.

Enclosure 2 in No. 35.

Encl. 2 in No. 35. To his Excellency the Right Honourable Lucius Bentinck Viscount Falkland, Lieutenant-Governor in and over Her Majesty's Province of Nova Scotia.

The humble Petition of the undersigned Merchants and Inhabitants of Isle Madame, in the island of Cape Breton.

Respectfully sheweth,

That the attention of your petitioners has been directed to a law passed in the last session of the House of Assembly of the island of Newfoundland, "to regulate the packing and inspection of pickled fish for exportation," in which an export duty of six shillings per barrel is directed to be levied on all fish carried from Newfoundland, whether taken by British subjects or foreigners.

Your petitioners, whilst they do not complain that all fish taken on the shores of Newfoundland should be subject to inspection, do conceive that to impose an export duty on fish which are taken from nets directly on board the vessels employed in the trade, without communication with the shore, is not only arbitrary and illegal, but a violation of those rights every British subject possesses to fish in British waters, and is tantamount to a prohibition to all vessels not owned in Newfoundland.

Your petitioners would remark that the trade in pickled fish from the shores of Newfoundland is entirely to be ascribed to the enterprize and exertions of Nova Scotians, and has at the present day assumed an importance that is not generally known. From thirty to forty vessels are, in the fall and spring, employed in the trade, the catch of each vessel averaging 400 barrels, making an aggregate amount of from 12,000 to 15,000 barrels, worth at market as many pounds currency. A trade which is steadily increasing, but which must be annihilated if an export duty be exacted.

Your petitioners would therefore respectfully request the exertions of your Excellency to procure such a modification of the law as may secure your petitioners a free exercise of their pursuits to which as Englishmen and subjects of the British Crown they are entitled.

And, as in duty bound, your petitioners will ever pray.

(Signed) A. FULLER, C. HUBERT,
W. CRICHTON, JOHN L. CRAGG,
and 30 others.

Encl. 3 in No. 35.

Enclosure 3 in No. 35.

In the House of Assembly, 30th March 1846.

On motion of the Solicitor General,—Resolved that his Excellency the Lieutenant Governor be respectfully requested to call the attention of Her Majesty's Secretary of State for the Colonies and also the Government of Newfoundland to that part of the Report of the Committee on the subject of the Fisheries which refers to the herring fishery on the coast of Newfoundland.

Encl. 4 in No. 35.

Enclosure 4 in No. 35.

SIR,

Government House, Halifax, May 11, 1846.

I HAVE the honour to enclose, for your Excellency's information, an extract from a Report of the Committee of the House of Assembly of Nova Scotia on the subject of the fisheries, as well as a copy of a Resolution consequent thereon, passed by the House, requesting that I will communicate with your Excellency in regard to an Act of the Legislature of Newfoundland by which the fishermen of this country feel themselves aggrieved.

I take the liberty of urging this matter on your favourable consideration, and have every confidence that it will meet from your Excellency all the attention its importance deserves.

Major General Sir John Harvey.

I have, &c.
(Signed) FALKLAND.

No. 36.

(No. 139.)

No. 36.

COPY of a DESPATCH from Sir JOHN HARVEY to the Right Hon. Earl GREY.

Government House, Halifax, September 7, 1849.

(Received September 18, 1849.)

MY LORD,

REFERRING to my Despatch, No. 133, of the 10th August, and its enclosures, I have now the honour to transmit a copy of the proceedings of the Conference therein reported. The gentlemen present represented the Governments of Canada, New Brunswick, Nova Scotia, and Prince Edward Island; that of Newfoundland declining to send delegates. As regards myself, I have

no further interfered with the late discussions than to suggest to the members of my own Council on no account to give a premature assent to any resolutions which might, before Her Majesty's Government and the Provincial Legislature were consulted, pledge this province to the surrender of rights involving the security of a staple trade, and perhaps a question of national importance.

The Right Hon. Earl Grey,
&c. &c. &c.

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

Enclosure in No. 36.

Encl. in No. 36.

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

Present :

The Honourable	Mr. Lafontaine,	}	Canada.
"	Mr. Merritt,		
"	Mr. Wilmot,		
"	Mr. Partelow,	}	New Brunswick.
"	Mr. Hensley,		
"	Mr. Thornton,	}	Prince Edward Island.
"	Mr. Uniacke,		
"	Mr. McNab,	}	Nova Scotia.
"	Mr. Howe,		
"	Mr. Huntington,		
"	Mr. Bell,		
"	Mr. 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 from the United States into these colonies duty-free.

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

Grain and breadstuffs 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, fire, ochres, gypsum (ground or unground), rock salt.

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

Fish; fish oil, viz. train oil, spermæceti 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 natural products as above enumerated.

(Signed)

L. H. LAFONTAINE, President,
JOSEPH HOWE, Secretary.

(No. 140.)

No. 37.

No. 37.

COPY of a DESPATCH from Sir JOHN HARVEY to the Right Hon. Earl GREY.

Government House, Halifax, September 7, 1849.

MY LORD,

(Received September 13, 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

* Page 54.

NOVA SCOTIA. — province, and conveying the views of that body in reference to reciprocal trade with the United States.

The Right Hon. Earl Grey,
&c. &c. &c.

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

Encl. in No. 37.

Enclosure in No. 37.

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 fishermen, and burden 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.

JAMES B. UNIACKE.
JOSHUA SNOW.
HUGH M'DONALD.
JOHN CAMPBELL.

HENRY MARTELL.
FRANCIS BOURNEUF.
J. W. JOHNSTON.

No. 38.

(No. 184.)

No. 38.

COPY of a DESPATCH from Sir JOHN HARVEY to the Right Hon. Earl GREY.

Government House Halifax, July 25, 1850.

MY LORD,

(Received August 5, 1850.)

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. L. Bulwer, in reference to the commercial relations between the United States and the North American provinces.

The Right. Hon. Earl Grey,
&c. &c. &c.

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

Enclosure 1 in No. 38.

NOVA SCOTIA.
Encl. 1 in No. 38.

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 at either side.

Of bread-stuffs 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 bread-stuffs of all kinds, the advantages 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

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 fish 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 Vict. cap. 29.

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

NOVA SCOTIA.

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 iron 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 forest and the soil can be arranged on fair and honourable terms, Nova Scotia is content to participate.

17. As the instructions from the Right Hon. 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.

The Earl of Elgin and Kincardine,
&c. &c. &c.

(Signed) J. HARVEY.

Enclosure 2 in No. 33.

Encl. 2 in No. 38.

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 enclose 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.

His Excellency Sir H. L. Bulwer,
&c. &c. &c.

(Signed) J. HARVEY.

No. 39.

No. 39.

COPY of a LETTER from JOSEPH HOWE Esq. 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.

The Right Hon. Earl Grey,
&c. &c. &c.

(No. 49.)

No. 40.

No. 40.

COPY of a DESPATCH from Sir JOHN HARVEY to the Right Hon. Earl GREY.

Government House, Halifax, January 22, 1852.

(Received February 3, 1852.)

MY LORD,

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.

The Right Hon. Earl Grey,
&c. &c. &c.

Enclosure in No. 40.

Encl. in No. 40.

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 sheweth,

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 1818.

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

NOVA SCOTIA.

Majesty's ministers "to guard against the hurtful article of 1733, 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 realized, 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 yield 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. 53.)

No. 41.

NOVA SCOTIA

No. 41.

COPY of a DESPATCH from Sir JOHN HARVEY to Earl GREY.

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 enclosed, to which reference was made in my Despatch, No. 49, of the 22d 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.

* Page 99.

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.

* Page 96.

The Right Hon. Earl Grey,
&c. &c. &c.

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

Enclosure in No. 41.

Encl. in No. 41.

PETITION TO THE QUEEN'S MOST EXCELLENT MAJESTY.

With 1,225 Signatures.

[See Enclosure in No. 40, page 99.]

(No. 13.)

No. 42.

No. 42.

COPY of a DESPATCH* from Sir JOHN S. PAKINGTON to the Officer administering the Government of Nova Scotia.

SIR,

Downing Street, May 27, 1852.

AMONG the many pressing subjects which have engaged the attention of Her Majesty's Ministers since their assumption of office, few have been more important in their estimation than the questions relating to the protection solicited for the fisheries on the coasts of British North America.

Her Majesty's Government have taken into their serious consideration the representations upon this subject contained in your Despatches noted in the margin, and have not failed to observe, that whilst active measures have been taken by certain colonies for the purpose of encouraging the fisheries, and of repelling the intrusion of foreign vessels, it has been a subject of complaint in New Brunswick that impediments should have been offered by the policy of the Imperial Government to the enactment of bounties considered by the local Legislature essential for the protection of its trade.

Her Majesty's Ministers are desirous to remove all ground of complaint on the part of the colonies in consequence of the encroachment of the fishing vessels of the United States upon those waters from which they are excluded by the terms of the Convention of 1818, and they therefore intend to despatch as soon as possible a small naval force of steamers and other small vessels to enforce the observance of that Convention.

These vessels will of course be confined to the performance of the duties with which they are specially charged, and the commanders will be enjoined to exercise a careful discretion in the very delicate office of interfering with vessels belonging to foreign and friendly powers.

* Similar Despatches addressed to the Governor of Canada and the Lieut.-Governor of Prince Edward Island.

NOVA SCOTIA.

With regard to the question of promoting the fisheries of the British colonies by the means of bounties, Her Majesty's Government, although desirous not to sanction any unnecessary deviation from that policy which regulates the commerce of this country, are still disinclined to prevent those colonies, by the interposition of imperial authority, and especially pending negotiations with the United States of America for the settlement of the principles on which the commerce with the British North American colonies is hereafter to be carried on, from adopting the policy which they may deem most conducive to their own welfare and prosperity.

Entertaining these views it is the intention of Her Majesty's Government to advise the Queen to give her assent to an Act passed by the Legislature of Prince Edward Island, in the session of 1851, for the promotion of its deep-sea fisheries, and they will be prepared to give favourable consideration to any acts for a similar purpose which may be passed by the Legislatures of the other North American provinces.

I have, &c.

The Officer administering
the Government of Nova Scotia.

(Signed) JOHN S. PAKINGTON.

No. 43.

(No. 21.)

No. 43.

COPY of a DESPATCH from Colonel BAZALGETTE, to the Right Hon.
Sir JOHN S. PAKINGTON.

Government House, Halifax, June 9, 1852.

(Received June 21, 1852.)

SIR,

* Page 101.

THE Despatch* No. 3. of the 27th May, I had the honour to receive by the last mail has been read with extreme satisfaction by myself and the members of the Executive Council.

The determination of Her Majesty's Government to efficiently protect the North American fisheries, and to leave the colonial legislatures free to encourage them as may be deemed most judicious, will, I am assured, be received with universal satisfaction.

During the last session the Legislature of this province made a very liberal provision for the protection of the coast fisheries. The Government is prepared to co-operate with the Imperial authorities to the full extent of its means; and on the arrival of his Excellency Sir George Seymour I shall, after consulting with him, make a further report on this very important subject.

I have, &c.

(Signed) JOHN BAZALGETTE,
Administrator of the Government.

The Right Hon. Sir J. S. Pakington, Bart.,
&c. &c. &c.

No. 44.

(No. 10.)

No. 44.

COPY of a DESPATCH from the Right. Hon. Sir JOHN S. PAKINGTON to
Lieut.-Governor Sir G. LE MARCHANT.

SIR,

Downing Street, 19th August 1852.

WITH reference to my despatch, dated the 27th May last, apprizing you that a small naval force of steamers and other small vessels would be employed for the protection of the rights of British subjects in the fisheries on the coasts of British North America, I enclose for your information the copy of some further* instructions which have been issued to the Lords Commissioners of the Admiralty for the guidance of the Vice Admiral commanding on the North American station for the execution of the service.

You will understand that these instructions are communicated to you for your own information, but that you are not at liberty to publish copies of them.

I am, &c.

(Signed) JOHN S. PAKINGTON.

Lieut.-Governor Sir G. Le Marchant,
&c. &c. &c.

August 19, 1852.
Page 21.

(No. 11.)

No. 45.

NOVA SCOTIA.

No. 45.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON to
Lieut.-Governor Sir G. LE MARCHANT.

SIR, Downing Street, 25th August 1852.

I HAVE to acknowledge the receipt of Colonel Bazalgette's Despatch,* No. 32, of the 31st of July, transmitting copies of letters which he addressed to Her Majesty's Minister at Washington and to the Earl of Elgin, enclosing a return of the number of American vessels seized since the year 1838 for violations of the Convention of 1818; and I have to instruct you to signify to Colonel Bazalgette the approbation of Her Majesty's Government of his having lost no time in conveying this important information.

I am, &c.

Lieut.-Governor Sir G. Le Marchant, (Signed) JOHN S. PAKINGTON.
&c. &c. &c.

(No. 12.)

No. 46.

No. 46.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON to
Lieut.-Governor Sir G. LE MARCHANT.

SIR, Downing Street, 25th August 1852.

I HAVE to acknowledge the receipt of your Despatch,† No. 2, of the 6th August, reporting the seizure of the schooner "Helen Maria," and her subsequent release by your direction.

Your Despatch does not show the particulars of the capture, and I am unable therefore to express any positive opinion on the case; but, supposing that the vessel was detained on too slight grounds, the letter which you addressed to the commander of the "Belle" was proper. You were right to convey a caution in general terms on the manner in which the delicate duty of seizing foreign vessels should be discharged by the provincial officers.

In all future cases it will be material that you should report the particulars of any seizures which may occur of United States or other foreign fishing vessels.

I have, &c.

Lieut.-Governor Sir G. Le Marchant, (Signed) JOHN S. PAKINGTON.
&c. &c. &c.

(No. 16.)

No. 47.

No. 47.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON to
Lieut.-Governor Sir G. LE MARCHANT.

SIR, Downing Street, 5th September 1852.

I HAVE to acknowledge the receipt of your Despatch, ‡ No. 4, of the 16th ultimo, enclosing copies of corrected return made by the registrar of the Court of Vice Admiralty at Halifax, of vessels seized and prosecuted in that Court for violating the Convention of 1818 between Great Britain and the United States of America, with the dates of their seizure and condemnation or restoration respectively.

I am, &c.

Lieut.-Governor Sir G. Le Marchant, (Signed) JOHN S. PAKINGTON.
&c. &c. &c.

* Colonel Bazalgette's Despatch, No. 32, of the 31st August, printed in the Foreign Office Correspondence.

† Lieut.-Governor Sir G. Le Marchant's Despatch, printed in the Foreign Office Correspondence.

‡ Sir G. Le Marchant's Despatch, No. 4, of 16th August, printed in the Foreign Office Correspondence.

NOVA SCOTIA. The following Despatches relative to the North American Fisheries will be found in the series of correspondence printed by the Foreign Office.

From and to whom.	Date and No.	SUBJECT.
Acting Lieut.-Governor Col. J. Bazalgette to the Rt. Hon. Sir J. Pakington, Bart. M.P.	1852. June 24, No. 25.	PROTECTION OF FISHERIES. Measures taken for, as fully set forth in enclosed CORRESPONDENCE WITH Vice-Admiral Sir G. Seymour. STATE OF PUBLIC FEELING in colony on the subject - - - INSTRUCTIONS to captains of cutters employed on protective service enclosed - - -
Ditto - -	July 8, No. 27.	SAME SUBJECT. AMENDED INSTRUCTIONS to captains of cutters enclosed. CORRESPONDENCE with Vice-Admiral Sir G. Seymour and Governor-General the Earl of Elgin and Kincardine. - - -
Ditto - -	July 31, No. 32.	RETURN OF SEIZURES (since 1838) of American vessels for infractions of Treaty of 1818. Encloses DESPATCHES to Her Majesty's Minister at Washington and Governor-General the Earl of Elgin transmitting the Return - - -
The Rt. Hon. Sir J. Pakington, Bart. M.P. to Lieut-Governor Sir G. Le Marchant.	August 25, No. 11.	REPLY TO DESPATCH No. 32, July 31, 1852.
Lieut.-Governor Sir G. Le Marchant to the Rt. Hon. Sir J. Pakington, Bart. M.P.	August 6, No. 2.	SEIZURE OF THE "HELENA MARIA" for an infraction of the Treaty of 1818. Release of the vessel, and particulars connected with. Measures adopted to check illegal seizures -
The Rt. Hon. Sir J. Pakington, Bart. M.P. to Lieut-Governor Sir G. Le Marchant.	August 25, No. 12.	REPLY TO DESPATCH No. 2. Aug. 6, 1852.
Lieut.-Governor Sir G. Le Marchant to the Rt. Hon. Sir J. Pakington, Bart. M.P.	August 9, Confidential.	DISPUTED FISHERY RIGHTS. Encloses. Correspondence with Her Majesty's Minister at Washington, and minute of council, &c. on PROPOSED TEMPORARY SETTLEMENT of the question pending final adjustment thereof - - -
Lieut.-Governor Sir G. Le Marchant to the Rt. Hon. Sir J. Pakington, Bart. M.P.	August 16, No. 4.	CORRECTED RETURN of VESSELS SEIZED since 1838, for infraction of Treaty of 1818 -
The Rt. Hon. Sir J. Pakington, Bart. M.P. to Lieut-Governor Sir G. Le Marchant.	September 5, No. 16.	REPLY TO DESPATCH No. 4, Aug. 16, 1852.
Lieut.-Governor Sir G. Le Marchant to the Rt. Hon. Sir J. Pakington, Bart. M.P.	August 19, No. 7.	COMMODORE PERRY, of United States frigate "MISSISSIPPI." Reports particulars of arrival and reception of. Bearer of an AMICABLE MESSAGE from President of the United States. Favourable opinion of Commodore Perry on Question of SEIZURES for infraction of Treaty of 1818 - - -
Ditto -	September 2, No. 13.	ADDRESSES from Halifax to Her Majesty against proposed CONCESSIONS TO AMERICANS. MIS-STATEMENTS IN ENGLISH NEWSPAPERS. Propriety of contradicting, to allay excitement in colony caused by -

NEW BRUNSWICK.

NEW BRUNSWICK.

NEW
BRUNSWICK.

No. 1.

No. 1.

COPY of a DESPATCH from Earl BATHURST to Lieut.-Governor
Major-General SMYTH.

SIR,

Downing Street, April 8, 1819.

App. No. 1. p. 273.

I AM commanded by His Royal Highness the Prince Regent to transmit to you a Convention* which has been agreed upon and ratified between His Royal Highness, in the name and on the behalf of His Majesty, and the United States of America. This Convention cannot be fully carried into effect without the aid of legislative provisions; but as the fishing season will have commenced before it will be possible that you should receive any instructions founded upon such provision as Parliament may find it necessary to enact, I am commanded to transmit to you these provisional instructions for the guidance of your conduct in the execution of the said Convention.

You will observe that under the Treaty the fishermen of the United States are excluded from fishing within three marine miles of any part of the coasts of His Majesty's dominions in North America, with the exception of the Magdalen Islands, and of those parts of the coasts of Newfoundland and Labrador which are particularly described in the first article of the Convention. Their right, also, to dry and cure fish is limited to the unsettled bays, harbours, and creeks on the southern coast of Newfoundland, from Cape Ray to the Rameau Islands, and to that part of the coast of Labrador on which they have, under the Convention, a right of fishery. I am therefore to signify to you the pleasure of His Royal Highness the Prince Regent, that if any vessel or inhabitant of the United States should be found fishing or preparing to fish within three marine miles of any parts of the coast of the province of New Brunswick, or should attempt to use any part of the coast of the province for drying and curing fish, or for other purposes connected with the fishery, you should take the necessary measures for enforcing a due adherence, on their part, to the stipulations of this Convention, by instituting the necessary legal proceedings against those who may be found acting in violation of its provisions.

Major-General Smyth,
&c. &c.I have, &c.
(Signed) BATHURST.

No. 2.

(No. 5.)

No. 2.

COPY of a DESPATCH from Viscount GODERICH to Major-General
Sir H. DOUGLAS.

SIR,

Downing Street, June 30, 1827.

8 January, 1827.

I HEREWITH transmit for your information and guidance the copy of a Despatch† from the Earl of Dalhousie, with the reply of the Board of Trade, on the subject of the measures which it may be proper to adopt for the regulation and protection of the fisheries in the Gulf of St. Lawrence, together with the several documents which have reference to the subject.

Major-General Sir H. Douglas, Bart.,
&c. &c. &c.I have, &c.
(Signed) GODERICH.

* Similar Despatches addressed to the Governors of Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland.

† For Enclosure to this Despatch, vide Canada Correspondence, pages 1 and 6.

(No. 14.)

No. 3.

NEW
BRUNSWICK.

No. 3.

COPY of a DESPATCH from Lieut.-Governor Sir J. HARVEY to
Lord GLENELG.

Government House, Fredericton, March 19, 1839.

MY LORD.

(Received, May 15, 1839.)

I HAVE the honour herewith to transmit to your Lordship copy of a Report of the House of Assembly of this province, relative to the encroachments which continue to be made on the fishing grounds of this province. A copy of this report will also be transmitted by me to the Naval Commander-in-Chief upon this station, and to Her Majesty's Minister at Washington.

I have, &c.

The Right Hon. Lord Glenelg,
&c. &c. &c.

(Signed) J. HARVEY.

Enclosure in No. 3.

Encl. in No. 3.

House of Assembly, March 18, 1839.

THE Select Committee to whom was referred that part of the petition of Wilford Fisher, James Chaffey, J. Snell, Esquires, and 181 others, of the parishes of Grand Manan, West Isles, and Campo Bello, in the county of Charlotte, relating to the encroachments which continue to be made in the fishing grounds of this province by vessels of the neighbouring States, report,—

That the affidavits of ten credible persons, residents of Grand Manan, sundry certificates of the overseers of the fisheries of the same island, with a mass of other evidence, have been laid before your Committee, and had most deliberate consideration from them: That it manifestly appears that the aggressions so often complained of, and so frequently brought under the notice of the Legislature of this province, not only have not ceased, but have actually increased, to a degree which calls loudly for the immediate interposition of Government.

It distinctly appears from the affidavits and certificates that from ten to twenty sail of American fishing vessels are almost continually to be found at anchor, catching fish, within one mile of the shores of Grand Manan, in audacious violation of the rights of the people of this province, and in open and avowed defiance of any force which the inhabitants could possibly bring against them: That those persons, restrained by no fishery regulations, either British or American, carry on their lawless practices in a most reckless manner, to the great and lasting injury of the fisheries; and that they do not hesitate to have recourse to violence in repelling the fishermen of Grand Manan from their own fishing grounds; by means of which and of many other outrages this valuable source of provincial wealth is almost wholly wrested from its natural possessors.

It has been satisfactorily shown to your Committee that the overseers of the fisheries of Grand Manan, in the due execution of their public duty, have frequently endeavoured to prevent these proceedings, but in vain; that they have been threatened with corporal violence by the American fishermen, who on several occasions have attempted to capture and carry them off to the States.

From undoubted information laid before your Committee it is manifest that American aggressions of this nature are not confined to the southern shores of the province. The Bay of Chaleur and the adjacent harbours are annually infested by American fishing vessels carrying on an illicit trade with the inhabitants, and committing such depredations upon the fisheries as ought no longer to be endured.

Your Committee earnestly submit the subject to the grave consideration of the House, and cannot forbear expressing their hope that the wisdom of the House may suggest such prompt measures as will immediately remove the grievances complained of.

(Signed) W. F. W. OWEN.
JAMES BROWN, JUN.
W. EVET.

Committee-room, March 16, 1839.

This Report being accepted by the House:—

Resolved,—That an humble address be presented to His Excellency the Lieut.-Governor communicating the foregoing Report, and requesting that His Excellency will be pleased to take such measures thereon as to him shall seem expedient.

CHAS. P. WITMORE, Clerk.

(No. 25.)

No. 4.

No. 4.

COPY of a DESPATCH from the Marquess of NORMANBY to Lieut.-Governor
Sir J. HARVEY.

SIR,

Downing Street, June 17, 1839.

HAVING referred, for the consideration of the Lords Commissioners of the Admiralty, your Despatch of the 19th of March last, with the Report of the

NEW
BRUNSWICK.

10 June 1839.

Assembly of New Brunswick, relative to the encroachments of American fishermen on the fishing grounds reserved for Her Majesty's subjects, I have the honour to enclose herewith, for your information, the copy of a letter from their Lordships' Secretary, stating that the Naval Commander-in-Chief on the North American station has been directed to issue the necessary orders for the protection of the British fishermen.

Lieut.-Governor Sir J. Harvey,
&c. &c. &c.

I have, &c.
(Signed) NORMANBY.

Encl. in No. 4.

Enclosure in No. 4.

Sir,

Admiralty, June 10, 1839.

IN reference to your letter of the 7th instant, enclosing copies of a Despatch from the Lieutenant-Governor of New Brunswick, and a Report from a Committee of the Assembly of that province relative to the encroachments of the American fishermen on the fishing grounds of Her Majesty's subjects, I am commanded by my Lords Commissioners of the Admiralty to request that you will acquaint the Marquess of Normanby that the Naval Commander-in-Chief on the North American station has been desired to give particular directions to the officer commanding the ship sent for the purpose stated in your letter to protect the fisheries of this province.

James Stephen, Esq.
Colonial Office.

I am, &c.
(Signed) JOHN BARROW.

No. 5.

(No. 94.)

No. 5.

COPY of a DESPATCH from Lieut.-Governor Sir W. M. G. COLEBROOKE to
Lord STANLEY.

Fredericton, New Brunswick, September 29, 1843.

MY LORD,

(Received, October 19, 1843.)

HAVING just returned to Fredericton, I take this opportunity of reporting to your Lordship that I embarked with Captain Owen in Her Majesty's ship "Columbia" at St. John, with the object of ascertaining the state of the fisheries in the Bay of Fundy, and which, on visiting the banks, I had occasion to observe were principally carried on by American fishermen, whose industry and enterprise has enabled them in a great degree to engross this lucrative branch of trade. As the "Columbia" and her tenders are constantly employed in the survey of the bay, Captain Owen has proposed to the Admiral at Halifax that they should afford that protection to the British fishermen which is only occasionally rendered when the bay is visited by Her Majesty's cruizers. On visiting the outports in the bay, I have ascertained that a number of sloops were formerly employed in fishing and a prosperous trade established, where the inhabitants are now exclusively engaged in ship-building and the lumber trade, which are much less profitable.

I took the opportunity of visiting L'Etang Harbour in the "Columbia," and as Captain Owen is about to make an accurate survey of it, and to prepare a report of its capabilities as a naval station, I will only on this occasion observe, that its importance does not appear to me to have been over-rated.

I have, &c.

(Signed) W. M. G. COLEBROOKE.

The Right Hon. Lord Stanley,
&c. &c. &c.

No. 6.

(No. 102.)

No. 6.

EXTRACT of a DESPATCH from Lieut.-Governor Sir W. M. G. COLEBROOKE to Lord STANLEY, dated Fredericton, New Brunswick, October 27, 1843.

"I ENCLOSE a communication from Mr. Wilson, an intelligent gentleman of St. Andrew's, who was formerly engaged in the fisheries of the Bay of Fundy. I apprehend that, however well disposed, the Provincial Legislature will hardly be enabled, in the present depressed state of the finances, to hold out any adequate premium to enable the provincial fishermen to sustain a successful competition against the Americans, encouraged as they are by

bounties, and an exemption from charges which are imposed on provincial vessels.

“The subject is well deserving the attention of Her Majesty’s Government, and I entertain no doubt that under due protection and encouragement the British fisheries may be made to contribute largely, not only to the trade of the province, but to the maritime resources of the empire.”

Enclosure in No. 6.

Encl. in No. 6.

SIR,

St. Andrew’s, New Brunswick, October 17, 1843.

WHEN last with us your Excellency was pleased to request a statement of my views upon the fisheries of this province, and the advantages (if any) a bounty would have on such a branch of trade.

The arguments in favour of a bounty appear to me very conclusive, but, with due deference, I submit them for your Excellency’s consideration. If a suitable bounty should be granted by Government, the commerce and wealth that would arise from such a certain source of industry would be incalculable.

The Bay of Fundy is to be viewed as the entire fishing ground of New Brunswick, and is perhaps the best in the world; it is decidedly preferable on the coast of America, confirmed by the fact of upwards of three hundred sail of American fishermen occupying the British fishing ground at one time.

Its first claim to preference arises from a greater variety of fish; secondly, the abundance, and, furthermore, being available at all seasons of the year, an advantage which no other fishing ground possesses. Among the variety may be enumerated,—cod, pollock, haddock, hake, salmon, mackerel, herring, alewives, bass, seal, and porpoise. But with all the advantages, these noble fisheries for several years past have been greatly neglected by the inhabitants of this province, whilst our enterprising neighbours the Americans have profited by our supineness.

For many years the Legislature of New Brunswick granted a liberal bounty to the fisheries, and during its continuance a great stimulus was given to trade. Vessels were fitted out from all parts for the Bay of Fundy, and deep-sea fishery, reducing the price of fish for the poor, besides creating a large trade with the West India Islands, and consequently swelling our revenue by returns of dutiable articles. Upon this point I beg leave to suggest, that a sum by the Legislature be appropriated for fish bounties, not exceeding ten thousand pounds per annum, for a period of twenty years; that all registered vessels over twenty tons be entitled to a bounty of twenty shillings per ton on their being suitably equipped and employed in the fishery not less than four months in the year; and on pickled fish (such as herrings and mackerel) there be allowed a bounty of two shilling per barrel; extending likewise a bounty of twenty-five pounds to apprentices employed not less than five years; these apprentices to be within the age of ten and fifteen years. Such a scheme would unquestionably restore to us a lucrative branch of trade, and a nursery of British seamen, as well as a large consumption of salt, lines, and other British merchandise. The northern shores of New Brunswick, bordering on the Gulf of St. Lawrence, likewise abound with fish, and offer many and great advantages under the proposed protection.

France and the United States, ever watchful for the interests of their people, have paid large bounties to the catch of fish. The American Congress grant four dollars per ton on their fishing vessels, and many of the States, in addition, an immunity of duty on salt, cordage, &c. This steady encouragement has reared a class of seamen from Nantucket, Cape Cod, and other fishing ports proverbial for their nautical skill and hardihood. It has induced capitalists to adventure large sums, and employ a class of vessels for this pursuit unequalled; and it is from such advantages and cheap provisions that Americans can and do procure fish at nearly one-half the price of British fishermen. With all these difficulties for provincialists to contend with may be added the late Act of Parliament opening to Americans the British West Indies, and admitting fish at a nominal duty, thereby encouraging them to continue their aggressions upon our fishing ponds. In addition to the many causes that exist for the depression of this branch of our trade may be classed the want of a sufficient naval protection; it is true the Government occasionally sends vessels of war, but from their large size, brief stay, and want of local knowledge, no benefit whatever accrues. Under this head I would propose, that the British Government commission a schooner of about 100 to 150 tons, with three small schooner tenders, to be constantly stationed in the Bay of Fundy; one-half her officers and crew to be fishermen from Yarmouth, Grand Manan, and Campo Bello, to be paid equally by Nova Scotia, New Brunswick, and the British Government; such a vessel would assist in protecting the fishing grounds, and aiding distressed and shipwrecked vessels.

I beg leave to submit these remarks to your Excellency from personal observation of many past years, and being fully assured that your Excellency has the best interests of the province at heart, and a fervent wish for its prosperity, I have been induced to trespass thus long upon your valuable time.

I have, &c.

(Signed) JOHN WILSON.

His Excellency Sir William Colebrooke,
&c. &c. &c.

NEW
BRUNSWICK.
No. 7.

(No. 18.)

No. 7.

COPY of a DESPATCH from Lieut.-Governor Sir W. M. G. COLEBROOKE to
Lord STANLEY.

Fredericton, New Brunswick, April 10, 1844.

(Received May 16, 1844.)

MY LORD,

I DO myself the honour of enclosing to your Lordship an address which has this day been presented to me from the House of Assembly, praying that an armed vessel may be stationed in the Bay of Fundy during the fishing season, to prevent the infringement of existing Treaties by foreigners.

Such a vessel has usually been stationed in the bay during the summer months by the Admiral on the station, but the encroachments of the Americans on the fishing grounds of late years has probably rendered the House of Assembly more than ordinarily anxious that they should be effectually checked.

I have, &c.

The Right Hon. Lord Stanley, (Signed) W. M. G. COLEBROOKE.
&c. &c. &c.

Encl. in No. 7.

Enclosure in No. 7.

House of Assembly, April 9, 1844.

RESOLVED, That an humble address be presented to his Excellency the Lieutenant-Governor, praying that His Excellency will be pleased to make application to Her Majesty's Government for an armed vessel to be stationed in the Bay of Fundy during the fishing season, to prevent the infringement of existing Treaties by foreigners.

CHARLES P. WITMORF, Clerk.

No. 8.

(No. 237.)

No. 8.

COPY of a DESPATCH from Lord STANLEY to Lieut.-Governor
Sir W. M. G. COLEBROOKE.

SIR,

Downing Street, June 5, 1844.

I HAVE to acknowledge the receipt of your Despatch of the 10th April, No. 18, with an address presented to you by the House of Assembly of New Brunswick, praying that an armed vessel may be stationed in the Bay of Fundy, during the fishing season, to prevent the infringement of existing Treaties by foreigners.

I have to acquaint you, in answer, that this application has been transmitted to the Commander-in-Chief of the West Indian and North American station, with instructions from the Lords Commissioners of the Admiralty to comply with the request of the House of Assembly, so far as the means at the disposal of that officer will allow.

I have, &c.

Lieut.-Governor Sir William Colebrooke, (Signed) STANLEY.
&c. &c. &c.

No. 9.

(No. 242.)

No. 9.

COPY of a DESPATCH from Lord STANLEY to Lieut.-Governor
Sir W. M. G. COLEBROOKE.

SIR,

Downing Street, July 6, 1844.

WITH reference to my Despatch of the 5th ultimo, No. 237, I have the honour to transmit to you the copy of a letter which has been received by the Lords Commissioners of the Admiralty from Vice-Admiral Sir Charles Adam, relative to the employment of a ship of war in the protection of the fisheries in the Bay of Fundy from the encroachments of foreigners.

I have, &c.

Lieut.-Governor Sir William Colebrooke, (Signed) STANLEY.
&c. &c. &c.

Enclosure in No. 9.

NEW
BRUNSWICK.

Encl. in No. 9.

SIR,

Pyramus, Halifax, June 13, 1844.

IN reply to your letter of the 29th ultimo, No. 108, enclosing a memorial from the House of Assembly at New Brunswick, transmitted by His Excellency the Lieutenant-Governor to Her Majesty's Secretary of State, and by his directions brought to their Lordships' notice, I beg leave to acquaint their Lordships, that a vessel has been stationed there every season since I assumed this command, and such was the practice before. It is true that I was under the necessity of withdrawing the "Fair Rosamond" part of the time last season, and I must again do so by the "Scylla" now, as I have no other vessel to send to the Gulf of St. Lawrence and Prince Edward's Island. I will, however, replace her as soon as it is in my power. I must request their Lordships to refer to the reports of the Commanders of the "Racer," "Pickle," and "Fair Rosamond," and they will see that no infringement to any extent took place, as far as could be observed by them.

I have, &c.

The Hon. Sidney Herbert, M.P.,
Admiralty.

(Signed) CHARLES ADAM,
Vice-Admiral and Commander-in-Chief.

(No. 288.)

No. 10.

No. 10.

COPY of a DESPATCH from Lord STANLEY to Lieut.-Governor
Sir W. M. G. COLEBROOKE.

SIR,

Downing Street, March 30, 1845.

I HAVE the honour to acquaint you, for your information and guidance, that Her Majesty's Government have had under their consideration the claim of citizens of the United States to fish in the Bay of Fundy, a claim which has hitherto been resisted, on the ground that that bay is included within the British possessions.

Her Majesty's Government feel satisfied that the Bay of Fundy has been rightfully claimed by Great Britain as a bay within the Treaty of 1818; but they conceive that the relaxation of the exercise of that right would be attended with mutual advantage to both countries,—to the United States, as conferring a material benefit on their fishing trade, and to Great Britain and the United States conjointly and equally, by the removal of a fertile source of disagreement between them. It has accordingly been announced to the United States Government, that American citizens would henceforward be allowed to fish in any part of the Bay of Fundy, provided they do not approach, except in the cases specified in the Treaty of 1818, within three miles of the entrance of any bay on the coast of Nova Scotia or New Brunswick.

I have, &c.

Lieut.-Governor Sir William Colebrooke,
&c. &c. &c.

(Signed) STANLEY.

(No. 24.)

No. 11.

No. 11.

EXTRACT of a DESPATCH from Lieut.-Governor Sir W. M. G. COLEBROOKE
to Lord STANLEY, dated Fredericton, New Brunswick, April 22, 1845.

"THE fisheries have not materially benefited from the Bounty Act of the last year, and in the Bay of Fundy it is considered that a small man-of-war schooner, similar to that which is employed for protection of the fisheries between the Channel Islands and the coast of France, is required to be stationed in the bay during the fishing season. The occasional visit of a brig of war during the summer does not afford the assistance required to prevent injury to the fisheries, and to prevent collisions of the provincial and American fishermen."

NEW
BRUNSWICK.

(No. 298.)

No. 12.

No. 12.

COPY of a DESPATCH from Lord STANLEY to Lieut.-Governor
Sir W. M. G. COLEBROOKE.

SIR,

Downing Street, May 19, 1845.

HER Majesty's Government having frequently had before them the complaints of the Minister of the United States in this country, on account of the capture of vessels belonging to fishermen of the United States by the provincial cruisers of Nova Scotia and New Brunswick, for alleged infractions of the Convention of the 20th October 1818* between Great Britain and the United States; I have to acquaint you that, after mature deliberation, Her Majesty's Government deem it advisable, for the interests of both countries, to relax 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. Her Majesty's Government therefore henceforward propose to regard as bays, in the sense of the Treaty, only those inlets of the sea which measure from headland to headland, at their entrance, the double of the distance of three miles, within which it will still be prohibited to the fishing vessels of the United States to approach the coast for the purpose of fishing. I transmit to you herewith the copy of a letter,* together with its enclosures, which I have received from the Foreign Office upon this subject, from which you will learn the general views entertained by Her Majesty's Government as to the expediency of extending to the whole of the coasts of the British possessions in North America the same liberality, with respect to United States fishing boats, as Her Majesty's Government have recently thought fit to apply to the Bay of Fundy; and I have to request that you will inform me whether you have any objections to offer, on provincial or other grounds, to the proposed relaxation of the construction of the Treaty of 1818 between this country and the United States.

* App. No. 1. p. 273.

* Page 81.
May 8, 1845.Lieut.-Governor Sir William Colebrooke,
&c. &c. &c.I have, &c.
(Signed) STANLEY.

No. 13.

(No. 48.)

No. 13.

COPY of a DESPATCH from Lieut.-Governor Sir W. M. G. COLEBROOKE
to Lord STANLEY.

Fredericton, New Brunswick, June 13, 1845.

(Received, June 28, 1845.)

MY LORD,

(Answered, July 22, 1845, p. 116.)

PREVIOUS to the receipt of your Lordship's Despatch, No. 288, dated 30th March last, informing me of the concession to the Americans, under certain limitations, of the privilege of fishing in the Bay of Fundy, I had prepared for transmission to your Lordship the enclosed papers, being a petition from Mr. Payne, a justice of the peace for St. John's, in behalf of the fishermen of that place, and supported by several affidavits praying for protection of the fisheries, also the observations of Captain Owen on the subject.

It would be very desirable, under any circumstances, that the laws for the protection of the fisheries should be maintained, as the reckless destruction of the young fish has already diminished the supply.

The protection, too, of the property of the fishermen must depend in the employment of a small vessel of war in the bay during the fishing season, or from the 1st May to the 30th November; and the officer commanding might be, as recommended by Captain Owen, included in the commission of the peace.

It is of the utmost importance to guard against the admission of the Americans to participate in the fisheries as a right which would render it wholly impracticable to make laws for their protection, or to provide for the due observance of such laws.

In reference to your Lordship's Despatch, No. 298, of May 19th, respecting the fisheries in the other bays of the sea on the coasts of the province, I propose to confer with the Executive Council at a meeting which has been appointed

for the ensuing week, and shall then be enabled to report to your Lordship on the subject by the next mail.

NEW
BRUNSWICK.

I have, &c.
The Right Hon. Lord Stanley, (Signed) W. M. G. COLEBROOKE.
&c. &c. &c.

Enclosure 1 in No. 13.

Encl. 1 in No. 13.

May it please your Excellency,

Fredericton, March 24, 1845.

HAVING been furnished by command of your Excellency with several memorials, containing complaints of fishermen of St. John against the interruptions they meet with while pursuing their avocations at Grand Manan, with a view to my furnishing any information in my power on the subject, I beg to state, that it appears from those memorials that many of the fishermen of Grand Manan have combined in a most lawless and high-handed manner to prevent all persons, not inhabitants of the island, from participating in the fisheries in that vicinity; that in carrying out their illegal measures they have interrupted Her Majesty's subjects in the peaceful pursuit of their lawful avocations, destroyed their property, threatened their lives, and even fired upon individuals whom they mistook for fishermen not belonging to the island.

It also appears that the Grand Manan fishermen are, to a great extent, connected with the inhabitants of the neighbouring state of Maine, to whom they dispose of their green fish, and from whom they clandestinely procure most of their supplies, thus defrauding the revenue in addition to their other lawless acts.

Having obtained from other quarters information corroborating the allegations of the memorialists, I beg, Sir, to express my belief that their complaints are substantially correct, and that, from the general feeling on the subject which prevails amongst the Grand Manan fishermen, it would be a matter of impossibility for the sufferers to obtain justice on the island, however much the resident magistracy might be disposed to dispense it.

Under these circumstances I beg to inform your Excellency, that the only effectual mode, in my opinion, of maintaining the supremacy of the laws, and extending to the provincial fishermen not inhabitants of the island a participation in the privileges to which they are justly entitled, will be the placing of a Government vessel on the station during the fishing season, say from the 1st of May to the 30th of November, and that the commander be placed in the commission of the peace, with instructions to proceed in a summary manner to adjudicate upon all illegal acts committed within his jurisdiction. I should further take the liberty to suggest, that a tract comprising 300 acres of vacant crown land, situate near the south head of Grand Manan, convenient for the fisheries, and described as Lots 141 and 142, be granted to the justices of Charlotte County in trust, with power and authority to locate and appropriate it from time to time in the most beneficial manner for the use of non-resident fishermen.

It is, Sir, my belief that the carrying out of these measures would, by showing the offenders the determination of Her Majesty's Government to protect the peaceable and orderly fishermen, deter the evil-disposed from persisting in their present lawless course, and that very few examples would be needed to induce them to settle down into orderly habits, and become satisfied with the large share which must always be at their command of the valuable fisheries in their neighbourhood.

Having requested Mr. Payne's own views of the measures proper to remedy the evils at Grand Manan, he suggested the foregoing, which I take leave to present as showing his views. Since this a Bill has passed the Legislature relative to this subject.

I have, &c.
His Excellency the Lieut.-Governor, (Signed) W. F. W. OWEN.
&c. &c. &c.

Enclosure 2 in No. 13.

Encl. 2 in No. 13.

Legislative Council Chamber, Fredericton,
April 10, 1845.

SIR,

I HAVE the honour to return to your Excellency some papers and affidavits on which you were pleased to require such observations as I might be able to offer.

I have great reason to know that the complaints set forth in the affidavits of the fishermen of St. John are substantially correct, and by no means exaggerated. In my place in the Assembly I have had occasion to bear testimony to the lawless disposition of the neglected population on the southern promontory of Grand Manan.

A Bill has now passed, which may operate to prevent in future disorders similar to those complained of.

The passing of this Bill, and a reference which I made to R. Payne, Esq., in person, have delayed my answer to your Excellency.

Of the fisheries at Grand Manan and in its vicinity, all its circumstances merit the serious attention of your Excellency's Government; more particularly as the subjects of this province are too commonly found either in collusion or collision with the subjects of the United States,

NEW
BRUNSWICK.

and very commonly in collision with fishermen from other parts of the provinces; and the maintenance of peaceable relations with the subjects of the United States, as regards these fisheries, must seriously interest Her Majesty's Government at home, and dispose it to concur with all reasonable measures for such an object.

There exists a case parallel to this nearer home. The oyster fisheries of Jersey in the British Channel extending, as they do, to the very shores of the coast of France, place the subjects of the two countries in relations very similar to those of Grand Manan and the United States. This has been considered of importance enough to require the constant and uninterrupted services of a small vessel of war, under the command of a lieutenant of the navy.

The fisheries in the Bay of Fundy are vastly more important, I am of opinion, both in a national and provincial view. If, therefore, your Excellency shall be advised to apply to the Secretary of the Colonies for such a vessel to be stationed in the Bay of Fundy for the protection and encouragement of the fisheries, and of Her Majesty's subjects on both its shores, to make Grand Manan and Campo Bello their rendezvous, and the centre and focus of their movements, to visit constantly and report upon the state of the fisheries, on all the colonial shores of the Bay of Fundy, and your Excellency's application being accompanied with the various information possessed on this subject,—I am persuaded that Her Majesty's Government will see the propriety of acceding to your request; and in my judgment no measure would so much conduce to the benefit of both these provinces, so far as relates to this subject.

I am of opinion that more local information is required, before your Excellency's Government will concur in a grant to the magistrates of Charlotte, of the southern extremity of Grand Manan, as recommended by R. Payne, Esq.

I have, &c.

(Signed) W. F. W. OWEN, Captain R.N.,
Surveyor of the Bay of Fundy.

To His Excellency the Lieut.-Governor,
&c. &c. &c.

Encl. 3 in No. 13.

Enclosure 3 in No. 13.

To His Excellency Sir William Mc Bean George Colebrooke, K.H., Lieutenant-Governor
of New Brunswick, &c. &c. &c.

Robert Payne, Esq., one of Her Majesty's Justices of the Peace for the City and County
of St. John,

Respectfully sheweth,

THAT he has been requested by a great number of the fishermen belonging to the City and County of St. John to represent to your Excellency the repeated interruptions they have received from persons residing at Grand Manan Island, in the County of Charlotte, while pursuing their avocation in taking herrings in the Bay of Fundy, off the southern head of the said island, whereby they have been much injured by loss of property, and in being prevented from making as full a fare of fish as they would have done had they been allowed to enjoy their rights of fishing in those waters in peace and quietness.

They now respectfully pray that your Excellency will afford them some further protection and redress in the premises.

The names of a few of the parties are herewith submitted, with a synopsis of the grievances, viz.—

Joseph O. Dunham.—Six nets stolen, value 30*l.*; also prevented from prosecuting his fishing operations, and returned home in fear of his life from the guns fired and threats made; that his men could not be induced to watch his nets from the same cause; he estimates the total loss to the fishermen of St. John in nets and lines, salt and barrels, &c., and by those aggressions, to be 800*l.* or 1,000*l.*

Hugh Sloan.—Two nets and gearing, 10*l.*; also same as Dunham, and was threatened by Job Wilcox. He heard the shots fired alluded to by Mr. Dunham in his complaint; quit fishing from fear of losing his life and property by the shots, and violent conduct of persons residing or resorting to Grand Manan inimical to the St. John fishermen.

William Dunham—lost 2 nets, value 10*l.*; 5 moorings, 7*l.*; 141 bushels salt, 7*l.*; 85 empty barrels, 11; in all 44*l.* He also experienced damage to the extent of 100 barrels of fish, by having had his salt and barrels stolen, in consequence of not having materials for curing fish when they did strike in, and was told to keep his nets at home, and they would not be stolen; they call the St. John people foreigners.

Twenty other persons made similar complaints, which I have taken in writing, and setting forth many other grievances; that they have in some cases taken out search warrants, but did not succeed in finding the property.

As the parties fish in the open Bay of Fundy from a quarter to half a mile distant from the island, and not interfering with the private rights of any person or persons, I therefore pray, on the part of the individuals so aggrieved, that further protection may be afforded them in such manner as your Excellency may deem meet.

And have the honour to remain, &c.

January 6, 1845.

(Signed) ROBERT PAYNE.

Enclosure 4 in No. 13.

NEW
BRUNSWICK.

City and County of St. John Ss.

Be it remembered, that on the 29th day of November 1844, at the parish of Portland, City and County of St. John, before me, Robert Payne, Esq., one of Her Majesty's Justices of the Peace for the City and County aforesaid, came Mr. Joseph O. Dunham, of Carleton, in the City and County aforesaid, and complaineth and informeth me that, having followed fishing in the Bay of Fundy for the last ten years, he made considerable outlays for that purpose the last season, being thereunto especially encouraged by the liberal bounty afforded by the Legislature of the Province, at their last Session; that he sails a vessel called the "Princess," of which he is part owner; that they had nets to the amount of 75*l.* in worth, and other fishing gear and stores in proportion; that he repaired to the fishing grounds near the southernmost head of Grand Manan Island in the said Bay of Fundy, for the purpose of taking herrings; that he commenced fishing, and after he had been there two days he received an intimation of threats having been made by the residents of Grand Manan that they were determined to disturb, beat, and destroy the fishing by the fishermen of St. John; the third night he had set his nets he lost two of them totally, having been cut away by some person or persons unknown; that a piece of line was left to the buoy, which had been cut from the net with some sharp instrument; that the buoy was branded with complainant's marks, consequently left; the nets were of the value of 5*l.* each; that he had to keep a nightly watch on his other nets to prevent their being also destroyed or taken away. About three weeks after complainant took four nets ashore and stored them in Mr. Matthews' store for safe keeping; the second night after they were put in the lock was broken, and they were taken out and carried away, and complainant could not find them since; he got a search warrant, but could not find them; the complainant has reason to believe, and does, verily, that they must have been stolen from the said store by some person or persons residing or stopping on the said island, as the weather was so boisterous no vessel or boat could with safety land there on that night; complainant having been informed, by an inhabitant, of the numerous threats that were made against him by persons on the said island, to wit, that they would fire guns at the vessel or boats when the men were at the nets; and from the threats being also made generally against all persons from St. John, and shots having been fired, as complainant is informed, at two men in a boat, under the supposition that they were St. John men, but who proved to be persons belonging to Grand Manan, but were mistaken for St. John men by the parties firing, according to their own admission, induced complainant to believe that they would carry their threats into execution, and having left previously from the opposition he experienced, he did not return for the purpose of fishing any more, as he could not get his men to watch his property; they expressed fears of being shot, and considered their lives in danger; and complainant considers that his own life was in danger from the violent conduct of many of the residents and other persons who resort to Grand Manan (other than those from St. John); and complainant considers the damage great, and the actual loss of property to the value of 30*l.*; and complainant prays that some remedy may be applied by the Government and Legislature to prevent such outrageous and ruinous conduct by the persons so opposed to the interest of the St. John fishermen, as the loss of property and damage done to the fishing interest has been immense, to the amount of 800*l.* or 1,000*l.*

(Signed) JOSEPH O. DUNHAM.

Mr. Hugh Sloan also complains and saith, that he has heard the statement read as made by Mr. Joseph O. Dunham, and believes the same to be true; that he is also a fisherman, and is part owner of the vessel called the "Agnoir," that he also fitted out, at an expense of 60*l.* or 70*l.*, in fishing gear for the purpose of taking herrings around Grand Manan and in the Bay of Fundy; that he had taken a considerable fare before he was interrupted, that he lost two nets and gear, worth about 5*l.* each, which were stolen from him, as he has reason to believe, as the lines were cut from the buoy, and also the buoy cut away; that he heard the report of the gun on the night alluded to by Mr. Dunham; that complainant did not feel that his property or person was safe to remain there any longer; that an immense amount of property was stolen or destroyed by the inhabitants of Grand Manan, or persons frequenting the island (but not belonging to St. John); that he heard threats made by Job Wilcox, that they had better keep their nets at home as they would lose them, intimating that the St. John people had no business there; that the place where they usually fished was the southern head of Grand Manan, from one-eighth to one-fourth of a mile, but not within any harbour, but in the open Bay of Fundy, and did not attach their nets to the shore at any time, and did not interfere with the rights or privileges of any person, as this complainant believes; and prays that he may have redress by some further enactment of law, should there not be a sufficient remedy at present for such lawless acts.

(Signed) HUGH SLOAN.

P.S.—That when the storms drive their vessels from their moorings they have to leave their net anchors and buoys, and sometimes their nets, and when they return almost invariably find their lines cut from the buoys, and anchors lost thereby, and the buoys floated ashore; that the residents at Grand Manan chiefly sell their fish to the Americans for salting and bait, and most of them let their nets for catching bait, giving preference to the Americans, and opposing people from St. John and Erier Islands.

One thousand five hundred inhabitants on Grand Manan who do not pay 20 per cent. of the duty they should on articles they consume.

NEW
BRUNSWICK

City and County of St. John Ss.

Be it remembered, that on the 27th day of December 1844, before me Robert Payne, Esq., one of Her Majesty's Justices of the Peace, came Mr. Henry Nelson Neil, of Carleton in the City and County of St. John, fisherman, who complaineth and informeth me, that he fitted out for fishing in the Bay of Fundy this spring; that being much interrupted by persons residing on the island of Grand Manan he has met with great damage; that he has been engaged in said fishing for the last 23 years; that vessels from Nova Scotia, New Brunswick, and the United States, all fish in the Bay of Fundy upon equal terms and privileges, as appears to complainant; that this year he set his nets at the southern head of Grand Manan Island; that the fishing at the Rips being occupied by the Americans, it is no use to go there; that the Island of Grand Manan is occupied by many persons of vicious habits, who commit depredations on the fishing craft from St. John and other parts of the province, as also from Nova Scotia, but that American fishing craft are not interfered with; that the inhabitants generally will furnish them, the Americans, with bait, and deal with them for supplies of American provisions; that complainant lost two nets of the value of 3*l*. each, and was put in great fear that if he put out his other nets he would lose the remainder, and was thereby prevented making as good a fare as he might have done; that almost every fisherman received more or less damage; that complainant considered it unnecessary to search for the nets so lost or stolen; that he did not see nor hear of a revenue cutter being at the southern part of Grand Manan this year, nor has he seen one there for many years; that the American vessels make a port at Grand Manan at night, and go out to the fishing ground in the day during pleasant weather, when there is no necessity for their coming into port; and complainant has fished in the same place within 100 fathoms of the shore in company with American subjects and vessels previous years, not so much this year as on a former occasion; that he lost moorings to a considerable extent; that complainant prays that his Excellency the Lieut.-Governor and Council, and the House of Assembly, will make provision for the protection of the fishing interest from this port; that being encouraged by the liberal bounty given by the Legislature, himself and many others would enter largely into the fishing business if they had adequate protection.

(Signed) HENRY N. NEIL

Mr. William Dunham is a resident of St. John, and has been many years engaged as a practical fisherman, fitting out to a considerable extent the necessary fishing craft. This year being encouraged by the bounty, he fitted out the schooner "Swan," and went to the south-west end of Grand Manan, and the first night he put out the nets he had two cut into about 40 pieces, the cork line, and in some places down to the lead line; also cut the lines and lost the anchors; he shifted his ground, and having a large supply of salt and barrels, had to land some of them to make room, and he placed them on the beach and covered them with bushes. That a few days after he found the barrels with hoops cut off and the salt taken away. That he was damaged to the extent of 100 barrels of fish, as abundance of fish appeared, but complainant had neither salt nor barrels to cure them.

That he returned to St. John for further supplies; that he again on his return put on shore, with a resident of the island, several barrels of salt, and they were taken away by some ill-disposed person; that he lost—141 barrels of salt, value 7*l*. 1*s*.; 85 fish barrels, value 10*l*. 12*s*. 6*d*.; 5 fishing anchors and line, 6*l*.; total 23*l*. 13*s*. 6*d*.

That he was much damaged in fishing and dispirited by the bad conduct of persons who frequent or reside on the island, as they called the people of St. John foreigners, and told him if he kept his nets at home he would not lose them; that they wish to prevent persons from St. John coming there to fish, and complainant prays protection.

(Signed) W. DUNHAM.

Robert Colwell complains, that he fitted out fishing craft to the value of nearly 100*l*. that he is part proprietor of the schooner "Flight;" that he went to the fishing ground, and shortly after he lost nearly all his nets by having them cut away by some evil-disposed person or persons on two occasions; that the said nets must have been stolen, as he grappled the next day and could not find them; that this occurred about 8 o'clock in the evening and was within 200 or 300 yards of where the vessel lay; that complainant was prevented from making his summer's fishing, and met with a great loss, and was completely prevented from continuing his fishing, having lost six nets, four of which by malicious persons; that unless protection is afforded, the fishing interest will be destroyed.

(Signed) ROBERT COLWELL.

Mr. James Smith is a fisherman, resides in the city of St. John; that he fitted out and sailed on the 29th July last with a vessel and fishing craft, and complete fittings out, to the sum of 80*l*.; that the third or fourth night he was at the fishing ground at the southern head of Grand Manan, he lost two nets which were cut away by some evil-disposed person or persons, and only left about three fathoms of the cork line and part of the lead line; and having occasion to land 10 barrels and 30 barrels salt, he placed them in company with Mr. Dunham's, and the barrels were cut and the staves and heads lying there, and the salt all taken away; had to return to St. John, and did not complete his fare; went again and lost three jangs, that is, six nets and anchors and lines, value 30*l*., and never saw them again; believes that they were cut away by evil-disposed persons; made inquiry among the inhabitants, but

got no satisfaction; they made game of them, and said they ought to stay at home and they would not lose their nets. Complainant heard Obadiah Wilcox say, that as long as St. John men frequented going there they would be injured; that said Wilcox talked in a violent manner; that complainant had to remain his time at the fishing ground at a disadvantage, for want of nets for the purpose of benefiting his four men, to enable him to obtain the bounty for his vessel; that the men of the vessel were afraid of their lives, and complainant was afraid they would receive damage in their person by being shot or otherwise injured; that the violent conduct of the parties prevented him from completing his fare, and did him great damage, and prays protection from Her Majesty's Government, as there were no magistrates within ten miles of him, and of but little use losing time to make the complaint; heard Wilcox say that he defied Government to send any thing as a protection for them, and prays security for his property.

(Signed) JAMES SMITH.

William Buchanan complains, that having fitted out at great expense for fishing in the Bay of Fundy; that he had previously built a store on Grand Manan for the purpose of fishing to better advantage; that this year the opposition to his setting his nets was so great that he did not make such a fare as he would otherwise have done; that he lost eight nets of the value of 45*l.* by having them stolen or destroyed by evil-disposed persons; that the residents made great threats against persons coming from St. John; that he sent his vessel home and remained on the island; that unless some remedy is applied, the fishing will be destroyed, so far as regards the fishermen from St. John.

(Signed) WILLIAM BUCHANNAN.

We, the undersigned, having heard the statements as set forth by Joseph O. Dunham, H. Sloan, H. N. Neil, William Dunham, and Mr. Smith, believe the same to be true; and we all have reason to complain of like aggressions by the residents of Grand Manan and other evil-disposed persons, and pray further protection from Her Majesty's Government for our lives and property.

(Signed) TERENCE MAGEE, three nets, 15*l.*
MICHAEL DEALY, three nets, 15*l.*
ASA NICE, six nets, 30*l.*
DAVID W. CROFT.
DAVID LEE.

27th December, 1844.

Mr. Thomas Kinney, master of schooner "Margaret," complains, that he was materially interrupted by the residents of Grand Manan, in his fishing operations; that he has heard the information of Mr. Joseph O. Dunham, which he believes to be correct; that complainant fitted out to a considerable extent and lost three nets and moorings, value 12*l.*, and 12 barrels taken from him; was prevented from making a full fare, and would have taken 20 or 30 barrels of mackerel, if they had not taken his nets; that the practice pursued by the inhabitants of Grand Manan is ruinous to the fishing interest of St. John, and should be prevented by some legislative enactment.

(Signed) THOS. KENNY.—

George Wilson sails the "Sisters," lost two nets and moorings, value 12*l.*, and 15 barrels, &c. &c.

(Signed) GEORGE WILSON.

(No. 312.)

No. 14.

No. 14.

COPY of a DESPATCH from Lord STANLEY to Lieut.-Governor
Sir W. M. G. COLEBROOKE.

SIR,

Downing Street, July 22, 1845.

I HAVE communicated to the Lords Commissioners of the Admiralty your Despatch, No. 48,* of the 13th ultimo, suggesting that a small vessel of war should be employed in the Bay of Fundy during the season to protect the British fisheries; and their Lordships have informed me that copies of the papers on the subject have been forwarded to the Admiral commanding on the North American and West India station, with instructions to him to take such steps in the matter as may be in his power, and as he may think best, to meet the wishes expressed in your Despatch.

* Page 112.

Lieut.-Governor Sir William Colebrooke,
&c. &c. &c.

I have, &c.
(Signed) STANLEY.

NEW
BRUNSWICK.

(No. 50.)

No. 15.

No. 15.

COPY of a DESPATCH from Lieut.-Governor Sir W. M. G. COLEBROOKE to Lord STANLEY.

Fredericton, New Brunswick, June 21, 1845.

(Received, July 15, 1845.)

MY LORD,

* Page 112.

† Page 111.

REFERRING to my Despatch, No. 48,* dated the 13th instant, and in reference to your Lordship's Despatches, No. 288† of the 30th of March, and No. 298 of the 19th of May, in the last of which you have requested to be informed of any objections, on provincial or other grounds, to the proposed relaxation of the construction of the Treaty of 1818 with the United States, by the extension to their fishing boats of the privilege accorded to them in the Bay of Fundy, along the whole of the coasts in North America, allowing them to enter the bays of the sea, measuring from headland to headland, at their entrance, the double of the distance of three miles within which they would still be prohibited to approach the coast for the purpose of fishing; I have the honour to report to your Lordship, that having brought the subject under consideration in the Executive Council, a Minute has been recorded, copy of which I herewith enclose, from which your Lordship will observe that serious objections are entertained to the proposed concession, as well from the increased difficulties which would occur in protecting the British fisheries, and in guarding against collisions with the provincial fishermen, as in protecting the provincial revenue from the smuggling for which great facilities would thus be given.

As it has not been the practice in this province to employ colonial armed vessels, from a conviction that the duty of protecting the fisheries is more safely entrusted to Her Majesty's navy, by which disputes are more likely to be prevented, I recommend, under any circumstances, that provision should be made for the constant employment of a vessel in the Bay of Fundy during the fishing season, and also of one on the northern coasts.

As Mr. Simonds is about to proceed to England, I have, on the suggestion of the Council, entrusted him with a duplicate of this Despatch; and I can confidently refer to him for such further information as your Lordship may desire to receive on the subject.

I have, &c.

The Right Hon. Lord Stanley,
&c. &c. &c.

(Signed) W. M. G. COLEBROOKE.

Encl. in No. 15.

Enclosure in No. 15.

In Council, June 20, 1845.

His Excellency the Lieutenant-Governor brought under the consideration of the Board Lord Stanley's Despatch, No. 293, dated May 19, 1845, relative to a relaxation of the Regulations under Convention of 1818 in reference to fishing vessels belonging to the United States of America, with enclosures, stating that the Government have deemed it advisable to admit American fishing vessels into the different bays on the British American Coasts, and requesting to be informed whether there are any objections to the measure on provincial or other grounds.

Whereupon the Council are decidedly of opinion, that the admission of the Americans into Miramichi Bay and Chaleur Bay, and a participation in its fisheries, will be attended with a ruinous effect on the fishing trade of the province, especially with regard to that branch of it carried on in Chaleur Bay, by far the most valuable fishing ground on these coasts. That little doubt can be entertained that such a concession will result in depriving us of this valuable source of trade now rapidly increasing in that part of the province. That it is obvious that the unlimited command of capital and other advantages possessed by an old and populous country like the United States must render competition on the part of this young colony hopeless.

That past experience has fully shown, that with such advantages they have been enabled to carry on their fisheries on so extensive a scale and with such overwhelming numbers, that they have invariably succeeded in expelling our fishermen from those coasts where they have had any pretext or sufficient inducement for encroachment.

That hitherto it was on the superior natural advantages presented by our own coasts, especially those of Gaspé Bay, that the enterprise of our fishermen could mainly rely, and one of the difficulties against which they had to contend, and by no means the least injurious to their interests, was being excluded by the high protective duties of such a country as the United States, where the consumption of fish by an extensive slave population might otherwise have afforded a remunerating market.

That the admission of the Americans into Chaleur Bay would give them a complete command over the herring, the salmon, and the cod fisheries of that Bay from its mouth to within three miles of its head, where the inshore and deep sea fisheries are alike carried on, and where its most valuable fishing grounds are beyond the prescribed distance.

That it would be attended with the sacrifice of the capital of those establishments already formed, one of which, a company in London, has recently embarked 200,000*l*.

That the fishermen and other persons employed are exclusively occupied in carrying on these fisheries by which they are maintained.

That some idea may be formed of the extensive population thus occupied, when the houses of Robins and one or two others employ several thousand persons, who, should these fisheries be abandoned, would be thus left destitute of the means of support.

That so far would the introduction of the Americans into this Bay, from which they have hitherto been excluded, be from removing the collisions and complaints already existing, that it would augment them to an extent hardly to be contemplated from the increase of conflicting interests and the struggle between the fishermen of the two countries for the best fishing ground.

That until our fishermen were driven off their grounds and compelled to abandon their fisheries by the superior power and number of the Americans, collisions, of a serious character not unattended perhaps with fatal consequences, might be apprehended, as it could hardly be supposed that they would submit to relinquish to the Americans those benefits to be derived from the fisheries on which their means of subsistence depend, nor can it be supposed that a concession of this kind, made at the expense of the colonists, and without any corresponding benefit to be conferred on them or for any purpose of national policy, would be viewed, but with feelings of deep hostility and regret by the inhabitants of the province, especially when it is considered with what jealousy they have ever been excluded from fishing on the American coast.

That the facilities thus afforded of carrying on an illicit trade on our coast in American spirits, articles of American manufacture, and other contraband goods, would be increased to such a degree as to be entirely beyond the means of this province to control, and would be attended with a serious diminution of our revenue and other most injurious effects.

The treasurer has already reported that the smuggling in the Bay of Fundy will be greatly increased and the revenue injuriously affected by the admission of the Americans to fish in that Bay, and it is much to be apprehended that these encroachments on the limits prescribed to them will lead to collisions with our fishermen even to a greater extent than heretofore, of which serious complaints have been already made, and which the employment of armed vessels by the colonies and even by the mother country would be inadequate to prevent. These concessions will be nationally injurious to the extent that these fisheries have heretofore proved to be a valuable nursery for seamen, and will be so cultivated by the United States.

Extract from the Minutes,

(Signed) W. H. ODELL.

The Council also beg to recommend that the Honourable Charles Simonds, on his proceeding to England, be requested to wait on the Right Honourable Lord Stanley, and to bring fully under his Lordship's consideration the ruinous effects that will result to our fisheries and other important interests of this province by admitting the subjects of the United States to fish in the Bay of Miramichi, the Bay of Chaleur, and other Bays on the North American coasts from which they have hitherto been excluded by the treaties subsisting between Great Britain and the United States; and also that he be requested to communicate with His Excellency the Lieutenant-Governor on the subject.

Extract from the Minutes,

(Signed) W. H. ODELL.

EXTRACT of a Letter from Beverley Robinson, Esq., Provincial Treasurer, to Alfred Reade, Esq., Provincial Secretary, dated St. John's, New Brunswick, June 17, 1845.

"As regards importations from the United States, I very much fear that the admission of American fishermen into the Bay of Fundy will so greatly increase the facilities for illicit traffic, that the honest importer will be no longer able to compete with the horde of smugglers by whom we have reason to dread we will be overrun.

(Signed) "B. ROBINSON, Provincial Treasurer."

(No. 81.)

No. 16.

No. 16.

COPY of a DESPATCH from Lieut.-Governor Sir W. M. G. COLEBROOKE to Lord STANLEY.

Fredericton, New Brunswick, August 29, 1845.

MY LORD,

(Received, September 15, 1845.)

I HAVE the honour to enclose to your Lordship copy of a letter which I have received from Mr. John Robertson, a member of the Legislative Council, and President of the Chamber of Commerce in St. John's, recom-

NEW
BRUNSWICK.

mending that, in consideration of the permission granted to the Americans to fish in the Bay of Fundy, Her Majesty's Government should claim a reduction of duties now levied on fish and fish-oil imported into the United States.

Your Lordship will observe, from the enclosed schedule, that these duties are much higher than are imposed on fish and oil imported into New Brunswick, not the produce of the British fisheries, and that a reduction on that ground alone would be equitable.

As the Legislature has granted a bounty on the provincial fisheries equivalent to that granted to the American fisheries by their Government, I anticipate that this valuable branch of trade will be restored, which was once a source of growing prosperity to the people, and has, unfortunately, of late years been neglected by too exclusive an attention to the timber trade.

I enclose copies of communications I have received from Captain Sharpe, reporting his recent proceedings in the Bay of Fundy, and the result of his inquiries in the Bay of Chaleur in October 1844.

I have, &c.

The Right Hon. Lord Stanley, (Signed) W. M. G. COLEBROOKE.
&c. &c. &c.

Encl. 1 in No. 16.

Enclosure 1 in No. 16.

SIR,

St. John, August 26, 1845.

WHEN in Fredericton last week I promised to forward to His Excellency the Lieutenant Governor a statement of the duties payable upon the produce of the British fisheries, when imported into the United States, and also the duties payable upon similar articles of "foreign catch," when imported into this province. That statement I now beg to enclose; and I have also to add, that the Chamber of Commerce have not had the subject yet under consideration; but the sentiments of a number of gentlemen here, with whom I have conversed, are in unison with those which I took the liberty to express to His Excellency when in Fredericton; viz., that we ought to have some equivalent for so fearful a sacrifice of British and Colonial interest; and perhaps the best that we can now get would be, what I should hope would be considered reasonable, viz., the United States' markets to be opened to us for the sale of our fish, in the same manner as our West India ports are open to the Americans. By granting us this privilege, the United States would be great gainers by the negotiation; yet it would be some equivalent to us for the loss of so great a source of revenue and commerce. If, however, this cannot be procured, I should hope that the United States' markets would be opened to us upon the same terms as our markets are to them. And if this should be granted, there ought to be a modification of duties in both countries: say, to reduce the duties to 5 per cent. ad valorem in the Colonies and the United States.

If this should meet the views of His Excellency, perhaps he will have the goodness to bring the first point prominently under consideration of the Colonial Secretary.

I have, &c.
(Signed) JOHN ROBERTSON.

Duty payable on fish and fish oil imported into the United States, other than that caught by American fishermen and in American bottoms.

	s.	d.
Fish—Fresh, brought in for every day consumption	-	Duty free.
" Foreign caught, dried, or smoked	5	0 per cwt.
" Mackerel and herring, pickled or salted	7	6 "
" Salmon, pickled	10	0 "
" All other pickled fish in barrels	5	0 "

All other pickled fish 20 per cent. ad valorem when not in barrels, or otherwise particularized.

Oil, per gallon, 15 per cent., or 9d. per gallon.
Sperm oil, 25 per cent., or 1s. 3d. per gallon.

Duty payable on fish and oil imported into New Brunswick, not the produce of the British fishery.

	Imperial Duties.		Provincial Duties.	
	s.	d.	s.	d.
Fish—Fresh	Free	-	Free	-
" Pickled, per barrel	4	0	1	0 per cent. ad valorem.
" Dried or salted, per cwt.	2	0	1	0 "
" All other, not enumerated	4	0	5	0 { per cent. } "
" Oil, blubber, fins, and skins, the produce of creatures living in the seas	4	0	15	0 { ad valorem. } "

Enclosure 2 in No 16.

Encl. 2 in No. 16.

Her Majesty's sloop "Scylla," Campo Bello,
August 19, 1845.

SIR,

SINCE I had the honour of an interview with your Excellency at St. John's, I beg leave to acquaint you that I have again visited the island of Grand Manan, and found, as I had anticipated, a good moral effect was the result of my former visit and appearance amongst its inhabitants, nevertheless I should strongly recommend an increase of civil power to assist that active magistrate Mr. Fisher in carrying out any warrant that he might have occasion to issue in support of the peace of the island, and in its execution, common justice towards each other; I most respectfully submit this, my opinion, to your Excellency's consideration, knowing that the mixture of breeding and sentiments existing among the inhabitants at the south end of the island in particular from the constant intermarriages between them and Americans, the consequence is frequently the cause of great dissensions taking place amongst them, and frequently found necessary to call in magisterial interference.

I further beg leave to acquaint your Excellency, that I have again visited the several stations in the bay for the last time, and shall leave here for St. John's on Wednesday next, where I shall remain for the arrival of the mail from England and Halifax, in the meantime to receive any communication your Excellency may be pleased to make and in accordance to my orders received from Vice-Admiral Sir Francis W. Austin, K.C.B., my Commander-in-Chief, which I have already made you acquainted with,—shall leave this for Halifax the last week in this month, should I not receive orders from him to the contrary.

I have, &c.

(Signed) ROBERT SHARPE, Commander.

His Excellency Sir W. Colebrooke, K.H.
&c. &c. &c.

Enclosure 3 in No. 16.

Encl. 3 in No. 16.

EXTRACT of a Letter from Commander Sharpe of Her Majesty's sloop "Scylla" to Vice-Admiral Sir Charles Adam, dated Halifax, Nova Scotia, October 9, 1844.

"SAILED on the 10th for the Bay of Chaleur, but in consequence of variable winds and calms did not arrive till the afternoon of the 15th, when I anchored off the island of Miscou, communicated with a Captain Alexandre who has charge of the fishing station belonging to William Frunig and Company of Jersey, who informed me that the catch of fish this year was not so great as in former years, the average catch is about 2,000 quintals here, and another establishment they have at Sheppegan makes about 6,000 quintals, the latter place is the port where their vessels ship their cargoes; this house constantly employs about 200 people. Mr. Boutallier of Paspébiac has commenced this year an establishment upon a very large scale here, who also employs a great number of men. They complain that although the Americans do not encroach within the limits prescribed by law, yet from being so numerous and their vessels so large, which enable them to remain some time on the banks, and as well the artful means exercised by them in decoying from the shores mackerel, herrings, &c., which are used for bait, and after catching them it is considered great injuries done them, theirs being small and open boats. On the morning of the 16th weighed and stood across the Bay of Paspébiac, and anchored there the same evening at 8.30 p.m. Communicated with a Mr. Hardaley in charge of the establishment here of Messrs. Rankin and Co. of Jersey, that gentleman's opinion regarding the fishing and other matters relative to its localities, a statement from whom I herewith beg leave to enclose. Messrs. Boutallier and Brothers have also an establishment here upon a very large scale, loading about eight vessels every year, averaging 200 tons each, with fish to the West Indies, Mediterranean, &c. At 6.30 p.m. on the 19th weighed and made sail working up the bay for Dalhousie and arrived on the 20th at 6 p.m. The following morning communicated with Mr. M'Kedie the sub-collector, whose statement of imports and exports from 1841 to 1843 I beg leave to enclose. Mr. Montgomery and Mr. Ritchie, both large shipowners, who have erected here and at Campbelltown (18 miles above this place) extensive wharfs and warehouses for the embarkation of timber and sawn deals, the latter gentleman has a ship now loading with timber of 800 tons burthen about to sail for Liverpool. These two houses, Montgomery's and Ritchie's have freighted to England from the above-named ports 28 vessels since the 1st of May last up to the present date. They complain of the trade generally being this year very dull, and although the land along the coasts and principally in this neighbourhood being of good quality, yet emigration on that account is not increased, and specie, in consequence of this momentary depression, is scarce, and seldom change hands; everything is done to stimulate the agriculturists by the establishment of a society finding them with the best seeds, breeds of cattle, &c."

NEW
BRUNSWICK.
No. 17

(No. 331.)

No. 17.

COPY of a DESPATCH from Lord STANLEY to Lieut.-Governor
Sir W. M. G. COLEBROOKE.

SIR,

Downing Street, September 17, 1845.

Pages 114, 120.

HER Majesty's Government have attentively considered the representations contained in your Despatches, Nos. 48 and 50, of the 13th and 21st of June, respecting the policy of granting permission to the fishermen of the United States to fish in the Bay of Chaleurs, and other large bays of a similar character on the coasts of New Brunswick and Nova Scotia; and apprehending from your statements that any such general concession would be injurious to the interests of the British North American provinces, we have abandoned the intention we had entertained upon the subject, and shall adhere to the strict letter of the Treaties which exist between Great Britain and the United States relative to the fisheries in North America, except in so far as they may relate to the Bay of Fundy, which has been thrown open to the Americans, under certain restrictions. In announcing this decision to you, I must at the same time direct your attention to the absolute necessity of a scrupulous observance of these Treaties on the part of the Colonial authorities, and to the dangers which cannot fail to arise from any overstrained assumption of the power of excluding the fishermen of the United States from the waters in which they have a right to follow their pursuits. The case of the "Argus" is an exemplification of my meaning, that vessel having been seized by a provincial revenue cruiser, under the plea of illegal encroachment, in a spot where she was not within three miles of the shore, and where there does not appear to have been any pretence for asserting that she was within any bay, or in unlawful propinquity to any bay on the coast of Nova Scotia.

I have, &c.

Lieut.-Governor Sir W. Colebrooke,
&c. &c. &c.

(Signed) STANLEY.

No. 18.

(No. 86.)

No. 18.

COPY of a DESPATCH from Lieut.-Governor Sir W. M. G. COLEBROOKE
to Lord STANLEY.

Fredericton, New Brunswick, September 18, 1845.

(Received, October 15, 1845.)

(Answered, October 20, 1845, page 123.)

MY LORD,

I HAVE the honour to enclose a petition to your Lordship's address, from the Chamber of Commerce of St. John's, praying that the privilege of fishing on the coasts of the North American provinces may not be conceded to the United States, without equivalent advantages being acquired in their ports for the produce of the British fisheries.

I have, &c.

The Right Hon. Lord Stanley,
&c. &c. &c.

(Signed) W. M. G. COLEBROOKE.

Encl. in No. 18.

Enclosure in No. 18.

To the Right Hon. Lord Stanley, one of Her Majesty's principal Secretaries of State for the Colonies.

The petition of the Chamber of Commerce of the city of St. John, province of New Brunswick,

Respectfully sheweth,

THAT your petitioners have learned with much alarm and regret that Her Majesty's Government have it in contemplation to concede to the people of the United States of America the great privileges of enjoying, in common with Her Majesty's loyal subjects of the North American colonies, the right of fishing on the whole extent of the North American coast, without any restriction, and, so far as your petitioners can learn, without any equivalent or consideration (to be granted by the United States Government) either to the mother-country or to the colonies, in return for so great a boon to the people of the United States and so great a sacrifice of the interests of the people of those colonies.

The importance of the privileges hitherto enjoyed by the Colonies in the keeping foreigners from taking fish within a certain distance of our shores has been so frequently and so ably

shown, that your petitioners will confine themselves to the following remarks on the subject:—The destruction of the employment of so many hardy colonists, who cannot compete with American caught fish, even in our own markets, much less in that of the United States, where our products and catch are shut out by prohibitory duties; destroying also a nursery for British and colonial seamen. The people of the United States enjoy the advantages of all the outfits for fishing at a much lower rate of cost than our fishermen, and are encouraged by bounties on vessels and catch, which prevents our competition.

They possess also the advantage of our West India markets, on the same terms as our own caught fish. The privilege of coming into our shores and harbours will enable them to barter their goods in exchange for fresh fish, which they can introduce as their own catch into the ports of the United States, free of duty, which will result in the loss of consumption of British goods, and loss to the revenue of the duty on foreign goods so introduced and consumed.

Your petitioners would fain entertain the hope that so sweeping a measure will not be adopted without affording them and their fellow-colonists an opportunity of being heard on the subject; and they most earnestly pray that Her Majesty's Government will take such measures in the negotiation (if it should be carried out) as will place her colonial subjects on the same footing as the subjects of a foreign power, by securing for British caught fish and oil the same advantages in the United States markets as are enjoyed by the fish and oil caught and carried into our West India markets by the people of the United States; and your petitioners would think it not unreasonable to require, in exchange for the privilege of taking fish by people of the United States from our very doors, the right to carry our fish into their markets on the same terms as their own are admitted.

And your petitioners, as in duty bound, will ever pray.

(Signed) JOHN ROBERTSON, President.

Saint John, New Brunswick,
28th August 1845.

By order of the Board,
J. WOODWARD, Secretary.

(No. 339.)

No. 19.

No. 19.

COPY of a DESPATCH from Lord STANLEY to Lieut-Governor
Sir W. M. G. COLEBROOKE.

SIR,

Downing Street, October 20, 1845.

I HAVE received your Despatch, No. 86,* of the 18th September, enclosing a petition from the Chamber of Commerce of St. John's, deprecating the concessions which that body apprehended Her Majesty's Government were about to make in favour of the fisheries of the United States of America.

* Page 122.

My Despatch of the 17th September, No. 331,* will enable you to convey to the memorialists such an explanation of the views of Her Majesty's Government on this subject as will, I hope, entirely remove their anxiety respecting it.

* Page 122.

I have, &c.

Lieut.-Governor Sir W. Colebrooke,
&c. &c. &c.

(Signed) STANLEY.

(No. 34.)

No. 20.

No. 20.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to
Earl GREY.

Government House, Fredericton, April 4, 1849.

(Received, May 1, 1849.)

(Answered September 14, 1850, page 125.)

MY LORD,

I HAVE the honour to enclose, for your Lordship's information, copies of * Vide Appendix, a report* on the fisheries of the Gulf of St. Lawrence, which has been drawn up by Mr. Perley, and printed by desire of the Legislature. No. 7, page 367.

I have, &c.

The Right Hon. Earl Grey,
& &c. &c.

(Signed) EDMUND HEAD.

NEW
BRUNSWICK.
No. 21.

(No. 34.)

No. 21.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to
Earl GREY.

Government House, Fredericton, June 4, 1850.

MY LORD,

(Received, June 17, 1850.)

I AM desirous of calling your Lordship's attention to the enclosed memorandum and sketch furnished to me by Mr. Perley with reference to the fisheries on these coasts in connexion with the Despatches of Lord Stanley to Sir W. Colebrooke of May 19, 1845 (No. 298),* and to Lord Falkland of 17th September 1845.† It appears to me, at the present moment, important that the privileges granted to the American fishermen on these coasts should be defined somewhat accurately, and that the instructions given to the officers commanding any of Her Majesty's vessels here should be carried out in such a manner as to show the value of the rights of fishery which England is possessed of on the coasts of British North America. At the same time I feel that the subject is so important and so delicate as affecting the relative positions of the two Governments that I am unwilling to do more at present than call your Lordship's attention to it, and recommend the officers employed off the shores of New Brunswick to attend to those portions of the coast which are most likely to be encroached on.

* Page 112.

† Page 122.

The opinion of the law officers in England referred to by Mr. Perley was given on a case*, dated 28th of April 1841, and the opinion† itself is printed at length in the Appendix to Mr. Perley's Report on the Fisheries of the Gulf of St. Lawrence, which is already in your Lordship's hands.

* Page 49.

† Page 50.

I have, &c.

The Right Hon. Earl Grey,
&c. &c. &c.

(Signed) EDMUND HEAD.

Encl. in No. 21.

Enclosure in No. 21.

MEMORANDUM.

Government Emigration Office, St. John's, New Brunswick,
May 27, 1850.

By article 1 of the Convention of 20th October 1818, between Great Britain and the United States, it is stipulated, that the citizens of the United States shall have liberty to take fish on the southern and western coasts of Newfoundland from the Rameau Islands to Cape Ray, and thence northwardly to the Quirpon Islands, on the shores of the Magdalen Islands; and from Mount Joly on the southern coast of Labrador, northwardly to and through the Straits of Belleisle. And the United States thereby renounced for ever any liberty theretofore enjoyed or claimed by the citizens thereof, to take, dry, or cure fish, in or within three marine miles of any of the coasts, bays, creeks, or harbours of the British dominions in America, not described in the above limits.

The Crown officers in England, upon a case submitted to them by the Legislature of Nova Scotia, have given their decided opinion, that the prescribed distance of three marine miles is to be measured from the headlands, or extreme points of land, and not from the interior of bays or indents in the coast. This opinion has been acted upon in Nova Scotia, and has not been denied or disputed by the people of the United States.

The base lines which should form a boundary for American fishermen in the Gulf of St. Lawrence are shown in black in the annexed sketch.

Commencing at the North Cape of Cape Breton, a line is drawn to the east point of Prince Edward Island, thence to North Cape of the same island; thence to Miscou, the north-eastern extremity of New Brunswick; thence to Cape Despair in Gaspé, between which and Point Miscou is the entrance to the Bay of Chaleur; thence to the east point of Anticosti; thence to Mount Joly on the coast of Labrador, the point on that coast to which American fishermen are restricted by the express terms of the Convention.

The prescribed distance of three marine miles from these base lines is shown by the red line on the annexed sketch. Within or to the westward of that line, the fishing vessels of the United States ought not to pass; yet they are found every season, in large numbers, within that limit. The American mackerel vessels obtain their fares almost wholly to the westward of the red line, especially in the Straits of Northumberland, between the west point of Prince Edward Island and Richibucto, and thence northwardly to Escuminac, in the Bay of Miramichi, and northwardly to Miscou, and within the Bay of Chaleur, which they have no right to enter.

The injuries done by American fishermen to the cod and mackerel fisheries of New Brunswick and the localities last-mentioned, are stated in the Report of the undersigned for 1849.

It is but justice to British fishermen, that the Americans should no longer be permitted to commit these injuries without question or hindrance; and, in a national point of view, it is of great importance that the spirit of the Convention of 1818 should be strictly enforced and maintained until other arrangements are made.

(Signed) M. H. PERLEY.

NEW
BRUNSWICK.

(No. 211.)

No. 22.

No. 22.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor
Sir EDMUND HEAD.

SIR,

Downing Street, September 14, 1850.

WITH reference to your Despatch No. 34,* of the 4th June, on the subject of the fishery limits of the coasts of the British North American possessions, I have the honour to transmit for your information and guidance copies of a correspondence on that subject between this Department and the office of the Secretary of State for Foreign Affairs.

* Page 123.

3 July 1850.

4 Sept. 1850.

Lieut.-Governor Sir E. Head, Bart.,
New Brunswick.

I have, &c.
(Signed) GREY.

Enclosure in No. 22.

Encl. in No. 22.

SIR,

Colonial Office, July 3, 1850.

I AM directed by Earl Grey to transmit to you the enclosed Despatch from Sir E. W. Head,* and to request that you will move Viscount Palmerston to favour Lord Grey with his opinion as to the steps which it may be advisable to take on it.

* Page 124.

I am at the same time to state, that according to the best opinion which Lord Grey has been able to form of the terms of the Convention of the 20th October 1818, as explained by the Queen's Advocate and Attorney-General in their opinion of August 30, 1841,* it seems to his Lordship very questionable whether those terms would not be too much strained against the right of American citizens by the adoption of the line drawn in the enclosed map as marking off their right of fishery. It may be true that the prescribed distance of three miles is "to be measured from the headlands, or extreme points of the land next to the sea, of the coast, or of the entrance of bays, or indents of the coast," and yet, by taking the main headlands only, and drawing the lines across long distances from one to another, as appears to be done in this map, the Americans might be excluded not only from the interior of bays, but from large spaces forming parts of the sea not usually designated as "bays" or "gulfs."

* Page 60.

H. U. Addington, Esq.

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

SIR,

Foreign Office, September 4, 1850.

I AM directed by Viscount Palmerston to state to you, for the information of Earl Grey, that your letter of the 3d of July last, enclosing a copy of a Despatch from the Governor of New Brunswick, on the subject of the fishery limits on the coasts of the British North American possessions, was referred to Her Majesty's Advocate General, and that that officer has reported that he concurs in the view of this matter taken by Earl Grey, and has accordingly stated that he does not think that Her Majesty's Government would be borne out in extending the fishery limits in question to the lines laid down in the sketch sent home by the Governor of New Brunswick.

Herman Merivale, Esq.

I have, &c.
(Signed) H. U. ADDINGTON.

(No. 59.)

No. 23.

No 23.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to
Earl GREY.

Government House, Fredericton, New Brunswick,
September 7, 1850.

(Received, September 23, 1850.)

MY LORD,

(Answered, November 1, 1850)

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 misapprehen-

NEW
BRUNSWICK.

sion 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.

The Right Hon. Earl Grey,
&c. &c. &c.

(Signed) EDMUND HEAD.

Encl. in No. 23.

Enclosure in No. 23.

MINUTE OF THE EXECUTIVE COUNCIL.

September 6, 1850.

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.

(No. 220.)

No. 24.

NEW
BRUNSWICK

No. 24.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir EDMUND HEAD.

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 have 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 re-imposed on particular colonies, without considering the effect of such re-imposition 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 interest 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.

Sir Edmund Head,
&c. &c.I have, &c.
(Signed) GREY.

(No. 19.)

No. 25.

No. 25.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to Earl GREY.

Government House, Fredericton, New Brunswick,

April 27, 1851.

(Received, May 13, 1851.)

MY LORD,

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.

The Right Hon. Earl Grey,
&c. &c. &c.I have, &c.
(Signed) EDMUND HEAD.

NEW
BRUNSWICK.

Enclosure in No. 25.

Encl. in No. 25.

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-sea 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 twenty 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 Legislative Council.
CHARLES SIMONDS, Speaker of the Assembly.

Memorandum of J. J. Robinson, Commander of the 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 of 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 Gulph 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 station, 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.

NEW
BRUNSWICK.

(Signed)

J. J. ROBINSON,
'Commander' Royal Navy.

Committee-room, April 5, 1851.

No. 26.

EXTRACT of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to Earl GREY, dated Government House, Fredericton, New Brunswick, April 27, 1851.

No. 26.

(Received, May 19, 1851.)

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.

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 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 Campo Bello, one of the principal fishing stations at the entrance of the Bay of Fundy. The island itself of Campo Bello 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.

NEW
BRUNSWICK.

6. I enclose also for your Lordship's information one copy of a Report by Mr. Perley 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.

Encl. in No. 26.

Enclosure in No. 26.

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 20 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 sawdust 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 gurry 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 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 fishway shall be made and kept; that no sawdust 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 St. Lawrence; the throwing gurry 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 provision should be made by law to that effect, and officers appointed thereunder 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 own people; and one of three things is absolutely necessary; either,

1. 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,
2. 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,
3. 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, intitled 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.

(Signed) J. H. GRAY. J. J. ROBINSON.
J. T. WILLISTON. ROBERT GORDON.
B. BOTSFORD. W. PORTER.

Committee-room, April 5, 1851.

(No. 8.)

No. 27.

No. 27.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON to the Officer administering the Government of New Brunswick.

SIR,

Downing Street, May 27, 1852.

AMONG the many pressing subjects which have engaged the attention of Her Majesty's Ministers since their assumption of office, few have been more important, in their estimation, than the questions relating to the protection solicited for the fisheries on the coasts of British North America.

Her Majesty's Government have taken into their serious consideration the representations upon this subject contained in your Despatches noted in the margin, and have not failed to observe, that whilst active measures have been taken by certain colonies for the purpose of encouraging their fisheries, and of repelling the intrusion of foreign vessels, it has been a subject of complaint in New Brunswick that impediments should have been offered by the policy of the Imperial Government to the enactment of bounties considered by the Local Legislature essential for the protection of its trade.

Her Majesty's Ministers are desirous to remove all ground of complaint on the part of the colonies in consequence of the encroachment of the fishing vessels of the United States upon those waters from which they are excluded by the terms of the Convention of 1818, and they therefore intend to despatch as soon as possible a small naval force of steamers and other small vessels to enforce the observance of that Convention.

These vessels will of course be confined to the performance of the duties with which they are specially charged, and the Commanders will be enjoined to exercise a discretion in the very delicate office of interfering with vessels belonging to foreign and friendly powers.

With regard to the question of promoting the fisheries of the British Colonies by the means of bounties, Her Majesty's Government, although desirous not to sanction any unnecessary deviation from that policy which regulates the commerce of this country, are still disinclined to prevent those colonies, by the interposition of imperial authority, and especially pending negotiations with the United States of America for the settlement of the principles on which the commerce with the British North American Colonies is hereafter to be carried on, from adopting the policy which they may deem most conducive to their own welfare and prosperity.

Entertaining these views, it is the intention of Her Majesty's Government to advise the Queen to give Her assent to an Act passed by the Legislature of Prince Edward Island, in the Session of 1851, for the promotion of its deep sea fisheries, and they will be prepared to give favourable consideration to any Acts for a similar purpose which may be passed by the Legislatures of the other North American provinces.

I have, &c.
(Signed) JOHN S. PAKINGTON.

The Officer administering the
Government of New Brunswick.

78. Sept. 15, 1849.
Separate.
April 27, 1851.
19. April 27, 1851.

NEW
BRUNSWICK.

No. 28.

(No. 23.)

No. 28.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON to the Officer administering the Government of New Brunswick.

SIR,

Downing Street, August 13, 1852.

* Vide Papers
printed by the
Foreign Office.

I HAVE to acknowledge the receipt of your Despatch, No. 7,* of the 1st of July, reporting the seizure by Lieutenant Kynaston, R.N., of an American schooner for trespassing within the limits prescribed by the Convention of 1818; and I have to acquaint you in reply, that Her Majesty's Government entirely approve of Lieutenant Kynaston's conduct on this occasion, and of your own proceedings in the matter.

I have, &c.

(Signed) JOHN S. PAKINGTON.

The Officer administering the
Government of New Brunswick.

No. 29.

(No. 24.)

No. 29.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON to the Officer administering the Government of New Brunswick.

SIR,

Downing Street, August 19, 1852.

• Page 131.

WITH reference to my Despatch, dated the 27th May last,* apprising you that a small naval force of steamers and other small vessels would be employed for the protection of the rights of British subjects in the fisheries on the coasts of British North America, I enclose for your information the copy of some further instructions which have been issued to the Lords Commissioners of the Admiralty for the guidance of the Vice-Admiral commanding on the North American station for the execution of the service.

You will understand that these instructions are communicated to you for your own information, but that you are not at liberty to publish copies of them.

I have, &c.

(Signed) JOHN S. PAKINGTON.

The Officer administering the
Government of New Brunswick.

No. 30.

(No. 25.)

No. 30.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON to the Officer administering the Government of New Brunswick.

SIR,

Downing Street, August 25, 1852.

* Vide Papers
printed by the
Foreign Office.

I HAVE to acknowledge the receipt of your Despatch, No. 9,* of the 28th ultimo, reporting the capture of the American fishing schooner Hyades for an infraction of the Treaty of 1818, and enclosing copies of a correspondence on this subject between yourself and Lieutenant Kynaston, R.N.

You have exercised a very proper discretion in this matter; and I entirely approve of the prudent and suitable terms of the letter you addressed to Lieutenant Kynaston.

I have, &c.

(Signed) JOHN S. PAKINGTON.

The Officer administering the
Government of New Brunswick.

No. 31.

NEW
BRUNSWICK
—
No. 31.COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to the
Right Hon. Sir JOHN S. PAKINGTON.

New Brunswick, September 10, 1852.

(Received September 27, 1852.)

SIR, (Answered October 29, 1852, p. 133.)

I HAVE the honour to enclose a copy of a minute of Council, approved,
by me in Council this day, on the subject of the fisheries.

I have, &c.

The Right Hon.
Sir John Pakington, Bart.
&c. &c. &c.

(Signed) EDMUND HEAD.

Enclosure in No. 31.

Saint John, September 10, 1852.

Encl. in No. 31.

IN COUNCIL.

PRESENT

His Excellency the Lieutenant-Governor.

The Hon. Mr. Chandler,

The Hon Mr. Hayward,

„ Mr. Hazen,

„ Mr. Wilmot.

„ Mr. Parklin,

„ Mr. Gray.

„ Mr. Kinnear.

Submitted the following Minute.

The Executive Council of New Brunswick deem it their duty to impress upon Her Majesty's Government their most earnest wish that no deviation should be made from the principles laid down by the treaty of 1818 with the Government of the United States on the subject of the fisheries, but, on the contrary, that the rights of British subjects, according to the proper constitution of that treaty, should be rigidly enforced.

The people of British North America, now numbering over two and a half millions, are peculiarly and deeply interested in the preservation of these rights, and would consider the surrender of the privileges they now enjoy as such an abandonment of their interests as could not fail to excite well-justified discontent.

It will be admitted, the Council hope, by Her Majesty's Government, that the governments of these colonies are fully conversant with the great value the inhabitants attach to this important subject; and the Council humbly trust that in any negotiations which may hereafter take place between Her Majesty's Government and *that* of the United States, his Excellency the Governor-General and the Lieutenant-Governors of the respective possessions be consulted with reference to such negotiations.

In the commercial transactions between the British provinces and the United States the latter possess a decided advantage. Their goods are suffered to be imported upon the same terms as those charged on British merchandise, and New Brunswick has been prevented by Imperial authority, contrary, however, to the wishes and feelings entertained by the Legislature, from imposing discriminating duties. While the goods of the United States are here admitted at a duty of 8½ per cent. *ad valorem*, our productions, as well raw as manufactured, pay *there* an average duty of 25 to 30 per cent. Our ships cannot be sold in the American market, and obtain registers: *theirs* can come in, be sold, transferred, and receive British registers, as if built in the British dominions. American steamers thus conveyed are now plying on the River Saint John with British registers.

What our people want are equal rights and commercial freedom with them, and they would then not fear competition.

No. 32.

No. 32.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON to
Lieut.-Governor Sir EDMUND HEAD.

SIR, Downing Street, October 29, 1852.

I HAVE received your Despatch, No. 38., of the 10th September, enclosing the copy of an approved Minute of your Council on the subject of the fisheries; and I have to acquaint you in reply that the views of the Executive Council of New Brunswick will receive the careful consideration of Her Majesty's Government.

Meanwhile it is the intention of Her Majesty's Government to continue to protect the British fisheries in North America from encroachments, and to afford that protection by means similar to those now employed for the purpose.

I have, &c.

Sir E. Head, Bart.
&c. &c. &c.

JOHN S. PAKINGTON.

NEW
BRUNSWICK.
No. 31.

(No. 29.)

No. 33.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON to
Lieut.-Governor Sir EDMUND HEAD.

SIR,

Downing Street, September 18, 1852.

* Vide Papers
printed by the
Foreign Office.

I HAVE received your Despatch No. 12,* of the 13th ultimo, reporting the arrival at Fredericton of Commodore Perry, in the United States steam-frigate "Mississippi."

I approve of the manner in which you received and treated Commodore Perry; and I have to express the satisfaction of Her Majesty's Government at the friendly tone of the communications which took place on both sides on the occasion.

I have, &c.

Sir E. Head, Bart.,
&c. &c. &c.

(Signed) JOHN S. PAKINGTON.

No. 34.

(No. 30.)

No. 34.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON to
Lieut.-Governor Sir EDMUND HEAD.

SIR,

Downing Street, September 20, 1852.

* Vide Papers
printed by the
Foreign Office.

I HAVE to acknowledge the receipt of Lieut.-Colonel Murray's Despatch of the 30th ultimo, No. 16,* forwarding copies of the reports on the sea and river fisheries of New Brunswick, made by Mr. Perley, the Emigration Officer at St. John, and laid before the Provincial Legislature in the years 1849, 1850, and 1851.

I have, &c.

Sir E. Head, Bart.,
&c. &c. &c.

(Signed) JOHN S. PAKINGTON.

No. 35.

(No. 37.)

No. 35.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON to
Lieut.-Governor Sir EDMUND HEAD.

SIR,

Downing Street, October 11, 1852.

THE Vice-Admiral commanding on the North American station having transmitted to Her Majesty's Government the copy of a map of the Gulf of St. Lawrence, purporting to be drawn by Mr. M. H. Perley, emigration agent at St. John's, New Brunswick, for a report about to be made by Mr. Andrews who is employed by the United States Government on the subject of the fisheries, on which certain lines are drawn as fishing boundaries demanded by the British colonial authorities, I have to instruct you to express to Mr. Perley my extreme regret that he should have communicated to any officer of the Government of the United States, and indeed to any person whatever, a map professing to exhibit the claims of Great Britain, which had not previously received the sanction and approval of the Imperial or Colonial Governments. Whatever weight may attach to Mr. Perley's private opinion, or however useful he may have proved himself to Her Majesty's minister at Washington during the late discussion on the question of the fisheries of British North America, he must be sensible that he is neither qualified nor authorized to expound the views of Her Majesty's Government, or define the limits of the British fishing grounds, and it is obvious that serious inconvenience must result from any individual taking upon himself, without warrant or correct information, to supply the agent of a foreign Government with a statement of the claims of Great Britain on this important subject.

I have, &c.

Sir E. Head, Bart.
&c. &c.

(Signed) JOHN S. PAKINGTON.

No. 36.

No. 36.

(Confidential.)

COPY of a DESPATCH from Lieut-Governor Sir EDMUND HEAD to the Right Hon. Sir JOHN S. PAKINGTON, Bart.

Government House, Fredericton, N.B.,

October 16, 1852.

(Received November 8, 1852.)

* p. 22.

SIR,

WITH reference to your confidential Despatch of the 11th ultimo*, I have the honour to enclose a letter from the Honourable the Provincial Secretary, covering a copy of a return from the Registrar of the Vice-Admiralty Court of New Brunswick of the number of vessels seized, prosecuted, and condemned in that court for infractions of the convention of 1818 between Great Britain and the United States of America.

I have, &c.

(Signed) EDMUND HEAD.

The Right Hon.
Sir John S. Pakington, Bart.,
&c. &c. &c.

Enclosure in No. 36.

Encl. in No. 36.

Secretary's Office, Fredericton,

October 14, 1852.

MAY IT PLEASE YOUR EXCELLENCY,

PURSUANT to your Excellency's directions, I have obtained from the registrar and scribe of the Vice-Admiralty Court of New Brunswick a list of all vessels seized and prosecuted in that court for the infraction of the convention of 1818 between Great Britain and the United States relating to the fisheries, a copy of which I have the honour of enclosing herewith.

I have, &c.

(Signed) J. R. PARKLIN.

His Excellency
Sir Edmund W. Head, Bart., Lieut.-Governor,
&c. &c. &c.

Vice-Admiralty Court of New Brunswick.

THE following is a list of vessels seized and prosecuted in this Court for infraction of that part of the convention of 1818 between Great Britain and the United States of America relating to the fisheries during the period from the time of the convention to the present time.

St. John, N.B., October 11, 1852.

Name of Vessel.	Date of Seizure.	Condemnation or Restitution, with date.
Shallop "L'Orient" -	June 26, 1822 -	Condemned, September 14, 1822.
Schooner "Gallion" -	July 18, 1824 -	Condemned, August 16, 1824.
Schooner "William" -	Ditto -	Ditto ditto.
Schooner "Escape" -	October 7, 1824 -	Condemned, November 18, 1824.
Schooner "Rover" -	Ditto -	Ditto ditto.
Schooner "Sea Flower" -	Ditto -	Ditto ditto.
Schooner "Coral" -	June 16, 1852 -	Condemned, July 28, 1852.

(Signed) J. M. ROBINSON,
Registrar and Scribe of the Vice-Admiralty
Court of New Brunswick.

The following Despatches relative to the North American Fisheries will be found in the series of Correspondence printed by the Foreign Office.

No.	From and to whom.	Date and No.	SUBJECT.	Page.
	Acting Lieut.-Governor Lieut.-Col. F. Murray to the Rt. Hon. Sir John S. Pakington, Bart. M.P.	1852. July 1, No. 7.	SEIZURE OF THE "CORAL," for fishing within British limits of the Bay of Fundy, and question as to course to be pursued towards foreign fishermen entering British harbours for BAIT. Encloses: Reports of Lieutenant Kynaston and Provincial Attorney-General; also instructions to Lieutenant Kynaston as to course to be pursued in similar cases of infractions of Treaty of 1818.	
	Ditto - -	July 28, No. 9.	SEIZURE OF THE "HYADES," for a similar infraction of the Treaty of 1818. Encloses: Report of Lieutenant Kynaston, and further instructions to that officer. Question as to restricting American citizens from holding SHARES IN FISH WEIRS on British North American Coasts.	
	Ditto - -	August 14, No. 12.	VISIT OF COMMODORE PERRY, on board the United States steam frigate "MISSISSIPPI," with a friendly message from the President of the United States of America on subject of the Fisheries. Particulars of his reception and opinion as to SEIZURES OF AMERICAN VESSELS for infraction of Treaty of 1818.	
	Ditto - -	August 30, No. 16.	MR. PERLEY'S REPORTS on the SEA AND RIVER FISHERIES, laid before Provincial Legislature in 1849, 1850, and 1851. Enclosed.	
	The Rt. Hon. Sir John S. Pakington, Bart., M.P., to Lieut.-Governor Sir Edmund Head, Bart.	Sept. 20, No. 30.	Acknowledging Despatch No. 16, 1852.	

PRINCE EDWARD ISLAND.

PRINCE EDWARD
ISLAND.

PRINCE EDWARD ISLAND.

No. 1.

No. 1.

DESPATCH addressed by Earl BATHURST to the Lieutenant-Governor of Prince Edward Island, dated Downing Street, April 7, 1819, transmitting the Convention with the United States, similar to the Despatch to the Lieutenant-Governor of Nova Scotia, vide Nova Scotia Correspondence, page 25.

No. 2.

(No. 40.)

No. 2.

COPY of a DESPATCH from the Earl of DURHAM to Lord GLENELG.

Castle of St. Lewis, Quebec, August 11, 1838.

(Received, September 29, 1838.)

MY LORD,

(Answered, October 21, 1838, p. 140.)

I have the honour to enclose your Lordship, copies of a Despatch which I received from Sir Charles Augustus Fitzroy, of my answer to His Excellency, and of my communication to Her Majesty's Minister at Washington.

The Right Honourable Lord Glenelg,
&c. &c. &c.

I have, &c.
(Signed) DURHAM.

Encl. 1 in No. 2.

Enclosure 1 in No. 2.

MY LORD,

Government House, Prince Edward Island, July 7, 1838.

I REGRET to have to inform your Lordship of an act of piracy which has been perpetrated off the North Cape of this island by an American fishing schooner on a British merchant vessel, the barque "Sir Archibald Campbell," from Miramichi, bound to Sunderland. It appears that this vessel struck on a reef off the North Cape, on the evening of the 17th of June; the Royal Gazette of the 26th of June, which I have the honour to transmit herewith, contains an account of the manner in which this outrage was committed, and which, in consequence of the local authorities near the spot not being sufficiently aware of the necessity of making an official report to the Government, was the first intimation I received of its occurrence.

I immediately directed the Attorney General to issue instructions to an intelligent magistrate to proceed without loss of time to the North Cape to take the depositions of the master and crew of the "Sir Archibald Campbell" and others, who could give authentic information as to the facts, and I was in hopes I should have been able to forward them to your Lordship by this post, but from some informality in the magistrate's certificates, I have been obliged to return them for correction. As soon as I receive them again I will transmit them, but in the meantime I am enabled to state to your Lordship that the account in the Gazette is, as far as it goes, perfectly correct, and that I have ascertained the name of the schooner to be "The Four Brothers," of Castine, in the State of Maine.

I avail myself of this opportunity to inform your Lordship that the American fishermen have been particularly troublesome and daring, during the present season, in the depredations they have committed on our fisheries on the coasts of this island, where they literally swarm. They not only fish close in shore, regardless of the limits within which they are bound by the treaty between the British and American Governments not to encroach, but they enter the harbours and bays in the more remote parts of the colony to carry on their operations, landing when and where they please to commit petty depredations, and to smuggle, and by their numbers and audacity set all attempts to restrain them at defiance, there being no local force at my disposal adequate to keep them in order.

I would, therefore, beg to suggest to your Lordship, that a ship of war should be directed to cruize off the shores of this island, bordering on the Gulf of St. Lawrence, during the fishing season; for if the Americans are permitted to continue their depredations, and the destruction of the fish and bait on these coasts with impunity, our fisheries, which must, at

no distant period, become a source of great wealth to the population of this and of Her Majesty's other colonies in the neighbourhood, will be utterly destroyed. I should add, that the schooner still remains on the coast, having taken the precaution to paint out her name. She can, however, I am informed, be easily recognised.

PRINCE EDWARD
ISLAND.

His Excellency the Earl of Durham, G.C.B.,
&c. &c. &c.

I have, &c.
(Signed) C. A. FITZROY.

EXTRACT from the Royal Gazette, Vol. 8, dated Charlotte Town, Prince Edward Island, Tuesday, 26 June 1838, No. 412.

ON the evening of Sunday the 17th instant, the barque "Sir Archibald Campbell," Tait, from Miramichi for Sunderland, in a thick fog, and the sea running high, struck on the reef off the North Cape of this island, and is a complete wreck. The crew got on shore the same night. Next morning a boat put off for the wreck for the purpose of saving what they could. An American fishing vessel was seen leaving the wreck; and on the boat's crew arriving on board, they found that the cabin had been rummaged by the Americans, the lockers broken open, and that all the provisions and every article they could lay their hands upon in the cabin carried off, except two flags. Not contented with this, they had also carried off the hawsers, two new sails, part of the rigging, and the jolly-boat. Another boat had, in the meantime, put off from the shore after the American, and demanded the barque's jolly-boat, which they observed her to have in tow. On their demanding it, they were told to be off or they would sink them. The shore boat was close enough to discern the name of the schooner, and the port she belonged to.

Captain Tait and his crew were busily employed landing all they could from the wreck, but as there were no less than forty-eight sail of American fishermen close in upon the reef, he was under continual apprehension that some of their crews would land and plunder what he had saved.

It is certainly high time that some means were adopted to put an end to such depredations on our coasts, and for the protection of the fisheries from the Americans. A few days ago there were a number then in the harbour of Richmond Bay carrying on their avocation.

Enclosure 2 in No. 2.

Encl. 2 in No. 2.

SIR,

Castle of St. Lewis, Quebec, August 1, 1838.

I HAVE the honour to acknowledge the receipt of your Despatch (No. 1), dated 7th July 1838, and to inform you that Vice-Admiral Sir Charles Paget will as soon as possible despatch Her Majesty's sloop the "Pearl," Captain Lord C. Paget, who will be stationed, with the "Charybdis," in the Gulf of St. Lawrence during the remainder of the season, for the protection of the fisheries.

I shall communicate with Her Majesty's minister at Washington, on the subject of the outrage committed on the barque "Sir Archibald Campbell."

His Excellency Sir Charles A. Fitzroy,
&c. &c.

I have, &c.
(Signed) DURHAM.

Enclosure 3 in No. 2.

Encl. 3 in No. 2.

SIR,

Castle of St. Lewis, Quebec, August 1, 1838.

I HAVE the honour to enclose your Excellency a copy of a Despatch which I have received from his Excellency Sir Charles A. Fitzroy, stating the particulars of an outrage committed on the wreck of a British vessel by the crew of an American schooner. You will, of course, deem it right to bring the subject immediately under the notice of the United States Government.

Her Majesty's sloop of war the "Pearl," Captain Lord C. Paget, will be despatched as soon as possible, with orders to cruise, in company with the "Charybdis," Captain Gore, in the Gulf of St. Lawrence, and afford all due protection to the fisheries.

His Excellency H. S. Fox, Esq.,
Minister Plenipotentiary, Washington.

I have, &c.
(Signed) DURHAM.

PRINCE EDWARD
ISLAND.

(No. 120.)

No. 3.

No. 3.

COPY of a DESPATCH from Lord GLENELG to the Earl of DURHAM.

MY LORD,

Downing Street, October 21, 1838.

* Page 138.

I HAVE received your Lordship's Despatch, No. 40, of the 11th August,* reporting an outrage which had been committed by an American fishing schooner on a British vessel wrecked off the coast of Prince Edward Island, and the measures which your Lordship had adopted in consequence.

I have the satisfaction of communicating to your Lordship the approval of Her Majesty's Government of your proceedings in this matter.

I have referred your despatch to Lord Palmerston, who has submitted the case for the opinion of Her Majesty's Advocate General, as to the steps which it may be proper to take against the parties who have committed the outrage in question.

I have, &c.

The Earl of Durham,
&c. &c.

(Signed) GLENELG.

No. 4.

(No. 74.)

No. 4.

COPY of a DESPATCH from Lord GLENELG to Sir CHARLES FITZROY.

SIR,

Downing Street, November 5, 1838.

LORD Durham having communicated to me the correspondence between his Lordship and you on the subject of the outrage committed by an American fishing schooner on the British vessel "Sir Archibald Campbell," I have the honour to acquaint you that the case has been referred by Lord Palmerston to Her Majesty's Advocate General for his opinion as to the steps which it may be proper to take against the parties who committed the offence.

I have further to acquaint you that, by direction of Her Majesty's Government, the Lords of the Admiralty have instructed the Naval Commander-in-Chief on the West Indian and North American station to detach, so soon as the fishing season shall commence, a small vessel to the coast of Nova Scotia, and another to Prince Edward Island, to protect the fisheries. The commanders of these vessels will be cautioned to take care that while supporting the rights of British subjects, they do not themselves overstep the bounds of the Treaty subsisting between Great Britain and the United States on the subject.

You will of course afford them every information and assistance which they may require for the correct execution of this duty.

I have, &c.

Sir Charles FitzRoy,
&c. &c. &c.

(Signed) GLENELG.

No. 5.

(No. 2.)

No. 5.

COPY of a DESPATCH from the Marquess of NORMANBY to Sir CHARLES FITZROY.

SIR,

Downing Street, April 23, 1839.

April 13, 1839.

WITH reference to my predecessor's Despatch of the 5th November last, No. 74, I have the honour to transmit herewith, for your information and guidance, the copy of a letter from the Under Secretary of State for Foreign Affairs, enclosing the copy of the report made to Lord Palmerston by the Queen's Advocate General, on the subject of the outrage committed by an American fishing schooner on the British vessel "Sir Archibald Campbell."

I have, &c.

Sir C. FitzRoy,
&c. &c.

(Signed) NORMANBY.

Encl. in No. 5.

Enclosure in No. 5.

SIR,

Foreign Office, April 13, 1839.

I AM directed by Viscount Palmerston to acknowledge the receipt of your letter of the 12th of October last, together with its enclosures, relative to an outrage committed by the crew of an American schooner on a British vessel wrecked off Prince Edward

Island, and to the measures adopted by Lord Durham and by the Lieutenant Governor on that occasion; and I am to inclose to you, for the information of the Marquess of Normanby, a copy of a report from Her Majesty's Advocate General, to whom your letter was referred, from which you will perceive that that officer is of opinion, that the offenders, if at any time found within British jurisdiction, may be apprehended and dealt with according to law.

I am at the same time to take this opportunity to state to you that Lord Palmerston agrees in the opinion which was expressed by Lord Glenelg as to the expediency of the steps taken by Lord Durham in this matter.

James Stephen, Esq.

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

MY LORD,

Doctors Commons, April 8, 1839.

I AM honoured with your Lordship's commands signified in Mr. Backhouse's letter of the 18th of October, stating, that he was directed to transmit to me the accompanying letter, and its enclosures from the Colonial Department, relative to an outrage which had been committed by an American fishing schooner on a British vessel wrecked off the coast of Prince Edward Island, and to the measures which had been adopted by the British colonial authorities on that occasion; and to request that I would take these papers into consideration, and report to your Lordship my opinion as to the steps which it may be proper to take against the parties who have committed the outrage in question.

In obedience to your Lordship's commands I have taken the papers into consideration, and have the honour to report, that the offenders, if at any time found within British jurisdiction, may be apprehended and dealt with according to law.

The Viscount Palmerston,
&c. &c. &c.

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

(No. 80.)

No. 6.

No. 6.

COPY of a DESPATCH from Lieut.-Governor Sir Henry V. HUNTLEY to Lord STANLEY.

Government House, Prince Edward Island,
April 17, 1843.

(Received, May 15, 1843.)

MY LORD,

I HAVE the honour to place before your Lordship an Address to Her Majesty the Queen, from the Houses of Legislature of this Island, praying that an armed sloop may annually be sent here for the protection of the fishery against the encroachments of the Americans.

It is necessary to point out to your Lordship that the prayer of this petition, if complied with, would interfere very much with the arrangements of the Admiral commanding upon the station, for its object is to have a steamer here constantly during the fishing season; whereas, heretofore the ship of war sent by the Admiral to protect the fishery, has also the general care of the coast of Nova Scotia on this side, New Brunswick, Canada, and Labrador, in the Gulf of St. Lawrence; two questions appear therefore to arise; first, how far it may be in the power of the Admiral to give any one vessel up to the superintendance of Prince Edward Island alone; and secondly, whether the fishing carried on by the island is sufficiently extensive to warrant the appropriation of a ship of war to its exclusive protection.

The first of these questions, my Lord, must be answered by the Admiral; but with regard to the second, much as I regret the fact, I must candidly state, that the fishing of this island is as yet by no means so extensive as to justify so exclusive a protection; although it is perhaps worthy of consideration, how far such a protection might tend to enlarge its operations.

The quantity of cod-fish annually taken by the island fishery, amounts to about 5,000 quintals; of herrings, to about 2,500 barrels; and of mackerel much less. Was there a well regulated fishery established here, no doubt of its success can be entertained, if an opinion may be formed from the manner in which the coast of the island is crowded by American fishing vessels, which would not be the case, unless attended by advantageous results; when such an establishment shall be in operation, perhaps, the prayer of the address to Her Majesty will be thought more appropriate.

There can be no question, my Lord, as to the inability of any one vessel, whether a sailing or a steam ship, to give protection to the coasts I have men-

PRINCE EDWARD
ISLAND.

tioned; and I much doubt if even a steamer would be so efficacious as is, by the Legislature here, imagined; armed boats, upon the system of the English coast guard, would in my opinion be infinitely more effective, and much less expensive; ships and steamers are seen at a sufficient distance to enable the intruding fisherman to divest himself of all illegal character, before either could reach him, or even detect his actions; but the boat is easily concealed, and seen but at a small distance from a low vessel; it would be necessary, however, to man these from a ship of war, by which the vessel would be rendered stationary, and reduced to the protection of the island fishery alone.

As the island revenue increases, of which I think there is fair prospect, it is probable that a small colonial cruizer could be equipped and maintained, which vessel, in conjunction with the occasional visits of a ship of war, would in my opinion afford the best protection.

I have, &c.

To the Right Hon. Lord Stanley, (Signed) H. V. HUNTLEY.
&c. &c. &c.

Encl. in No. 6.

Enclosure in No. 6.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign,

WE, Your Majesty's dutiful and loyal subjects, the Legislative Council and Assembly of Prince Edward Island, in general assembly convened, humbly approach the Throne, with sentiments of the most sincere and affectionate attachment to Your Majesty's person and government.

We beg leave to state to Your Majesty that the subject of the encroachments upon the shores of this island by American fishermen, has been brought to our notice by his Excellency the Lieutenant Governor in his opening speech at the commencement of the present session: that we have given this important subject due consideration; and from information that we have collected, we find that the Americans are constantly in the habit of fishing within the prescribed distance, as defined by the Convention of the year one thousand eight hundred and eighteen, of running into our harbours, bays and creeks, whenever it suits their convenience, to procure bait, and of thus seizing the opportunity to carry on a contraband trade with the inhabitants of this island.

That the ship of war graciously sent by Your Majesty every season, for the purpose of cruising round our coast to protect the fisheries is ineffective, inasmuch as it cruizes to visit the several fishing stations around the shores of the Gulf of St. Lawrence, for which they are better adapted than for the shallow waters around this island, and the American fishermen take advantage of the absence of the ship of war to continue their encroachments.

That an armed steamer, drawing but little water, would, in the opinion of the Council and Assembly, be much more effective in protecting our fisheries from the encroachments of the Americans than a ship of war, as the steamer could take advantage of the light winds and calms so frequent during the fishing season, and could run into the smaller bays, rivers, and creeks of our shores, and seize American vessels, if the crews thereof are acting contrary to, and in violation of all the terms of the Convention.

We therefore humbly pray that Your Majesty will be graciously pleased to order that an armed steamer, drawing but little water, be placed upon this station every season to protect our fisheries from the encroachments of the Americans.

And, as in duty bound, we shall ever pray.

Council Chamber, 24th March 1843.

R. HODGSON, President.

House of Assembly,
24th March 1843.

JOSEPH POPE.
Speaker.

No. 7.

(No. 72.)

No. 7.

COPY of a DESPATCH from Lord STANLEY to Sir H. V. HUNTLEY.

SIR,

Downing Street, May 31, 1843.

I HAVE received your Despatch, No. 80. of the 17th ultimo, forwarding a joint Address to the Queen from the Legislative Council and Assembly of

Prince Edward Island, praying Her Majesty to cause an armed steam vessel to be stationed off the island every season to protect the local fisheries from the encroachments of the Americans.

PRINCE EDWARD
ISLAND.

I have to instruct you, in answer, to acquaint the Houses that I have had the honour to lay their address before the Queen, and that Her Majesty was graciously pleased to command me to refer it to the Lords Commissioners of the Admiralty for their consideration, whether the means at their Lordships disposal would enable them to comply with this application without neglecting other and yet more urgent demands on Her Majesty's naval forces.

Having accordingly communicated with the Board of Admiralty on the subject, their Lordships have informed me that the present reduced peace establishment of the navy will not allow of the appropriation of a steam vessel of war (the most expensive description of vessel of war) for the service of Prince Edward Island and its fisheries.

Their Lordships have further informed me that the protection of the fisheries generally from American or other encroachments in the Gulf of St. Lawrence, and other parts of the North American station is one of the duties principally pressed upon the Naval Commander-in-chief in those seas in his instructions, and that if you would communicate with the Admiral at Halifax he would no doubt, in conformity with his instructions, afford to Prince Edward Island and its fisheries such protection as the force at his disposal, and the other equally important demands for the presence of ships of war may admit.

I have, &c.

Sir H. V. Huntley.

(Signed) STANLEY.

(No. 27.)

No. 8.

No. 8.

COPY of a DESPATCH from Lieut.-Governor Sir DONALD CAMPBELL to Earl GREY.

Government House, Prince Edward Island,
June 12, 1849.

(Received, June 25, 1849.)

MY LORD,

(Answered, November 26, 1849, p. 145.)

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 the 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,

PRINCE EDWARD
ISLAND.

225. Lord Stanley to
Viscount Falkland,
May 19, 1845, p. 81.

324. Viscount Falk-
land to Lord Stanley,
June 17, 1845, p. 87.

331. Same to Same,
July 2, 1845, p. 87.

247. Lord Stanley to
Viscount Falkland,
Sept. 17, 1845, p. 92.

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. Prattan, Her Majesty's Consul at Boston, a copy of whose letter I transmit for your Lordship's information.

I have, &c.

The Right Hon. Earl Grey,
&c. &c. &c.

(Signed) DONALD CAMPBELL.

Encl. 1 in No. 8.

Enclosure 1 in No. 8.

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 those 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.

PRINCE EDWARD
ISLAND.

Council Chamber, 1st May 1849.

R. HODGSON, President.

House of Assembly,
April 30, 1849.

JOSEPH POPE,
Speaker.

Enclosure 2 in No. 8.

Encl. 2 in No. 8.

SIR,

Her Majesty's Consulate, 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,—

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

2. The duty on foreign fish, whether 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.

3. A bounty of four 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 three dollars and a half 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.

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

5. 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,

H. B. M. Consul.

His Excellency Lieut.-Governor Campbell,
Prince Edward Island.

(No. 91.)

No. 9.

No. 9.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir DONALD CAMPBELL.

SIR,

Downing Street, November 26, 1849.

I HAVE to acknowledge the receipt of your Despatch, No. 27, of the 12th June,* enclosing 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 waters surrounding that island.

* Page 143.

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 have, &c.

(Signed) GREY.

Sir Donald Campbell,
&c. &c.

PRINCE EDWARD
ISLAND.

(No. 51.)

No. 10.

No. 10.

COPY of a DESPATCH from Lieut.-Governor Sir DONALD CAMPBELL to
EARL GREY.Government House, Prince Edward Island,
September 21, 1849.

(Received, October 8, 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.

Cap. 8.

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.

* Page 143.

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.

The Right Hon. Earl Grey,
&c. &c.

(Signed) DONALD CAMPBELL.

(No. 66.)

No. 11.

PRINCE EDWARD ISLAND.

COPY of a DESPATCH from Lieut.-Governor Sir DONALD CAMPBELL to Earl GREY.

No. 11.

Government House, Prince Edward Island,
December 19, 1849.

(Received, Jan. 10, 1850.)

MY LORD,

(Answered, Jan. 15, 1850, p. 148.)

I HAVE the honour to enclose for your Lordship's information a copy of a Despatch which I have this day transmitted to the Right Honourable the Earl of Elgin and Kincardine, with reference to negotiations for an improvement of the commercial relations between the United States and the British North American provinces.

I have, &c.

The Right Hon. Earl Grey,
&c. &c. &c.

(Signed) DONALD CAMPBELL,
Lieut. Governor.

Enclosure in No. 11.

Encl. in No. 11.

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

MY LORD,

I HAVE received instructions from Earl Grey to transmit to your Lordship any observations or information bearing on the interests of this island which it may appear to me material to communicate, with reference to negotiations for an improvement of the commercial relations between the United States and the British North American provinces.

2. I have the honour to enclose two documents marked Nos. 1 and 2, by which your Lordship will perceive that the wishes and opinions of the Legislature of this colony, with respect to free commercial intercourse with the United States have been already expressed. No. 1 is a copy of the Act 12th Victoria, cap. 3, intituled "An Act to authorize free trade with the United States of America, in certain enumerated articles." By this Act, grain and bread stuffs of all kinds, vegetables, fruits, animals, hides, wool, tallow, horns, salted and fresh meats, ores of all kinds of metal, timber, staves, wood and lumber of all kinds, seeds, butter, cheese, and pot and pearl ashes, the produce or growth of the United States, may be admitted into this colony free of duty, on the admission into the United States of similar articles, the produce or growth of this island, on the same terms; which Act having been assented to by Her Majesty, only requires the action of the Government of the United States to bring it into operation.

3. 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.

4. I apprehend it will not be necessary for me to enter upon a detail of the imports from the United States into this island, they being the same generally as those of the larger colonies of New Brunswick and Nova Scotia, which will doubtless come under your Lordship's notice. I may therefore confine myself to a general statement of the commercial connexions of this island with other countries. The following is a return of imports and exports for the year 1848:—

	Imports.			Exports.		
	£	s.	d.	£	s.	d.
United Kingdom	32,114	10	11	12,948	19	11
British North American colonies	85,221	4	11	32,141	5	3
United States	16,381	6	8	1,283	17	6

* Page 144.

PRINCE EDWARD
ISLAND.

5. The imports from the United Kingdom are made almost wholly by persons engaged in ship-building, and consist principally of dry goods and naval stores; the payments are made by the export of lumber, and the sale of vessels built in the colony. The latter item may be estimated at about 50,000*l.*, giving the total export to the United Kingdom of 62,948*l.*, and leaving a balance in favour of this colony, estimated in round numbers, of about 30,000*l.*

6. The imports from the North American colonies embrace almost every description of goods required by the inhabitants, and are paid for in cash by bills on England, the export of agricultural produce, and the sale of small vessels adapted for the fisheries at Newfoundland. The balance of trade against the colony, as exhibited by the imports and exports, appears to be about 50,000*l.*

7. The goods imported from the United States consist of general supplies, with the exception of the finer description of dry goods; the payments are made in specie, and a small portion of agricultural produce; viz., oats and potatoes.

8. It thus appears that the commerce with the United Kingdom is the only trade in which the interests of the island do not suffer, and that the balance in favour of the colony obtained by that connexion is drained off by the trade with the British colonies and the United States. This is certainly very unsatisfactory; and I regret to observe that the disparity between the imports and exports appears to have gone on increasing yearly for the last five years. It should, however, be remembered that the exports, consisting almost entirely of agricultural produce, have been materially diminished by a succession of unfavourable harvests, until the present year, when a considerable improvement may be expected. It is evident, also, that the high duties imposed by the United States on the importation of agricultural produce operates most injuriously upon this island, which is thereby deprived of a profitable trade with a very extensive market.

9. There remains for me to notice only one point of importance to this island, but which may perhaps come more properly under the head of reciprocity of the navigation laws than of a commercial treaty. However that may be, it is of so much consequence that I venture to request your Lordship's special attention to it. By the Imperial Act 12 & 13 Vict. c. 29. all officers authorized to issue certificates of British registry are required to grant such certificates of registry for foreign-built vessels, provided the ships be owned by British subjects. The question is, "Will the Government of the United States grant registry for British-built vessels, when such vessels shall become the property of citizens of the United States?" If that question be answered in the affirmative, and the American Government reciprocate the liberal policy of Great Britain, I believe that our island ship-builders could supply them with vessels at such a price per ton as would command the market, and not only liquidate all demands that might be incurred for imports, but in my opinion leave a considerable balance in favour of the colony.

The Right Hon.
the Earl of Elgin and Kincardine,
&c. &c. &c.

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

No. 12.

(No. 96.)

No. 12.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir DONALD CAMPBELL.

Downing Street, January 15, 1850.

SIR,

(Answered, February 18, 1850, page 149.)

* Page 147.

I HAVE to acknowledge your Despatch, No. 66, of the 19th ultimo,* enclosing the copy of another Despatch which you had addressed on the 17th of the same month, to the Governor-General of British North America. With respect to the fisheries of Prince Edward Island, and its commercial relations with the United States, and also with respect to the registry of vessels built in the island, this Despatch presents some important subjects for consideration, which will not fail to receive the attention of Her Majesty's Government.

2. I must, however, add, with reference to the more general questions on which it touches, that I cannot agree with you in apprehending any injury to the colony from what you term the unfavourable balance of trade in its dealings with the United States and the British American colonies. It may be safely assumed, that from a regard to his own interest no individual will continue a trade which he finds disadvantageous; and if the dealings in question are found on a general view profitable to each of the individuals concerned in them, it is impossible that they can be otherwise than profitable to the whole community, since the general trade of the colony is merely the sum of individual transactions.

3. I think it advisable to bring these considerations before you, because the opinions implied in your Despatch would naturally lead to attempts to guard the province against the supposed loss by some restrictions upon the freedom of

commerce, which could not be otherwise than disadvantageous to the colony; and I am anxious that in your communications with the leading inhabitants you should discourage as far as in your power all such ideas.

PRINCE EDWARD
ISLAND.

Sir Donald Campbell,
&c. &c.

I have, &c.
(Signed) GREY.

(No. 13.)

No. 13.

No. 13.

COPY of a DESPATCH from Lieut.-Governor Sir DONALD CAMPBELL to Earl GREY.

Government House, Prince Edward Island,
February 18, 1850.

(Received, March 20, 1850.)

MY LORD,

I HAVE the honour to acknowledge your Lordship's Despatch, No. 96, of the 16th January, referring to mine of the 19th December last, No. 66,* with its enclosures, and I regret that I should have so inadequately interpreted my own views and opinions as to have led your Lordship to the conclusion that I entertained sentiments adverse to an increased freedom of commercial intercourse with the United States. I was very far from my intention to convey to your Lordship any disapprobation of the measures therein considered.

* Page 147.

In the 8th paragraph of my Despatch, which I conclude is the part to which your Lordship's observations refer, in commenting on the facts obtained from an investigation of the proper documents and returns, I stated that the commerce with the United Kingdom is the only trade in which the interests of the island do not suffer (by an abstraction of capital, the paucity of which is so severely felt), and that the balance (of capital) in favour of the colony is drained off by the trade with the British provinces and the United States. I termed this state of things to be unsatisfactory, but not as objecting to the proposed alterations, for I endeavoured to explain at the same time that the increased disparity between the exports and imports had been chiefly owing to the successive bad harvests by which the island had been visited, and the almost prohibitory duties imposed by the United States upon our agricultural produce. The first I intended to be regarded as a temporary disadvantage, now passing away, and the other to be removed by the establishment of the proposed free intercourse with the United States, from which a different result is to be expected.

It will, I trust, be satisfactory to your Lordship to be assured that my opinions generally upon the advantage of an unrestricted commerce are of a liberal complexion. I am quite aware of the futility of any attempts to guard the colony against supposed loss by restrictions upon the freedom of trade, and I shall take care to follow out your Lordship's instructions in my communications with the leading inhabitants.

The Right Hon. Earl Grey,
&c. &c. &c.

I have, &c.
(Signed) DONALD CAMPBELL.

(No. 50.)

No. 14.

No. 14.

COPY of a DESPATCH from Lieut.-Governor Sir ALEXANDER BANNERMAN to Earl GREY.

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

(Received, December 9, 1851.)

MY LORD,

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, 12th June 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, 26th 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."

* Page 143.

* Page 145.

PRINCE EDWARD
ISLAND

Despatches, &c.
laid on the table of
the Legislative
Council and House
of Assembly of
Nova Scotia.

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. Comin, 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 they are 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 shipbuilding, 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 unsaleable; 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 Bodeque 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 1,200 to 1,500 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 1,500 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 Lieut.-Governor of this colony would be placed in a delicate position with the subjects of a foreign yet friendly power.

PRINCE EDWARD
ISLAND.

8. Early in the summer and afterwards in the autumn Her Majesty's ship "Sappho" was here. Commander Cochane 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 cruize embraced the Gut of Canso, Labrador, Newfoundland, Gaspé, and to the westward; the sloop of war, I imagine, traversed not less than 6,000 or 7,000 miles, and the idea, therefore, of her protecting the fisheries in the 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 and Council pray for a suspension or relaxation of the Convention, they ought also to stipulate for the same priveleges 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 of 1818, namely, 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 lee side 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.

The Right Hon. Earl Grey,
&c. &c. &c.

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

PRINCE EDWARD
ISLAND.

Enclosure in No. 14.

Encl. in No. 14.

SIR,

Picton, October 28, 1851.

SINCE my return from Charlotte Town, where I had the honour of an interview with your Excellency, my time has been so constantly employed in the discharge of official duties connected with the results of the late disastrous gale, so severely felt on the north side of Prince Edward Island, that I have not found time to make my acknowledgments to your Excellency for the kind and courteous reception extended to me at the Government House, nor to furnish you with my views relative to certain improvements which might be made by your Excellency's Government, thereby preventing a similar catastrophe to the one which has so lately befallen many of my countrymen, and at the same time, in behalf of the Government of the United States, which I have the honour to represent, to thank you most feelingly for the promptness and energy displayed by your Excellency in issuing proclamations whereby the property of the poor shipwrecked mariner should be protected from pillage.

These various duties devolving on me, I now have the pleasure of discharging, but only in a brief and hurried manner.

The effect of the recent visitation of Providence, although most disastrous in its consequences, will yet result in much good.

In the first place, it has afforded the means of knowing the extent and value of the fisheries on your coast,—the number of vessels and men employed,—and the immense benefit which would result to the people within your jurisdiction, as well as to those of the United States, if the fishermen were allowed unrestrained liberty to fish in any portion of your waters, and permitted to land for the purpose of curing and packing.

From remarks made by your Excellency, I am satisfied, it is a subject which has received your most mature reflection and consideration, and that it would be a source of pride and pleasure to your Excellency to carry into successful operation a measure fraught with so much interest to both countries.

2dly. It has been satisfactorily proved by the testimony of many of those who escaped from a watery grave in the late gale, that had there been beacon lights upon the two extreme points of the coast, extending a distance of one hundred and fifty miles, scarcely any lives would have been lost, and but a small amount of property sacrificed; and I am satisfied, from the opinion expressed by your Excellency, that the attention of your Government will be early called to the subject, and that but a brief period will elapse before the blessing of the hardy fishermen of New England, and your own industrious sons, will be gratefully returned for this most philanthropic effort to preserve life and property and for which benefit every vessel should contribute its share of light dues.

3dly. It has been the means of developing the capacity of many of your harbours, and exposing the dangers attending their entrance, and the necessity of immediate steps being taken to place buoys in such prominent positions that the mariner could, in perfect safety, flee to them in case of necessity, with a knowledge that these guides would enable him to be sure of shelter and protection.

From the desire manifested by your Excellency previous to my leaving Charlotte Town that I would freely express my views relative to the recent most melancholy disaster, and make such suggestions as might, in my opinion, have a tendency to prevent similar results, there is no occasion for my offering an apology for addressing you at this time.

I have, &c.

B. HAMMATT NORTON,
United States Consul for Picton
and Dependencies.To his Excellency Sir A. Bannerman,
&c. &c. &c.

No. 15.

(No. 51.)

No. 15.

COPY of a DESPATCH from Lieut.-Governor Sir ALEXANDER BANNERMAN to
Earl GREY.Government House, Prince Edward Island,
November 22, 1851.

MY LORD,

(Received, December 9, 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 14. 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,

* Page 149.

PRINCE EDWARD
ISLAND.

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 goodwill 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 12th year of your Majesty's reign, entitled "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.

House of Assembly,
February 9, 1852.

R. HODGSON, President.
ALEXANDER RAE,
Speaker.

No. 17.

(No. 10.)

No. 17.

COPY of a DESPATCH from Lieut.-Governor Sir A. BANNERMAN to Earl GREY.

Government House, February 12, 1852.

(Received March 1, 1852.)

MY LORD,

(Answered, June 10, 1852, page 156.)

* Page 153.

IN reference to the accompanying Despatch, No. 9,* I beg leave to direct your Lordship's attention to a Colonial Act, 6th Vict. 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 3d 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. &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 collisions, 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 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. &c., in so far as the fisheries are concerned, to be very dangerous ones, and such as ought only to be entrusted 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 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.

I have, &c.

The Right Hon. Earl Grey,
&c. &c.

A. BANNERMAN,
Lieut.-Governor.

(No. 4.)

No. 18.

No. 18.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON to
SIR ALEXANDER BANNERMAN.

SIR,

Downing Street, May 27, 1852.

AMONG the many pressing subjects, which have engaged the attention of Her Majesty's Ministers since their assumption of office, few have been more important in their estimation than the question relating to the protection solicited for the fisheries on the coasts of British North America.

Her Majesty's Government have taken into their serious consideration the representations upon this subject contained in your Despatches, and have not failed to observe that whilst active measures have been taken by certain colonies for the purpose of encouraging their fisheries, and of repelling the intrusion of foreign vessels, it has been a subject of complaint in New Brunswick that impediments should have been offered by the policy of the Imperial Government to the enactment of bounties considered by the Local Legislature essential for the protection of its trade.

Her Majesty's Ministers are desirous to remove all ground of complaint on the part of the colonies in consequence of the encroachment of the fishing vessels of the United States upon those waters from which they are excluded by the terms of the Convention of 1818, and they therefore intend to despatch as soon as possible a small naval force of steamers and other small vessels to enforce the observance of the Convention.

These vessels will of course be confined to the performance of the duties with which they are specially charged, and the Commanders will be enjoined to exercise a discretion in the very delicate office of interfering with vessels belonging to foreign and friendly powers.

With regard to the question of promoting the fisheries of the British Colonies by the means of bounties, Her Majesty's Government, although desirous not to

PRINCE EDWARD
ISLAND.

sanction any unnecessary deviation from that policy which regulates the commerce of this country, are still disinclined to prevent those colonies, by the interposition of imperial authority, and especially pending negotiations with the United States of America, for the settlement of the principles on which the commerce with the British North American Colonies is hereafter to be carried on, from adopting the policy which they may deem most conducive to their own welfare and prosperity.

Entertaining these views, it is the intention of Her Majesty's Government to advise the Queen to give Her assent to an Act passed by the Legislature of Prince Edward Island, in the Session of 1851, for the promotion of its deep sea fisheries, and they will be prepared to give favourable consideration to any Acts for a similar purpose which may be passed by the Legislatures of the other North American provinces.

I have, &c.

Sir Alex. Bannerman,
&c. &c. &c.

(Signed) JOHN S. PAKINGTON.

No. 19.

(No. 8.)

No. 19.

COPY of a DESPATCH from the Right Hon. Sir JOHN PAKINGTON to Lieut.-Governor Sir A. BANNERMAN.

SIR,

Downing Street, June 10, 1852.

* Pages 153, 154.

I HAVE the honour to acknowledge the receipt of your Despatches Nos. 9 and 10 of the 12th of February* last, the former enclosing an Address to the Queen, from the Legislative Council and Assembly of Prince Edward Island, praying for some relaxation of the Treaty of 1818, for the regulation of the fisheries.

I have laid this Address before the Queen, and Her Majesty was pleased to receive it very graciously.

On this subject it is only necessary to refer you to the Despatch which I addressed to you on the 27th ultimo.

I have, &c.

Sir Alex. Bannerman,
&c. &c. &c.

(Signed) JOHN S. PAKINGTON.

No. 20.

(No. 45.)

No. 20.

COPY of a DESPATCH from Lieut.-Governor Sir A. BANNERMAN to the Right Hon. Sir JOHN S. PAKINGTON.

Government House, Prince Edward Island,
July 19, 1852.

(Received August 2, 1852.)

SIR,

(Answered October 5, 1852, p. 157.)

I HAVE the honour to enclose copy of a letter which I have received from the harbour master at Malpique complaining of the American fishermen refusing to pay the same anchorage dues that all other vessels are subject to.

2. The statute which imposes these anchorage dues was forwarded on the 6th instant. It has not yet received the Royal Assent. I have therefore in the meantime ordered that the names of the vessels with their masters who refuse to comply with the law shall be sent to me. I should be very averse to use compulsion, indeed it would be useless to attempt it, unless some of Her Majesty's cruizers were in the vicinity. Should any necessity arise, I apprehend I might apply to their commanders to aid the civil power, but a remonstrance to the United States Government perhaps would be a more preferable mode before using any compulsory measures to enforce the law.

I have, &c.

The Right Hon.
Sir John S. Pakington, Bart.,
&c. &c. &c.

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

Enclosure in No. 20.

PRINCE EDWARD
ISLAND.

Encl. in No. 20.

Sir,

Prince Town, July 2, 1852.

ON the 1st of July there was a number of American fishing schooners in this harbour, and I boarded them to collect anchorage duty from them; they would not pay, and positively affirmed that they would not comply with the law, and I had not force enough to take so many vessels, each of them comprising a crew of from twelve to fifteen men, and I could say well equipped for a defence; and I beg to state that we have neither ammunition or any weapons of defence that if all our population would turn out, and the men will not turn out to my assistance; they state that the law does not compel them. I issued a *capias* for one of the captains, but they only made fun of us. Hoping that your Excellency will adopt some means to make them comply with the laws; if not, it will be useless for me to demand it at all; when two or three hundred sail comes in, the same as there was last year, they will do as they please; they state that if the lights were up they would pay, but not till then.

Hon. J. Warburton,
Colonial Secretary.

I have, &c.
(Signed) WILLIAM H. M'KAY,
Harbour Master.

(No. 47.)

No. 21.

No. 21.

COPY of a DESPATCH from Lieut.-Governor SIR ALEX. BANNERMAN to the
Right Hon. Sir JOHN PAKINGTON.

Government House, August 2, 1852.

(Received Aug. 17, 1852.)

Sir,

IN reference to your important Despatch of the 27th May*, I have the honour to inform you, that the hired armed tender "Telegraph," commanded by Lieutenant Chetwynd, under the orders of Commander Campbell, of Her Majesty's steam sloop "Devastation," cruising in the Gulf, brought into Charlotte Town the United States fishing schooner the "Union," of Brooklyn, seized while fishing within three miles of the shores, near the east point of this island. Lieutenant Chetwynd, an intelligent young officer, proceeded to sea again on Saturday, after taking the necessary affidavits, leaving the schooner in charge of the Controller of Customs, and the case to be gone through by the Admiralty Court here as usual, in terms of the Imperial Statute 59 Geo. 3. cap. 38., the Admiral, Sir George Seymour, preferring that the officer under his command, employed in this service, shall act under the Imperial Statute rather than on any of the subsequent Colonial ones.

* Page 155.

The Right Hon.
Sir John Pakington, Bart., &c.

I have, &c.
(Signed) A. BANNERMAN.

(Confidential.)

No. 22.

No. 22.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON to
Lieut.-Governor SIR A. BANNERMAN.

Sir,

Downing Street, October 5, 1852.

I HAVE to acknowledge the receipt of your Despatch No. 45, of the 19th July, and of the subsequent one of the 31st of August marked confidential, on the refusal of the American fishermen to pay the anchorage dues to which they are liable under the provisions of an Act lately passed by the Legislature of Prince Edward Island.

Her Majesty's Government having considered it advisable to consult the Queen's advocate upon the subject raised in your despatches, I transmit to you herewith a copy of the opinion with which we have been furnished by that officer. Adverting to that opinion, which you will observe goes only to a certain extent in consequence of want of sufficient information, I have to desire you to report to me whether the imposition of the anchorage dues on American fishing vessels is an entirely new measure first introduced by the recent colonial statute, or whether any such similar dues have been imposed on and paid by American fishing vessels before the passing of that statute.

On the question of the expediency of enforcing the provisions of the colonial act (which, though it remains to be confirmed by the Queen in Council, is actually in operation, having been assented to by yourself,) I have to impress

Aug. 31, 1852.

PRINCE EDWARD
ISLAND.

upon you that the fewer questions which are raised between the Governments of Great Britain and the United States upon minor colonial matters the better it will be for both countries; and I consider that it would be wise, whilst national rights are fully upheld, for the Government of Prince Edward Island rather to forego small pecuniary advantages than by levying additional burdens on United States shipping to risk increasing the excitement which at present prevails in the United States with reference to the fisheries in those quarters of Her Majesty's dominions.

I have, &c.

Lieut.-Governor Sir A. Bannerman, (Signed) JOHN S. PAKINGTON.
&c. &c. &c.

Encl. in No. 22.

Enclosure in No. 22.

My LORD,

Doctors Commons, August 31, 1852.

I AM honoured with your Lordship's commands, signified in Lord Stanley's letter of the 24th instant, stating that he was directed to transmit to me a letter which your Lordship has received from the colonial Office, enclosing a copy of a despatch from the Lieutenant Governor of Prince Edward Island, together with a copy of a letter from the harbour master at Malpique reporting the refusal of certain American fishermen to pay the anchorage dues to which they are liable under the provisions of a recent colonial enactment, and to request that I would take the enclosed papers into consideration, and report to your Lordship "my opinion as to the steps which it may be right and proper for Her Majesty's Government to take in this matter."

In obedience to your Lordship's commands I have taken the papers into consideration, and have the honour to report:

That inasmuch as I am not informed whether the imposition of the anchorage dues on American fishing vessels is an entirely new measure first introduced by the colonial statute, or whether any such or similar dues had been imposed on and paid by American fishing vessels before the passing of that statute, I cannot very confidently advise on "the steps it may be right and proper for Her Majesty's Government to take in the matter."

If, however, the statute has received the Royal Assent, and if Her Majesty's Government consider it expedient to support the Colonial Government in enforcing it, I am of opinion that it will be proper in the first place to take immediate and effective steps to give public notice of the provisions of the statute, and that it will be strictly enforced to all American vessels, to the authorities at the American ports from which they sail, and also to the Government of the United States.

I would also venture to suggest that instructions should then be issued to the colonial authorities, both executive and legal, and to the military and naval authorities, to confer and agree upon the most effectual practical means of recovering the dues in question from American vessels without serious risk of bloodshed.

It may also be expedient that the anchorage dues levied by the British American colonies upon American fishing vessels should be rendered uniform as well as reasonable in amount, and that before Her Majesty's Government enters upon the somewhat arduous course of enforcing against all American fishing vessels the payment of colonial anchorage dues, the general policy and practicability of such a step should be well considered, inasmuch as it will be obviously unwise to take any steps which may either cause constant collisions and bloodshed, or enable American fishing vessels with impunity to evade the colonial law or defy its authority; and it may be questionable how far Her Majesty's Government is bound in good faith or prudence to proceed to extremities in such a case in support of the colonial policy, and to collect the revenue of Prince Edward Island.

I may add that the words of the statute appear to me to be clearly sufficient to authorize the harbour master legally to invoke the assistance of all naval or military officers or others in order to seize a defaulting vessel or any of her materials, and to justify him and them in overcoming actual violent resistance by force.

I have, &c

(Signed) T. D. HARDING.

The Earl of Malmesbury,
&c. &c.

No. 23.

(No. 16.)

No. 23.

Copy of a DESPATCH from the Right Hon. Sir JOHN PAKINGTON to Lieut.-Governor Sir ALEX. BANNERMAN.

SIR,

Downing Street, August 19, 1852.

WITH reference to my Despatch, dated the 27th May last, apprising you that a small naval force of steamers and other small vessels would be employed for the protection of the rights of British subjects in the fisheries on the coasts of British North America, I enclose for your information the copy of some further instructions* which have been issued to the Lords Commissioners of the

Admiralty for the guidance of the Vice-Admiral commanding on the North American station for the execution of the service.

PRINCE EDWARD
ISLAND.

You will understand that these instructions are communicated to you for your own information, but that you are not at liberty to publish copies of them.

I have, &c.

Sir A. Bannerman,
&c. &c. &c.

(Signed) J. S. PAKINGTON.

(Confidential.)

No. 24.

No. 24.

COPY of a DESPATCH from Lieut.-Governor Sir A. BANNERMAN to the Right Hon. Sir JOHN PAKINGTON.

Government House, August 31, 1852.

(Received, September 13, 1852.)

SIR,

I BEG leave to enclose copy of a letter which I have addressed to Sir George Seymour in answer to one from him on the subject of anchorage dues. The Admiral was here the other day, and crossed by land to Malpeque, off which harbour he had ordered Her Majesty's ships "Devastation" and "Basilisk" to meet him.

2. When there, it seems his attention had been called to the American fishing vessels refusing to pay anchorage dues, and the purport of his letter is suggesting to me the course I have followed as explained in my Despatch to you of 19th July, No. 45*, to which I beg to refer.

* Page 156.

3. In regard to the fishery question, I can only say there is but one feeling here, as to the course pursued by Her Majesty's Government in sending a naval force to protect them; and the American masters are, I understand, quite sensible of their long continued infraction of the Convention, and desirous for an amicable arrangement.

4. Three schooners have been brought in here, the last one liberated during the Admiral's stay here,—an act of clemency to the master, a poor man, part owner, who acknowledged in writing his knowledge of the Treaty, and expressing great regret at its infraction.

5. Much excitement existed lately in the United States, chiefly owing, I believe, to a map published by Mr. Perley, defining the coast fishing boundaries to an extent, as I understand, not authorized or claimed by the British Government. The American steam sloop of war "Mississippi," Commodore Perry, was off here, but did not touch at Charlotte Town, which I regret, as I could have easily satisfied him of the danger of allowing this question to remain in an unsettled state, and the risks we run from the landing of so many of his countrymen in direct violation of the law, and without their being under any control.

I have, &c.

The Right Hon. Sir J. Pakington,
&c. &c. &c.

(Signed) A. BANNERMAN.

Enclosure in No. 24.

Encl. in No. 24.

MY DEAR SIR GEORGE,

Government House, August 30, 1852.

THE "Basilisk" came into this anchorage on Saturday at noon, and after landing your Despatches to me of the 27th, Commander Eggerton immediately proceeded to sea.

In regard to the question of anchorage duties, you will find by the copies which I enclose that on receiving from the harbour-master at Malpeque a communication relating to the refusal of the American schooners to pay duties, I gave orders that no compulsion whatever should be used, and forwarded to the Colonial Minister copy of the harbour-master's letter, accompanied by the Despatch No. 1.

No. 1. Despatch to Sir Jno. Pakington about Anchorage dues, No. 45. July 19, 1853. p. 156.

You are aware that Mr. Crampton wrote to me confidentially, as I believe he did also to the Governors of the other provinces, on the fishery question, which six weeks ago created so much excitement in the United States. In replying to that gentleman I considered it necessary to allude to, and correct many errors and exaggerations which had got into the American papers; and as it might have happened that the anchorage dues would also prove another theme for complaint, I alluded to the subject on the terms you will find in the extract No. 2, herewith sent, considering the opportunity a fitting one, as Mr. Webster was then with Mr. Crampton, to call their attention to the subject. Of course my letter was confidential, in reply to a similar one on the fishery affair. I should be always adverse to employing commanders of Her Majesty's ships as revenue officers, unless in aid of the civil power in cases of emergency; indeed, on my interview with Commander Campbell I took the liberty of expressing that opinion, and in the commission I sent to you for him I carefully excluded all parts of the colonial statute in reference to smuggling and protection

No. 2. Extract to Mr. Crampton in regard to Anchorage dues, dated August 5, 1852.

PRINCE EDWARD
ISLAND.

of revenue, strictly confining it to the delicate and difficult duty of fishery protection. On Mr. Chetwynd's return from his last cruise I understood from him that he had only acted in accordance with his instructions, on an application made to him by a magistrate, but had used no compulsion about anchorage dues, merely explaining to the American fishermen that the payment was a legal one, in consequence of which many of them had since paid.

In regard to your other communication I shall write in a day or two.

Vice-Admiral Sir George Seymour.

Believe me, &c.
(Signed) A. BANNERMAN.

Extract of a Letter from Sir A. Bannerman to Mr. Crampton, dated August 5, 1852.

"I take this opportunity of mentioning that complaints have been made to me by several harbour-masters, of the United States fishing vessels refusing to pay the same anchorage dues that all others are liable to pay. As the Statute is a recent one, I ordered that the names of the vessels and their masters should be sent to me, with the view of their being better advised."

No. 25.

(Confidential.)

No. 25.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON to
Lieut.-Governor Sir A. BANNERMAN.

Downing Street, September 11, 1852.

SIR,

(Answered, October 11, 1852, p. 162.)

As it is desirable that Her Majesty's Government should be in possession of exact information as to the number of vessels seized and prosecuted in the courts of Vice Admiralty in British North America, and condemned or restored, for infractions of the Convention of 1818, between Great Britain and the United States of America, I have to instruct you to obtain from the Registrar of the Vice Admiralty Court at Prince Edward Island, and forward to me with the least possible delay, a return showing particulars of information similar to that contained in the accompanying return which has recently been received from the Lieutenant Governor of Nova Scotia, and a copy* of which I enclose for your information and guidance.

* Page 22.

To Sir A. Bannerman.

I am, &c.
(Signed) J. S. PAKINGTON.

No. 26.

(No. 56.)

No. 26.

COPY of a DESPATCH from Lieutenant-Governor Sir A. BANNERMAN to the
Right Hon. Sir JOHN S. PAKINGTON, Bart.

Government House, Prince Edward's Island,
September 27, 1852.

SIR,

(Received, October 12, 1852.)

IN reference to your Despatch, No. 16., of the 19th August, enclosing copy of some instructions from the Lords of the Admiralty to the Vice-admiral commanding on the North American station, in regard to the protection of the fisheries, I beg to enclose extract of a letter from the Hon. H. Chetwynd, lieutenant commanding the hired armed tender Telegraph. The American fishermen are now frequenting the harbours on the north side of the island in great numbers, and landing their crews unmolested. Should the fishery question be amicably settled by negotiation, as I hope it will, I trust some provision will be made for the proper regulation and conduct of the fishermen who may frequent our shores. On this and other subjects connected with the fisheries I shall have the honour of addressing you at the termination of the fishing season.

The Right Hon.
Sir J. S. Pakington, Bart.,
&c. &c. &c.

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

Encl. in No. 26

Enclosure in No. 26.

H.M. Hired Armed Schooner, Telegraph,
Casumpeque, Wednesday, September 1, 1852.

"I HAVE the honour to acquaint you that I visited Richmond Bay during the past week, and the harbour master informed me that a number of vessels had left the port without paying the anchorage dues, a list of which he gave me, for the information of the commander-in-chief.

"I have the honour to enclose a copy of it. He complains greatly of the disgusting and abusive language made use of by the crews of some of the vessels towards him."

(No. 57.)

No. 27.

PRINCE EDWARD
ISLAND.COPY of a DESPATCH from Lieutenant-Governor Sir A. BANNERMAN to the
Right Hon. Sir John PAKINGTON Bart.

No. 27.

Government House, Prince Edward's Island,
September 27, 1852.

(Received, October 12, 1852.)

SIR,

(Answered, October 22, 1852.)

I BEG leave to enclose copy of a letter from Commander Campbell of Her Majesty's steam sloop "Devastation," on the subject of the fisheries, marked No. 1., with copy of my answer, No. 2.

I have, &c.

The Right Hon.
Sir J. Pakington, Bart.,
&c. &c. &c.

(Signed) A. BANNERMAN.
Lieutenant-Governor.

Enclosure 1 in No. 27.

Encl. 1 in No. 27.

H. M. S. Devastation, Charlotte Town,
September 16, 1852.

SIR,

I HAVE the honour to intimate to your Excellency that the American fishing vessels driven from other parts more easily protected are now flocking in vast numbers to the shores of this island, no less than 110 having been seen off the North Point alone on Tuesday last. As therefore it will require the utmost exertion on the part of Her Majesty's cruisers to keep the intruders in check, my hands would be much strengthened in the performance of this very important and interesting duty if I could leave boats from time to time at places along the shore most frequented by the foreign fishermen.

As the season, however, is now far advanced, the crews of such boats would require shelter; and I have to request that your Excellency will be pleased to authorize me to give orders for any trifling expense which may be incurred for the housing of the men to the people providing such accommodation.

From what I have seen, I feel sure that the mackerel fishing round the shores of this island might be a mine of wealth to its inhabitants as well as to those of the other British provinces, and I trust if we succeed in our efforts this will yet be found to be the case.

The water close to the shore is now absolutely teeming with mackerel in the finest condition, and this entirely within three miles of the land, so that by keeping the foreigners at that distance the shore becomes a vast and valuable preserve for the fishermen of the British provinces.

I have, &c.

To his Excellency
Sir Alexander Bannerman,
&c. &c. &c.

(Signed) COLIN Y. CAMPBELL,
Commander.

Enclosure 2 in No. 27.

Encl. 2 in No. 27.

Government House, Prince Edward Island,
September 17, 1852.

SIR,

I HAVE the honour to acknowledge the receipt of your letter of yesterday's date. The information it contains confirms the statements I have already made to Her Majesty's Government of the importance of the fisheries around the shores of this island. If the vessels belonging to this colony and those from the neighbouring provinces shall, as I understand they will, reap an abundant harvest within three miles of the shore, they will be indebted to the perseverance and increasing vigilance of yourself and the officers commanding Her Majesty's ships on this station intrusted with a delicate and difficult duty. It affords me great satisfaction to have the opportunity of bearing testimony, not only to the efficiency but to the prudence and discretion with which that duty has been performed.

In regard to your suggestion about affording shelter to your boats crews in the event of their requiring it, I am most happy to authorize you to give orders for the payment of any expense which may be incurred for their accommodation by the people who may afford them lodging.

I have, &c.

Colin Yorke Campbell, Esq.
Commander of H.M. Steam Sloop "Devastation."

(Signed) A. BANNERMAN.

(No. 22.)

No. 28.

No. 28.

COPY of a DESPATCH from the Right Honourable Sir John S. PAKINGTON,
Bart. to Lieut.-Governor Sir A. BANNERMAN.

SIR,

Downing Street, October 22, 1852.

I HAVE received your Despatch, No. 57. of the 27th ultimo, enclosing the copy of a letter addressed to you by Commander Campbell of Her Majesty's steam sloop "Devastation" on the subject of the fisheries of Prince

Y

PRINCE EDWARD
ISLAND.

Edward Island; and I have to signify to you my approval of the answer which you returned to Commissioner Campbell's communication.

Lieut.-Governor
Sir A. BANNERMAN.I have, &c.
(Signed) J. S. PAKINGTON.

No. 29.

(No. 59.)

No. 29.

COPY of a DESPATCH from Lieut.-Governor Sir A. BANNERMAN to the
Right Hon. Sir John S. PAKINGTON Bart.

Government House, Prince Edward Island, October 11, 1852.

SIR,

(Received October 25, 1852.)

* Page 160.

1. IN accordance with the instructions in your despatch marked confidential, of date the 11th ultimo,* I beg leave to enclose the information required from the Registrar of the Vice-Admiralty Court of this colony. In reference to the schooner "Caroline Knight,"—case stated in the Registrar's return as "not yet adjudicated,"—I consider it proper to enclose a memorial addressed to me from the owner of that vessel, paper No. 1., with my reply, No. 2.

2. You will observe that Mr. Knight an intelligent United States *ship-owner*, seriously points out to me the "moral impossibility" of ascertaining the distance of three miles from the shore. I am persuaded that the professional men whom Mr. Knight has employed to draw his Memorial have induced him to urge so absurd a plea in justification, and that the commander of his schooner would be ashamed to acknowledge it.

3. I have only to add, that no provincial vessel was ever fitted out by this colony for the protection of the fisheries, and from reasons stated in my former despatches I should hesitate to place such powers in the hands of persons who could not have the means to enforce the law. On the morning that the "Devastation" detained the "Caroline Knight" Commander Campbell might, have seized eight other vessels fishing close to the shore; but he, as well as the other officers employed on this delicate service, commanding Her Majesty's ships stationed around this island, have performed their duty with the greatest forbearance, prudence, and discretion.

I have, &c.

(Signed) A. BANNERMAN,
Lieut.-Governor.The Right Hon. Sir. J. Pakington, Bart.
&c. &c. &c.

Encl. 1 in No. 29.

Enclosure 1 in No. 29.

Registry of the Court of Vice-Admiralty,
Charlotte Town, October 6, 1852.

A RETURN of AMERICAN VESSELS detained and prosecuted in this Court for a Violation of the Convention made between the Government of GREAT BRITAIN and the United States of AMERICA in the Year A.D. 1818, and prosecuted in this Court.

Name of Vessel.	Date of Seizure.	Date of Condemnation.	REMARKS.
Schooner Florida of Gloucester, U.S.A.	3d August 1852	7th Sept. 1852	Detained by Her Majesty's schooner Telegraph, Hon. H. Weyland Chetwynd, Commander, on northern coast of P. E. Island.
Schooner Union of Brooklyn, U.S.A.	20th July 1852	24th Sept. 1852	
Schooner Caroline Knight of Newbury Port, U.S.A.	11th Sept. 1852	Not yet adjudicated.	Detained by Her Majesty's steam sloop Devastation, Colin Yorke Campbell Commander, on the Northern Coast of P. E. Island.

WILLIAM SWABEY, Registrar.

In addition to this return, the schooner Golden Rule of Gloucester, U.S., was detained by the Telegraph, Lieutenant Chetwynd, and brought into Charlotte Town. Before she was delivered over to the proper authorities, in terms of the Imperial Statute, Vice Admiral Sir George Seymour arrived in Her Majesty's steam sloop Basilisk, to whom the Master of the Golden Rule appealed, stating he was part owner of the schooner, and would be ruined if she was condemned. The Admiral on the 23d August left authority with the Lieutenant-Governor to direct Lieutenant Chetwynd to liberate the schooner, provided the captain acknowledged the violation of the convention, and that his liberation was an act of clemency on the part of the Commander-in-chief. Bartlet, the captain of the Golden Rule, left such an acknowledgment in writing, which was

forwarded to Sir George Seymour along with an addition on a question from the Lieutenant-Governor, "that he had stood in shore to fish, mistaking the Telegraph tender for one of his countrymen's schooners."

P.E.I., October 11, 1852.

A. BANNERMAN, L.G.

PRINCE EDWARD
ISLAND.

Enclosure 2 in No. 29.

Encl. 2 in No 29.

To his Excellency Sir Alexander Bannerman, Knight, Lieutenant-Governor and Commander-in-Chief in and over Her Majesty's Island Prince Edward, Chancellor, Vice-Admiral, and Ordinary of the same, &c. &c. &c.

The Memorial of George Washington Knight, of Newbury Port, Massachusetts, in the United States of America, Merchant.

Most respectfully sheweth,

That your memorialist is one of the owners of the schooner "Caroline Knight," which has been recently seized by the commander of Her Britannic Majesty's steam ship "Devastation" for an alleged violation of the fishery convention subsisting between the British Government and the Government of the United States of America.

That your memorialist is connected in business with Benjamin P. Lunt, under the firm of "Knight and Lunt" of Newbury Port; and the said firm has been engaged in the coast fisheries for several years, in common with a large proportion of the inhabitants of Newbury Port; and your memorialist has been frequently interested in one or more small craft prosecuting the mackerel and cod fisheries in the Gulf of Saint Lawrence.

That since your memorialist's attention has been called to the necessity of a strict observance of the treaty subsisting between the two Governments, his instructions to the masters and crews of the vessels in which he has been interested, and which have been so employed in and about the said gulf, has invariably been to regard the treaty aforesaid; which treaty your memorialist unhesitatingly admits should be recognized and adhered to so long as it stands unrepealed between the two nations.

That the inhabitants of the New England States, and especially the residents of Newbury Port to which your memorialist belongs, feeling the importance and value of the fisheries, have for some time past used all their influence and exertions to promote and bring about the establishment of reciprocal free trade between their Government and the British North American colonies, and thereby (in addition to other objects of importance) to obtain the removal of the restrictions which the convention of 1818 has imposed upon the citizens of the United States in relation to the fisheries on these coasts: That in order the more manifestly and openly to express their desires upon that subject the inhabitants of many of the leading towns and communities in those States, and especially Newbury Port and Gloucester in Massachusetts, during the past winter originated petitions to congress, praying, amongst other matters of a local nature, for the admission and establishment of the principle of reciprocal free trade with the North American colonies, which petitions were very generally supported and signed, and the same were regularly presented to Congress: That delegates were also appointed by the people of Gloucester to wait upon Mr. Webster, the Secretary of State for the American Government, upon the subjects embraced by the said petitions; and his reply to the deputation was, "that they should have all they asked for."

That the petition so presented from the inhabitants of Newbury Port was signed by one of the firm to which your memorialist belongs; and the principle of reciprocity has been for many years strenuously advocated in particular by your memorialist.

That your memorialist can assure your Excellency that the said petitions were favourably received by Congress, and were referred to a committee of both houses to report thereon, which report has not yet been made.

That after all your memorialist's humble efforts to support a measure admitted on all hands to be eminently calculated to advance the best interests and knit together in one common brotherhood the inhabitants of the two countries, it is now with feelings of pain and regret he is compelled to witness his vessel as one of those taken for a violation of the treaty, and his best feelings and hopes on this question thus for the present apparently destroyed.

That your memorialist was not on board the said vessel when taken, and therefore he will not advert to any matters connected with that circumstance, but he would fain call to the notice and observation of your Excellency the great difficulty that must ever connect itself with the strict observance of the convention, from the almost moral impossibility there exists in ascertaining at all times the exact line or distance from the coast within which the prohibition extends, and therefore in doubtful cases, or where there has not been an obstinate and wilful disregard of the rights of the nation, your memorialist would humbly and respectfully submit that the great interests of both Governments would be best preserved, and feelings of amity and friendship best cherished and maintained, by forbearance on the part of those having the oversight of these matters, and by a disposition to act with leniency in cases such as those adverted to.

In making these observations your memorialist does not for a moment cast any the slightest reflection or blame upon the commander or officers of Her Majesty's said ship Devastation, nor upon your Excellency or any person connected with your Excellency's Government, acting as they have been in discharge of a duty imposed upon them, nor does he in any manner question the right of the British Government carefully to guard

PRINCE EDWARD
ISLAND.

the said treaty; his remarks having reference to his own individual case and his feelings and sympathies in regard to the trade and interests of the two nations.

Your memorialist humbly hopes that your Excellency will be pleased to use your influence in regard to the seizure of the said schooner in such way as may be most conducive to the best interests of both countries; and your memorialist is led humbly to trust that your Excellency will interpose your high authority in the matter in such manner as will procure the release of said vessel without subjecting your memorialist to a long and expensive investigation in court, and your memorialist will be ready to comply with all such just and reasonable terms as your Excellency may think fit or under the circumstances be minded to impose; and your memorialist as in duty bound will ever pray, &c.

Charlotte Town, Prince Edward Island,
2d October 1852.

GEO. W. KNIGHT.

Encl. 3 in No. 29.

Enclosure 3 in No. 29.

Government House, Prince Edward Island,
October 5, 1852.

SIR,

I HAVE to acknowledge the receipt of your Memorial, dated the 2d instant, in regard to the seizure and detention, by Her Majesty's steam sloop *Devastation*, of the schooner *Caroline Knight* of Newbury Port, United States, of which vessel you are part owner, the *Caroline Knight* having been detained, as you state, for an alleged violation of the fishery convention of 1818, and you hope "that I will use my influence in regard to the seizure of the said schooner as I may deem most conducive to the interests of both countries, &c. &c. &c."

As I stated to you verbally in presence of Mr. Palmer your Consul, which he must be well aware of, I have no authority whatever to interfere in this matter; it rests entirely with Vice Admiral Sir George Seymour, Commander in Chief on the North American station, under whose orders Captain Campbell, commanding the *Devastation*, has been acting, and to whom that officer is responsible. As you expressed a strong desire to communicate personally with the Admiral on this to you important subject, and wished to state your case, and that I should write to him, the best introduction I can give is to return copy of your Memorial which you can present to his Excellency, showing him, if you choose, this letter. In regard to your own interests, regretting the serious loss which you are likely to suffer by the seizure of your vessel, I would venture to suggest that, after obtaining correct information from your captain and crew, you believe that the *Caroline Knight* when seized was *not* violating the treaty. I think the most prudent course for you to adopt would be to abide the investigation of the circumstances before the Admiralty Court, the parties making an *illegal* seizure being responsible for its consequences.

I see you call my attention "to the almost moral impossibility of ascertaining at all times the correct line or distance from the coast within which the prohibition extends." On this point I consider it necessary to observe, that I am confident there are very few, if any, of the intelligent citizens of the United States commanding the fishing vessels frequenting our shores who cannot ascertain with the greatest accuracy (unless in thick weather) their distance from the shore by the usual and simple mode known to and practised by all navigators.

It is but justice to the commander of the *Caroline Knight* to state, that I have received a petition numerously signed by the inhabitants on the north side of the island, praying for the release of his vessel, and bearing testimony to his excellent conduct and friendly intercourse with them during the visits he has frequently made to their harbour for shelter and fuel.

I have, &c.

G. W. Knight Esq.,
Newbury Port, United States.

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

No. 30.

(No. 61.)

No. 30.

COPY of a DESPATCH from Lieut.-Governor Sir A. BANNERMAN to the
Right Hon. Sir John S. PAKINGTON, Bart.

Government House, Prince Edward Island,
October 25, 1852.

SIR,

(Received November 8, 1852.)

IN reference to my Despatch of the 11th instant*, forwarding, in accordance with your instructions, a return from the Vice Admiralty Court here of American vessels detained and prosecuted for a violation of the Fishery Convention of 1818:—In that return the case of one vessel, named the "*Caroline Knight*," had not then been decided, the owner having made appearance to defend. Since, however, he has withdrawn the defence, and the vessel was condemned and ordered to be sold in terms of the Imperial statute.

The Right Hon.
Sir J. Pakington, Bart.,
&c. &c. &c.

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

*Page 162.

NEWFOUNDLAND.

NEWFOUNDLAND.

No. 1.

No. 1.

DESPATCH addressed by Earl BATHURST to Governor Sir C. HAMILTON, Bart., &c., dated Downing Street, June 21, 1819, transmitting the Convention entered into with the United States, vide p. 4.

No. 2.

(No. 38.)

No. 2.

EXTRACT of a DESPATCH from Governor Sir C. HAMILTON to Earl BATHURST, dated Fort Townshend, St. John's, Newfoundland, November 19, 1819.

(Received, December 27, 1819.)

" I SHOULD have had the honour by this opportunity to have transmitted for your information an abstract of the fishery and inhabitants for the year ending the 10th October last, but the absence of returns from the two or three of the most distant districts prevents my completing the same. I am, however, enabled to state that the general results of the cod fishery this season has been much the same as that of last year—rather unsuccessful; but the seal fishery has exceeded very considerably that of any ever remembered, no less than two hundred and forty thousand seals having been taken chiefly by vessels fitted out from Conception Bay.

" The French cod fishery (except on the banks) has not, from the information I have received, been more successful than our own.

" On the coast of Labrador the fishery has been carried on with great spirit by the subjects of the United States, but on that part of the coast of this island on which they have the privilege, by the recent Treaty, of drying and curing fish, none have yet appeared. Two instances have, however, been reported to me wherein their vessels have been fishing in violation of that Treaty, without the cruisers under my orders obtaining information sufficiently soon to communicate with and warn them of their illegal proceeding. With reference to one instance I enclose the copy of a representation made by a house of extensive concern in Trinity Bay to Captain Rowley of the " Egeria," who ascertained the fact of the American vessels having been at anchor, and fishing in a settled harbour in that bay, but was not in time to effect a communication with them."

Encl. in No. 2.

Enclosure in No. 2.

SIR,

Trinity, August 25, 1819.

BY information recently received through the channel of two of our agents in this bay, we are given to understand that there are two American brigs in Deer Harbour in this bay, on the whaling account, &c.; and as we conceive that they may prove an injury to the fishing interests here by smuggling goods on shore and taking produce (what is and ought to be due to the merchant and current supplier) in return for payment, we therefore take the liberty of requesting your interference in the affair, and beg you might use any measures consistent with the orders that might exist on this head.

We have, &c.

(Signed)

JNO. B. and GEO. GARLAND and Co.

To Captain Rowley, H.M.S. " Egeria."

&c.

&c.

&c.

No. 3.

No. 3.

EXTRACT of a DESPATCH from Admiral Sir C. HAMILTON to Earl BATHURST K.G., dated Fort Townshend, St. John's, Newfoundland, Nov. 14, 1820.
(No. 61.)

" THE Americans have not yet availed themselves of the privilege granted by treaty of fishing and drying fish on that part of the coast of Newfoundland lying between the Rameau Islands and Cape Ray; at least none of their fishermen have been met with by my cruisers on that station. They have, however, been very alert on the coast of Labrador, where from the best accounts I have been able to collect they have had about five hundred vessels this summer, whose crews may on an average be taken at ten men each, which would give employment to 5,000 hands. One hundred quintals of fish per man may be considered the utmost of their catch this season.

"The French fishery is stated to have been the best of any since the return of peace, but it is thought that without the premium allowed by the French Government it would not be a profitable one."

(No. 13.)

No. 4.

No. 4.

EXTRACT of a DESPATCH from Governor H. PRESCOTT to Lord GLENELG, dated Government House, Newfoundland, January 29, 1836.

"I HAD occasion, in the month of June last, in a Despatch to Sir George Cockburn, to observe that 'at least two vessels of war are requisite during the whole of the season for the effectual protection of our fisheries; one on the northern, the other on the southern coasts.' It was not in the admiral's power, however, to send more than one, which is a matter much to be regretted."

(No. 109.)

No. 5.

No 5.

COPY of a DESPATCH from Lord GLENELG to Governor H. PRESCOTT.

SIR, Downing Street, October 17, 1836.

I HAVE now the honour to transmit to you, with reference to my Despatch of the 31st of August, No. 101, an order of His Majesty in Council disallowing an Act passed by the Legislature of the island of Newfoundland in the month of May last, intituled "An Act to prevent the encroachment of aliens on the fisheries of this island, and for the further protection of the said fisheries." I also enclose an extract from a Report of the Lords of the Committee of Privy Council for Trade, stating the reasons for such disallowance.

I have, &c.

(Signed) GLENELG.

To Governor H. Prescott,
&c. &c. &c.

Enclosure in No. 5.

Encl. in No. 5.

EXTRACT of a Report of the Committee of Council for Trade and Foreign Plantations, dated 7th September 1836, recommending the disallowance of an Act passed in Newfoundland, No. 63, intituled "An Act to prevent the Encroachments of Aliens on the Fisheries of this Island, and for the further Protection of the said Fisheries."

"Because it interferes with your Majesty's prerogative in negotiating treaties for securing to the subjects of foreign states a participation with your Majesty's subjects in these fisheries, and because it encroaches upon the province of Parliament by assuming to the local Legislature the right to regulate interests of this description."

6° GULIELMI IV. REGIS.

Cap. 3.

An Act to prevent the encroachments of Aliens on the Fisheries of this Island, and for the further Protection of the said Fisheries. [6th May 1836.]

WHEREAS foreigners have of late years been in the practice of unlawfully resorting in great numbers to the various harbours and coves of Fortune Bay and other places adjacent thereto, eastward of Cape Ray, for the purpose of cutting down and carrying away timber and brushwood, and of procuring caplin and other bait for the use of their fishery, to the great injury and detriment of the trade and fisheries of His Majesty's subjects carried on in this colony: and whereas it is necessary to adopt prompt and effectual measures for suppressing the unlawful practices above mentioned, and for preventing similar encroachments in future:

I. Be it therefore enacted, by the Governor, Council, and Assembly of Newfoundland, that no alien or stranger whatsoever shall at any time hereafter take bait or use any sort of fishing whatsoever in Newfoundland or the coasts, bays, or rivers thereof, or on the coast of Labrador, or in any of the islands or places within or dependant on the Government of the said colony; always excepting the rights and privileges granted by treaty to the subjects or citizens of any foreign state or power in amity with His Majesty.

Preamble.

No alien to take bait or fish on any part of the coast of Newfoundland or Labrador;

except such as are allowed by treaty.

II. And be it further enacted, that if any such alien or aliens shall take caplin, herring, mackerel, lance, clams, or other bait, or use any such fishery as aforesaid, or shall cut down or carry away any timber or brushwood upon or from any part of this island or its dependencies (excepting as before excepted), such alien or aliens, and all and every person or persons aiding or assisting them, shall, on conviction thereof in any Court of Record in this island, forfeit and pay to our Lord the King a fine not exceeding one hundred pounds, nor less than ten pounds, at the discretion of such Court, to be disposed of in manner herein-after mentioned; and that all and every the ships, vessel, boats, or other craft, with the tackle, apparel, and furniture thereof, and all seines, nets, lines, hooks, or other fishing craft

Penalty:

to be recovered on conviction, in any Court of Record;

with forfeiture of vessels, boats, tackle, &c.

NEW-
FOUNDLAND.

used or employed in the taking, receiving, or transporting of such bait or timber, or other materials aforesaid, together with such bait or timber, shall be forfeited to His Majesty, and the same shall be sold at public auction and the proceeds thereof applied in the manner herein-after directed.

Sale of bait to foreigners prohibited.

III. And whereas it is of the utmost importance to protect and encourage the fishery carried on by His Majesty's subjects in this colony, at present greatly depressed by the injurious privilege enjoyed by foreigners of taking and curing fish on the shores thereof, and to preserve for the use of His Majesty's subjects the shoals of bait which visit the coasts of this island and its dependencies; and to that end it is above all things necessary to prohibit the selling and disposing of bait to foreigners, who are thereby enabled to prosecute their fisheries much more advantageously than they otherwise might, to the great detriment of the trade and fisheries carried on by His Majesty's subjects in this colony: Be it therefore further enacted, that from and after the passing of this Act it shall not be lawful for any person or persons to sell or dispose of any such caplin or other bait as aforesaid to any alien or aliens, or to any person or persons for their use, and that it shall not be lawful for any person or persons to export from this island or its dependencies, or knowingly sell or dispose of to the end that the same may be exported from this island for the purpose of being used or employed in any fishery or fisheries carried on by aliens or any other persons other than liege subjects of His Majesty, any such caplin or other bait whatsoever.

Penalty.

IV. And be it further enacted, that if any person or persons shall so sell or dispose of to any alien or aliens, or so export or cause to be exported from this island or its dependencies, or knowingly sell or dispose of, to the end that the same may be exported from this island or its dependencies, other than for the purpose of being used and employed in the fisheries so carried on by His Majesty's subjects as aforesaid, any such caplin or other bait whatsoever, he or they so offending shall, on conviction thereof in any Court of Record in this colony, forfeit and pay to our Lord the King a fine not exceeding one hundred pounds, nor less than ten pounds, at the discretion of such Court, and shall also forfeit all and every of the ships, vessels, boats, or other craft used or employed in such exportation, with the tackle, apparel, and furniture thereto belonging, together with the bait, or the money, goods, or effects for which the same shall have been sold or exchanged, or which may be found on board any such ship, vessel, boat, or other craft, belonging to the owners, master, or crew of such ship, vessel, boat, or other craft as aforesaid, to His Majesty, and the proceeds thereof shall be applied in the manner herein-after directed.

And forfeiture of vessels, boats, &c.

Persons authorized to make seizures under this Act.

V. And be it further enacted, that it shall and may be lawful for any officer of His Majesty's navy, or of His Majesty's customs, or for any Justice of the Peace, constable, or other peace officer, to seize and detain all and every such ships, vessels, or boats, nets, seines, or other fishing craft, as may be in any manner used or employed in the unlawful taking or exportation of bait, or the transporting or carrying away of wood or timber, in contravention of this Act, together with the bait, timber, brushwood, and all other goods, chattels, money, and effects found on board the same, or recently removed therefrom to avoid seizure, and to detain and keep the same, subject to the order, judgment, or decree of any Court having jurisdiction therein.

Recovery and appropriation of penalties.

VI. And be it further enacted, that all fines and penalties imposed by this Act shall and may be sued for and recovered in any Court of Record in this island; and in default of payment thereof, the offender or offenders shall be committed by such Court to the nearest gaol, there to remain for any period not exceeding six months; and the monies arising from all fines and forfeitures imposed by this Act shall, as to one moiety thereof, be paid to the treasurer of this colony to and for the use of our sovereign Lord the King, his heirs and successors, and as to the other moiety thereof, the same shall be paid to the use of such person or persons as shall inform and sue for the same.

Offenders against this Act may be apprehended and held to bail, or in default committed to prison.

VII. And be it further enacted, that upon an affidavit being made before any of His Majesty's Justices of the Peace, or before a Commissioner of the Supreme Court appointed by His Majesty's Chief Justice of the island to take affidavits in the said Court, setting forth that any alien or stranger not residing in this colony has committed any offence which by the provisions of this Act is subjected to any penalty imposed by this Act, it shall and may be lawful for any such justice to issue his warrant for the apprehension of such person, and to hold him to bail to appear at the next term of the Supreme or Circuit Court to answer for such offence; and in default of bail to commit him to prison, there to remain until delivered by due course of law.

Seizures under 50*l.* value may be heard and determined, summarily, in any Court of Sessions.

VIII. And be it further enacted, that all seizures made under this Act, which shall upon the oath of two competent sworn appraisers be valued under fifty pounds, may be heard and determined in a summary way before any Court of Sessions of the Peace in the district where the seizure shall be made.

Seizing officers prosecuted for any thing done under this Act may plead the general issue.

IX. And be it further enacted, that if any officer of His Majesty's navy, or of His Majesty's customs, justice of the peace, constable, or other peace officer, or person aiding or assisting them or any of them in the seizure of any ship, vessel, boat, net, seines, or other fishing craft or tackle, or of any bait, timber, brushwood, goods, chattels, money or effects, or other thing whatsoever, shall be sued or prosecuted for anything done under and by virtue of the powers and authority of this Act, he may plead the general issue and give this Act and the special matter in evidence; and if in such suit the plaintiff shall be nonsuited, or judgment be given against him, the defendant shall recover double costs; and in case any information shall be commenced and brought to trial on account of the seizure of any ship, vessel, boat, net, seine, craft, tackle, bait, timber, brushwood, goods, chattels, money, or effects whatsoever, as seized or forfeited under this Act, wherein judgment shall be given

for the claimant, and it shall appear to the Court or Justices before whom the same shall be tried that there was a probable cause of seizure, the Court or Justices shall certify on the record that there was a probable cause of seizing the same, and in such case the defendant shall not be entitled to any costs whatsoever, nor shall the person who seized, or those acting in his aid, be liable to any action or prosecution on account of such seizure; and in case any action or prosecution shall be commenced and brought to trial against any person whatsoever, on account of any such seizure as aforesaid, and whether the cause of such seizure shall have been heard and determined or not, if the Court before whom such action shall be brought shall certify as aforesaid that there was a probable cause for such seizure, then the plaintiffs (besides the ship, vessel, boat, or other thing seized, or the value thereof when the same shall not have been restored) shall not be entitled to more than one shilling damages, nor to any costs of suit.

NEW-
FOUNDLAND.Judge may certify
probable cause of
seizures.

(No. 60.)

No. 6.

No. 6.

EXTRACT of a DESPATCH from GOVERNOR PRESCOTT to Lord JOHN RUSSELL,
dated Government House, St. John's, Newfoundland, October 14, 1840.

(Received November 16, 1840.)

"Of late years only one ship of war has been allotted to the Newfoundland station; a force manifestly insufficient. Two vessels at least are requisite; one of which should be charged with the care of the northern portion of our shores, and that part of the Labrador attached to this Government; the other with that of the south-western coast, visiting also what is termed the French shore as far as Point Ferrolle."

(No. 73.)

No. 7.

No. 7.

COPY of a DESPATCH from Lord JOHN RUSSELL to GOVERNOR PRESCOTT.

SIR,

Downing Street, December 11, 1840.

HAVING communicated to the Lords Commissioners of the Admiralty your representation of the inadequacy of the naval protection afforded to the fisheries on the coasts of Newfoundland, I have to acquaint you that their Lordships have forwarded directions to the naval commander-in-chief on the station to send two ships, for the protection of the fisheries, if they can be spared.

I have, &c.

Governor Prescott.

(Signed) J. RUSSELL.

(No. 79.)

No. 8.

No. 8.

COPY of a DESPATCH from GOVERNOR PRESCOTT to Lord JOHN RUSSELL.

† Government House, St. John's, Newfoundland,

December 28, 1840.

(Received January 26, 1841.)

MY LORD,

WITH reference to the concluding paragraph of my Despatch of 14th October, I have the honour to enclose copy of correspondence with the naval commander-in-chief, that your Lordship may perceive that I have made, though ineffectually, every effort in my power to secure due protection for the fisheries of Newfoundland.

I have, &c.

Right Hon. Lord J. Russell,
&c. &c. &c.

(Signed) H. PRESCOTT.

Enclosure 1 in No. 8.

Encl. 1 in No. 8.

Government House, Newfoundland,

October 9, 1840.

SIR,

I HAVE the pleasure to inform you that Captain Milne has done everything that his limited means, and the short period of his employment here, would permit, for the protection of our fisheries and other points of service.

You will, I believe, find his reports full of valuable information.

His remarks, confirmatory of that formerly made by Captain Hope, that a ship of war should make her appearance at or in the immediate neighbourhood of St. Pierre in the month of April, is worthy of all attention. And it is most certain that no one ship of war can afford effectual protection to the great extent of coast comprised in this government. Two at least are necessary, as I have had occasion formerly to state, both to Sir George Cockburn and Sir Peter Halkett, the size of the vessels being a matter of very minor importance.

I have, &c.

Vice-Admiral Sir Thomas Harvey, K.C.B.
&c. &c. &c.

(Signed) HENRY PRESCOTT.

NEW-
FOUNDLAND.

Encl. 2 in No. 8.

Enclosure 2 in No. 8.

SIR,

H.M.S. Winchester, Bermuda, November 6, 1840.

I HAVE had the honour to receive your Excellency's letter of the 9th ult., informign me that Captain Milne, now of the Cleopatra (late Crocodile,) had forwarded to you a copy of his report of proceedings while stationed for the protection of the fisheries around Newfoundland, and expressing your opinion of the able manner in which he had conducted that duty; also pointing out to me, as you had done to two of my predecessors in this command, the necessity of more than one vessel being employed on that duty, and I beg to acquaint you, in reply, that it is entirely out of the power of any commander-in-chief on this station, considering its extent, and the numerous calls made upon him for ships, to appropriate more than one vessel for the protection of the fisheries at Newfoundland.

I have &c.

(Signed) THOS. HARVEY.

His Excellency Captain Prescott, R.N.
&c. &c. &c.

Vice-Admiral and Commander-in-Chief.

No. 9.

(No. 12.)

No. 9.

COPY of a DESPATCH from Governor PRESCOTT to Lord JOHN RUSSELL.

Government House, St. John's, Newfoundland,

February 2, 1841.

(Received March 9, 1841.)

MY LORD,

I HAVE the honour to enclose a letter addressed to your Lordship by the President of the Chamber of Commerce, written by its direction.

The subject thereof is certainly of the highest importance to the fisheries of this island, and I am very confident that it will be so considered by Her Majesty's Government.

I have, &c.

(Signed) H. PRESCOTT.

Right Hon. Lord J. Russell,
&c. &c. &c.

Encl. in No. 9.

Enclosure in No. 9.

Chamber of Commerce, Saint John's, Newfoundland,
January 30, 1841.

MY LORD,

THE attention of the Chamber of Commerce of this town has recently been directed to a communication from a Mr. W. H. Burnley of Trinidad (reported in the Port of Spain Gazette of the 18th August last), enclosing copies of a correspondence had by that gentleman with your Lordship, with Mr. Vernon Smith, and with the Board of Trade, relating chiefly to the emigration of coloured people from the United States of America to the British West India colonies, but in which it is incidentally suggested that advantage might be derived from admitting into these colonies dried cod fish from the United States at a small rate of duty.

The Chamber of Commerce, although they doubt not for a moment that your Lordship duly appreciates the value of the British fisheries, have nevertheless directed me to assure your Lordship that there has not for many years been a time when the national policy in support of these fisheries was more necessary to their existence than the present; that, besides the competition of France and America (the former of which encourages her fishermen by enormous bounties, and the latter not only supplies hers at less expense than ours, but supports them at home by prohibitory duties), a new and formidable competitor in our foreign markets has of late years arisen in the kingdom of Norway, which now supplies a large and annually increasing quantity of cod fish to Spain and Portugal, and has of course displaced from consumption there an equal quantity of British catch and cure, which, together with the positive disadvantages arising from the large duties imposed by the Governments of those countries, and the effect of a season unfavorable to the cure (a misfortune of not unfrequent occurrence), has occasioned in the past year a loss to the exporting Newfoundland merchant of not less than from fifteen to twenty per cent. on the prime cost.

In this state of things the Chamber assure themselves that your Lordship will not permit the only market of any extent for their staple article in Her Majesty's dominions to be opened to foreigners.

In the extract referred to the only reason assigned for the suggestion of Mr. Burnley is, that the importation of fish into the West Indies from Newfoundland in whole cargoes causes the price to be higher than if imported from the United States in smaller quantities; but as it is not less contrary to common sense than to all experience that prices should be highest when the articles are most abundant, the true reason may probably be referred to the individual connexions of that gentleman with the United States, which are said to be very extensive.

It will doubtless be remembered by your Lordship that this Chamber have frequently, by memorials, endeavoured to press on Her Majesty's Government the consideration of some means for the reduction of the duties on fish in Spain and Portugal, but that hitherto no opportunity of doing so has occurred. I presume to avail myself of this opportunity to

remind your Lordship of these applications, and to express my earnest hope that they will not, in any negotiations with those Governments, be overlooked.

I have, &c.

(Signed) WM. THOMAS,
President of the Chamber of Commerce.

The Right Hon. Lord John Russell,
&c. &c.

NEW-
FOUNDLAND.

(No. 45.)

No. 10.

No. 10.

COPY of a DESPATCH from Sir JOHN HARVEY to the Right Hon.
Lord STANLEY.

Government House, St. John's, Newfoundland,
December 27, 1842.

(Received January 20, 1843.)

MY LORD,

(Answered, February 2, 1843.)

IN transmitting the enclosed communication, addressed to your Lordship by the Chamber of Commerce of this city, on the subject of the additional duties imposed on fish imported into the United States by the recent tariff of that Government, I must, in strongly recommending this application to your Lordship's favourable consideration, express my satisfaction that the matter has been brought before your Lordship by a body so fully representing the commercial society, and so capable of estimating the influence which the measure complained of is calculated to have on its interests.

I have, &c.

The Right Hon. Lord Stanley,
&c. &c. &c.

(Signed) J. HARVEY.

Enclosure in No. 10.

Encl. in No. 10.

To the Right Hon. Lord STANLEY, Her Majesty's Principal Secretary of State
for the Colonies, &c., &c., &c.

Chamber of Commerce, Saint John's, Newfoundland,
5th December 1842.

MY LORD,

THE Chamber of Commerce of this town having on the 29th of April last addressed a memorial to your Lordship, praying your Lordship's influence to prevent the admission of foreign-caught fish (chiefly American) into our West India colonies at the trifling duty of 2s. per quintal, have been somewhat disappointed to find that the Bill then before Parliament has since passed into Law.

The Chamber now beg leave respectfully to call your Lordship's attention to the advantage which has been taken by the American Government of the liberal policy of Great Britain, for when the Act 5 & 6 Vict. Cap. 49. was brought into Parliament by Mr. Gladstone, and even up to the time of its passing, the duty on British-caught dried cod fish imported into the United States of America was twenty per cent. ad valorem, about 2s. sterling per quintal; but no sooner had this liberal measure of our Government passed into law, than the Americans pass a new tariff, in which they raise the duty on British-caught fish to one dollar per 112lb.; thus completely excluding our fish from their markets, while we have thrown open our colonial markets to their fish. They have also levied a duty on our seal skins by the new tariff which formerly went into the United States duty-free.

See Act of Congress, 2d March 1833, commonly called Mr. Clay's Bill.

The Chamber make no comment on this decided want of reciprocity between the two Governments, but merely call your Lordship's attention to the facts, leaving it to your Lordship's judgment to take such steps as may be necessary to protect this colony (whose main support is its fisheries) against this recent aggression from our rivals.

I have, &c.,

(Signed) WM. THOMAS,
President of the Chamber of Commerce.

(No. 81.)

No. 11.

No. 11.

COPY of a DESPATCH from the Right Hon. Lord STANLEY to
Sir JOHN HARVEY.

SIR,

Downing Street, February 2, 1843.

I HAVE received your Despatch, No. 45., of the 27th of December, in which you enclose a representation from the Chamber of Commerce at St. John's, complaining of the high duty imposed by the recent tariff of the United States on fish caught in the British possessions.

I regret that it is not in the power of Her Majesty's Government to apply any remedy to the inconvenience of which the merchants of Newfoundland complain; but I must remark that if the Americans are reduced to impose

NEW-
FOUNDLAND.

high duties for the purpose of excluding our fish from their markets, it appears to me that British fish has not much to fear in the markets of the West Indies with the differential duty imposed by the Possessions Act of last session.

I have, &c.

Sir J. Harvey,
&c. &c.

(Signed) STANLEY.

No. 12.

(No. 14.)

No. 12.

COPY of a DESPATCH from Governor Sir J. GASPARD LE MARCHANT to the Right Hon. Earl GREY.

Government House, St. John's, Newfoundland,
April 10, 1849.

MY LORD,

(Received May 1, 1849.)

I HAVE the honour to transmit to your Lordship the accompanying copy of an address from the House of Assembly, requesting to be furnished with information with regard to the bounties and drawbacks given by both the French and American Governments in support of their fisheries on the coasts of this island; and should it be in the power of the Colonial Department to afford the information sought, it is desirable that the Local Legislature should be placed in possession of the same.

I have, &c.

(Signed) J. GASPARD LE MARCHANT.

The Right Hon. Earl Grey,
&c. &c. &c.

Encl. in No. 12.

Enclosure in No. 12

To His Excellency Sir John Gaspard Le Marchant, Knight, and Knight Commander of the orders of Saint Ferdinand and of Charles the Third of Spain, Governor and Commander-in-Chief in and over the island of Newfoundland and its dependencies.

May it please your Excellency,

The House of Assembly respectfully request that your Excellency will be pleased to procure for the Assembly the following information; namely,

An account of the bounties and drawbacks now granted by the French and American governments respectively upon fish caught, and upon vessels, craft, supplies, and implements employed, by their respective subjects, in the Newfoundland cod fisheries, and of the amount paid by the said governments for such bounties during the years 1846, 1847, and 1848.

(Signed) JOHN KENT, Speaker.

House of Assembly, March 28, 1849.

No. 13.

(No. 115.)

No. 13.

EXTRACT of a DESPATCH from the Right Hon. Earl GREY to Governor Sir J. GASPARD LE MARCHANT, dated Downing Street, July 24, 1849.

"I TRANSMIT herewith the copy of a letter from Her Majesty's Chargé d'Affaires at Washington, on the subject of the bounties and drawbacks allowed by the United States in support of their fisheries on the coast of Newfoundland, accompanied by a return* of such bounties and allowances for the years 1844, 1845, 1846, 1847, 1848."

* p. 209.

Encl. in No. 13.

(No. 60.)

Enclosure in No. 13.

My Lord,

Washington, June 25, 1849.

I HAVE the honour to enclose herewith a copy of the reply which has been made by the treasury department of the United States to the application which, in obedience to the instructions contained in your Lordship's Despatch, No. 28., of 18th ult., I addressed to that department, for a statement showing, for the information of the Legislature of Newfoundland, what bounties and drawbacks are granted by the United States Government in support of their fisheries on the coast of Newfoundland.

Mr. M'Clintock Young informs me that no returns are made which would enable the department to designate the number of American vessels engaged in the cod and mackerel fisheries at each particular place where those fisheries are carried on. He furnishes me, however, with a statement showing the total amount of bounties on salt fish exported, and of allowances to vessels engaged in bank and cod fisheries generally, during the years 1844, 1845, 1846, 1847, and 1848, together with a statement of the total amount of American tonnage employed in cod and mackerel fishing during those years, the rates of bounties of

allowances to vessels so employed, and extracts from the Acts of Congress of 24th February 1828 and 20th April 1836, containing regulations regarding the mackerel fisheries.

NEW-
FOUNDLAND.

Viscount Palmerston,
&c. &c. &c.

I have, &c.
(Signed) JOHN F. CRAMPTON.

(No. 28.)

No. 14.

No. 14.

COPY of a DESPATCH from Governor Sir J. GASPARD LE MARCHANT
to Earl GREY.

Government House, St. John's, Newfoundland,
May 4, 1850.

(Received May 27, 1850.)

MY LORD,

I HAVE the honour herewith to transmit to your Lordship the accompanying address from the House of Assembly, to be laid at the foot of the throne, setting forth in detail the difficulties under which the inhabitants of Newfoundland are at present labouring in the prosecution of their fisheries, from their unequal competition with France and the United States, owing to the system of bounties with which the Governments of those countries support their own fisheries, as also from the very unfavourable terms on which Newfoundland fish is by present treaties admitted into Spain and Portugal; and humbly praying for a more efficient naval protective force than that now afforded the island, and also that in any future treaties with Spain and Portugal efforts may be made to procure a reduction of the duties on the fish imported into those countries.

And I beg leave to place the memorial of the House in your Lordship's hands, in the hope that your Lordship will be pleased to recommend the same to Her Majesty's most gracious consideration.

I have, &c.

(Signed) J. GASPARD LE MARCHANT.

The Right Hon. Earl Grey,
&c. &c. &c.

Enclosure in No. 14.

Encl. in No. 14.

To the Queen's most Excellent Majesty.

May it please your Majesty,

WE, your Majesty's loyal Subjects, the House of Assembly of Newfoundland, beg leave most humbly to approach your Majesty with feelings of the most profound respect for your Majesty's person and government.

The subject of the fisheries of this colony has frequently been brought under the notice of your Majesty, and measures prayed for to protect these our staple interests against that depression which must appear inevitable under the operation of foreign competition and interference to which the fisheries of this colony have been exposed. We have sought these measures of relief, but hitherto we regret to add with but little effect. We humbly conceive that we were justified in hoping for more satisfactory results from the prayers we addressed to your Majesty on this important question, for the reasons which we again respectfully submit.

The causes which operate so detrimentally on our trade and fisheries were created by treaties entered into by the Imperial Government with Foreign powers, with a regard solely to the exigencies of imperial interests. The Treaty of Utrecht and subsequent treaties gave foreigners the right of fishing on the banks and the principal part of the shores of this island, and the additional right, which gives pernicious efficacy to the former, that of landing and curing on a large portion of our coast. The French have stimulated the fisheries thus acquired by enormous bounties, and have prosecuted them with such vigour that, in the absence of protection to British interests, they have practically converted their concurrent right of fishing on that portion of our coasts extending from Cape Ray to Cape John to one of exclusive enjoyment. The concessions to the Americans by the Treaty of 1818 give them advantages of which they also, sustained by their bounties, fully avail. Were the evil confined simply to the rights of fishing granted to these powers, the British people of this colony would feel but little cause of complaint, for fair competition on equal terms would create no apprehension on their minds as to the result; but those powers have eagerly availed themselves of the rights thus unwisely conferred to train men for their respective navies, and have consequently encouraged their fisheries by enormous bounties. Our self-supporting fisheries are compelled to compete with this bounty-sustained competition of our rivals in foreign markets, where they may sell without loss at a price which would only yield to the British fishermen one half the cost of production. The ultimate consequences of these evils, of which the growing increase of the foreign fisheries makes us every day more sensible, must be apparent; and when they are so clearly traceable to arrangements dictated solely by a regard to imperial concerns, the Assembly have thought that their claims for redress could not have been justly treated with neglect and unconcern.

But even at the risk of being thought importunate the Assembly feel that they would be wanting in their duty did they fail again to urge on the attention of your Majesty the

NEW-
FOUNDLAND

perils to which our vital interests continue to be increasingly exposed from the causes above stated.

We also desire to bring under the notice of your Majesty the change made in the duties in Spain on fish imported into that country. This change, while increasing the heavy tax on our staple, also effects an increase on the previous difference of charge on fish imported in British ships as compared with that payable on the article when brought in by the ships of Spain. Spanish vessels entering the ports of this colony enjoy all the immunities that are incident to British ships, and bring their produce into our markets on equal terms with ourselves; while in return we are met by a tariff the old hostility of which has been further aggravated to a degree which must end in depriving us of the markets which that country has long afforded us.

We therefore humbly pray that means may be adopted to cause the treaties in question to be carried out in their integrity, by the establishment of a suitable protective force; and that in any future treaties with Spain and Portugal efforts may be made to procure a reduction of the duties on fish in those countries.

J. KENT,
Speaker.

House of Assembly, 24th April 1850.

No. 15.

(No. 157.)

No. 15.

COPY of a DESPATCH from Earl GREY to Governor Sir J. GASPARD
LE MARCHANT.

SIR,

Downing Street, June 14, 1850.

I HAVE to acknowledge the receipt of your Despatches, enclosing addresses from both branches of the Legislature and other public bodies in Newfoundland, representing the present depressed state of the staple trade of the island, and praying that measures may be adopted for the protection of the fisheries.

At present I can only assure you that this important subject has not escaped my attention, and that it is still engaging the serious consideration of Her Majesty's Government.

Governor Sir J. G. Le Marchant,
&c. &c. &c.

I have, &c.
(Signed) GREY.

No. 16.

(No. 160.)

No. 16.

COPY of a DESPATCH from Earl GREY to Governor Sir J. GASPARD
LE MARCHANT.

SIR,

Downing Street, July 5, 1850.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 28.,* of the 4th of May last, transmitting an address to the Queen from the House of Assembly at Newfoundland, representing the disadvantages under which the inhabitants of the island labour in the prosecution of their fisheries, attributable, 1st, to their inability to compete with France and the United States, in consequence of the bounties by which these countries encourage their own fishermen; 2d, to the unfavourable terms on which fish caught in the waters of Newfoundland is admitted into Spain and Portugal; and, 3dly, to the want of a due observance of existing treaties with foreign powers, whereby foreigners enjoy greater privileges and advantages than they are entitled to under the stipulations contained in those treaties.

To remedy these evils the Assembly pray that a more efficient naval protective force may be afforded them, and that in any future treaties with Spain and Portugal efforts may be made to procure a reduction of the duties on fish imported into those countries.

I have laid this address before the Queen, who was pleased to receive it very graciously, and I have received Her Majesty's commands to instruct you to acquaint the House of Assembly that Her Majesty's Government will not fail to take advantage of any opportunity that may offer to induce Spain and Portugal to lower their duties upon British fish imported into those countries; but, that frequent endeavours having been made hitherto without effect to accomplish this object, they are not warranted in anticipating much better success from future negotiations.

With regard to the bounties given by the United States, Her Majesty's Government are not without hopes that the commercial negotiations now pending may tend to put an end to a system which they believe to be detrimental to the true interests both of the United States and of Newfoundland; but with respect to the French bounties, there seems at present little reason

* Page 173.

to expect that the policy which has hitherto been followed by the Government of France will be abandoned; and as there can be no doubt of the right of that country to act upon its own view of the regulations best calculated to promote its political and commercial interests, Her Majesty's Government cannot attempt to interfere upon the subject, however different may be their own opinion as to the real amount of benefit to be derived from a system of bounties.

You will further convey to the House of Assembly Her Majesty's assurance, that on no occasion have their claims been treated with "neglect and unconcern," but that, on the contrary, Her Majesty's Government have ever been anxious to extend to them the utmost protection and encouragement which it is in their power to afford, consistently with a due regard to the rights of independent nations and the maintenance of that general commercial policy which, with a view to the interests of the empire at large, Parliament has judged it expedient to adopt in our recent legislation.

I have, &c.

Governor Sir J. G. Le Marchant,
&c. &c. &c.

(Signed) GREY.

(No. 34.)

No. 17.

No. 17.

COPY of a DESPATCH from Governor Sir J. GASPARD LE MARCHANT to
Earl GREY.

Government House, St. John's, Newfoundland,
June 6, 1851.

MY LORD,

(Received July 8, 1851.)

I HAVE the honour herewith to forward to your Lordship the accompanying address from the Legislative Council of Newfoundland, to be laid at the foot of the throne, praying that Her Majesty will be graciously pleased to take into consideration the state of the fisheries of this colony.

I may observe that the present address is one of very similar purport to that transmitted in the preceding year in my despatch to your Lordship (No. 28,* dated the 4th May 1850), and the Council are on this occasion again desirous of repeating the application for some assistance being afforded to the island, in the prosecution of its fisheries by the Imperial Government, in the shape of bounties, similar to those afforded by the French Government to the fisheries they carry on on these coasts; as also that the British subjects should be allowed to enjoy a concurrent right of fishing on that part of the coast commonly called the French shore, to which that government allege an exclusive right, and which they likewise maintain, to the great prejudice and detriment of our own fisheries by the superior naval force they keep on that station.

I beg leave to place this address in your Lordship's hands, in the hope that your Lordship will be pleased to recommend the same to Her Majesty's most gracious consideration.

I have, &c.

(Signed) J. GASPARD LE MARCHANT.

The Right Hon. Earl Grey,
&c. &c. &c.

Enclosure in No. 17.

Encl. in No. 17.

To the Queen's most Excellent Majesty.

May it please Your Majesty,

We, Your Majesty's dutiful and loyal subjects the council of Newfoundland in legislative session convened, beg leave most humbly to approach Your Majesty, influenced by feelings of the most profound respect for Your Majesty's person and government.

As the state of the Newfoundland fisheries formed the subject of an address to Your Majesty at the last session of our legislature, we would not under ordinary circumstances have craved permission to introduce the same topic to the notice of Your Majesty in our present session, but facts of so startling a character have recently come to our knowledge, and which we cannot but be apprehensive are consequentially so fraught with results disastrous to our very existence as a colony, that we are compelled, however reluctantly, to beseech Your Majesty's gracious attention to the following statement.

In the early history of Newfoundland, and when her fisheries were regarded as a source for replenishing the British navy with efficient seamen, every inducement was afforded by the Imperial Government for the prosecution of such fisheries, and persons engaged in that trade enjoyed among other advantages the encouragement of bounties. Under favourable circumstances of this nature the population of the island greatly increased, and expensive premises

were erected in the hope that the trade would eventually, although it might not continue to be so extensively sustained, become self-supporting, and such a result did in fact follow, for on the withdrawal of the bounties referred to, the fisheries still continued to be remunerative until the period when the most valuable and extensive portion of our shores was yielded by the Imperial Government for the service of France.

The mere admission of the French to the privilege of fishing on our shores we should have considered but a slight evil, as we have no apprehension of suffering damage from fair competition, but the consequences which have arisen from the policy to which we have referred have exposed us to a competition on such unequal terms that we cannot but entertain the fear that the time must come when our prospects as a fishing colony will be entirely broken up.

The enormous bounties given by the French Government in aid of their fisheries, carried on under the treaties before named, bounties which are of a multiplied character, inasmuch as they are made to apply both to the men employed and the fish caught, and which are of such magnitude as actually in many, nay the majority of cases to exceed the rate per quintal which we obtain for our fish cargoes in foreign markets, where our sales do not on an average realize more, to cover cost of fish and freight, than from 8s. to 11s. per quintal, the largest of which sums is smaller than the rate of bounty received by the French fisherman.

Under circumstances of the nature thus described, and which are afforded to an unlimited extent by the French Government, their fisheries on our shores are carried on with an increasing activity, and the special circumstances which have compelled us to intrude ourselves on the notice of Your Majesty at this time is the fact that this year, and before the 20th April, there had arrived at St. Pierre from France 315 vessels, averaging from 150 to 500 tons, and carrying 18,000 fishermen. In addition to this large class of vessels is to be added about 200 smaller craft, averaging from twenty-five to eighty tons burthen, and from 400 to 500 boats. The whole of this force is for employment in the bank fishery, and that around St. Pierre and Miquelon, while from Cape John to the northern extremity of our island, and thence following the shore thereof to the straits of Belleisle, the French are also vigorously and extensively engaged in the same pursuit. Against a power of this character, gigantic as it may be, we should not fear to compete on equal terms, but to contend against it when the parties antagonistic to us are secured from pecuniary loss under almost any state of the fish markets seems a hopeless task.

We will not impugn the policy of the Imperial Government which has certainly originated this, to us, disastrous state of things. The welfare of the empire at large may have seemed to demand the sacrifice of the interests of this island, but we contend with all respect, and yet with all earnestness, that if such be the case we have a claim for and are entitled to receive from the empire an equivalent for the loss we have sustained, and such as will enable us to conduct our fishery in the possession of privileges similar to those enjoyed by our French neighbours.

While the unsettled state of the French Government continued, her fisheries here engrossed less of her attention than otherwise would have been the case, and as a consequence we were for a time relieved from that competition which is now so largely resumed. From this circumstance, and from that measure of success which has recently attended another branch of our trade,—our seal fishery,—we have for several years past been the annual purchasers of British manufactured goods to the amount of nearly half a million, and which trade between the mother country and ourselves may, under common facilities for business, be increased to an almost indefinite extent.

The seal fishery, to which reference has been made, is a pursuit which, from the circumstances under which it is conducted, is naturally of an uncertain character, and its source cannot be considered as unfailing, and yet it is the chief branch of our trade which preserves to us at this time any portion of that prosperity we are supposed to possess. Deprived of this, or even partially so, and left to contend against French bounties, without any Government aid, our prosecution of the cod fishery must cease, and our island, instead of continuing to be a considerable purchaser of British manufactured goods, would become a valueless appendage to Your Majesty's Crown, and her immense resources left to enrich the inhabitants of foreign countries, while Your Majesty's Government would be deprived of that advantage which, politically, may result from its permanent settlement, forming, as its south-western point does, the northern side of the entrance to the Gulf of St. Lawrence.

We therefore most respectfully beseech Your Majesty to take the above statement of facts into Your Majesty's most gracious consideration, and humbly pray that Your Majesty will be pleased to extend to us a bounty on the fish exported by us, and inasmuch as the French (although by the terms of the existing treaties have no more than a concurrent right with us in the use of what is commonly called the French shore) engross to themselves, and by a superior power on the station enforce their claim to the exclusive right of such shore, we further pray that Your Majesty will be pleased to direct that a sufficient force be supplied to us to restrain the French fishermen and others from exceeding the powers and privileges conferred on them by existing treaties.

Council Chamber, May 31, 1851.

G. S. V. WHITMORE, President.

(No. 202.)

No. 18.

COPY of a DESPATCH from Earl GREY to Governor Sir J. GASPARD
LE MARCHANT.NEW-
FOUNDLAND.

No. 18.

SIR,

Downing Street, July 15, 1851.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 34,* of the 6th ultimo, enclosing an address to the Queen from the Legislative Council of Newfoundland, praying that some assistance in the prosecution of the fisheries may be granted by the Imperial Government.

* Page 175.

I have laid this address before the Queen who was pleased to receive it very graciously, and I am commanded by Her Majesty to refer you to my Despatch, No. 160,* of the 5th of July 1850 as containing an explanation of the views of Her Majesty's Government on this subject.

* Page 174.

Governor Sir J. G. Le Marchant,
&c. &c. &c.

I have, &c.
(Signed) GREY.

No. 19.

No. 19.

EXTRACT of a DESPATCH from Sir JOHN S. PAKINGTON to Governor Sir J.
GASPARD LE MARCHANT, dated June 18, 1852.

The Vice Admiral commanding on the North American station having been ordered to proceed to Newfoundland for the purpose of engaging four schooners which are to be manned from his flag ship, and to be employed, together with a steam sloop, in the protection of the fisheries in the Gulf of St. Lawrence, and off the coasts of Nova Scotia, New Brunswick, and Prince Edward Island, you will avail yourself of the opportunity to confer personally with that officer on the important object of his mission, and afford him all the assistance in your power so as to enable him to fulfil his instructions.

I have to add, that Her Majesty's steam vessel "Janus" has been destined for the service of Newfoundland, and will remain off that island until the 30th September.

You will inform the Chamber of Commerce of the substance of this despatch.

(No. 40.)

No. 20.

No. 20.

COPY of a DESPATCH from Governor Sir GASPARD LE MARCHANT to
Sir JOHN S. PAKINGTON.

Government House, St. John's, Newfoundland,

June 23, 1852.

(Received July 19, 1852.)

SIR,

I HAVE the honour to forward herewith two addresses from the local Legislature of Newfoundland to be laid at the foot of the Throne.

One from the Council and House of Assembly praying that further naval protection may be afforded to the fisheries of the island, and also that the naval commanders on the station may be furnished with such instructions as will cause the terms of the treaties with foreign powers to be observed, and thereby prevent the disastrous results to the colony, which the absence of Imperial protection must inevitably occasion.

The other from the House of Assembly praying that in any arrangement in connexion with the subject of reciprocal free trade between the United States and the British provinces that may be negotiated by Her Majesty's Government the interests of this colony may not be overlooked.

I have &c.

The Right Hon. Sir J. S. Pakington, (Signed) J. G. LE MARCHANT.
&c. &c. &c.

Enclosure 1 in No. 20.

Encl. 1 in No. 20.

To the Queen's most Excellent Majesty.

May it please Your Majesty,

We, Your Majesty's loyal subjects, the Council and House of Assembly of Newfoundland in legislative session convened, beg leave to approach Your Majesty with feelings of profound respect for Your Majesty's Person and Government.

The legislature of this colony has frequently brought under Your Majesty's notice the important subject of our fisheries, and has represented the serious evils to which they were

A a

exposed by the operation of the treaties which give to foreign powers the right of fishing on the coasts of this island. The manner in which these treaties have been infringed by the subjects of France has formed the subject of renewed complaint, and Your Majesty's Government has been repeatedly implored to afford us the protection necessary to guard our rights against such intrusions.

We lament that the favourable consideration to which we humbly submit we had a claim has not hitherto been accorded to our prayers, and we are compelled, by the pressing necessities of our position, to appeal again to the wisdom and justice of Your Majesty.

The French fisheries on this coast are supported by large bounties, which have forced them into great importance; they are accordingly carried on with great vigour, and are steadily increasing from year to year. Our fisheries are wholly self-sustained, and at this serious disadvantage we have been obliged to compete with our rivals in the markets of Europe.

For many years after the peace the produce of the French fisheries was not greater than the requirements of their own home markets, and while this continued we experienced but the loss of the best portions of our fishing coasts. Of late, however, the increasing growth of their operations has given them a large surplus above what the French markets require, and this finds its way into places which formerly were supplied by our produce. From some of our oldest markets we have been driven altogether, and in most of those on which we chiefly rely our interests are weakened to a degree that menaces the foundations of our trade. The evils of this unequal competition have been progressively developing themselves for some years, but in the past season we experienced them in an alarming degree, a large quantity of our fish having been disposed of in the European ports at one half its actual cost.

This amount, with the bounty they receive, is a compensating price to the French, and as their fisheries are annually increasing it is certain that a still larger supply will be forced by them into the markets on which we have to depend, which must necessarily be accompanied by a corresponding decline of British prosperity in this colony.

The consequences of the losses experienced in the past year are now being seriously felt. The merchants are naturally alarmed at the prospect of embarking their means in a trade which seems withering beneath the gigantic influences with which it has to struggle, and they are curtailing their operations as far as possible. A decline of the population must inevitably keep pace with a diminution of the means of employment, and it will be matter of serious reproach if in a colony like this, with inexhaustible resources in its fisheries, the present small population should want for employment, while foreigners are acquiring wealth and importance in prosecuting the like pursuits of industry.

But critical as we have shown our position to be, we regret to add that new causes of embarrassment have lately arisen. Former regulations granted an additional bounty on French fish landed in the first instance at a national port, and thence transhipped. To relieve their trade from the expense of this second lading, and facilitate their fishing interests to the utmost extent, it is stated that a decree has this year been issued by the Government of France which makes the bounty applicable to fish discharged in any transatlantic port direct from the coasts of this island.

We are sensible that Your Majesty's Government cannot directly arrest this evil, however ruinous its results to us, nor do we desire to urge on the attention of Your Majesty the question of treaties which we fear cannot be disturbed, but we humbly submit that when we are so severely injured by the concessions made in those treaties, and by the consequent circumstances we have herein referred to, we have a just claim for protection of the rights which remain to us.

Great as the French competition would be, even if the terms of the treaties were adhered to, the ruinous increase of their rivalry that we now experience is mainly attributable to their daring intrusions on the western coast in search of bait and on the Labrador coast, to which when the fishery has ceased or failed on the French shore they resort in great numbers; and whilst the interests of the subjects of France are carefully guarded throughout the whole season by war steamers, and other armed Government vessels peculiarly suited to the service, we are in effect wholly unprotected, and hence the intrusions to which we refer.

It is true that one of Your Majesty's ships annually visits this island, but her presence which is but for a very short period at the required stations has little, if any, effect in preventing French encroachments, for which purpose a more suitable and continuous force would alone be of any substantial avail.

The question has at length assumed so serious an aspect that the local legislature, out of the small amount at its disposal has appropriated this session a sum of money for the employment of a cruiser with a view to the maintenance of our rights. In the absence of needful aid from the Imperial authorities we deemed ourselves justified in making an effort for the protection of British interest within the limits to which foreigners have no pretence of claim, interests not alone involving the welfare of this colony but of the highest national importance.

We are now, however, concerned to find that Your Majesty's representative in this colony does not deem himself authorized to communicate to the officer in charge the power of seizure for violation of the law, which alone could give full effect to the movement in question.

The reports of Captain Milne, Captain Loch, and other distinguished naval officers of

Your Majesty's naval service, who have been employed on the coasts of this island, point out the inadequacy of the means of protection heretofore employed, and under all circumstances we humbly implore Your Majesty to give directions that two small steamers and one or more small armed vessels may be continuously employed during the fishing season on the southern coasts of this island and in the Straits of Belleisle, and that there be furnished to the commanders of those vessels such instructions as will cause the terms of the treaties with foreign powers to be observed, and thereby prevent those disastrous results to the colony which the absence of imperial protection must inevitably occasion,

Passed the House of Assembly, 28th May 1852.

JOHN KENT, Speaker.

Passed Her Majesty's Council, 7th June 1852.

E. M. ARCHIBALD, President.

Enclosure 2 in No. 20.

Encl. 2 in No. 20.

To the Queen's most Excellent Majesty.

May it please Your Majesty,

We, Your Majesty's loyal subjects, the Commons of Newfoundland in session convened, beg leave to approach Your Majesty with feelings of profound respect for Your Majesty's Person and Government.

We have observed of late years that the neighbouring provinces have made efforts to establish mutual trade relations with the United States of America by the free interchange of their respective products, and Your Majesty's Government have approved of the desires of the provinces in this regard, and have instructed the national representative at Washington to facilitate the accomplishment of the measure in question.

The people of this colony have a strong assurance that beneficial results would flow to them from the establishment of free trade with the United States in articles of the natural produce of both countries, and the increasing competition of the French in the European markets render it a matter of growing necessity that new markets shall be found for the disposal of our produce.

We therefore respectfully pray that in any arrangement in connexion with the subject of reciprocal free trade between the United States and the British provinces that may be negotiated by Your Majesty's Government the claims and interests of this colony may not be overlooked.

Passed the House of Assembly 12th June 1852.

JOHN KENT, Speaker.

(No. 20.)

No. 21.

No. 21.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON to the Officer administering the Government of Newfoundland.

SIR,

Downing Street, August 26, 1852.

I HAVE to acknowledge the receipt of Sir Gaspard Le Marchant's Despatch, No. 40,* of the 23d of June, transmitting two addresses to the Queen, one from the Council and House of Assembly of Newfoundland, praying that further naval protection may be afforded to the fisheries of the island,—the other from the House of Assembly, praying that the interests of the colony may not be overlooked in any arrangement which may be made for the establishment of reciprocal free trade between the United States and the British North American provinces. I have laid these addresses before the Queen, and Her Majesty was pleased to receive them very graciously. With respect to the first address, I have to instruct you to communicate to the Council and House of Assembly the substance of my despatch of the 18th of June last,* which will place the Legislature in possession of the measures adopted by Her Majesty's Government for the due protection of the fisheries on the coasts; and with regard to the second address, you will acquaint the House of Assembly that the subject will receive the serious consideration of Her Majesty's Government.

* Page 177.

* Page 177.

I have, &c.

The Officer administering
the Government of Newfoundland.

(Signed) J. S. PAKINGTON.

(No. 52.)

No. 22.

No. 22.

EXTRACT of a DESPATCH from Governor Sir J. GASPARD LE MARCHANT to the Right Honourable Sir JOHN S. PAKINGTON, Bart., dated Government House St. John's, Newfoundland, July 27, 1852.

(Received August 17, 1852.)

"I HAVE the honour to acquaint you of the arrival on the 20th instant of the Vice-Admiral commanding on the North American station, Sir George

NEW-
FOUNDLAND.

* Page 177.

Seymour, G.C.H., &c., in this harbour; and in accordance with the directions, conveyed in your Despatch No. 13.* of the 18th June, I have had the honour of conferring personally with that officer on the important object of his mission; and every assistance in my power has been afforded him, so that he might gain full and complete information on the best manner of distributing the ships under his command for the efficient protection of the fisheries on the coasts of Newfoundland and Labrador.

"2. I have also much pleasure in acquainting you, that these prompt and energetic measures, which have been adopted by the Home Government for the protection of the fisheries from the aggressions of the French, have been received with the most lively sense of gratitude by the whole community, and more especially by those engaged in the trade of this colony."

No. 23.

(Confidential.)

No. 23.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON to the Officer administering the Government.

SIR,

Downing Street, September 11, 1852.

As it is desirable that Her Majesty's Government should be in possession of exact information as to the number of vessels seized and prosecuted in the Courts of Vice-Admiralty in British North America, and condemned or restored, for infractions of the Convention of 1818 between Great Britain and the United States of America, I have to instruct you to obtain from the Registrar of the Vice-Admiralty Court at Newfoundland, and forward to me with the least possible delay, a Return showing particulars of information similar to that contained in the accompanying Return,* which has recently been received from the Governor of Nova Scotia, and a copy of which I enclose for your information and guidance.

* Page 24.

I am, &c.

The Officer administering
the Government,
&c. &c. &c.

(Signed) JOHN S. PAKINGTON.

No. 22.

(No. 66.)

No. 24.

COPY of a DESPATCH from JAMES CROWDY Esquire to the Right Hon. Sir JOHN S. PAKINGTON.

Government House, Newfoundland,
October 5, 1852.

(Received October 25, 1852.)

SIR,

(Answered, October 5, 1852.)

I HAVE the honour to acknowledge the receipt of your confidential despatch of the 11th ultimo, and to transmit herewith the return therein desired, which shows that no American vessels have been seized and prosecuted in the Vice Admiralty Court of this colony for infraction of the Convention of 1818 between Great Britain and the United States of America.

I have, &c.

The Right Hon. Sir J. S. Pakington.
&c. &c.

(Signed) JAMES CROWDY.

Encl. in No. 24.

Enclosure in No. 24.

Court of Vice Admiralty at St. John's, Newfoundland.

A RETURN of American Vessels seized and prosecuted in this Court for fishing or preparing to fish within British waters from 1817 to 1821: Also a Return of the number of American Vessels seized for violation of the Convention made between the Governments of Great Britain and the United States of America in the year 1818, and prosecuted in this Court, with the dates of their seizure and condemnation or restoration.

Name of Vessel.	Date of Seizure.	Condemnation or Restoration.
Nil.	Nil.	Nil.

Vice Admiralty Office, St. John's,
5th October 1852.

P. W. CARTER,
Registrar.

Correspondence with Public Departments.

Correspondence with Public Departments.

Correspondence
with Public
Departments.

No. 1.

No. 1.

(Private.)

COPY of a LETTER from Lord BATHURST to Viscount MELVILLE.

Downing Street, October 2, 1818.

LORD BATHURST presents his compliments to Lord Melville, and in returning him the enclosed papers relative to the proceedings proper to be adopted with respect to the fishing vessels of the United States brought into Halifax for trial, is desirous of expressing his opinion that it would be most expedient to instruct Sir D. Milne that the proceedings against the vessels in question should be conducted by the Attorney General according to his discretion on all points of law and the form of such proceedings.

Viscount Melville.

No. 2.

No. 2.

COPY of a LETTER from HENRY GOULBURN Esq. to W. HAMILTON Esq.

Downing Street, October 16, 1818.

SIR,

I AM directed by Lord Bathurst to transmit to you the enclosed copies of two letters from Governor Sir Charles Hamilton, dated Newfoundland, 28th August and 7th September last, the former reporting the detention of two American vessels for fishing on the coasts of that colony, and boiling the blubber on the settled parts of that island, and the latter detailing the outrageous conduct of the Master of the United States sloop "Hannah," while in charge of Mr. Waller, Midshipman of His Majesty's ship "Egeria," and I am to request that you will lay the same before the Secretary of State for Foreign Affairs, for his Lordship's information.

I am, &c.

W. Hamilton, Esq.

(Signed) HENRY GOULBURN.

No. 3.

No. 3.

COPY of a LETTER from Earl BATHURST to the LORDS COMMISSIONERS OF THE ADMIRALTY, dated Downing Street, 5th April 1819, transmitting Convention with the United States.—*Vide* Canada Correspondence, Page 5.

No. 4.

No. 4.

COPY of a LETTER from Earl BATHURST to the LORDS COMMISSIONERS OF THE ADMIRALTY, dated Downing Street, 23d June 1819, transmitting Copy of a Despatch addressed to Sir C. Hamilton.—*Vide* Canada Correspondence, Page 4.

No. 5.

No. 5.

COPY of a LETTER from J. W. CROKER Esq. to H. GOULBURN Esq.

Admiralty, 3d July 1819.

MR. CROKER presents his compliments to Mr. Goulburn, and in reference to former communications respecting the American convention, begs to inclose a draft of an order to the admiral on the Halifax station, and to request

Correspondence
with Public
Departments.

Mr. Goulburn will have the goodness to state whether it fulfils the intentions of His Royal Highness the Prince Regent, alluded to in Earl Bathurst's letter to the Admiralty of the 22d of June.

Encl. in No. 5.

Enclosure in No. 5.

By &c.

Referring to the 4th article of our instructions to you of the 10th of April last, transmitting a copy of a convention concluded on the 20th of October 1818 between His Majesty, and the United States of America, with a copy of a letter from Earl Bathurst, containing provisional instructions in regard to the stipulations in the first article of the said convention, relative to the inhabitants of the United States resorting to the fisheries on the coasts and in the neighbourhood of His Majesty's dominions in America, by which provisional instructions we directed you to be guided until further orders should be given by us upon the subject, we now transmit to you a copy of an Act of Parliament which has been passed for the purpose of giving effect to the convention above mentioned, with a copy of an Order in Council issued by His Royal Highness the Prince Regent, in the name and on the behalf of His Majesty, and a copy of a letter which has been addressed by Earl Bathurst to the Governor of the island of Newfoundland, sitting forth the pleasure of His Royal Highness upon certain points connected with the execution of the convention; and we hereby require and direct you, so far as appertains to your command, carefully to attend to the regulations and instructions contained in these several documents, and to cause the same to be strictly observed and complied with by the officers under your orders.

Given under

To Rear Admiral Griffith.

No. 6.

No. 6.

COPY of a LETTER from JOHN BARROW Esq. to HENRY GOULBURN Esq.

SIR,

Admiralty Office, December 23, 1820.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Earl Bathurst, an Extract of a Letter from Vice-Admiral Sir Charles Hamilton relative to the proceedings of the American fishing vessels in the neighbourhood of Newfoundland during the late season.

I am, &c.

To Henry Goulburn, Esq.
Colonial Department.

(Signed) JOHN BARROW.

Encl. in No. 6.

Enclosure in No. 6.

EXTRACT of a Letter from Vice-Admiral Sir CHARLES HAMILTON to J. W. CROKER Esq., dated Saint John's, Newfoundland, October 24, 1820.

"This being the first year of acting on the treaty respecting the American fisheries near this island and its dependencics, and being apprehensive of the misunderstandings and contentions which were likely to occur, determined me to select an officer whose temper and judgment could be relied on, and I therefore despatched Captain Robinson of His Majesty's ship "Favourite" as early as possible, indeed before the Labrador was clear of ice, to guard against disputes which might lead to the most unpleasant consequences, if not guarded against in the first moments of acting on the treaty; and indeed so essential did I conceive these precautions, that I shortly after followed the "Favourite" in His Majesty's sloop "Grasshopper," to communicate with Captain Robinson, which I did at Cape Charles, and being perfectly satisfied with the arrangements and decisions he had made on that coast, I proceeded immediately elsewhere, feeling no necessity for any interference of mine, and there has been only a single instance of complaint of an American vessel having committed any impropriety out of six hundred sail, and that will I trust be settled amicably."

No. 7.

COPY of a LETTER from R. WILMOT HORTON Esq. to J. W. CROKER Esq.

SIR,

Downing Street, May 30, 1827.

I AM directed by Lord Goderich to transmit to you an extract of a despatch from the Earl of Dalhousie, stating that the British fishermen on the shores of Gaspé and in the Gulf of Saint Lawrence are completely overpowered and driven away by the American fishermen; and I am to request that you will lay the same before the Lord High Admiral, acquainting His Royal Highness that Lord Goderich is of opinion it would be very desirable to station another small vessel of war to afford protection to the British fishermen in the Gulf of Saint Lawrence and on the shores of Gaspé.

I am, &c.

J. W. Croker, Esq.
&c. &c. &c.

(Signed) R. W. HORTON.

No. 7.

8 Jan. 1827.

p. 1.

No. 8.

COPY of a LETTER from J. BACKHOUSE Esq. to the Hon. E. G. STANLEY.

SIR,

Foreign Office, December 19, 1827.

I AM directed by the Earl of Dudley to transmit to you the copy of a letter from the Admiralty, forwarding a despatch and its enclosure from Rear-Admiral Sir Charles Ogle, commanding on the North American station, relative to the practice resorted to by American fishermen, of drying and curing their fish on the Magdalen Islands, which practice is stated to have increased of late years to a considerable extent; and I am to request that you will lay the same before Mr. Secretary Huskisson, for his consideration.

I am, &c.

The Hon. E. G. Stanley,
&c. &c. &c.

(Signed) J. BACKHOUSE.

No. 8.

Dec. 17, 1827.

Enclosure in No. 8.

SIR,

Admiralty Office, December 17, 1827.

I AM commanded by H. R. H. the Lord High Admiral to transmit to you, for the information of the Earl of Dudley, copies of a letter and its enclosure from Rear-Admiral Sir Charles Ogle, commanding on the North American station, relative to the practice of American fishermen to dry and cure (technically called making) their fish on the Magdalen Islands; and I am to request that you will observe to Lord Dudley that by former reports the numbers of the Americans engaged in that practice were so trifling that it was not thought necessary to make any representation on the subject to H.M.'s Secretary of State, but that they now appear to be increasing to so great a degree that his Lordship will probably deem it expedient to furnish H. R. H. with instructions for the future guidance of the Admiral.

John Backhouse, Esq.
&c. &c. &c.

I am, &c.
(Signed) JOHN BARROW.

Encl. in No. 8.

Nov. 24, 1827.

SIR,

Hussar, in Halifax Harbour, November 24, 1827.

BE pleased to acquaint H.R.H. the Lord High Admiral that as soon as I could avail myself of the services of the Alligator I directed Captain Canning to proceed into the Gulf of St. Lawrence, to inquire into some complaints made by the sub-collector of the Magdalen Islands, and to ascertain, as the fishing season was nearly over, the state of things in the gulf.

The report of Captain Canning, herewith enclosed, says, that "nearly 400 Americans have dried their fish on the Magdalen Islands this year, paying 10 per cent to the inhabitants, chiefly on goods without duty; and an American man-of-war schooner anchored in the roadstead for two or three days, for the purpose of inspecting their fishermen."

I learn that the Americans consider they have a right to do this, under the terms of the convention of 20th of October 1818, contending that, in the spirit of that convention, the Magdalen Islands are on the southern coast of Newfoundland, and that a previous agreement with their inhabitants is all that is required to make it lawful for them to dry and cure, or, technically speaking, to make their fish thereon.

B b

Correspondence
with Public
Departments.

Upon a reference to the papers left by my predecessors, which have been put into the hands of the officers employed from time to time in the Gulf of St. Lawrence, I observe that this subject was brought under the notice of the Lords of the Admiralty in a letter from Rear-Admiral Fahie, dated the 26th of July 1823, who writes, "I therefore beg to call their Lordships' attention to this construction on the part of the Americans, and indeed the inhabitants of the Magdalen Islands also, that, should it not be admitted by His Majesty's Government, the practice may be stopped in this early stage of it."

As no instructions were sent to the Rear-Admiral in reply, the Americans and the inhabitants of these islands, who designate the practice herein mentioned as one "much to the advantage of the settlers," have continued, reciprocally, to enjoy the benefit of their construction of the convention, until the American vessels have increased from 15 (the number when Rear-Admiral Fahie wrote) to nearly 400, employing upwards of 3,000 men.

Viewing the subject as one of importance, greatly increased by the circumstance of the American fishing vessels in the Gulf of St. Lawrence this year amounting to between 1,600 and 1,700, with crews averaging from seven to ten men, I feel it my duty to bring the same before His Royal Highness, requesting that His Royal Highness will be pleased to favour me with instructions before the commencement of the next fishing season, whether I am to admit the aforesaid construction of the convention, or confine the Americans to *taking fish only on the shores of the Magdalen Islands*.

Although my own opinion is that the Americans have no right to *make* their fish on the Magdalen Islands, yet they have exercised this freedom so long that I do not feel myself authorized to give the captains of the squadron peremptory orders to disturb them, particularly as the Lords of the Admiralty made no reply to the representation of Rear-Admiral Fahie upon the subject.

I am, &c.

CHAS. OGLE,

Rear-Admiral.

J. W. Croker, Esq.
&c. &c. &c.

SIR,

Her Majesty's Ship Alligator, Halifax, November 9, 1827.

IN compliance with your orders, I have the honour to inform you that the night after I left this place I anchored off Canso lighthouse, and the next day visited the lighthouse and the Fox Islands. The Fox Islands I found had been perfectly quiet for some time, and the broils which had taken place seem to have been very much exaggerated, and only to have been such as must always occur in a place where 3,000 men (for that I understand is the number congregated there in the fishing season) of different nations, English, Irish, and French, meet together without any legal authority to control them. The priest who has lately been sent there seems to have great influence, and will I have no doubt be the means of preserving tranquillity. I met the Chebucto as I was coming away, and Captain Potter informed me that they had been perfectly quiet since he had been there. The lighthouse, which I visited the same day, appears to be kept in perfect order, and very clean, by the persons who are intrusted with it; but the light is very bad, and cannot, I should think, be seen far enough, as it consists only of lamps with eight common cotton wicks in each, without any reflectors. There is no register kept at the lighthouse of the American fishing vessels which enter the Gulf of St. Lawrence that can be depended upon, as many pass in the night, and the greater number of those which go to the Labrador go round Cape North; but from the best accounts which I could get there have been from 1,600 to 1,700 in the gulf this year, with crews averaging from seven to ten men. They nearly monopolize the Labrador coast, and have the greater part of the Bradelle and Orphan banks. From Canso I proceeded round Cape Breton, the winds being always westerly, to the Magdalen Islands, calling at Sydney on the way. At the Magdalen Islands I heard great complaints that the French and American fishermen had taken all the best fish away this year, very much to the prejudice of the revenue, although to the advantage of the lawless inhabitants, who thereby receive French and American goods without paying any duty, as the sub-collector has no power of enforcing his demands, which are openly set at defiance, and his own life threatened, whenever he attempts to execute his duty. The civil law in these islands is in perfect abeyance, as there is only one magistrate whose authority is doubtful, as he has, since receiving his warrant, changed his religion to the Roman Catholic, and has been suspended. The only remedy that I can see for these evils would be, the having a small armed vessel frequently to visit the islands during the summer. Nearly 400 Americans have dried their fish on the Magdalen Islands this year, paying ten per cent. to the inhabitants, chiefly in goods without duty; and an American man-of-war schooner anchored in the roadstead for two or three days, for the purpose of inspecting their fishermen. I learnt here that the fishing season is entirely over on the 28th September, that being the day to which all the fishermen are hired, and none continuing above a week after it. I therefore intended to have gone to Pictou from the islands; but, meeting with strong contrary winds and currents, I went to Antigonist, where the court was sitting, and from thence to Port Hood, from whence, after remaining a few days, and finding the season was too far advanced for it to be useful or prudent for me to

remain longer in the gulf, I went to Picton for letters, and came direct from thence to this place. The cruise being over, I return the documents forwarded me by Rear-Admiral Lake; and have, &c.

Correspondence
with Public
Departments

(Signed) W. P. CANNING.

Rear-Admiral Sir Charles Ogle, Baronet.

No. 9.

No. 9.

COPY of a LETTER from the Hon. E. G. STANLEY to J. BACKHOUSE Esq.

SIR,

Downing Street, December 31, 1827.

I HAVE laid before Mr. Secretary Huskisson your letter of the 19th instant, together with its enclosures, relative to the practice resorted to by American fishermen of drying and curing their fish upon the Magdalen Islands, which practice is said to have increased of late years to a considerable extent; and I am directed, in reply, to transmit to you a copy of the Minute of the Lords of the Committee of Privy Council for Trade, dated the 26th of April, and communicated to the Earl of Dalhousie, for his Lordship's information and guidance.

26 April 1827.
Page 2.

The only difficulty appears to be, whether the construction of the treaty claimed by the American fishermen can be admitted or not; and upon this point it might be desirable to be furnished with legal opinion. Although it is hardly possible to imagine that it could have been intended by the Convention of 1818, and by the Act of 59 George 3d. Cap. 38., to give to the Americans the right of *drying* fish upon the Magdalen Islands under the general terms of harbours and creeks on the southern coast of Newfoundland, especially as the same instruments grant to them the right of *taking* fish upon the southern coast of Newfoundland, and "upon the shores of the Magdalen Islands," as contradistinguished from it.

Should the construction claimed by the Americans be judged to be incorrect, Mr. Huskisson would suggest to the Earl of Dudley the expediency of furnishing His Royal Highness the Lord High Admiral with instructions to the naval officers upon the station to co-operate with the civil authorities in repressing these illegal encroachments, and of making at the same time a representation to the Government of the United States, requesting their interference with the American fishermen, and stating the measures to which it will be necessary to have recourse unless an effectual stop is put to such encroachments for the future.

I have, &c.

(Signed) E. G. STANLEY.

J. Backhouse, Esq.
&c. &c. &c.

No. 10.

No. 10.

COPY of a LETTER from J. BACKHOUSE to the Hon. E. G. STANLEY.

SIR,

Foreign Office, January 9, 1828.

WITH reference to your letter of the 31st ultimo, relative to the practice resorted to by American fishermen of drying fish on the Magdalen Islands, I am directed by the Earl of Dudley to transmit to you the copy of a report of His Majesty's Advocate General, upon this subject; and I am to request that you will lay the same before Mr. Secretary Huskisson, for his consideration, and that you will move him to favour Lord Dudley with his opinion thereupon.

Jan. 7, 1828.

I am, &c.

(Signed) J. BACKHOUSE.

The Hon. E. G. Stanley,
&c. &c. &c.

Enclosure in No. 10.

Encl. in No. 10.

MY LORD,

Doctors Commons, January 7, 1828.

I AM honoured with your Lordship's commands signified in Mr. Backhouse's letter of the 3d instant, transmitting a letter and its enclosures from the Admiralty, together with one from the Colonial Office, to which department the letter of the Admiralty has been

Correspondence
with Public
Departments.

referred, relative to the practice resorted to by American fishermen of drying fish on the Magdalen Islands, which practice is stated to have increased of late years to a considerable extent; and your Lordship is pleased to request that I will take the same into consideration, and report my opinion thereupon, especially as to the proper construction of the article of the convention of the 20th October 1818, between Great Britain and the United States, which relates to this subject.

In obedience to your Lordship's commands, I have the honour to report that the treaty of the 20th October 1818 purports to settle differences which had arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbours, and creeks of Her Britannic Majesty's dominions in America, and this claim was founded originally on the asserted enjoyment of that right or privilege by such inhabitants in common with other parts of the British dominions before the separation between the two countries. The treaty acknowledges the right of fishing on the shores of the Magdalen Islands and other specified places; it allows the right of drying fish in any of the unsettled bays, harbours, and creeks of the southern parts of the coast of Newfoundland, declaring "that it shall not be lawful for the said fishermen to "dry or cure fish at such portions as shall become settled, without previous agreement for "such purpose with the inhabitants, proprietors, or possessors of grounds," implying that with such agreement fish might be cured and dried in settled places on the said southern coast of Newfoundland, and, consequently, as it is contended, on the Magdalen Islands, being on the said southern coasts. It does not appear when these islands were settled, though they are described as being in a very rude and uncivilized state. If they had been unsettled at the time of the treaty the right would have been unquestionable; and considering that the privilege has been hitherto allowed, and that a stipulation of that nature in an amicable and declaratory convention ought to be liberally and beneficially interpreted, I think the inference to be drawn from the treaty is, that the concession would extend to the Magdalen Islands. The renunciation of the American Government that follows applies only to places not before enumerated, and consequently not to the Magdalen Islands. So far as the treaty alone is considered, it allows, therefore, I think, that, on agreement with the inhabitants, proprietors, or possessors of the grounds, fish might be cured on the Magdalen Islands under ordinary circumstances. The grievance alleged seems to proceed from the number of American fishing boats resorting to these islands for the purpose of drying fish thereon, and the behaviour of the persons so employed in resisting the regulations of the custom-house, and defying by force the constituted authorities. It is inconsistent, I conceive, with the rights of sovereignty, and with the terms of the treaty, requiring the previous agreement of the inhabitants, proprietors, and possessors of the grounds (with whom the territorial authorities must be identified), that a privilege so limited by treaty should be so exercised; and I am humbly of opinion that the proper redress will be to signify to the American Government the ground of complaint, and to notify that such abuses will be restrained by force, and to employ force accordingly, under and in concert with the local authorities, to repel such abuses. But I think it would not be consistent with a liberal construction of the treaty to exclude American fishermen altogether from drying fish on the islands, so long as the accommodation contemplated in the treaty can be afforded without prejudice to the rights of sovereignty, and the beneficial exercise of those rights, with respect to the existing state and condition of the islands.

The Earl of Dudley,
&c. &c. &c.

I have, &c.
(Signed) CHRIST. ROBINSON.

P.S.—It may be proper to add, that the 59 Geo. 3. Chap. 38., "for carrying into effect the convention of the 20th of October 1818," empowers His Majesty, by Order in Council, to give such directions, orders, or instructions to the Governor of Newfoundland, or to any officer or officers on that station, or to any other person or persons whomsoever, as shall or may be from time to time deemed proper and necessary to the carrying into effect the purposes of the said convention, with relation to the taking, *drying*, and *curing* of fish by the inhabitants of the United States of America, in common with British subjects, within the limits set forth in the convention.

(Signed) C. R.

No. 11.

No. 11.

COPY of a LETTER from J. BARROW Esq. to R. W. HAY Esq.

SIR,

Admiralty Office, 5th December 1829.

7th Nov. 1829.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Secretary Sir George Murray, a copy of a letter from Rear-Admiral Sir Charles Ogle, containing his report on the Newfoundland and North American fisheries during the late season.

R. W. Hay, Esq.

I am, &c.
(Signed) JOHN BARROW.

Enclosure in No. 11.

Correspondence
with Public
Departments.

SIR,

Rose, in Halifax Harbour, November 7, 1829.

I BEG you will be pleased to inform the Lords Commissioners of the Admiralty, that the ships under my orders have returned from their respective stations, and their commanders report that the fisheries generally have been carried on without interruption.

On the coasts of Newfoundland and Labrador abundance of fish has been caught, but the market has not afforded a remunerating price to the fishermen, which I fear will occasion much distress during the winter.

Although the treaties have been strictly enforced, the most conciliatory manner has been observed in performing this service.

The Governor of St. Pierre and the Commodore of the French squadron (consisting of the vessels as per margin) have paid every attention to the representations made to them, when the French fishermen have in the least exceeded their limits.

The American fishermen on the coasts of Newfoundland and Labrador in the Gulf of St. Lawrence and Bay of Fundy are greatly reduced in numbers, in consequence of the low price of fish, whilst the English fishermen in some parts, particularly in the Bay of Fundy, have increased, owing to the encouragement given to them by the provincial Government.

No American vessel of war has appeared on this station for the last two years.

I am, &c.

(Signed) CHAS. OGLE, Rear-Admiral and Commander-in-Chief.

Right Hon. J. W. Croker.

Encl. in No. 11.

	Guns.
Hebe	- 28
* Brig	- 12
* Schooner	- 8

* Names not known.

No. 12.

No. 12.

COPY of a LETTER from J. BACKHOUSE Esq. to JAMES STEPHEN Esq.

SIR,

Foreign Office, February 13, 1836.

I AM directed by Viscount Palmerston to transmit to you the accompanying copy of a despatch from His Majesty's Charge d'Affaires at Washington, enclosing copies of a despatch and its enclosures from the Governor-in-Chief of Canada, together with the copy of a note which Mr. Bankhead has addressed to the Secretary of State of the United States upon the subject of the encroachments which have been made by American fishermen in the River and Gulf of St. Lawrence on the limits prescribed by the convention of 1818 for the regulation of the fisheries; and I am to request that in laying these papers before Lord Glenelg you will state to his Lordship that it does not appear to Lord Palmerston that the Government of the United States can have any adequate means of preventing the encroachments of the American fishermen above referred to, and that his Lordship is of opinion that the only way in which the British rights of fishing can be effectually maintained is by the presence of a British ship of war, with instructions to enforce the stipulations of the 1st article of the convention of 1818.

I am, &c.

(Signed) J. BACKHOUSE.

James Stephen, Esq.
&c. &c. &c.

5.

Enclosure in No. 12.

Encl. in No. 12.

MY LORD,

Washington, January 13, 1836.

I RECEIVED on the 5th instant a despatch from the Earl of Gosford, His Majesty's Governor-in-Chief of Canada, enclosing letters from the collectors of customs at Quebec and Gaspé, who complain of encroachments which have been made for some time by American fishermen in the River and Gulf of St. Lawrence on the limits prescribed by the convention of 1818 for the regulation of the fisheries.

I have the honour to transmit to your Lordship copies of these letters, together with a note which I addressed on the 7th instant to the Secretary of State of the United States upon the subject of them.

It will be almost impossible for this Government to control these fishermen, or to induce them to confine themselves to the boundaries allotted to them by the convention; and I think that the measure adopted by Lord Gosford, of communicating the circumstances to the admiral on the Halifax station, with a view of sending a cruiser to the fishing grounds during the season, will be the only means by which these encroachments can be avoided for the future.

I have, &c.

(Signed) CHARLES BANKHEAD.

Viscount Palmerston, K.B.
&c. &c. &c.

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4.

Correspondence
with Public
Departments.

SIR,

Castle of St. Lewis, Quebec, December 26, 1835.

HAVING received complaints of encroachments by the fishermen of the United States on the limits of the British fisheries carried on in the River and Gulf of St. Lawrence, and of the injury thereby occasioned to the British merchants and others engaged in that pursuit, I conceive it to be my duty to transmit, for your information, the enclosed copies of communications made to me by the officers of customs here and at Gaspé upon this subject.

I beg leave at the same time to observe that I have forwarded similar copies to His Majesty's Vice-Admiral commanding on this station.

Charles Bankhead, Esq.
&c. &c. &c.

I have, &c.
(Signed) GOSFORD.

MAY IT PLEASE YOUR EXCELLENCY,

Customs, Quebec, November 9, 1836.

WE have the honour to transmit, for your Excellency's information, copy of a letter just received from the sub-collector of this department at Gaspé, with reference to certain complaints made against the United States fishermen for encroachment on the limits and otherwise injuring the British fisheries carried on in the Gulf of St. Lawrence, in order that your Excellency may take such measures therein as in the circumstances of the case may appear to your Excellency.

His Excellency the Earl of Gosford,
&c. &c. &c.

We have, &c.
(Signed) HENRY JESSOPP, Collector.
CHAS. G. STEWART, Comptroller.

GENTLEMEN,

Custom House, Gaspé, September 12, 1835.

I BEG leave to acquaint you, that for several years past numerous complaints have been made by those who carry on the fisheries on the shores of the River and Gulf of the Saint Lawrence against American fishermen who frequent the fishing banks for having from time to time encroached their limits, to the serious injury and prejudice of the British merchants or "planters," who have much capital involved in that precarious pursuit.

The circumstance of immense numbers of United States fishing smacks forming a line and ranging themselves on the banks where the cod fish chiefly resort has been often referred to as a principal cause why the fisheries have visibly retrograded, inasmuch as the *waste* which is thrown overboard in the process of curing deters the fish from seeking food at their former summer resorts; but as the convention made in 1818, and ratified by the Statute 59 Geo. 3. Cap. 38., secures to the Republican Government of the United States certain privileges and limits, our merchants have suffered this obstruction without complaint.

The United States fishermen have not however remained content with the great indulgence afforded them by the treaty, but under numerous pretexts approach our shores, in direct violation of its restrictions, and for several years past have had the temerity to take bait even on our beaches; but in order to elucidate and convey some idea in what manner their infringements can so materially affect the success of our fisheries, it may be desirable to explain in brief terms the nature of the process itself, as practised here.

At the commencement of the fishing, early in May, an abundant supply of caplin and herring are obtained for bait, and when the influx of these cease, mackerel make their appearance, and our fishermen, by putting out nets or moorings, have, until lately, been amply supplied with that fish as a substitute, to bait their hooks. But the United States fishermen having adopted a new system of mackerel fishing, by feeding them under their vessels (large schooners of about 100 tons, and generally fifteen to twenty men), not only take immense quantities, but by their proximity to the shores entertain the fish from being taken in the nets; and it is now become an universal practice with them, to intrude wherever they please, without reference to any given law or restriction; and I have detected, with various success, several of their vessels under such circumstances.

On a recent voyage in the custom-house boat down the bay of Gaspé, I met three large schooners fishing mackerel between our shores and the fishing barges, not two miles from land, and remonstrated with the master of one (the Bethel of Province Town). They were all in the act of fishing, and although I advised the said master to go off, he declined doing so, offering nothing in vindication but scurrilous contempt; and my means were inadequate to enforce any measures of redress.

As each succeeding year renders the foregoing evils more manifest, coupled with reiterated complaints by the merchants engaged in the trade here, and carrying on fishing, I have considered it my duty respectfully to crave your attention to the case, begging, in behalf of our enterprising settlers, that you will be pleased to lay the same before the Vice-Admiral Commander-in-Chief at Halifax.

For several years after my appointment to this survey, we were favoured with at least annual visits of His Majesty's cruisers (and particularly during the commands of Admirals Griffith and Sir Charles Ogle), and a knowledge of their presence or vicinity was a salutary and efficient protection to the Gaspé fisheries; but for some time past scarce any ship of war has called here.

It is unnecessary to remark that the basin of Gaspé (a harbour which may rank almost the first in His Majesty's dominions) affords safe and convenient anchorage, easy of access, and capable of entertaining any ship of His Majesty's navy; and if the Commander-in-Chief would be pleased to direct a cruiser to be stationed during the summer months between Port Misco and the entrance of the River Saint Lawrence, or as far as the island of Anticosti (including Gaspé Bay), our fisheries would be very materially benefited, and a deserving community protected in their pursuits.

In offering the foregoing imperfect detail I do so as a duty devolving on me in my public capacity, with a hope that I may be excused, and under a conviction that the Vice-Admiral Commander-in-Chief will be pleased to take the case into his high consideration, the whole of which is nevertheless most respectfully submitted by,

Gentlemen,

Your most obedient servant,
(Signed) D. M'CONNELL, Sub-Collector.

The Collector and Comptroller,
H.M.'s Customs, Quebec.

Correspondence
with Public
Departments.

Washington, January 6, 1836.

THE undersigned, &c. has the honour to transmit to the Secretary of State of the United States the copy of a letter which he has received from the Earl of Gosford, His Majesty's Governor-in-Chief of Canada, enclosing letters from the officers of the customs at Quebec and at Gaspé, in which serious complaints are preferred against fishermen of the United States for encroaching on the limits of the British fisheries carried on in the River and Gulf of Saint Lawrence. These encroachments have occasioned great injury to the British merchants and others engaged in connexion with those pursuits; and, moreover, they are entirely at variance with the restrictions imposed by the convention which was concluded in the year 1818 for regulating the fisheries carried on by the two nations.

The undersigned begs leave to call Mr. Forsyth's attention to the repeated acts of irregularity committed by the fishermen from the United States, detailed in the letter from the sub-collector of customs at Gaspé; and he confidently hopes that measures will be taken to prevent their recurrence, and do away with the possibility of collision taking place on the spot, which might arise, should these fishermen persist in encroaching upon forbidden ground.

The Hon. John Forsyth,
&c. &c. &c.

The undersigned, &c.
(Signed) CHARLES BANKHEAD.

No. 13.

No. 13.

COPY of a LETTER from J. BACKHOUSE Esq. to JAMES STEPHEN Esq.

SIR, Foreign Office, February 20, 1836.

I AM directed by Viscount Palmerston to transmit to you, with reference to my letter of the 13th instant, the copy of a despatch from His Majesty's Chargé d'Affairs at Washington, enclosing the answer of the American Secretary of State to the representation made to him by Mr. Bankhead upon the encroachments of American fishermen on the limits secured by the convention of 1818 exclusively to British fishermen; and I am to request that you will lay this letter before Lord Glenelg, for his Lordship's information.

No. 11., Jan. 21,
1836.

I am, &c.

James Stephen, Esq.
&c. &c. &c.

(Signed) J. BACKHOUSE.

Enclosure 1 in No. 13.

Encl. 1 in No. 13.

MY LORD,

Washington, January 21, 1836.

IN reference to my Despatch, No. 5., of the 13th instant, transmitting to your Lordships the copy of a note which I addressed to the Secretary of State of the United States, in consequence of complaints which were made to me by His Majesty's Governor-in-Chief of Canada, of encroachments by the Americans on the limits secured by the convention of 1818 to British fishermen, I have now the honour to enclose to your Lordship the copy of a note which I received in answer from Mr. Forsyth.

I forwarded this note yesterday to Lord Gosford in a letter, a copy of which I likewise enclose.

I am very happy to perceive the prompt and friendly manner in which the President has taken up my complaint, and the measure which he has adopted for preventing any future encroachment on the British fishing grounds.

I have, &c.
(Signed) CHARLES BANKHEAD.

The Viscount Palmerston, K.B.,
&c. &c. &c.

Correspondence
with Public
Departments.

Department of State, Washington,
January 18, 1836.

THE undersigned, &c., has the honour to acknowledge the note addressed to him on the 6th instant by Mr. Bankhead, &c., with its enclosures, complaining of encroachments by the fishermen of the United States on the limits secured by the convention of 1818 exclusively to British fishermen. Though the complaint thus preferred speaks of these encroachments as having been made from time to time, only one is specifically stated, viz., that of the schooner *Bethel* of Province Town. But the President, desirous of avoiding just ground of complaint on the part of the British Government on this subject, and preventing the injuries which might result to American fishermen from trespassing on the acknowledged British fishing grounds, has, without waiting for an examination of the general complaint, or into that respecting the *Bethel*, directed the Secretary of the Treasury to instruct the collectors to inform the masters, owners, and others engaged in the fisheries that complaints have been made, and to enjoin upon those persons a strict observance of the limits assigned for taking, drying, and curing fish by the American fishermen under the convention of 1818.

The undersigned avails himself, &c.

(Signed) JOHN FORSYTH.

Charles Bankhead, Esq.,
&c. &c. &c.

Encl. 2 in No. 13.

Enclosure 2 in No. 13.

MY LORD,

Washington, January 20, 1836.

ON the receipt of your Excellency's letter of the 26th ultimo, complaining of encroachments on the part of American fishermen in the Gulf of St. Lawrence, I lost no time in addressing a note to the Secretary of State of the United States upon the subject.

I have the honour to transmit to your Excellency a copy of my note, together with the answer which I received thereto, and which I trust will be satisfactory to your Lordships, inasmuch as it affords a proof of the desire of the American Government, as far as they can, to restrain their fishermen from exceeding the limits prescribed to them by the convention of 1818.

I cannot but think, however, that the presence of one of His Majesty's cruisers at the proper season would be more effectual than anything else to keep these fishermen within bounds.

The Earl of Gosford,
&c. &c.

I have, &c.
(Signed) CHARLES BANKHEAD.

No. 14.

No. 14.

COPY of a LETTER from J. BACKHOUSE Esq. to JAMES STEPHEN Esq.

SIR,

Foreign Office, March 5, 1836.

I AM directed by Viscount Palmerston to transmit to you, for the information of Lord Glenelg, with reference to my letter of the 20th ultimo, the copy of a despatch from His Majesty's Chargé d'Affaires at Washington, enclosing the copy of an instruction from the Secretary of the Treasury of the United States to the collectors of customs, relative to the encroachments of American fishermen upon the limits assigned to the subjects of His Majesty by the convention of 1818.

James Stephen, Esq.
&c. &c.

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

Mr. Bankhead,
No. 18.

Encl. in No. 14.

Enclosure in No. 14.

MY LORD,

Washington, February 5, 1836.

I HAVE the honour to transmit to your Lordship, in reference to my despatch, No. 12., of the 21st ultimo, the copy of an instruction which has been issued by the Secretary of the Treasury to the collectors of customs, directing them to warn the masters of fishing vessels from encroaching upon the limits assigned exclusively for the subjects of His Majesty by the convention of 1818.

This document was printed in the Government newspaper.

Viscount Palmerston,
&c. &c. &c.

I have, &c.
(Signed) CHARLES BANKHEAD.

CIRCULAR INSTRUCTIONS to Officers of the Customs residing in Collection Districts where Vessels are licensed for Employment in the Fisheries of the United States.

Correspondence
with Public
Departments.

Treasury Department, January 21, 1836.

Representations have been made to our Government through the Chargé d'Affaires of His Britannic Majesty, of encroachments by the American fishermen upon the fishing grounds secured exclusively to British fishermen by the convention between the United States and Great Britain bearing date the 20th day of October 1818.

The President being desirous of avoiding any just cause of dissatisfaction on the part of the British Government on this subject, and with a view of preventing the injury which might result to the American fishermen from trespassing upon the acknowledged British fishing grounds, directs that you will inform the masters, owners, and others employed in the fisheries in your district of the foregoing complaints; and that they be enjoined to observe strictly the limits assigned for taking, drying, and curing fish by the fishermen of the United States, under the convention before stated.

In order that persons engaged in the fisheries may be furnished with the necessary information, the first article of the convention containing the provisions upon this subject is annexed to this circular.

(Signed) LEVI WOODBURY,
Secretary of the Treasury.

No. 15.

No. 15.

COPY of a LETTER from JAMES STEPHEN, Esq., to Sir JOHN BARROW.

SIR, Downing Street, March 8, 1836.

I AM directed by Lord Glenelg to transmit to you herewith, for the consideration of the Lords Commissioners of the Admiralty, copies of three letters from the Foreign Office, covering communications from Mr. Bankhead, the Chargé d'Affaires at Washington, relative to the encroachments of American fishermen on the British fishing grounds in the Gulf and River of St. Lawrence. From the enclosure to Mr. Backhouse's letters of the 20th ultimo and 5th instant, their Lordships will perceive that the Central Government of the United States has taken such steps as are in its power for repressing these encroachments; but it seems probable that no prohibitions will be entirely effectual, unless the British fishermen be protected by the presence of some armed vessel. I am, therefore, to desire that you will bring the enclosed documents under the consideration of the Lords Commissioners of the Admiralty, and move their Lordships to instruct the Admiral commanding on the station to take all necessary measures for enforcing the observance of the 1st Article of the Convention of 1818; but you will, at the same time, observe to their Lordships, that Lord Glenelg is strongly impressed with the propriety of enjoining on the officer who may be despatched on this service, the greatest caution and forbearance in the exercise of his authority, and the indispensable necessity of avoiding any resort to force so long as there shall remain a possibility of protecting the British fishermen by less extreme measures. It will also be expedient that he should be desired, immediately on his arrival on the station, to put himself in communication with the Government of Lower Canada.

February 13, 1836.
February 20.
March 5.
pp. 189, 191, 192.

Sir John Barrow,
&c. &c.

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

No. 16.

No. 16.

COPY of a LETTER from JAMES STEPHEN, Esq., to J. BACKHOUSE, Esq.

SIR, Downing Street, July 11, 1837.

I AM directed by Lord Glenelg to transmit to you herewith, for the consideration of Viscount Palmerston, the copy of a Despatch* from the Lieutenant-Governor of Nova Scotia, enclosing a report drawn up by a Committee of the Provincial Assembly, on the subject of the fisheries in the Gulf of St. Lawrence and on the coasts of Newfoundland. I am to request that, in laying this report before Lord Palmerston, you will convey to his Lordship Lord Glenelg's opinion that if the complaint of the Assembly of Nova Scotia should appear to be founded on a correct understanding of the international rights of this Kingdom and of the United States of America, the intervention of Her Majesty's Government ought to be employed for the protection of the British subjects engaged in this fishery against the encroachments of the citizens of the United States.

* Page 31.

J. Backhouse, Esq.
&c. &c.

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

Correspondence
with Public
Departments.

No. 17.

COPY of a LETTER from JAMES STEPHEN, Esq., to J. BACKHOUSE, Esq.

No. 17.

SIR,

Downing Street, May 10, 1838.

No. 16, March 26.

I AM directed by Lord Glenelg to transmit to you herewith, for the consideration of Viscount Palmerston, the copy of a Despatch from Sir Colin Campbell, enclosing an address from the Legislative Council and House of Assembly of Nova Scotia, on the subject of the encroachments of citizens of the United States on the fishing grounds reserved by Treaty to British subjects.

Lord Palmerston is aware that these encroachments have, on several previous occasions, formed a subject of complaint to the British Government; and it appears to Lord Glenelg that no effectual steps can be taken to repress them except by stationing armed vessels in the vicinity of the fishing grounds, as is suggested by the Legislature of Nova Scotia. But before issuing any instructions of this nature to the Lords Commissioners of the Admiralty, Lord Glenelg is anxious to be favoured with Viscount Palmerston's opinion on the subject, and more especially as to whether it is probable that a representation to the United States Government would have any effect in checking the encroachments and violence of the American fishermen.

J. Backhouse, Esq.
&c. &c.

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

No. 18.

No. 18.

COPY of a LETTER from Lord GLENELG to the LORDS COMMISSIONERS of the ADMIRALTY.

MY LORDS,

Downing Street, September 29, 1838.

COMPLAINTS having been made by the Legislature of Nova Scotia of the serious injury inflicted on British fishermen as well as on the revenue of that and the adjoining colonies, by the habitual violation, on the part of American citizens, of the Treaty subsisting between Great Britain and the United States on the subject of the fisheries, Her Majesty's Government have determined to station some small armed vessels in the vicinity of the fishing grounds, in order to protect British interests from the encroachments complained of; I have accordingly received the Queen's commands to signify to your Lordships Her Majesty's pleasure that measures be immediately taken for stationing on the coast of Nova Scotia some small armed vessels for this service.

The Commanders of those vessels should be cautioned to take care that, while supporting the rights of British subjects, they do not themselves overstep the bounds of the Treaty.

I have, &c.
(Signed) GLENELG.

The Lords Commissioners of the Admiralty,
&c. &c. &c.

No. 19.

No. 19.

COPY of a LETTER from JAMES STEPHEN, Esq., to the Hon. W. F. STRANGWAYS.

SIR,

Downing Street, September 29, 1838.

* Page 36.

I HAVE laid before Lord Glenelg your letter of the 13th instant* on the subject of the representations made by the Legislature of Nova Scotia relative to the habitual violation by American citizens of the Treaties subsisting between Great Britain and the United States with regard to the fisheries, and enclosing the draft of an instruction which Lord Palmerston proposes to address to Her Majesty's Minister at Washington for the purpose of inviting the co-operation of the Central Government in putting a stop to those encroachments.

I am directed to acquaint you in answer, for the information of Lord Palmerston, that Lord Glenelg entirely concurs in the propriety of that instruction.

Correspondence
with Public
Departments.

transmitting at the same time a letter from Lord Glenelg, dated 29th September, to my Lords, signifying the Queen's commands, that measures be immediately taken for stationing on the coast of Nova Scotia some small armed vessels to protect the fisheries from the interruptions and irregular proceedings of the United States fishermen; and I am to acquaint you, that as it appears that Sir Charles Paget has ordered two ships of war, the "Pearl" and "Charybdis," for this service in the present season, their Lordships would request to be informed by Lord Glenelg the periods at which the fishing season commences and ends in each year, that they may make preparations in due time for carrying Her Majesty's commands into effect.

James Stephen, Esq.,
&c. &c.

I have, &c.
(Signed) JOHN BARROW.

No. 23.

No. 23.

COPY of a LETTER from J. BACKHOUSE, Esq., to JAMES STEPHEN, Esq.

SIR, Foreign Office, October 18, 1838.
I AM directed by Viscount Palmerston to acknowledge the receipt of your letter of the 12th instant, together with a copy of a Despatch from the Earl of Durham relative to an outrage which had been committed by an American fishing schooner on a British vessel wrecked off the coast of Prince Edward Island, and to the measures which had been adopted by His Lordship and by Sir Charles Fitzroy on that occasion. I am also directed to acquaint you, for the information of Lord Glenelg, that Lord Palmerston concurs in the propriety of conveying to Lord Durham the approval of Her Majesty's Government of his proceedings in this matter.

I am to add that your letter, together with its enclosure above-mentioned, have been referred to Her Majesty's Advocate General for his opinion as to the steps which it may be proper to take against the parties who have committed the outrage in question.

James Stephen, Esq.,
&c. &c.

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

No. 24.

No. 24.

COPY of a LETTER from Sir JOHN BARROW to JAMES STEPHEN, Esq.

SIR, Admiralty, October 27, 1838.
I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Lord Glenelg, the accompanying copy of a letter which has been addressed to Vice Admiral the Honourable Sir Charles Paget, Commander-in-Chief on the West Indian and North American Station, directing him to order a small vessel to proceed to the coast of Nova Scotia and another to Prince Edward Island to protect the fisheries against the encroachments of the Americans so soon as the fishing season shall commence.

James Stephen, Esq.,
&c. &c.

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

Encl. in No. 24.

Enclosure in No. 24.

SIR, Admiralty, October 26, 1838.
I AM commanded by my Lords Commissioners of the Admiralty to signify their direction to you to order a small vessel to proceed to the coast of Nova Scotia, and another to Prince Edward Island, to protect the fisheries against the encroachments of the Americans, so soon as the fishing season shall commence, and to desire that the Commanders of these vessels may be cautioned to take care, that while supporting the rights of British subjects, they do not themselves overstep the bounds of the Treaty subsisting between Great Britain and the United States on the subject of the fisheries.

Vice Admiral Hon. Sir C. Paget, G.C.A.
&c. &c. &c.

I have, &c.
(Signed) JOHN BARROW.

No. 25.

Correspondence
with Public
Departments.

COPY of a LETTER from JAMES STEPHEN, Esq., to Sir JOHN BARROW.

SIR,

Downing Street, November 3, 1838.

WITH reference to your Letter of the 12th ultimo, I am directed by Lord Glenelg to transmit to you for the information of the Lords Commissioners of the Admiralty the enclosed copy of a letter from Mr. Crane, a Member of the Executive Council and House of Assembly of New Brunswick, whom Lord Glenelg requested to state the period when the fishing season commences and ends off the coast of Nova Scotia.

No. 25.
October 20, 1838.Sir J. Barrow, Bart.,
&c. &c.I have, &c.
(Signed) J. STEPHEN.

Enclosure in No. 25.

Encl. in No. 25.

MY LORD,

202, Piccadilly, October 20, 1838.

I HAVE to acknowledge receipt of Mr. Stephen's letter of the 16th instant, informing me that your Lordship is desirous of learning the usual time of the commencement and termination of the fisheries of Nova Scotia. In reply to which I have the honour to state for your Lordship's information, that preparation for the coast fisheries usually begins in April, and by the 1st of May it may be considered to have fully commenced, and generally terminates in all the month of October. The fisheries on the banks of Newfoundland, the straits of Northumberland, and the coast of the Labrador commences about one month later, and generally terminates at an earlier period than those on the coast of Nova Scotia, the Bay of Fundy, &c.

I have, &c.
(Signed) WILLIAM CRANE.

No. 26.

No. 26.

COPY of a LETTER from JAMES STEPHEN, Esq., to J. BACKHOUSE, Esq.

SIR,

Downing Street, June 7, 1839.

I AM directed by the Marquess of Normanby to transmit to you herewith, for the information of Viscount Palmerston, the copy of a Despatch from Sir J. Harvey accompanied by a Report from a Committee of the Assembly of New Brunswick, relative to the encroachments of American fishermen on the British fishing ground; I am at the same time to state, that Lord Normanby has requested the Lords Commissioners of the Admiralty to issue such instructions to the officer in command of Her Majesty's ships on the North American station, as shall secure to Her Majesty's subjects the enjoyment of the rights and privileges in respect to fishing grounds guaranteed to them by the treaties subsisting between Great Britain and the United States.

March 19, 1839.

* Page 107.

J. Backhouse, Esq.,
&c. &c.I have, &c.
(Signed) J. STEPHEN.

No. 27.

No. 27.

COPY of a LETTER from JAMES STEPHEN, Esq., to Sir JOHN BARROW.

SIR,

Downing Street, June 7, 1839.

I AM directed by the Marquess of Normanby to transmit to you herewith the copy of a Despatch from the Lieutenant-Governor of New Brunswick accompanied by a Report from a Committee of the Assembly of that Province, relative to the encroachments of American fishermen on the fishing ground of Her Majesty's subjects. In laying these documents before the Lords Commissioners of the Admiralty, I am to desire that you will request their Lordships to issue such instructions to the officer in command of Her Majesty's ships on the North American station as shall secure Her Majesty's subjects in the enjoyment of the rights and privileges in regard to fishing ground guaranteed to them by the treaties subsisting between this country and the United States.

March 19, 1839.

* Page 107.

Sir J. Barrow, Bart.,
&c. &c.I have, &c.
(Signed) J. STEPHEN.

Correspondence
with Public
Departments.

No. 28.

COPY of a LETTER from JAMES STEPHEN, Esq., to J. BACKHOUSE, Esq.

No. 28.

SIR,

May 13, 1840.

No. 24, April 11,
1840.

I AM directed by Lord John Russell to transmit to you the copy of a Despatch from the Lieutenant-Governor of Nova Scotia, enclosing an address to Her Majesty from the House of Assembly on the subject of the continued encroachments of American fishermen on the fishing grounds of the Province and the adjoining Colonies; and I am to request that you will move Viscount Palmerston to take such measures as may appear to him to be requisite on this address.

* Page 43.

J. Backhouse, Esq.,
&c. &c.

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

No. 29.

No. 29.

COPY of a LETTER from JAMES STEPHEN, Esq., to Sir JOHN BARROW.

SIR,

Downing Street, May 30, 1840.

No. 97, April 30,
1840.

I AM directed by Lord John Russell to transmit to you, for the consideration of the Lords Commissioners of the Admiralty, the copy of a Despatch from the Governor-General of British North America, enclosing a memorial from Mr. Etienne Labadie, representing the ill treatment to which British fishermen on the coast of Labrador are exposed from foreign fishing vessels; and I am to request that you will move their Lordships to take such steps as may be necessary for the protection of Her Majesty's subjects engaged in this trade.

* Page 15.

Sir John Barrow, Bart.
&c. &c.

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

No. 30.

No. 30.

COPY of a LETTER from J. STEPHEN, Esq., to Sir JOHN BARROW.

SIR,

Downing Street, December 4, 1840.

14 Oct. 1840.

* Page 169.

I AM directed by Lord John Russell to transmit to you the enclosed extract of a Despatch* from the Governor of Newfoundland, reporting the inadequacy of the naval protection at present afforded to the fisheries of that island, and suggesting that at least two of Her Majesty's vessels should be employed on that service; and I am to request that in laying this Despatch before the Lords Commissioners of the Admiralty you will move their Lordships to favour Lord John Russell with their opinion as to the propriety of complying with Governor Prescott's recommendation.

Sir John Barrow,
&c. &c.

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

No. 31.

No. 31.

COPY of a LETTER from Sir JOHN BARROW to JAMES STEPHEN, Esq.

SIR,

Admiralty, December 8, 1840.

Page 169.

HAVING laid before my Lords Commissioners of the Admiralty your Letter of the 4th instant, transmitting an extract of a Despatch* from the Governor of Newfoundland, reporting the inadequacy of the naval protection at present afforded to the fisheries of that island; I am commanded by their Lordships to acquaint you, for the information of Lord John Russell, that directions have been forwarded to Vice-Admiral Sir Thomas Harvey to send two ships for the protection of those fisheries, if they can be spared.

James Stephen, Esq.,
&c. &c.

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

No. 32.

Correspondence
with Public
Departments.

COPY of a LETTER from JAMES STEPHEN, Esq., to J. BACKHOUSE, Esq.

SIR,

Downing Street, February 4, 1841.

WITH reference to my Letters of the 4th December and 23d ultimo, I am directed by Lord John Russell to transmit to you, for the information of Viscount Palmerston, copy of a Despatch from the Governor of Newfoundland, reporting that he had made every effort in his power, though ineffectually, to secure due protection for the fisheries of that island.

I have, &c.

J. Backhouse, Esq.,
&c. &c.

(Signed) J. STEPHEN.

No. 32.

No. 79, Dec. 28,
1840.

* Page 169.

No. 33.

No. 33.

COPY of a LETTER from JAMES STEPHEN, Esq., to Lord LEVESON.

MY LORD,

Downing Street, April 12, 1841.

I HAVE laid before Lord John Russell your Lordship's Letter of the 2d instant*, with the note which accompanied it from the Minister of the United States of America at this Court, respecting the proceedings of the authorities of Nova Scotia towards the vessels and citizens of the United States engaged in fishing on the coasts of that province.

I am to acquaint you in answer, for the information of Viscount Palmerston, that copies of these papers will be forwarded to Viscount Falkland, with instructions to inquire into the allegations made by Mr. Stevenson, and to furnish a detailed report on the subject.

I have, &c.

Lord Leveson, Foreign Office,
&c. &c. &c.

(Signed) J. STEPHEN.

* Page 45.

No. 34.

No. 34.

COPY of a LETTER from JAMES STEPHEN, Esq., to J. BACKHOUSE, Esq.

SIR,

Downing Street, April 16, 1841.

I AM directed by Lord John Russell to transmit to you the enclosed copy of a Despatch from the Lieutenant-Governor of Nova Scotia, transmitting the copy of an address from the Legislative Council of that province, objecting to one of the regulations for the protection of the fisheries, proposed for Her Majesty's sanction by the House of Assembly in the Session of 1840; and I am to request that you will lay this Despatch before Viscount Palmerston, with reference to my Letter of the 13th of May last, and move his Lordship to favour Lord John Russell with his opinion on the subject.

I have, &c.

J. Backhouse, Esq.,
&c. &c.

(Signed) J. STEPHEN.

No. 50, March 18,
1841.

* Page 44.

No. 35.

No. 35.

COPY of a LETTER from JAMES STEPHEN, Esq., to J. BACKHOUSE, Esq.

SIR,

Downing Street, May 25, 1841.

I AM directed by Lord John Russell to transmit to you herewith the copy of a Despatch from the Lieutenant-Governor of Nova Scotia, enclosing the copy of a Report of a Committee of the House of Assembly on the fisheries of the Province; and I am to request that you will lay these papers before Viscount Palmerston, and move his Lordship to take such measures as the case may seem to require.

With reference to the allusion in Lord Falkland's Despatch to the inadequacy of the naval protection to the fisheries of Newfoundland, Lord John Russell requests that you will inform Viscount Palmerston, that, upon a requisition from this office, the Lords Commissioners of the Admiralty have instructed Vice-Admiral Sir Thomas Harvey to send two ships for the protection of those fisheries, if they can be spared.

I have, &c.

J. Backhouse, Esq.,
&c. &c.

(Signed) J. STEPHEN.

No. 69, April 28.

* Page 47.

No. 36.

Correspondence
with Public
Departments.

COPY of a LETTER from JAMES STEPHEN, Esq., to J. BACKHOUSE, Esq.

SIR,

Downing Street, June 18, 1841.

No. 36.

WITH reference to my Letter to Lord Leveson of the 12th of April, in answer to a communication from his Lordship, enclosing the remonstrance of the Minister for the United States against certain proceedings of the colonial authorities of Nova Scotia towards American citizens engaged in the fisheries on the coasts of that province, I am directed by Lord John Russell to transmit to you, for the information of Viscount Palmerston, the copy of a Despatch, with enclosures, from Viscount Falkland, containing answers to the statements of the American Minister on this subject.

I have, &c.

(Signed) J. STEPHEN.

J. Backhouse, Esq.,
&c. &c.No. 75, May 8,
1841.

* Page 50.

No. 37.

No. 37.

COPY of a LETTER from VISCOUNT CANNING to JAMES STEPHEN, Esq.

SIR,

Foreign Office, September 7, 1841.

WITH reference to your Letters of the 13th of May 1840, and of the 16th of April and 25th of May 1841, relating to questions connected with the encroachments of American fishermen on the fisheries of Nova Scotia and the adjacent colonies, and also with reference to Lord Leveson's letter of the 2d of April last, and to your letters of the 12th of April and 18th of June last, respecting the complaint of the American Minister at this court with regard to the proceedings of the authorities of Nova Scotia towards vessels and citizens of the United States, I am directed by the Earl of Aberdeen to transmit to you, for the information and consideration of Lord Stanley, the accompanying copy of a Report of Her Majesty's law officers upon the questions referred to in the above-mentioned papers.

I have, &c.

(Signed) CANNING.

James Stephen, Esq.,
&c. &c.For the law offi-
cers, August 30,
1841. p. 60.

No. 38.

No. 38.

COPY of a LETTER from JAMES STEPHEN, Esq., to J. S. LEFEVRE, Esq.

SIR,

Downing Street, January 25, 1843.

I AM directed by Lord Stanley 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 Governor of Newfoundland, enclosing a representation from the Chamber of Commerce in that colony, complaining of the high duty imposed by the recent tariff of the United States on fish caught in the British possessions.

I have, &c.

(Signed) J. STEPHEN.

J. S. Lefevre, Esq.
&c. &c.No. 45, Dec. 27,
1842.

Vide page 171.

No. 39.

No. 39.

COPY of a LETTER from J. MACGREGOR, Esq., to JAMES STEPHEN, Esq.

SIR,

Office of Committee of Privy Council for Trade,

Whitehall, January 28, 1843.

I HAVE laid before the Lords of the Committee of Privy Council for Trade your letter of the 25th instant transmitting copy of a Despatch from the Governor of Newfoundland, enclosing a representation from the Chamber of Commerce in that colony, complaining of the high duty imposed by the recent tariff of the United States on fish caught in the British possessions; and I am directed to acquaint you, for the information of Lord Stanley, that, however much my Lords may regret the imposition of this duty, they do not see in what mode they could interfere with the Government of the United States.

I have, &c.

(Signed) J. MACGREGOR.

James Stephen, Esq.,
&c. &c.

No. 40.

Correspondence
with Public
Departments.

No. 40.

COPY of a LETTER from JAMES STEPHEN, Esq., to Sir JOHN BARROW.

SIR,

Downing Street, May 23, 1843.

I AM directed by Lord Stanley to transmit to you herewith the copy of a Despatch from the Lieutenant-Governor of Prince Edward Island, enclosing a joint address to the Queen from the Legislative Council and Assembly, praying Her Majesty to cause an armed steam-vessel to be stationed off the island every season to protect the local fisheries from the encroachments of the Americans; and I am to request that you would lay this application before the Lords Commissioners of the Admiralty, and move their Lordships to inform Lord Stanley whether the means at their disposal would enable them to comply with it without neglecting other and yet more urgent demands on Her Majesty's naval forces.

80. April 17, 1843.
* Page 141.Sir J. Barrow, Bart.,
&c. &c.I have, &c.
(Signed) J. STEPHEN.

No. 41.

No. 41.

COPY of a LETTER from Sir JOHN BARROW to JAMES STEPHEN, Esq.

SIR,

Admiralty, May 26, 1843.

HAVING laid before my Lords Commissioners of the Admiralty your Letter of the 23d instant, enclosing the copy of a Despatch from the Lieut.-Governor of Prince Edward Island, and requesting that Lord Stanley may be informed whether the means which their Lordships have at their disposal would enable them to comply with the application for an armed steam-vessel, to be stationed off the island, every season, to protect the local fisheries from the encroachments of the Americans, without neglecting other and yet more urgent demands on Her Majesty's naval forces, I am commanded by their Lordships to state, for the information of Lord Stanley, that the present reduced peace establishment of the navy will not allow of my Lords appropriating a steam-vessel of war (the most expensive description of vessel of war) for the service of Prince Edward Island and its fisheries.

The protection of the fisheries generally from American or other encroachments in the Gulf of St. Lawrence and other parts of the North American Station, is one of the duties principally pressed upon the Naval Commander-in-Chief in those seas, in his instructions; and if the Lieut.-Governor of Prince Edward Island will communicate with the Admiral, who is so close to him as at Halifax, the Admiral will, no doubt, in conformity with his instructions, afford to Prince Edward Island and its fisheries such protection as the force at his disposal, and the other equally important calls for the presence of ships of war, may admit of.

James Stephen, Esq.,
Colonial Office.I have, &c.,
(Signed) JOHN BARROW.

No. 42.

No. 42.

COPY of a LETTER from JAMES STEPHEN, Esq., to H. U. ADDINGTON, Esq.

SIR,

Downing Street, August 31, 1843.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 21st instant,* transmitting the copy of a note, with enclosures, from Mr. Everett, the American Minister at this Court, complaining of the seizure on the 10th of last May, on the coast of Nova Scotia, by an Officer of the Provincial Customs, of the American fishing schooner "Washington," for

* Page 62.

Correspondence
with Public
Departments.

an alleged infraction of the stipulations of the Convention of the 20th of October 1818, between Great Britain and the United States; and I am to acquaint you, for the information of the Earl of Aberdeen, that Lord Stanley will desire the Lieut.-Governor of Nova Scotia to make a full report of the circumstances which have led to the seizure of this vessel. The result of that reference will be duly communicated to Lord Aberdeen.

H. U. Addington, Esq.,
&c. &c.

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

No. 43.

No. 43.

COPY of a LETTER from JAMES STEPHEN, Esq., to Sir JOHN BARROW.

SIR,

Downing Street, September 26, 1843.

I AM directed by Lord Stanley to transmit to you the Copy of a Despatch from the Governor of Newfoundland, enclosing a memorial addressed to him by the Chamber of Commerce at St. John, praying for additional naval protection to the fisheries of the colony; and I am to request that you would submit this application to the Lords Commissioners of the Admiralty, and move their Lordships to state, whether, consistently with the other demands on the force at their disposal, it would be practicable for them to accede to the request of the Chamber of Commerce.

Sir John Barrow, Bart.

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

No. 44.

No. 44.

COPY of a LETTER from Sir JOHN BARROW to JAMES STEPHEN, Esq.

SIR,

Admiralty, September 30, 1843.

IN return to your Letter of the 26th instant, with its enclosure from the Governor of Newfoundland, addressed to him by the Chamber of Commerce of the City of Newfoundland, praying for additional naval protection to the fisheries of that colony, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of Lord Stanley, that copies of the same have been sent to the Commander-in-Chief of Her Majesty's ships and vessels on the North American and West India station, with instructions to him to take such measures as may be in his power to afford the protection sought for.

James Stephen, Esq.,
&c. &c.

I have, &c.
(Signed) JOHN BARROW.

No. 45.

No. 45.

COPY of a LETTER from JAMES STEPHEN, Esq., to H. U. ADDINGTON, Esq.

SIR,

Downing Street, November 7, 1843.

WITH reference to my Letter of the 31st of last August, stating that an inquiry would be instituted into the complaint preferred by the American Minister at this Court of the seizure in the month of May of an American fishing schooner, named the "Washington," by an officer of the Custom House of Nova Scotia, for an alleged infraction of the Convention of 1818, between Great Britain and the United States, I am directed by Lord Stanley to transmit to you, for the information of the Earl of Aberdeen, the copy of a Despatch

which has been received by the last mail from the Lieutenant-Governor of Nova Scotia, with two enclosures, reporting the circumstances connected with the seizure and condemnation of the vessel in question.

Correspondence
with Public
Departments.

H. U. Addington, Esq.,
&c. &c.

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

No. 46.

No. 46.

COPY of a LETTER from JAMES STEPHEN, Esq., to Sir JOHN BARROW.

SIR,

Downing Street, May 28, 1844.

I AM directed by Lord Stanley to transmit to you, for the information of the Lords Commissioners of the Admiralty, the copy of a Despatch from the Lieutenant-Governor of New Brunswick, with an address which has been presented to him by the House of Assembly in that province, praying for his interposition with Her Majesty's Government for the establishment of an armed vessel in the Bay of Fundy during the fishing season, to prevent the infringement of existing treaties by foreigners; and I am to request that you would move their Lordships to inform Lord Stanley whether the application in question can be complied with.

18. April 10. 1844.
Page 110.

Sir John Barrow, Bart.,
&c. &c.

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

No. 47.

No. 47.

COPY of a LETTER from Sir JOHN BARROW to JAMES STEPHEN, Esq.

SIR,

Admiralty, May 29, 1844.

HAVING laid before my Lords Commissioners of the Admiralty your Letter of the 28th instant, with its enclosure, relative to the establishment of an armed vessel in the Bay of Fundy, during the fishing season, to prevent the infringement of existing treaties by foreigners, I am commanded by their Lordships to acquaint you, for the information of Lord Stanley, that copies of your letter and its enclosure have been sent to Vice-Admiral Sir C. Adam, who will attend to the requisition, as far as the means of the station will enable him.

James Stephen, Esq.

I am, &c.,
(Signed) JOHN BARROW.

No. 48.

No. 48.

COPY of a LETTER from JAMES STEPHEN, Esq., to H. U. ADDINGTON, Esq.

SIR,

Downing Street, October 7, 1844.

WITH reference to your Letter of the 20th July on the subject of the seizure of the American fishing vessel, the "Washington," by a vessel belonging to Nova Scotia, and the proposal of the Earl of Aberdeen for relaxing the rule which has hitherto been applied to American vessels found fishing in the Bay of Fundy, I am directed by Lord Stanley to transmit to you herewith the copy of a Despatch, with an enclosure, from the Lieutenant-Governor of Nova Scotia, signifying his opinion that, provided the distance within which American fishermen must not approach be decided to be three miles from a line drawn from headland to headland, and that no further pretensions be raised in consequence by the United States, the proposed concession to that country might be granted by Her Majesty's Government.

271. September 17.
page 70.

Lord Stanley requests that you would direct the special attention of Lord Aberdeen to the suggestion offered by the Lieutenant-Governor, that, if this

Correspondence
with Public
Departments.

concession be made, the opportunity be taken to urge upon the Government of the United States the immediate reduction of the duties imposed by that country upon the produce of the provincial fisheries.

H. U. Addington, Esq.,
&c. &c.

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

No. 49.

No. 49.

COPY of a LETTER from JAMES STEPHEN, Esq., to Captain W. A. B. HAMILTON.

SIR,

Downing Street, April 30, 1845.

March 30, 1845.
Page 111.

By the direction of Lord Stanley, I herewith transmit to you the copy of a Despatch which his Lordship has addressed to the Lieut.-Governors of New Brunswick and Nova Scotia, apprising them that by an arrangement entered into between Her Majesty's Government and the Government of the United States of America, American citizens will be henceforward allowed to fish in any part of the Bay of Fundy, provided they do not approach (except in the cases specified in the Treaty of 1818) within three miles of the entrance of any bay on the coast of Nova Scotia or New Brunswick.

Lord Stanley directs me to request that you would move the Lords Commissioners of the Admiralty to communicate to Her Majesty's naval officers on the North American station, for their information and guidance, the fact that such arrangements have been made with the Government of the United States, and that such instructions have been given to the Lieut.-Governors of Nova Scotia and New Brunswick.

Captain W. A. B. Hamilton,
&c. &c.

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

No. 50.

No. 50.

COPY of a LETTER from JAMES STEPHEN, Esq., to H. U. ADDINGTON, Esq.

SIR,

Downing Street, July 11, 1845.

Page 81.

WITH reference to your Letter of the 8th of May*, I am directed by Lord Stanley to transmit to you, for the information of the Earl of Aberdeen, copies of Despatches from the Lieut.-Governors of Nova Scotia and New Brunswick, upon the question which had been proposed to them in consequence of your letter above-mentioned, whether they had any objections to offer to the contemplated relaxation in the construction of the Treaty of the 20th October 1814, between Great Britain and the United States of America, in regard to the rights of fishing on the coasts of Nova Scotia and New Brunswick.

324. June 17, 1845.
Page 87.

48. June 13, 1845.
Page 112.

H. U. Addington, Esq.,
&c. &c.

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

No. 51.

No. 51.

COPY of a LETTER from J. STEPHEN, Esq., to Captain W. A. B. HAMILTON.

SIR,

Downing Street, July 11, 1845.

24. April 22, 1845.
Page 111.

48. June 13, 1845.
Page 112.

I AM directed by Lord Stanley to transmit to you, for the consideration of the Lords Commissioners of the Admiralty, the enclosed extract and copy of Despatches from the Lieut.-Governor of New Brunswick, recommending that a small vessel of war should be stationed in the Bay of Fundy during the season, for the protection of the British fishery.

Captain Hamilton,
&c. &c.

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

No. 52.

Correspondence
with Public
Departments.

No. 52.

COPY of a LETTER from Captain W. A. B. HAMILTON to JAMES STEPHEN, Esq.

SIR,

Admiralty, July 17, 1845.

WITH reference to your Letter of the 11th instant, and its enclosures, relative to the employment of a small vessel of war in the Bay of Fundy during the season, to protect the British fisheries, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of Lord Stanley, that copies of your said Letter and its enclosures have been forwarded to the Admiral commanding on the North American and West India stations, with directions to him to take such steps in the matter as may be in his power, and as he may think best to meet the wishes expressed.

James Stephen, Esq.,
&c. &c.I have, &c.,
(Signed) W. A. B. HAMILTON.

No. 53.

No. 53.

COPY of a LETTER from G. W. HOPE, Esq., to H. U. ADDINGTON, Esq.

SIR,

Downing Street, August 8, 1845.

LORD STANLEY having communicated to the Lieut.-Governors of Nova Scotia and New Brunswick your Letter of the 8th of last May, upon the question of extending to the whole of the coasts of the British possessions in North America included within the Treaty of the 20th October 1818, the same liberality to the fishing vessels of the United States as Her Majesty's Government have recently thought fit to apply to the Bay of Fundy; and instructed those officers to report their objections, if they had any, to the contemplated relaxation of that Treaty; I am directed by his Lordship to transmit to you, for the consideration of the Earl of Aberdeen, the copies of Despatches, with their enclosures, which have been received from the Lieut.-Governors of New Brunswick and Nova Scotia, in answer to those references.

50. New Brunswick,
Jun. 21, 1845, p. 118.
331. Nova Scotia,
July 2, 1845, p. 87.

I am to add Lord Stanley's opinion, that the views of the Governors of the two colonies deprecating the proposed concession deserve serious consideration, and, at all events, that if it be made, some equivalent should be obtained from the Government of the United States for the British colonial interests, which, there is reason to apprehend, will suffer very materially in their fisheries from this measure.

H U. Addington, Esq.,
&c. &c. &c.I have, &c.,
(Signed) G. W. HOPE.

No. 54.

No. 54.

COPY of a LETTER from JAMES STEPHEN, Esq., to H. U. ADDINGTON, Esq.

SIR,

Downing Street, September 30, 1845.

I AM directed by Lord Stanley to transmit to you, for the consideration of the Earl of Aberdeen, the copy of a Despatch from the Lieut.-Governor of New Brunswick, enclosing a communication from a member of the Legislative Council, and also the President of the Chamber of Commerce in that province, suggesting that, in consideration of the permission granted to the inhabitants of the United States to fish in the Bay of Fundy, the Government of that country should be requested to reduce the duties now levied on the importation into it of fish, and fish-oil, the produce of the British colonial fisheries. I am, at the same time, to request that you would direct the attention of Lord Aberdeen to the Despatches from the Lieut.-Governors of Nova Scotia and New Brunswick, which were transmitted to you in my letter of the 8th ultimo, in which similar suggestions to the present were offered for the consideration of Her Majesty's Government; and I am to state that Lord Stanley would be

81. August 29.
Page 119.

Correspondence
with Public
Departments.

glad to be informed whether Lord Aberdeen would entertain any objection to an attempt being made to obtain a reduction in these duties, if the Lords of the Committee of Privy Council for Trade should be of opinion that the interests of the British trade require it. If there be no such objection on international grounds Lord Stanley proposes to consult their Lordships on the question.

H. U. Addington, Esq.,
& c. & c.

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

No. 55.

No. 55.

COPY of a LETTER from H. G. WARD, Esq. to HERMAN MERIVALE, Esq.

SIR,

Admiralty, July 14, 1848.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Grey, a copy of a letter from the Registrar of the Vice-Admiralty Court at Halifax, dated the 20th ultimo, relative to the international arrangements between Great Britain and the United States with regard to the British fisheries on the coast of Nova Scotia; and I am to request that you will move Earl Grey to inform their Lordships whether any arrangement with regard to the fisheries has been made since that adverted to in the letter from the Under Secretary of State for the colonies dated the 30th April 1845.*

* Page 204.

Herman Merivale, Esq.

I am, &c.
(Signed) H. G. WARD.

Encl. in No. 55.

Enclosure in No. 55.

Registrar of the Court of Vice-Admiralty at Halifax,
June 20, 1848.

SIR,

I AM directed by the honourable and worshipful the judge of this court to state, that amongst the documents forwarded from the Admiralty to his worship none have been received relative to the international arrangements between Great Britain and the United States of America with regard to the British fisheries.

I am also directed to state, that an American schooner has recently been seized by a provincial armed vessel for fishing on the coast of this province in violation of the regulations made by His late Majesty in Council on June 15, 1836, for enforcing the convention entered into between the United States and Great Britain, and that when the colonial attorney-general, who as well as the Queen's advocate is authorized by those regulations to enforce them in this court, applied for process against the said schooner, he intimated that the general right of foreigners to fish in the Bay of Fundy, within which she was seized, might come under the consideration of the court in this case.

I am also directed to state, that by command of his worship I applied to the colonial Government, and have obtained a copy of these regulations, and the order enforcing them, and they are filed in the registry.

His worship the judge is under the impression that some recent concession in respect to fishing in the Bay of Fundy and the Gut of Canso, by the citizens of the United States, has been made by Her Majesty's Government; and if there be any record thereof, such as may be made public, used by the parties, and judicially considered, it is desirable that an official transcript of such record should be filed in this registry; the honourable and worshipful the judge has therefore directed me respectfully to solicit the attention of the Right Honourable the Lords Commissioners of the Admiralty to the subject, inasmuch as Her Majesty's steamer Vesuvius having been ordered by the admiral to protect the fisheries, seizures may be made by her, and condemnations may occur, which may become the subject of international controversy, in which case it is essential that the judgment of this court should be unimpeachable.

I have, &c.
(Signed) SCOTT TREMAIN,
Registrar.

To the Secretary of the Admiralty.

No. 56.

No. 56.

COPY of a LETTER from HERMAN MERIVALE, Esq., to H. G. WARD, Esq.

SIR,

Downing Street, August 4, 1848.

WITH reference to the inquiry contained in your Letter of the 14th ultimo, whether any arrangements had been made with regard to the fisheries on the coast of Nova Scotia since the date of the letter from this office of the 30th

April, 1845, I am directed by Earl Grey to transmit to you, for the information of the Lords Commissioners of the Admiralty, the accompanying copy of a Despatch addressed by Lord Stanley to the Lieutenant-Governor of Nova Scotia, dated the 17th September 1845, explaining the views of Her Majesty's Government with respect to the fisheries in British North America.

Correspondence with Public Departments.

247. Sept. 17, 1845. Page 91.

I have, &c.,
 (Signed) H. MERIVALE.
 H. G. Ward, Esq., &c. &c.

No. 57.

No. 57.

COPY of a LETTER from HERMAN MERIVALE, Esq., to H. U. ADDINGTON, Esq.
 Downing Street, May 15, 1849.

SIR, I AM directed by Earl Grey to transmit to you the copy of a Despatch from the Governor of Newfoundland, enclosing the copy of an address presented to him by the House of Assembly of that colony, requesting to be furnished with information respecting the bounties and drawbacks given by the French and American Governments in support of their fisheries on the coast of Newfoundland.

14. April 10, 1849. Page 172.

As it has been ascertained that the Board of Trade does not possess the information required by the House of Assembly, I am to request that you would move Viscount Palmerston to instruct Her Majesty's Ministers at Paris and Washington to procure the same, and forward it to this country.

I have, &c.,
 (Signed) H. MERIVALE.
 H. U. Addington, Esq., &c. &c.

No. 58.

No. 58.

COPY of a LETTER from H. U. ADDINGTON, Esq., to HERMAN MERIVALE, Esq.
 Foreign Office, June 21, 1849.

WITH reference to your Letter of the 15th ultimo requesting that Her Majesty's representatives at Paris and Washington might be instructed to procure and transmit to this country information respecting the bounties and drawbacks given by the French and American Governments in support of their fisheries on the coast of Newfoundland, I am directed by Viscount Palmerston to transmit to you herewith, for the information of Earl Grey, a copy of a return which has been received from Her Majesty's Ambassador at Paris, showing the nature and amount of the bounties granted by the French Government in support of the French trade in cod-fish, and stating the amount which was paid on account of such bounties in the years 1844, 1845, and 1846.

I have, &c.,
 (Signed) H. U. ADDINGTON.
 Herman Merivale, Esq., &c. &c.

Enclosure in No. 58.

Encl. in No. 58.

PÊCHE DE LA MORUE.

PRIMES ET ENCOURAGEMENTS ACCORDÉS À CETTE PÊCHE.

1^o. *Primes d'Armement.*

Indication de la Nature des Armements.	Taux de la Prime alloué par Hommes d'Equipage lorsque la condition du minimum d'équipage déterminé par les Règlements a été remplie.
	<i>Frs.</i>
Armements pour la Pêche, soit à la Côte de Terre-neuve, soit à St. Pierre et Miquelon, soit sur le grand Banc de Terre-neuve (avec sécherie)	50.
Armements pour la Pêche, sans sécherie, dans les mers d'Islande	50.
Armements pour la Pêche, sans sécherie, sur le grand Banc de Terre-neuve	30.
Armements pour la Pêche à Dogger's Bank	15.

Correspondence
with Public
Departments.

2°. Primes à l'exportation des Produits de Pêche.

Nature des Exportations.	Taux de la Prime par 100 Kilog.
Morues sèches de Pêche Française, expédiées directement des Côtes de Terre-neuve et de St. Pierre et de Miquelon, ou extraites des Entrepôts de France, et importées aux Colonies Françaises	<i>Frs.</i> 22
Morues sèches, exportées des Ports de France, sans y avoir été entreposées, à destination des Colonies Françaises	16
Morues sèches, expédiées soit directement des lieux de Pêche, soit des Ports de France, et importées soit dans les Ports Etrangers de la Mer des Antilles ou de l'Amérique, sur les Côtes de l'Océan Atlantique, par les Ports où il existe un Consul Français, soit en Espagne et en Portugal, dans les Etats Etrangers sur les Côtes de la Méditerranée et de l'Algérie	18
Morues sèches expédiées soit directement des lieux de Pêche, soit des Ports de France, et importées dans les Ports d'Italie	12
Morues sèches importées en Espagne par terre	10

3°. Primes à l'importation sur les Produits de Pêche.

Nature des Importations.	Taux de la Prime par 100 Kilog.
Roques de Morue que les Navires Pêcheurs rapporteront en France du Produit de leur Pêche	<i>Frs.</i> 20

Montant des Primes payées pendant les années 1844, 1845, et 1846.

Années.	Primes d'Armement.	Primes pour l'exportation des Morues à toute destination.	Primes pour l'importation des Roques de Morue.	Total	Observations.
	<i>Frs.</i>	<i>Frs.</i>	<i>Frs.</i>	<i>Frs.</i>	
1844	517,370	3,559,468	2,422	4,079,260	
1845	533,615	4,221,504	10,526	4,765,645	
1846	558,110	3,903,910	19,511	4,481,531	

4°. Sels employés pour la Pêche de la Morue.

1°. Affranchissement de tout droit sur les sels Français et les sels des Colonies Françaises employés à la Pêche de la Morue.

2°. Affranchissement de tout droit sur les sels Etrangers employés à la Pêche de la Morue dans les mers d'Islande.

3°. Paiement d'un droit de 50 centimes par 100 kilogrammes sur les sels étrangers affectés à la Pêche de la Merue à Terre Neuve et à St. Pierre et Miquelon.

5°.

Affranchissement de tout droit de sortie pour tous les objets d'avitaillement des navires Pêcheurs, et pour les Ustensiles de Pêche.

No. 59.

No. 59.

COPY of a LETTER from H. U. ADDINGTON, Esq., to HERMAN MERIVALE, Esq.

SIR,

Foreign Office, July 17, 1849.

WITH reference to your Letter of the 15th of May, requesting that Her Majesty's representatives at Paris and Washington might be instructed to procure and transmit to this country information respecting the bounties and drawbacks allowed by France and the United States in support of their fisheries on the coast of Newfoundland, I am directed by Viscount Palmerston to transmit to you, for the information of Earl Grey, a copy of the answer on this subject, which has been received from Her Majesty's chargé d'affaires at Washington.

I have, &c.

Herman Merivale, Esq.,
&c. &c.

(Signed) H. U. ADDINGTON.

Encl. in No. 59.

Enclosure in No. 59.

SIR,

Treasury Department, Washington, June 14, 1849.

I HAVE the pleasure of inclosing to you a statement respecting our cod fisheries; you will perceive that we have no returns to enable us to designate our fisheries as to where the vessels were employed.

I have, &c.

John F. Crampton, Esq.,
&c. &c.

(Signed) MC CLINTOCK YOUNG,
Chief Clerk.

A STATEMENT exhibiting the amount of bounties on salted fish exported, and of allowances to vessels employed in the bank and cod fisheries, annually, for the years ending 30th of June 1844, 1845, 1846, 1847, and 1848.

Correspondence
with Public
Departments.

Years ending	Payments for bounties on pickled fish exported.		Payments for allowances to vessels employed in the bank and cod fisheries.	
	Dollars.	Cents.	Dollars.	Cents.
30th June 1844	6,663	60	249,074	25
„ 1845	4,174	20	289,840	7
„ 1846	5,540	60	274,942	98
„ 1847	6,488	20	276,429	38
„ 1848	747	80	243,432	23

Treasury Department, Registrar's Office,
June 6, 1849.

(Signed) ALLEN A. HALL,
Registrar.

TONNAGE of vessels enrolled and licensed for the mackerel and cod fisheries from 1844 to 1848 inclusive.

Years ending	Mackerel fishery.	Cod fishery.	Rate of allowance to vessels in the cod fishery.	
	Tons.	Tons.	Dollars.	Cents.
30th June 1844	16,171	75,179	If 5 tons and not above 30 tons, per ton	- 3 50
„ 1845	21,413	69,826	If above 30 tons, per ton	- 4 0
„ 1846	36,463	72,516	If above 30 tons and having a crew of ten persons, and employed at sea for 3½ months at least, but less than 4 months	} 4 0
„ 1847	31,451	70,178		
„ 1848	43,539	82,632	Allowance to any vessel not to exceed.	- 360 0

Treasury Department, Registrar's Office,
June 6, 1849.

(Signed) ALLEN A. HALL,
Registrar.

MACKEREL FISHERY.

The Act of 24th February 1828 authorizes the issuing of licences to vessels for carrying on the mackerel fishery, subject to the provisions of the Act of the 18th of February 1793, entitled, "An Act for enrolling and licensing ships or vessels employed in the coasting trade and fisheries, and for regulating the same."

The Act of the 20th April 1836 provides, that vessels employed in the mackerel fishery shall not be liable to the penalties and forfeitures imposed by the 5th and 32d sections of the Act of 1793, in consequence of any such vessel, whilst licensed as aforesaid, having been engaged in catching cod or fish of any other description whatever: provided however, that this Act shall not be deemed or considered as authorizing or entitling the owner or owners of any vessel licensed for the mackerel fishery to receive the bounty allowed by law to vessels employed in the cod fishery.

No. 60.

No. 60.

COPY of a LETTER from HERMAN MERIVALE, Esq., to G. R. PORTER, Esq.

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 Lieut.-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

E e

June 12, 1849.
Page 148.

Correspondence
with Public
Departments.

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 has 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 8th May 1845*; meaning, apparently, "not more than" the double of three miles).

* Page 81.

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 coasts, 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 Governors 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 measured not more than six miles from headland to headland; and the Governors 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.

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 into the British North American Provinces 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.

G. R. Porter, Esq.,
&c. &c.

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

No. 61.

COPY of a LETTER from G. R. PORTER, Esq., to B. HAWES, Esq.

No. 61.

Office of Committee of Privy Council for Trade,
Whitehall, August 8, 1849.

SIR,

I AM directed by the Lords of the Committee of Privy Council for Trade to acknowledge the receipt of your Letter of the 4th instant, transmitting a petition to Her Majesty from the Legislative Council and House of Assembly of Prince Edward Island, praying a relaxation or suspension of the Treaty existing between this country and the United States regulating the fisheries about that island; and I am to state to you in reply, that my Lords are most anxious to promote by every means in their power the freest commercial intercourse between Her Majesty's possessions in North America and the United States, and that as a question of trade, my Lords see no objection to the relaxation of the restrictions now imposed on the use of our fisheries forming a part of any arrangement which may affect so desirable an object.

It appears, however, to my Lords, that important political questions are involved in the whole of this subject, and I am to express the readiness of the President of this Committee to communicate with Earl Grey thereon.

I have, &c.

B. Hawes, Esq.
&c. &c.

(Signed) G. R. PORTER.

No. 62.

No. 62.

COPY of a LETTER from T. F. ELLIOT, Esq., to T. U. ADDINGTON, Esq.

SIR,

Downing Street, September 24, 1849.

WITH reference to my Letter of the 17th instant*, I am directed by Earl Grey to transmit to you, for the information of Viscount Palmerston, copies of two Despatches from the Lieutenant-Governor of Nova Scotia, in the former of which is enclosed a copy of the proceedings of the Conference of Delegates held at Halifax on the 3d and 4th instant, on the subject of the commercial affairs of the British North American Provinces, and in the latter a report of the Committee of the House of Assembly of Nova Scotia on the subject of the fisheries of that province.

With regard to the latter, Lord Grey thinks it right to call Lord Palmerston's attention to the evidence it affords of the difficulty of enforcing against the fishermen of the United States the exclusive rights of fishery which have been reserved to British subjects on the coasts of the British provinces in America, and of the fact that the sympathy of the inhabitants of these provinces is excited in favour of the fishermen of the United States, who are prosecuted for the infringement of these exclusive rights.

H. U. Addington, Esq.,
&c. &c.

(Signed) T. F. ELLIOT.

* Page 208.

139. Sept. 7, 1849.140. Sept. 7, 1849.Pages 94, 95.

No. 63.

COPY of a LETTER from J. PARKER, Esq., to T. F. ELLIOT, Esq.

No. 63.

SIR,

Admiralty, October 24, 1849.

HAVING laid before my Lords Commissioners of the Admiralty your Letter of the 9th instant, with its enclosures, from the Governor of Newfoundland, requesting their Lordships' opinion as to the propriety of adopting the plan of employing small steamers and swift row-boats to protect the fisheries on the coasts of that island from the encroachments of the French, and to prevent the illegal traffic in bait; I am commanded by their Lordships to acquaint you, that the Report of Vice-Admiral the Earl of Dundonald on the Newfoundland fisheries was forwarded to the Colonial Office on the 25th September.

Correspondence
with Public
Departments.

My Lords desire me to state, for the information of Earl Grey, that they concur in the opinion expressed by Governor Le Marchant, that a different description of force would be more effective for the purpose of checking the smuggling between foreign vessels and the shore, and the traffic in bait, which now goes on to a great extent; but whether it would be expedient to enforce the prohibition of selling bait appears to my Lords to be rather a question for the Colonial Office than for them.

The force sent to the colony for the protection of the fisheries appears to be sufficient to protect them from any foreign force, and would be necessary, to a certain extent, in any case. This protection being provided, it would seem that any expense incurred for the purposes advocated by Sir G. Le Marchant would more justly be charged to the colony than to the naval department.

T. F. Elliot, Esq.,
Colonial Office.

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

No. 64.

No. 64.

COPY of a LETTER from Captain W. A. B. HAMILTON to HERMAN MERIVALE, Esq.

Str, Admiralty, December 29, 1849.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Grey, a copy of a report on the Newfoundland fisheries, by Capt. Warren, of Her Majesty's ship "Trincomalee," dated the 25th of September last.

H. Merivale, Esq.,
&c. &c.

(Signed) I have, &c.
W. A. B. HAMILTON.

Enclosure in No. 64.

Encl. in No. 64.

MY LORD, H.M. Ship "Trincomalee," Halifax, September 25, 1849.

AGREEABLY to your Lordship's directions, I subjoin a Report on the Newfoundland fisheries, that came under my notice, extending from Cape Race westward to Cape Raye, and from thence northward and eastward through the Straits of Belleisle, commencing with Trepassey, the first station to the westward of Cape Race.

Vice Admiral the Right Hon.
The Earl of Dundonald, G.C.B.,
Commander-in-Chief.

(Signed) I have, &c.
RICHARD L. WARREN,
Captain.

Trepassey—is at the head of the Bay of that name, running up E.N.E. nine miles from Cape Pine; it has about eighty inhabitants, who employ six or eight schooners, boats of from twelve to fifteen tons each, their average take of cod fish is 3,000 quintals or cwts.

Saint Mary's and Placentia.—Saint Mary's is situated eight miles up the Bay of Saint Mary's, which is formed by Cape Pine and Cape Saint Mary's; Placentia is thirty miles round Cape Saint Mary's, which forms the west entrance of Placentia Bay. Placentia is the largest settlement on the south side of Newfoundland, and, together with Saint Mary's, has a population of 6,500; they employ in cod fishing 800 boats and small schooners, and the average quantity of fish taken is 40,000 quintals; they also make 40,000 gallons of cod oil, the price the fishermen are paid is nominally 11s. per quintal, but the payments are entirely in goods and provisions; the cod oil is worth about 2s. a gallon. The houses of Sweetman and Co., and of Murphy and Rundle, have agents here; the fish are exported principally to Europe, a small quantity to Saint John's. The population is increasing slightly; there are about 2,200 acres of land in cultivation in this district.

Burin.—On the north side of the Bay of Placentia, the Burin Islands form with the main land a well sheltered harbour, and there is here a very considerable settlement, principally on Great Burin Island; but the inhabitants, to the number of 1,900, are scattered about in the vicinity, as most convenient for carrying on their business; they employ 150 boats and small schooners, and export annually 60,000 quintals of cod fish, and 60,000 gallons of cod oil, to Halifax, the West Indies, and Europe; there are three agents here; the payments are made in truck; the population is slightly increasing, about 250 acres of land are in cultivation.

Great and Little Saint Lawrence.—From the Burin Islands the coast trends to the westward to Cape Chapeau Rouge, four miles to the eastward of which are the harbours of

Great and Little Saint Lawrence; in Great Saint Lawrence there is anchorage for a frigate, but too open to the southward to be safe except in the summer months; there are 300 residents here who employ seventy boats, and take on an average 15,000 quintals of fish, which is sent coastwise; there are no agents here; Mr. Thorn, a resident, carries on business on his own account; about sixty acres of ground are cultivated.

Lawn.—Eight miles to the northward of Cape Chapeau Rouge are the bays of Great and Little Lawn; Great Lawn Bay runs on one and a half mile, and one mile up; the anchorage is good for the summer only, being open from S.W. to S.E.S.; this is a dirty, miserable location, with 140 inhabitants and thirty boats, taking 3,000 to 4,000 quintals of fish, and a few salmon, for which they are paid in truck, at the rate of 11s. a quintal; thirty acres, principally grass, is in cultivation. The house of Nicolls and Co. have an agent here. Scurvy showed itself, the consequence of indifferent salt meat, and no vegetables.

Lamalin.—Nine miles to the northward of Lawn is the anchorage of Lamalin, also open from S.W. to S.E.S., but the bay not being so deep, and the holding ground indifferent, renders the former the better anchorage of the two. I called off here on the 23d June, for the purpose of leaving a boat and crew for the protection of the coast, but could procure no quarters for the people, the house generally used for the purpose having been let, and no other was to be had, the boat had also been allowed to fall into a useless state. A large quantity of bait is annually smuggled from this and its vicinity into Saint Pierre; it forms the principal occupation of its inhabitants, as with a population of 420 souls, with one schooner of thirty tons and forty boats, they only take 3,000 quintals of fish, on an excellent ground close to them. The house of Nicolls has an agent here, and the fish are sent to different shipping ports on the coast; sixty acres of land are in cultivation, but there is a quantity of natural grass in the vicinity, so much so, as to keep 400 head of cattle, and find them in hay for the winter also.

Fortune—is at the entrance of Fortune Bay on the south side; the only anchorage is an open roadstead; it has 300 inhabitants and twenty-five large sailing boats, with a fishing punt to each, and four small schooners, but their time also is so occupied smuggling bait into Saint Pierre, and supplying the French fishing boats, that they only take 2,000 quintals of fish, and cure a few salmon, herring, and capelin to the amount of about 350l. There are agents for the houses of Newman and of Nicolls, who send the fish to their shipping ports as required to make up cargoes; sixty acres of ground are cultivated; the population increases very little.

Grand Bank.—Five miles farther up the bay is Grand Bank; it has no harbour but for small fishing vessels; it has 400 inhabitants, with thirty boats and six small schooners; their take this year is 6,000 quintals, sent coastwise by the agents of Newman and Nicolls, they also cure 300l. of salmon, herring, and capelin; truck system of payment, at the rate of 11s. per quintal, prevails here; also eighty acres of land are in cultivation; the population does not increase.

Harbour Briton.—From the north side of Fortune Bay the harbour is good, perfectly landlocked, with room for a frigate to turn in or out; the population is about 300, who employ twenty small schooners and thirty fishing boats, and take 70,000 quintals of fish, for which they receive 11s. a quintal in truck. Messrs. Newman and Co. and Nicolls have agents here, who ship principally to the Brazils and Portugal; twenty acres of land are cultivated. The fisheries in Hermitage and Belloram are close to Harbour Briton, and send there annually 12,000 quintals of fish; there are about 100 inhabitants in the two.

Burgeo Islands and Fishing Stations to Cape Raye.—Eighty miles to the westward of Fortune Bay are the Burgeo Islands, which form with the main land a commodious harbour. The principal settlement is on Great Burgeo Island, but the inhabitants, 700 in number, are scattered about on the different islands; 200 boats are employed cod fishing, which here continues throughout the winter from Harbour Briton to Cape Raye, being the only part of Newfoundland where these fish are to be found all the year round; they take about 20,000 quintals, and are paid at the rate of 10s. per quintal "truck." The houses of Newman and Co. and Nicolls have agents here; they ship to Portugal and Brazil. This is a filthy disreputable looking settlement; a few rods of ground are in cultivation. The people complained of the agent's charges, and several cases of scurvy came off for medical advice. The French have, for several years past, discontinued the practice of coming to these islands to dig shell-fish for bait.

Between the Burgeo Islands and Cape Raye, a distance of seventy miles; there are several small fishing stations. La Poyle, Rose Blanche, Port Basque, and two coves close to the Cape, La Poyle has a Custom House, and is the shipping port for this part of the coast. These stations have a resident population of about 500; they employ 100 boats, and take annually 20,000 quintals of fish, which are shipped principally from La Poyle.

These details, collected chiefly from the authorities at the respective places, give the following total for the south coast; and the season having been a good one, the quantity of fish taken is under rather than over estimated:—

No. of inhabitants.	Boats of all sizes.	Quantity of fish.	Cost price.
11,500.	1,528.	264,500.	£132,250..

Correspondence
with Public
Departments.

But all are paid in truck, which, although doubtless most profitable to the merchant, keeps the settler far in the back ground, both as to civilization and prosperity. As these are the fisheries, for the protection of which his Excellency the Governor appeared most anxious, I shall make a few remarks on the grievances complained of before passing on to the northward.

Protection is asked, first, to prevent the French fishing nearer our coast than the Treaty permits them, and also taking bait on the same; secondly, protection from our own fishermen on the coast between Lamalin and Fortune, who carry on an illegal traffic in bait to a very large extent, supplying the French bankers and St. Pierre vessels with full two thirds of the quantity used.

With respect to the French fishing on our grounds off Lamalin and Point May, which is the only part of the coast on which they trespass, I found no difficulty in remedying that evil, for on taking two of their boats in the act, and delivering them up to the civil authorities at Lamalin, the Governor of St. Pierre saved me all further trouble by sending his own boats to keep his fishermen within their limits.

To prevent their hauling bait is a more difficult task, and can only be done effectually by having boats stationed at Dantzic Coves, Point May, Fortune, and Lamalin, to which places their incursions are at present confined; these boats might be attached to the custom houses at Lamalin and Fortune, or to a small cruiser of thirty or forty tons, which would be a much more efficient protective force than any that can be given by a man-of-war on the present system, and would also answer a double purpose, viz., of preventing the second evil—the smuggling trade of our own people; as by cruising off St. Pierre, which a large vessel cannot do, she would in all probability intercept any craft that might have eluded the boats in shore. Our boats are not adapted for this service, nor can one man-of-war spare as many as the effective performance of the duty requires. The boats for this preventive service would only be required from March to the end of July; and when so large a quantity of bait, at between 12,000*l.* and 15,000*l.* worth, is smuggled annually, on which a duty of six shillings a barrel ought to be paid, it is natural to suppose that they would considerably more than cover their expense; this year, from the best information I could procure, 6,000 barrels of herrings, and 10,000 barrels of capelin have been carried to St. Pierre in English boats, not one of which paid a farthing duty.

In my opinion, it is impossible for one man-of-war to give the colonists the protection they expect on this coast and the Labrador.

A coast guard with good boats is the force best adapted for the service required.

St. George's.—We have no settlements on the west coast of Newfoundland, excepting St. George's, which is well situated both for fishing and agriculture, and has a good harbour, but it does not appear to be countenanced by the colony, probably on account of the French Treaty giving that nation the right of fishing without competition on this coast. St. George's has a population of about 400; they confine themselves to the herring, trout, and salmon fishery; this year they have taken 30,000 barrels of the former, and 400 of the latter; they trade to Halifax and Quebec, in small schooners of their own. The settlement had a greater appearance of prosperity than most on the south coast. There were many complaints of housebreaking, stealing, &c., but not being a magistrate I could not go into them.

Bonne Bay.—There is a fishing station belonging to the Poole house of Bird here.

LABRADOR.

St. John's and Mingan.—In Mingan harbour I found ten American schooners of about seventy tons burthen each. They were fishing on the banks off the St. John's River, and had put in for wood and water; they would take 12,000 quintals of codfish. Between St. John's and Natashquan there were none, nor were there any French vessels or boats on the Labrador coast in the Gulf of St. Lawrence.

Settlements in the Straits of Belleisle.—With the exception of a few families at Macatina and Bradore, who live there for sealing, and the Hudson's Bay Company's posts, there are no settlements between Mingan and Blanc Sablon at the western entrance of the Straits of Belleisle, from which to Cape Charles at the eastern end, we have Forteau Bay, Lance a Loup, Black Bay, Carroll's Cove, Red Bay (the only good harbour in the Straits), Chateau Bay, and a few stragglers about Deer Harbour.

This season the fish made their appearance very early, and in great abundance, at the west end of the Straits, but did not pass through to the eastern end in any quantity; the fishing commenced the 20th June, and was over by the middle of August; the whole quantity taken is about 200,000 quintals, which is principally shipped to Spain, Portugal, and England, by the Jersey houses of Quitoille and La Hune, and the house of Boutelier, who have extensive stages in Blanc Sablon and Forteau bays; some is carried away by traders from Halifax, St. John's, Newfoundland, &c. to Quebec, or wherever they think to find the best market; the seal fishery has not been successful this year; the ice in the spring having destroyed the frame nets, not more 2,000*l.* worth have been taken. These fisheries employ 1,500 persons, of whom not more than 200 remain throughout the year; the others are from St. John's, Carbonear, Conception, and other places on the east side of Newfoundland, who return in the beginning of October; the Jersey houses bring their fishing crews out in their vessels in the beginning of the season, and send them home in the last ships; they pay them 18*l.* for the season, keeping them of course.

The French, I was informed had been fishing in Black Bay, by invitation of our settlers there, and in greater numbers than usual, most probably as the fish did not pass up for any time to the eastward; the fishing about Belleisle was so indifferent, that the boats from Quirpon, in the habit of trespassing here, came to Black Bay instead; I however saw none on our grounds; the only French vessel I saw in the Straits was one obliged to put into Red Bay from stress of weather.

As the French are now themselves beginning to use the livers of the cod-fish, which was the bribe given to the people of Black Bay for the use of their stages, and permission to fish without interruption, they will not be so welcome in all likelihood for the future.

In my opinion a small cruiser, a schooner or cutter of thirty to forty tons, from the middle of June to the end of August, would be more useful in the Straits than a larger vessel; she could find harbours everywhere, and her movements and whereabouts would not be known, as at present is the case.

Society here is in great want of the strong arm of the law, to administer justice and keep its riotous members in control; I had many complaints, but could do nothing but call his Excellency the Governor's attention to the state of affairs.

The season was so advanced before I got to the east end of the Straits, that I had no time to proceed to the northward, but from what I could learn, our cod and seal fisheries, from Cape Charles up to Cape Harrison, in lat. 55° north, are of very considerable importance, giving yearly 200,000 quintals of cod-fish, and 200,000*l.* worth of seals; the latter are principally taken by St. John's vessels.

I did not visit the fisheries on the eastern side, as his Excellency the Governor did not think it necessary.

THE FRENCH FISHERIES.

The French bank fishery has not been on so large a scale this year as the last, on account of the loss of the West Indian market, by which St. Pierre also suffered much, many of their vessels in consequence not being fitted out this season, as I myself witnessed. Monsieur De La Cluse, the Commandant of St. Pierre, told me, there were only 120 vessels out from France on the Banks, which, with the St. Pierre schooners, would make on the whole fifty less than last year; these vessels would employ about 12,000 men, one half of whom are seamen, the rest are cleaners, curers, splitters, &c. &c. St. Pierre and Miquelon have fifty schooners, which fish on the St. Pierre and Green banks, and 400 boats fish round the islands; these may be included in the bank fishery, and as the season has been a good one, their take in all will be, on a fair calculation, 930,000 quintals.

The first shore fishery of the French round Cape Raye is on Codroy, where 150 men are sent from St. Pierre about the middle of June, and return about the end of July; they take from 3,000 to 4,000 quintals. At Red Island, off Cape St. George's, they have another station, fished in the same manner; 3,000 quintals are taken here. In the Bay of Islands, fifty miles further up, four brigs from France come for their first cargo, which they take to St. Pierre, and then go to the banks for the second, which they carry on to France green. They take, in the Bay of Islands, an average of 14,000 quintals. The next station is at Port Choix, where six vessels from France take 18,000 quintals; these are the vessels, with the boats belonging to them, that trespass on our fishing grounds in the Straits of Belleisle, chiefly resorting to Black Bay. They fish along the Newfoundland coast also, but have no station in the Straits between Port-au-Choix and the Quirpon Islands. From the Quirpon Islands to Cape St. John fifty vessels from France annually fish. The fish on this part of the coast have been very scarce this year; the take, which generally averages 500,000 quintals, is this season calculated not to exceed 400,000.

The following summary shows this year's fishery both bank and shore:—

	Number.	Tonnage.	No. of Men.	Quantity of Fish taken.
BANK FISHERY:—				<i>Quintals.</i>
Vessels from France - - - -	120	30,000	12,000	800,000
Vessels from St. Pierre - - - -	50	3,000	1,000	80,000
Boats belonging to St. Pierre and Miquelon	400	700	1,300	50,000
SHORE FISHERY:—				
Codroy Island (boats) - - - -	60	60	150	3,500
Red Island (ditto) - - - -	20	20	60	3,000
Bay of Islands (vessels) - - - -	4	800	160	14,000
Port-au-Choix (ditto) - - - -	6	1,200	400	18,000
Between Quirpon and Cape St. John's (vessels)	50	10,000	6,000	400,000
Ditto ditto (boats)	80	250	300	24,000
Vessels 230—Boats 560.		46,300	21,370	1,392,500

Of these 21,370 men, not more than 10,000 are seamen.

Correspondence
with Public
Departments.

To look after their fisheries, the French have one 20-gun brig, the "Meleager," senior officer stationed at Croc; one small steam-boat and two schooners moving about. In consequence of the loss of the West Indian markets, the French Government, for the encouragement of this trade, have, I am informed, granted the full bounty to the shore as well as to the bank fisheries, and also extended it to all fish exported; whereas formerly the whole bounty was only for fish caught on the banks, and exported to the French West India islands; all others receiving but half. Whether in the present state of French finance any will be paid, remains to be proved.

AMERICAN FISHERIES.

The Americans do not fish on any part of the Newfoundland coast; ten or twelve schooners fish on the banks off the river St. John, on the Labrador coast, and between that and the Straits of Belleisle none. In the Straits forty vessels were fishing cod-fish and herrings; between Cape Charles and Cape Harrison 100 were fishing cod only; the whole of these are schooners of from seventy to ninety tons each, with a crew of fifteen men each, the bounty of 2*l.* a ton (provided the voyage covers a space of four months) not being allowed to vessels exceeding the latter tonnage. The Americans do not cure their fish on the coast, but carry it home green.

SUMMARY.

	Vessels.	Tonnage.	Men.	Quantity of Fish.	
				Cod.	Herring.
Off St. John's River - -	10	800	90	Quintals. 13,000	Barrels. —
Straits of Belleisle -	40	1,200	600	52,000	8,000
To the northward - - -	100	8,000	1,600	130,000	—
Total - - -	150	10,000	2,290	195,000	8,000

From what I can learn, this is about the same number as have been in the habit of fishing these parts for some years past. Our people and the Americans appear on very good terms; I had no complaints of them whatever.

Admitting the correctness of the above details, which, from the care taken in collecting, I have no reason to doubt, we arrive at the following results of the respective fisheries on the coasts of Newfoundland and Labrador this season, premising that the English fisheries on the east coast were above an average, which I heard at St. John's was the case.

English.—Good, above an average.

French.—Owing to fewer vessels employed on the banks, and the scarcity of fish on the north-east coast, their principal shore fisheries considerably under their average.

Americans.—An average.

Correspondence
with Public
Departments.

No. 65.

No. 65.

COPY of a LETTER from Capt. W. A. B. HAMILTON to B. HAWES Esq.

SIR,

Admiralty, January 21, 1850.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Grey, a copy of a letter from Vice-Admiral the Earl of Dundonald, dated the 20th of December last, No. 254, relative to the agitation in Canada and New Brunswick for proposed further concessions to American fishermen.

B. Hawes, Esq.
&c. &c.I have, &c.
(Signed) W. A. B. HAMILTON.

(No. 254.)

Enclosure in No. 65.

Encl. in No. 65.

SIR,

Wellesley, at Bermuda, December 20, 1849.

HAVING received authentic information that the inhabitants of Canada and New Brunswick are agitating for further concessions to the United States of the fishery on the shores of Nova Scotia, Cape Breton, and Newfoundland, I feel it my duty earnestly to solicit the earliest consideration of the Lords Commissioners of the Admiralty of the consequences which have already resulted from transferring rights of fishing, formerly constituting an important nursery for British seamen, to the French and Americans, as communicated in my letters numbered 165 and 216, and dated the 6th September and 5th of November last.

The desire of the Canadians is now (since free trade has been conceded without any equivalent) to barter a great national object for one of a limited colonial nature, namely, the free admission of their produce into the United States.

It is no argument in favour of the concession of further rights of fishing that New Brunswick (whose fishery is already engrossed by the Americans) advocates the measure; nor even were Nova Scotia, Cape Breton, and Newfoundland to join in a memorial to that effect, the fisheries of these provinces being (in the absence of a premium), as I have already shown, almost annihilated by fiscal burdens. The interests now at stake involve maritime considerations peculiarly in the province of the Admiralty which ought not to be bartered away as ordinary colonial matters. We have already gratuitously transferred a nursery for 40,000 British seamen to our latent enemies, whilst the lands graciously intended by Her Majesty in these very colonies as a reward to officers for long, faithful, and meritorious services have been wholly and disadvantageously turned over to the colonial governments.

The Secretary of the Admiralty,
&c. &c. &c.I am, &c.
(Signed) DUNDONALD,
Vice-Admiral.

No. 66.

No. 66.

COPY of a LETTER from Capt. W. A. B. HAMILTON to B. HAWES Esq.

SIR,

Admiralty, February 28, 1851.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Earl Grey, the copy of a letter from Vice-Admiral the Earl of Dundonald, dated 17th January last, No. 7, and of its enclosures, reporting on the state of the fisheries off the coast of North America, &c.

B. Hawes, Esq.
&c. &c.I have, &c.
(Signed) W. A. B. HAMILTON.

Correspondence
with Public
Departments.

Enclosure in No. 66.

LETTER from Vice-Admiral the Earl of DUNDONALD to the SECRETARY of the
ADMIRALTY.

SIR,

Wellesley, at Sea, January 17, 1851.

Helena.
Plummer.
Sappho.

I TRANSMIT herewith, to be laid before the Lords Commissioners of the Admiralty, the annual reports on the state of the fisheries by the commanding officers of Her Majesty's ships named in the margin. These reports detail their proceedings, accompanied by the usual remarks, indicating the depressed state of this once important nursery for seamen, which has dwindled to the employment of small boats along the coast, instead of being prosecuted on the great banks by numerous large vessels equipped in the ports of England, a national advantage now transferred to the French and Americans, who have replaced our 400 sail of vessels and 20,000 seamen by an augmented number of ships and men, equipped and stimulated by premiums on tonnage and bounties on fish.

I am aware of the theoretical and financial objections to granting premiums for industry in particular branches, and, in the present case, of the difficulty of applying such encouragement to restore our deep-sea fishery, embarrassed as the question now is by the local interests of the people of Newfoundland, who, no doubt, would consider a premium awarded by the mother country for the equipment of large vessels at home as an injustice, were they excluded from participation, seeing that they possess 300 vessels lying idle from the termination of one year's seal fishery to the commencement of the next. The question therefore is embarrassed as relates to the re-establishment of our nursery for British seamen.

There is, however, another point of view in which the subject may be considered. If we cannot restore our nursery for seamen, might it not be politic to deprive nations, which may become our enemies, of undue advantages (incautiously ceded), by granting a bounty to our own fishermen who possess the advantage of an inexhaustible multitude of fish at their very doors, whereby they might then successfully compete with foreigners in the markets of Europe and in the West Indies, and thus destroy their nursery for seamen, if we cannot restore our own. In justification of granting a bounty for so important an object, I may refer to Adam Smith's *Wealth of Nations*, book iv., chapter 2, that "defence is of much more importance than opulence."

Their Lordships are aware that at present this nursery for French seamen is the greatest they possess, except their coasting trade, and could furnish at a few weeks notice seamen sufficient to man at least twenty sail of the line.

I was desirous during the last summer to visit such parts of the fishery station as I was unable to call at in 1849, but the dangers to which I considered this large ship might be exposed by a minute scrutiny prevented my doing so. I am, however, thoroughly satisfied that everything relating to the fishery is in a state of complete abandonment and destitution. In confirmation of this opinion I beg to refer their Lordships to a printed official "Report on the Sea and River Fisheries of New Brunswick," lately made under the authority of his Excellency the Lieut.-Governor, and laid before the House of Assembly of that province, wherein it is stated that "the inhabitants of New Brunswick who dwell at a distance from its remote northern shores will, no doubt, be surprised to learn that there are any of their fellow-subjects dwelling in the same colony, who are in even a worse position than southern slaves, and of whose moral, physical, and spiritual wants less care has been taken."

Surely some authority exists to remedy evils produced by bounties awarded with hostile anticipations.

The Secretary of the Admiralty,
&c. &c. &c.

I am, &c.
(Signed) DUNDONALD, Vice-Admiral.

REPORT of the Commander of H.M.S. HELENA.

MY LORD,

Halifax, September 6, 1850.

In compliance with your instructions, I have the honour to transmit a report of the fisheries on the coast of Newfoundland and Labrador.

I sailed from Halifax in Her Majesty's ship under my command on the 5th of June, and anchored at St. Pierre on the 8th.

I waited on the acting Governor, Monsieur Brulé, and requested him personally and by letter to issue notices to the French fishermen resorting to St. Pierre and Miquelon to prevent encroachments on the English fishing grounds, and to take measures for the due observance of the existing treaties. At the time of my arrival there were upwards of a hundred French vessels in the outer roads and inner harbour, averaging from 100 to 300 tons burden. These were chiefly brigs and barques lately returned from the banks with a very good supply of fish. They were taking in salt preparatory to starting again on the second trip. At the time of my sailing from St. Pierre on the 13th June no caplin had then appeared on the coast.

BURGES ISLANDS.

At the Burges Islands the French have not encroached on the fishing grounds, but complaints were made of their digging clams and shell-fish in spring, for bait, at the Barry Sway to the westward of Burges, which is a serious evil to our fishermen, as the cod fishing at these islands lasts all the year round, and the winter fishing is generally the best. The winter fishing of 1849-1850 has exceeded that of the preceding year by 5,000 quintals.

Between Cape de la Hune and La Poile there are about 150 boats and 200 fishermen, which take an average of from 120 to 130 quintals of cod each boat, for which they receive 10s. and 11s. per quintal, payment being made in truck by the agents of Newman and Co. of London and Nicollé of Jersey, who have establishments at Burges and La Poile.

Newman's establishment exports annually 10,000 quintals of cod fish to Vigo, Oporto, and Brazils. They constantly employ upwards of 100 men, on wages from 20*l.* to 30*l.* per annum, and employ women and children occasionally at 1*s.* 6*d.* and 2*s.* 6*d.* per diem in curing and drying fish.

Nicollé's establishment exports about the same quantity of cod fish as the other, and also upwards of 150 quintals of salmon, at 18*s.* or 19*s.* per quintal, principally to Halifax and Quebec.

The herring fishing between La Poile and Burges is good every winter, but as there is but little or no sale for them they only get 9*s.* per barrel of 200 lbs. for what they can sell.

The population here is upwards of 700, and chiefly Protestants, Mr. Cunningham, the resident clergyman, informed me they were quiet and orderly, and that no cases of disturbance had occurred.

There is very little ground cultivated; merely small gardens round the several houses for growing potatoes and vegetables.

The roads, or rather pathways, at this settlement, are very bad; and I represented the same to his Excellency the Governor, in the hope that, as the establishments at Burges pay annually a considerable sum in duties, they might receive some assistance from the colonial treasury towards the improvement of the road; but his Excellency looks upon these settlements almost as a private settlement of the two firms, Norman and Nicollé, and that, as they induced the people to resort there for their trade, their firms should keep the settlement in a proper state.

HARBOR BRITON.

Harbor Briton is a very beautiful and safe harbour, on the N.W. side of Fortune Bay. There is room for any vessel to bear in or out. The population is upwards of 200 persons. In Harbour Briton itself I could only hear of there being three large boats and nine punts, the former employing about twelve and the latter fifteen men, whose average take is from 1,800 to 2,000 quintals of cod, for which they receive 10*s.* and 11*s.* per quintal payment in truck from the agent of Newman of London and Nicollé of Jersey resident here.

From Hermitage Bay, Balloran, Grand Bank, Fortune Sammaline, and other small coves in Fortune Bay, a considerable quantity of fish is sent to Harbor Briton, to the firms of Newman of London and Nicollé of Jersey, who export principally to Spain, Portugal, and Brazil. The exports of last year were, cod 55,186 quintals, at 10*s.* and 11*s.* per quintal; salmon, 296 barrels, at 36*s.* per barrel; oils, 123 tons, at 23*l.* per ton; herrings, 3,050 barrels. I was informed that from Fortune Bay at least ten times that amount of herrings was annually smuggled to Halifax and St. Pierre, on which no duty was paid. Mr. Garden, the stipendiary magistrate at Harbor Briton, and also customs officer, informed me that the French were in the habit of hauling bait, both herring and caplin, in the different creeks and bays of Fortune Bay, and that our own people not only encouraged them, but smuggled immense quantities themselves to St. Pierre, and brought goods back, evading all duties in both cases, and that as he, the customs officer, had neither a boat or crew allowed him, he had not the means of preventing this traffic. Some years ago there was a colonial revenue cruizer stationed in Fortune Bay, and for the first year the export duty on bait was fairly paid; but the second year it almost and has since entirely ceased. The quantity of fish taken at Harbor Briton, Fortune and Hermitage bays, amounted to an average at the time of my visit.

There appears to be about twelve or fifteen acres of land in cultivation, principally potatoes and good grass.

LAMALINE.

I hove too off Lamaline on the 24th June, and landed, for the purpose of obtaining lodgings for the officers and men I wished to leave there. I was informed by Mr. Pack, the stipendiary magistrate, that no lodgings or house of any description could be procured.

There are about thirty-five schooners and the same number of punts employed in the fishing at Lamaline. The fish, when cured, is sent to Harbor Briton, Burin, and St. John's for shipment. At the time of my first visit the caplin had not set in. The population of Lamaline now exceeds 420, and is increasing. There are upwards of fifty acres of land in cultivation, besides a good deal of natural grass, which enables them to keep above 300 head of cattle.

Correspondence
with Public
Departments.

I returned and anchored in Lamaline Bay on the 7th July, and was informed that the fishing season up to that time had been very favourable, and no encroachments on the part of the French were complained of. The caplin had set in; but the smuggling of it to St. Pierre by English fishermen had not this year been profitable enough to clear the expenses of those engaged in it (and who are said to fit out for it regularly every year), in consequence of the caplin having struck into the bays of St. Pierre and Miquelon in great abundance, a circumstance which had not occurred for the last seven years.

The people of Lamaline are said to be so mixed up with the French that they carry caplin to St. Pierre whenever they know that any bankers are unsupplied. On leaving Lamaline Bay on the 10th July, I observed several English boats entering for St. Pierre. I chased, and examined them, and found that four had caplin on board, which they openly admitted they were carrying to St. Pierre, and pleaded ignorance of any law to the contrary. As they had no custom-house clearance, I sent them to the sub-collector of colonial revenue at Lamaline, to be dealt with according to law. The bay of Lamaline is very open from S.S.W. to S.E. by S., and the holding ground so bad that I did not consider it a safe anchorage to remain at.

GREAT LAUN.

Belonging to Great Laun there are five small schooners manned with three or four men, capable of carrying about 100 quintals each, and 20 punts with two men in each. The average take of fish is about 80 quintals a man during the year. Up to the date of my last visit the fishing season had been a favourable one. Payment is made in truck; three quintals of green fish at 3s. 3d. per quintal, livers included, counting for one quintal of cured fish. Some of the fishermen complained of being compelled to deal in this manner, as the French agent of Nicollé of Jersey was not allowed salt to salt them. Some of the old and poorer classes of fishermen complained also that others, whose boats were larger and better equipped, haul the caplin, and start off for St. Pierre with it, leaving those who have only small punts very often without bait. The fish from this place is sent to firms at Burin and Harbor Briton.

The French do not encroach on the fishing ground here; but the fishery is said to be decreasing of late years. There are 20 families in Great and Little Laun, the most of whom reside at the latter place during winter. They have upwards of 100 head of cattle amongst them, for which they have tolerably good supply of grass. Potatoes are grown in the garden round the house, and appear likely to turn out well this year.

GREAT AND LITTLE ST. LAWRENCE.

In Great and Little St. Lawrence there are 35 schooners (small) and 100 punts, employing upwards of 200 fishermen, who, up to the date of my arrival, had taken 40 quintals per man,—above an average, so far, for which payment is made in truck, at about 10s. 6d. per quintal. The fish is sent to the establishment of Mr. Falls at Burin, to merchants at St. John, and some is sold to traders from Nova Scotia. The French do not encroach on the fishing ground here, and the fishing is said to be decreasing. The fish here appeared to be of a larger description and better cured than what I had seen at other places on the south coast. The population is upwards of 300, who have nearly 200 head of cattle, and upwards of 80 acres of land in cultivation, principally grass and potatoes. Some parties at this place had, before the summer, been engaged in the smuggling of caplin to St. Pierre, and which was stopped this year, first, by the larger portion of fishermen themselves uniting to put it down, declaring they would cut the caplin seines to pieces of any one they knew who did so; secondly, by my detaining four English boats between Lamaline and St. Pierre on the 10th July, which was soon made known along the coast.

BURIN ISLANDS.

At the Burin islands there are eighty boats of four men each, and sixty punts with eighty men.

At the date of my visit they had taken fifty quintals per man, which is about an average to that time, for which they receive 11s. per quintal for the best fish, and 10s. for the general run of it, from Falls and Co., who export about 2,500 quintals annually to Spain and Portugal, and the inferior to the West Indies. Mr. Falls also sends to Halifax and St. John's about 35,000 quintals, in addition to what is sent foreign. He also exports about 300 barrels of salmon to the United States and British North America, at about 45s. per barrel. Since November last 3,000 barrels of herrings were exported to Halifax and Boston, at about 10s. per barrel. The population of the Burin islands exceeds 2,000. There are said to be 500 acres of ground cultivated, principally in grass and potatoes, and they keep from 170 to 180 head of cattle.

The fishery is said to be much the same as in former years. The French do not encroach at the Burin islands. The stipendiary magistrate informed me that he had no knowledge that any caplin had been hauled for exportation from any place to the eastward of Laun.

MORTIER BAY AND THE FLAT ISLANDS.

In Mortier Bay there are about 100 fishermen, who have taken 50 quintals per man at the present time, July 24th.

At the Flat Islands there are about fifty fishermen who have taken about seventy quintals per man to 24th July, which is above an average. If bait continued plentiful, 100 quintals per man for the season might be expected. The best fishing ground for cod in Placentia Bay is at St. Mary's Cays and the Flat Islands. The fish taken in Mortier Bay and the Flat Islands is sent to Mr. Falls, at Burin, and included in the quantity exported by him. Mackerel have not been taken in Placentia Bay for the last twenty years. Previous to that, 2 or 3,000 barrels were taken during each of the three or four previous years, and vessels from the western part of Nova Scotia used to come regularly on that fishery.

ST. JOHN'S.

My first visit to St. John's was on the 30th June, and up to that time the cod fishery promised to be an average one. On my second visit, in the end of July, it had then proved a very bad season, and the take up to that time was considerably below the average.

The seal fishery in the spring had been a good and remunerative one, upwards of 300,000 seals having been taken, of a larger description than usual, and which averaged in price from 9s. to 10s. 6d. per seal; whereas in former years from 6s. to 7s. was said to have been the general average. I was informed that the fishing in Trinity Bay had been good for about three weeks. The average take had been about forty quintals per man.

ST. LUNAIRE BAY.

St. Lunaire Bay is on the north-east coast of Newfoundland. I anchored here on the 5th August. It is a very good and safe anchorage, and one which I recommend to be taken by Her Majesty's ships whenever the weather is too thick or unsettled for passing through the strait of Belle Isle to the westward. There is room for a sloop of war to work in and out, and the plan furnished by the Admiralty is a very correct one.

There are only two English families here, those of Thomas and John Patey, who stated that they had not met with any interruption from the French who resort there during the fishing season. Four men generally take from thirty to forty quintals per man, which they dispose of to traders from Halifax and St. John's, and for which they get 10s. per quintal, payment in truck. This season the fishing has been bad; they do not expect to get more than twenty quintals per man. Caplin were plentiful here during the month of July; there were none after the 1st August; herrings then set in, which are used only for bait. There was one French brig, the *Concorde*, of St. Brieux, in St. Lunaire Bay, and there are two French rooms and stages for curing and drying fish.

On leaving St. Lunaire Bay, I sailed along the coast inside the White Islands, and counted fifteen French vessels, brigs and barques, anchored in the different creeks and bays between St. Lunaire and Cape Bauld. I also counted between sixty and seventy fishing boats between St. Lunaire and Cape Bauld, and off the Maria Rocks. I was informed these vessels are from 150 to 300 tons burden, and have from thirty to sixty men each; ten boats and two cod seines to the larger, and six boats and one cod seine to the smaller vessels, besides herring nets and caplin seines. The largest of these vessels generally take away about 3,000 quintals of cod, and the smaller about 2,000 quintals. This season, up to the period of my visit, has been so indifferent a one that they do not expect to ship more than one half of the usual quantity. The boats from the vessels on this part of the coast frequently encroach at Belle Isle.

The French, on leaving the coast at the end of the fishing season, leave their rooms, stages, boats, and heavy gear in charge of the English settlers, who, at St. Lunaire, admitted to me that the French rewarded them very well in bread and provisions, and gave them bait when in season, for taking care of their property during their absence in winter.

BELLE ISLE.

I arrived off Lark Harbour on the west side of the island on the 9th August, and as I had previous intimation that the French were encroaching there, I went into Lark Harbour, in my boat, and found four French vessels at anchor, as per list annexed. I ordered them off immediately, and they set to work to weigh their anchors and collect their boats, which were out fishing. I certified on the registers of three of them that I had ordered them away from Belle Isle for fishing there contrary to treaty, and informed the master that if I found them there again they would be confiscated. They gave me their assurance of complying with my orders, and which I have reason to believe was the case, as three English fishing schooners were there, and they promised to send a boat to Red Bay, and inform me if the French did not quit the island.

LABRADOR.

The cod fishery on the coast of Labrador commenced about the 1st of June; but the best part of the season is from the middle of July to the end of August.

This fishery employs annually upwards of 4,000 persons, the greater part of whom come from Trinity and Conception Bays in Newfoundland. The principal fishing stations are Henley Harbour, Battle Harbour, Cape Charles, Deer Island, Seal Island, and Long Island. I heard from fishermen at Belle Isle and Red Bay that on the northern part of Labrador and at the above-mentioned places the fishing had been very good this year.

RED BAY.

At Red Bay there are from twenty to twenty-five fishing boats of different sizes, employing from two to three men each. Ten families reside here during the winter, and about

Correspondence
with Public
Departments.

100 persons of both sexes come here annually from Carbonear in Conception Bay, to fish during the season. These are called freighters, and are brought in a vessel belonging to Mr. Penny of Conception Bay, and return in the same at the end of the fishing season. About fifty quintals per man had been averaged up to the 13th of August, and the season was expected to be below the average. There is no truck agent resident here.

The people from Conception Bay generally carry their fish home with them, paying a freight of one shilling per quintal, which also defrays their passage to and from Red Bay, they finding themselves in provisions, &c. The resident settlers generally sell their fish to traders from Halifax and St. John's, for which they receive payment in truck or by bills on merchants at St. John's. No ground is cultivated, except small gardens round the houses for growing vegetables, and they have no cattle of any description.

CARROLL'S COVE.

There is a small fishing station here, which employs thirty men, six of whom remain for the seal fishing in winter, and take about 300 seals each year. Their average take of cod fish is about 2,000 quintals, which is sent to the Jersey house of De Quetteville at Blanc Sablon, for exportation.

BLACK BAY, OR PINWARE.

I called off Black Bay, or Pinware, on the 11th August, and dispatched an officer and boat's crew to call, first, at Little St. Modest and all the intervening fishing stations between it and Forteau, with orders to clear the coast of any French fishermen he found encroaching on the Labrador shore. Two brigs, two schooners, and one sloop, and about 50 boats and 200 French fishermen, were sent off the coast by him when on this service.

LITTLE ST. MODEST.

At Little St. Modest there are four planters, who, with their families, amounting to twenty persons, complain of the encroachments on the part of the French of late years. Formerly one boat with two men would take during the season from 200 to 250 quintals of fish. This year they do not expect that two men will average more than 110 quintals. There had been here during the year about 500 English fishermen. At that time, 14th August, only 85 were there.

About 3,000 quintals of fish had been taken, and 400 more were expected. The residents send their fish to the Jersey house of De Quetteville at Blanc Sablon, for which they receive nine shillings per quintal, payment in truck. The others dispose of their fish to traders from Halifax to Yarmouth in Nova Scotia. The fishing in general is said to be decreasing, and this season below the average. No seals had been taken this year. The planters of Little St. Modest all agree as to the injury done to them and other English fishermen by the encroachments of the French, who haul their bait on Pinware Bar, killing more than they use, and throwing the rest away; and from the increase of fishermen the bait disappears much sooner than in former years, and of course with the bait the fish. There are said to have been on the banks at different times this season about 20 French vessels, brigs and schooners, averaging from 60 to 200 tons. One brig had as many as 32 boats, the rest about 15, and the schooners 5 each, besides 20 or 30 shallows averaging seven tons, and carrying three men. And they imagine that during the season as many as 500 French fishermen had been fishing between Great and Little St. Modest, who come there early in July, and unless disturbed remain until the end of August. The planters state that the French have persons at Red Bay and other places on the coast to give them information of the arrival of any English man of war.

On receiving intelligence of the Helena being on the coast, several left on the 13th and others on the 14th instant. Edward Pike, a planter of Little St. Modest, complained that this year, on or about the 1st instant, some Frenchmen got on board his boat, and pitched his oars, sails, and gear overboard, leaving his boat in such a state that he had to be towed in by others. It appears that he and his son were fishing where they generally did, and that the Frenchmen collected round them, and commenced throwing their lines and grapnels, so as to foul others. He (Pike) asked them not to interfere with him, on which they took their gaffs, and gave him to understand that they would beat him, or something to that effect. Pike and his party, as their only defence against superior numbers of French, went home, and got their fowling pieces, and returned to where they had been previously fishing. The French had then gone, and they were not again molested. Magrath, John Bubstock, Sampson Pike, and William Bipple can corroborate E. Pike's statement.

BLACK BAY.

In Black Bay there are eight English fishermen and four boats, who have taken 300 quintals of fish up to the present time, and expect to take about 100 quintals more, which is sent to the Jersey house of De Quetteville, Blanc Sablon, for which they receive 9s. and 10s. per quintal, payment in truck. The fishing this year will be below the average, and the fish is said to be decreasing.

No seal had been taken here this year. American vessels do not generally call at Black Bay. The French brig Deux Frères, of St. Malo, and two small French schooners were found here, and sent off the coast. William and Luke Odell, planters, state that about 200

Frenchmen, in brigs, schooners, and shallops, generally come to Black Bay in August; seldom earlier; and generally leave at the end of that Month. They fish in the bay, and offer no molestation.

Correspondence
with Public
Departments.

GREAT ST. MODEST.

At Great St. Modest there are eight boats and 18 men, who at the present time had taken 700 quintals of fish, and expected to take about 150 more. They send their fish to the establishment of De Quetteville at Blanc Sablon, for which they receive payment in truck. The fishing season here is said to be below the average this year, but not to have decreased during late years. They have caught no seals, and seldom take any. R. and J. Odell and Samuel Thirman state that the French come in brigs, schooners, and shallops about the middle of August, and generally take about 1,500 quintals of fish. This year two brigs of about 130 tons and 16 men called, and two schooners. The crew of the French brig Todo, and her tender, a sloop of ten tons, were sent away by an officer from the Helena.

John Penny, a planter, states, on the other hand, that the French are very troublesome; that he has lost a great deal by and suffered great annoyance by their encroachments on the fishing ground. This year they got possession of the upper part of his house, and would not give it up, and nearly every night disturbed him and his family by dancing and singing, and the noise they made.

He also states that Mr. Donald, the other planter on the island, who was then absent, encouraged their coming, and bought the livers of their cod fish to make oil of; that three French brigs and three schooners had been there this season, the former provided with 12 boats and 30 men, and the latter with 7 boats and 20 men. Ten or twelve American schooners of about 70 tons and 10 or 12 men, and three boats, generally call and stay a short time every year, and then proceed on to the northward.

L'ANSE-À-LOUP.

The French have not encroached for here several years. About forty English boats, under the directions of Mr. Crockwell, were fishing for the firm of Stabb and Co. of Newfoundland. They had taken 1,200 quintals of cod fish, and expected to catch 100 quintals more. The season was considered below an average one, and the fish is said to be decreasing, for which they receive from 3*s.* 9*d.* to 5*s.* per hundred fish. The fishermen are provided with money orders on the firm at St. John's, the value of their provisions being deducted from the sum due to them. At L'Anse-à-Loup there was one brig belonging to the Hudson's Bay Company, one Jersey and one St. John's schooner; and at Schooner Cove, one brig belonging to St. John's, and two Jersey schooners.

FORTEAU BAY.

On the north-western side of Forteau Bay there are three extensive establishments of Jersey merchants, viz., Boutelier, De Quetteville, and Dehaune; two smaller ones, one belonging to Mr. Ellis at English Point, the other to Mr. Buskle at the mouth of the river; and another to Mr. Davis on the south-eastern side of Forteau Bay. Boutelier's establishment employs twenty-two boats and 44 men in fishing, besides thirty-six in splitting and curing. They catch and export about 3,000 quintals of cod every year to ports in the Mediterranean and Jersey, besides from ten to twelve tons of oil to England, about 100 barrels of herrings to Jersey and Quebec, worth about 15*s.* per barrel, and about thirty barrels of caplin to Jersey, worth there about 20*s.* per barrel. The fishermen and splitters of this establishment are brought from the bay of Chaleur every year about the middle of June, and are sent back there again about the middle of August, the fishing being then over. The fishermen are paid from 4*s.* to 5*s.* per hundred fish. Payment is made by the same firm in Chaleur Bay on their return, half in cash and half in goods. The average take of fish is 600 per day, each boat of two men, but 1,600 have been taken by one boat in a day. The establishment of De Quetteville and Brothers of Jersey bring about fifty men every year from Jersey, and engage five or six more, with their boats, to fish during the season, at payment of 4*s.* per hundred fish, with firewood and spruce beer, the parties finding themselves in everything else. These hired men only averaged 100 fish a day per man this year. The men who come from Jersey are found everything, and a free passage out and home again. Six boats and twelve men are employed as share men, and get one-third of the fish they take and one-third of the oil. Six more boats and twelve men are employed on wages from 15*s.* to 2*l.* per month, and found in provisions. Twenty-five men are employed in splitting, curing, and other work, and return to Jersey every winter. Last year this establishment exported 2,500 quintals of cods and tons of oil, and 60 barrels of herrings. This year they expect to export from 1,800 to 1,900 quintals only, and about seven tons of oil, and had only cured about fifteen barrels of herrings to this date, but the latter had promised to be abundant.

Dehaunes' establishment bring out and carry back to Jersey every year from thirty to forty men; some paid by shares of one-third, others on wages from 15*s.* to 2*l.* a month, finding them in provisions. Twelve boats and twenty-four men are generally employed in fishing; the rest in splitting and curing fish. They generally arrive about the middle of June, and leave again in September or October. The share-men's time generally ends about the 10th of September, after which they and the wages-men also are employed in curing fish

Correspondence
with Public
Departments.

and loading the vessels for the voyage. The fishing has not been a favourable one this season, and this establishment will not export more than 1,600 quintals of fish. Mr. Davis of L'Anse Amour has exported this year 120 barrels of salmon, and in the season took about 450 seals. The caplin struck into Forteau Bay in plenty about the 15th of June, and were succeeded by lance and herrings. The season for the latter was only commencing, but promised to be an average one; but the cod fishing at Forteau has been below the average this year.

BLANC SABLON.

At Blanc Sablon there are two fishing establishments, De Quetteville and La Broque, both of Jersey. De Quetteville's establishment generally brings out from 150 to 200 persons from Jersey, to be employed in the fisheries, of whom 120 are at Blanc Sablon and the Isle au Bois; some paid on shares of one-third; some on wages from 10s. to 40s. per month, and found in everything.

They generally load six vessels for ports in the Mediterranean and Jersey with from 10,000 to 12,000 quintals of cod. This year the fishing has been so indifferent that they will not export more than 8,000 quintals, and about 80 tons of oil and 200 barrels of herrings. At Green Island there are three Jersey establishments of La Bruolé, Savage, and Mallett, who send their fish over to Point Ferrolle in Newfoundland to be dried, as there are no stages on that island. At Isle au Bois are two establishments belonging to La Boutelier and De Quetteville, exporting about 2,000 or 3,000 quintals of cod each. At Grand Point there are two small establishments belonging to Lefebre and Syout, who export generally about 1,500 quintals of cod fish each. The number of persons employed fishing in this vicinity is fast increasing, and the working portion is said to have increased one-third in the last ten years. The scattered inhabitants settled along the coast to the westward generally sell their fish to Americans, who, the Jersey men informed me, traded extensively, to the injury of the English trader, but I suspect much to the advantage of the poor fishermen. Five or six French brigs had been fishing this year at Green Island, but had left before my arrival. When the fishing slackens on the Newfoundland shore they generally encroach on the Labrador side. There being no fishing establishments of any importance west of Blanc Sablon, I proceeded to the westward as far as off Mount Joli, or Natashynou; and not seeing any American or other vessels, nor hearing of any encroachments, I proceeded to

ST. GEORGE'S BAY.

In St. George's Bay and the vicinity, comprised within the capes of Anguille and St. George, there are said to be over 1,000 inhabitants, English, French, and descendants of Canadians and Indians, of whom there are about 300 on the settlement of Sandy Point. The principal occupation is herring fishing, which usually commences in May, and lasts from two to three weeks, during which time about 20,000 barrels of herrings were taken by the inhabitants, and from 5,000 to 6,000 more by vessels that touched there. About 300 barrels of salmon, and from 300 to 400 quintals of cod fish, are usually taken each season after the termination of the herring fishery. There are from eight to ten schooners trading from St. George's Bay, mostly to Halifax, who carry the fish to that market, and bring goods back. The herrings generally sell for from 9s. to 11s. per barrel, and the salmon from 2l. to 3l. 10s., according to the season and demand in the market.

After the termination of the fishery, the inhabitants employ their time in procuring hoops and staves and making barrels for the next season. Each individual who is ordinarily industrious can make from 100 to 125 barrels, and fill them in the short fishing season, besides keeping their boats and nets in order.

The proceeds to each family generally averages about 50 pounds currency, besides which nearly every house has a garden for the cultivation of potatoes and other vegetables, and much more could be cultivated by common energy. There appears to be a tolerably good supply of cattle and sheep, for which there is sufficient grass for pasture in summer, and to make hay for winter food. The government of Newfoundland have lately appointed James Tobin, Esq., to be stipendiary magistrate and collector of colonial revenue on the western coast and part of Labrador, for which purpose he resides at St. George's Bay. Some members of this community are disaffected at being now called on to pay duties from which they have hitherto been exempt, but the more respectable portion are well pleased that a magistrate has been appointed and settled amongst them, and by which the best results will be conferred on the settlement in every respect. There is a clergyman of the Church of England resident at St. George's Bay, and a Roman Catholic clergyman is also shortly expected.

FRENCH FISHERIES.

The French fisheries on the grand bank and southern coast are supported chiefly by houses in Dieppe and Bayonne. About 150 vessels, varying from 100 to 350 tons, come annually from France, which, with about 50 schooners and 500 boats belonging to St. Pierre and Miquelon, employ about 12,000 men, more than a half of whom are enrolled seamen. The French fishery on the northern coast is carried on by houses at Grandville, St. Malo, and St. Brieux, and employs about 10,000 men. The northern establishments are said to be carried on by a mercantile body in France of much greater weight and influence than

the southern. The French from St. Pierre carry on and encourage the English in an illegal traffic in bait from Fortune Bay, Burin, and Placentia Bay; and it is supposed that the sum of 20,000*l.* is annually paid by them to the people on these coasts for bait alone. From the information I could obtain it appears that the French fishery on the banks had this year been good, and an average one, but on the northern coast bad, and below the average. The French naval force employed this year on the coast of Newfoundland for protection of the French fisheries consisted of two steam vessels and two schooners.

AMERICAN FISHERIES.

I did not meet any American vessels fishing on the coast of Newfoundland or out of the limits assigned to them.

Ten or twelve schooners, averaging from 70 to 90 tons, call at places in the straits of Belle Isle every year, remaining but a short time, and then proceeding on to the northward of Cape Harrison. Those boarded by the boats of the *Helena* reported this season to be a bad one, and below the average. Our settlers and fishermen on the coast of Labrador stated that they did not receive any molestation or annoyance from the Americans.

ENGLISH FISHERIES.

Respecting the English fisheries this year on the coasts of Newfoundland and Labrador, I consider that on the south coast of Newfoundland the fishing season has been an average one, and on other parts below the average. On the northern parts of the coast of Labrador the fishing season has been said to be good, but at all the fishing stations in the straits of Belle Isle this season has been below the average.

Notwithstanding it has on many occasions been stated to me that the cod fishery is in general on the decrease, I am of opinion that it is much the same as in former years.

The population and number of persons employed in fishing has certainly increased, and from more persons now sharing in the fishing may be drawn the impression that the quantity of fish is less than formerly. Before concluding this report I consider it my duty to point out to your Lordship the nature of the encroachments made by the French only on the English fishing grounds, and what I consider would be the most effectual mode of preventing them.

The earliest encroachment of the French in the season is at Barrysway near the Burges Islands, to which place they resort in spring to dig clanes and shell-fish for bait; also to Fortune Bay for herrings, of which a great quantity is taken to St. Pierre every year. This is succeeded by their encroaching on the south coast, commencing from Fortune Bay to Laun, as soon as the caplin set in, the English not only encourage but many fit out expressly for this traffic every year.

When at St. John's I was informed that no complaints had been made of late years of the French coming on the English fishing grounds to the southward of Cape St. John, and that on the last occasion of their doing so the English fishermen themselves expelled them by force.

The fishermen from the French vessels that frequent Quirpon and places on the north-east coast of Newfoundland encroach every year at Belle Isle. I ordered away four vessels which I found this year anchored in Lark Harbour, and which I consider safe enough to afford shelter to such a vessel (a schooner of about seventy-five tons) as I consider should be employed for the protection of the fishery at Belle Isle and adjacent parts of Labrador to St. Lewis Sound and Spear Point, beyond which the French do not go.

The fishermen of French vessels that frequent ports on the northern part of Newfoundland, from the Bay of Islands eastward to Quirpon and St. Lemaire, encroach on the Labrador coast at Green Island near Blanc Sablon, at Great and Little St. Modest, and at Black Bay or Pinware. When the fishing begins to slacken on the Newfoundland side they encroach on the Labrador, on which shore Pinware or Black Bay is considered to be one of the best stations for fishing and bait, and the French make it and Great and Little St. Modest their chief resort, while our fishermen, owing to the crowded state of those small harbours and the obstructions offered by the French on the fishing grounds, are prevented from availing themselves of the natural advantages which the place possesses, and there is no doubt that the large French crews, who are enabled by their superior equipments to remain in almost all weathers on the fishing grounds, catch or disturb the fish which would otherwise go down the shore where a large scattered population is settled or employed in fishing during the season.

To prevent these encroachments I would recommend that the colony should erect a house at Lamaline (instead of trusting to the uncertainty of being able to hire one, and which there was no possibility of doing during the last three years), and also supply two-decked boats of about eighteen tons each and schooner rigged like the fishing boats on the coast, to be manned during the season by the cruiser ordered for the protection of the fisheries, and laid up there on her departure in charge of the customs officer during the winter; these boats and a party at Lamaline, in all about eighteen persons, would afford a good and sufficient protection against encroachments of the French or smuggling bait from our coasts to St. Pierre by the English.

Correspondence
with Public
Departments.

I suggested to his Excellency the Governor of Newfoundland, that it would be advisable for the colony to build a house at Lamaline for this service, and he promised to bring the subject before the House of Assembly next session.

One boat, in charge of an active midshipman, would protect the coast comprised between Harber Briton, Fortune Bay, and Lamaline; the other boat, equally manned, could protect from Lamaline to Brunin and Placentia Bay.

The officer in charge of the whole party and the remaining five men I would propose to be left at the island of Lamaline, where, either by patrolling or going afloat in a four-oared gig, they would protect the vicinity of Lamaline, while the other boats were absent eastward and westward. The party at the house would also be available for occasional relief to those in the boats in the event of sickness or other circumstances, and on such occasions the house would serve as sick quarters and store for provisions, &c. For the protection of the fisheries on the coast of Labrador I would recommend that two schooners of about eighty tons each (and commanded by lieutenants) should be provided by the home government. One of these should commence her duties early enough in the spring to prevent the French digging bait near the Burges Islands, and as that service would be over before the Labrador cod fishing commences she could then proceed along the west coast of Newfoundland to Labrador, and protect from French encroachments that coast as far as Red Bay. The other schooner I would recommend to be stationed at the eastern end of the Straits of Belle Isle to protect the valuable fisheries round Belle Isle and on the Labrador coast from Red Bay to St. Lewis Sound and Spear Point. These vessels could find shelter at or near every place where the encroachments are made, and at which a larger and square rigged vessel could not.

By these means all parts of the coast now encroached on could be effectually protected as the extent to be guarded by each vessel would not be too great to admit of her frequently returning to visit the same places again. And it is only by thus frequently visiting the different places that the French can be kept away. I was informed, and I believe correctly, that on the Helena's arrival at Red Bay a boat was sent along the coast to give notice of our arrival, and that they had looks-out for the same purpose at Belle Isle and other places.

The reasons for my recommending that the colony should be at the expense of finding the house and boats for the protection of the south coast are, first, that the duty imposed on exporting caplin is sufficiently high to cover the expense of the protection the colony requires, and I consider the colony would be considerably enriched by this protection. Secondly, that by treaty the fishery within three miles of the shore, and to halfway between it and St. Pierre and Miquelon, belongs to the English exclusively. As the Americans have the right of fishing on the coast of Labrador, I propose that the protection there required should be at the cost of the home government, more especially as a large number of those engaged in the Labrador fishing come from ports in England and the Channel Islands, and there is no revenue to be derived by a legal export of bait.

I herewith beg to annex the form agreeably to the 20th paragraph of your instructions.

I have, &c.

Vice-Admiral
the Earl of Dundonald.

(Signed) MICHAEL DE COURCY,
Commander.

LIST of DOCUMENTS herewith annexed.

- A.—Letter from the Governor of St. Pierre and Miquelon.
 - B.—List of Boats detained by Her Majesty's Sloop Helena on the 10th July 1850.
 - C.—List of French Vessels ordered off from Belle Isle.
 - D.—List of French Vessels ordered away from the Labrador Coast.
 - E.—List of American Vessels boarded on the Labrador Coast.
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Correspondence
with Public
Departments.

Place.	Date.		No. of Days in Port.	Cause.
	Arrived at.	Sailed from.		
St. Pierre - -	8 June	13 June	4 $\frac{1}{2}$	Heavy gale of wind.
Burges Isles - -	14 "	17 "	2 $\frac{1}{2}$	
Harbour Briton - -	17 "	19 "	1 $\frac{1}{2}$	Foul wind and thick fog.
Harbour Briton - -	19 "	22 "	2	
St. Pierre - -	23 "	24 "	1 D. 8 H.	
Lamaline - -	24 "	24 "	2$\frac{1}{2}$ hours.	
Great Laun - -	24 "	27 "	2 $\frac{1}{2}$ hours.	Calm, light variable winds, and thick fog.
St. John's - -	28 "	4 July	5 $\frac{1}{2}$	
Lamaline - -	7 July	10 "	2 $\frac{1}{2}$	Calm, light variable winds, and thick fog.
Great Laun - -	10 "	19 "	9	
Great St. Lawrence - -	19 "	23 "	3 $\frac{3}{4}$	Foul winds.
Burin - -	23 "	25 "	2	
St. John's - -	26 "	31 "	4 $\frac{3}{4}$	Foul winds.
St. Lunaire Bay - -	5 August	8 August	2 $\frac{3}{4}$	
Red Bay - -	10 "	14 "	4	Foul winds.
Forteau Bay - -	14 "	18 "	3 $\frac{3}{4}$	
Blanc Sablon - -	18 "	18 "	0 $\frac{1}{4}$	Foul winds.
St. George's Bay - -	21 "	31 "	9 $\frac{1}{2}$	
Halifax - -	6 September.			

(Signed) MICHAEL DE COURCY,
Commander.

(A.)

Letter from the Governor of St. Pierre and Miquelon.

St. Pierre de Terre Neuve,
le 9 Juin 1850.

MONSIEUR,

EN me notifiant la mission qui vous a été donnée par le Gouvernement de la Grande Bretagne de protéger les pêcheries Anglaises et de veiller à la stricte execution des traités, vous exprimez le vœu que des avertissements soient donnés aux pêcheries Française pour empêcher le retour des plaintes qui se sont produites à l'occasion d'infractions antérieures.

Je ne saurais trop vous remercier de cette bienveillance, et suis heureux de vous dire ici que déjà des admonitions sévères ont été adressées aux pêcheurs de la colonie, et que mon intention bien arrêtée est d'appliquer aux contrevenants les dispositions d'un arrêté colonial qui punit de prison et de la faculté de commander tout pêcheur convaincu d'avoir franchi les limites. J'espère toutefois que je ne me verrai pas dans l'obligation de servir; je ne négligerai rien pour arriver à cet heureux resultat.

J'ai l'honneur,
Le commandant des îles St. Pierre et Miquelon,

(Sig.) P. BRULÉ.

Monsieur le commandant de la corvette Hélène
de Sa Majesté Britannique.

Correspondence
with Public
Departments.

(B.) List of Boats detained by H.M.S. Helena on the 10th July 1850 between Lamalin and St. Pierre.

Name.	Belonging.	From.	To.	Cargo.	Name of Master.
Mary	Rose Blanche	Eastern shore	St. Pierre	Twelve hogsheds of caplin and split cod	T. Rowe.
Brilliant	Lamalin	Lamalin	Ditto	Eight or ten hogsheds of caplin and cod	Italy.
Surprise	Ditto	Ditto	Ditto	Ten or fifteen hogsheds of caplin and seven quintals of cod.	Mich. Collins.
Jane	Rose Blanche	Rose Blanche	Ditto	Six hogsheds of caplin and seven quintals of cod.	B. Rowe.

(Signed) MICHAEL DE COURCY, Commander.

(C.) List of Vessels ordered away from Sark Harbour, Belle Isle.

Date and Place boarded.	Name of		Owner's Residence.	Where		How rigged.	Under what Colours.	To whom con- signed.	Number of			Remarks.		
	Vessel.	Master.		From.	Bound.				Men.	Tons.	Guns.		No. of Boats.	of CodScines.
In Sark Harbour, Belle Isle, on the 9th of August 1850	L'Alouette	Auguste Coriset	Beaumer	St. Limane	Granville	Brig	French	Le Caplin	34	101	-	6	1	I noted on each of these vessels registers that I had ordered them off from Belle Isle for fishing there contrary to treaty, except the Philamona, the master being absent the papers could not be got at.
	Anna Maria	Broize, Henry	Granville	Cape St. Antony.	Granville	Brigan- tice.	French	Broize Henry.	39	70	-	5	1	
	Philamona	Gennard, St. Maur	St. Brian	St. Brian	St. Brian	Brig	French	Not.	30	130	-	3	3	
	Les deux Amis	Bontant	Granville	Granville	Granville	Brig	French	Not.	30	140	-	5	2	

(Signed) MICHAEL DE COURCY, Commander.

(D.) List of French Vessels boarded by the Cutter of H.M. Sloop Helena.

Date and Place boarded.	Name of		Owner's Residence.	Where.		To whom con-signed.	Lading.	How rigged.	Under what Colours.	No. of		Remarks.
	Vessel.	Master.		Owner.	From.					Bound.	Boats.	
1850: 14 August, Black Bay -	Deux Frères	Eugene Brind	M. Juin Michel St. Malo	Poin't Fer- rollo. Cape Onion	St. Malo	Not	Unboiled oil, salt & green fish	Brig -	French	34 200	5 1 seine - 1 caplin 5 herring	Left very willingly.
From Black Bay 2 French schooners, of about 20 tons, with no papers, no name; Captains name, François Touvet, Jacques Voudet; cargoes, salt and green fish, said to have been caught off Newfoundland; came last from Cape Norman; bound to Cape Onion.												
14 August, Great St. Modeste -	Todo	H. Gros	Menard	St. Servan	Port au Chois	Not	Salt Lance	Brig -	French	62 250	13 1 herring 1 caplin	Left very willingly.
14 August, Great St. Modeste -	A sloop of 10 tons, tender to the brig Todo.											
2 brigs, 2 schooners, 1 sloop, upwards of 50 boats, and 200 French fishermen were sent off this fishing ground by the boats of H. M. Sloop Helena.												

(Signed) G. J. MALCOLM, Lieutenant.

(E.) List of American Vessels boarded by the Boats of H.M.S. Helena.

Date and Place boarded.	Vessel.	Master.	Owner.	Owner's Residence.	Where.	To whom con-signed.	Lading.	How rigged.	Under what Colours.	No. of		Remarks.
										Boats.	Cod Seines.	
1850: 14th August, Little St. Modeste -	Triumph	Benjamin Woodbury	Foster and Lovell.	Beverly, Massa- chusets.	Beverly	Not	Green Fish.	Schooner	American	14 90	4 1 herring and 1 caplin.	Expects to be two months and a half this year; was only two months last year.
14th August, Little St. Modeste -	Mont Cella	Allen Lavender	Atkinson and Nicholson.	Province Town, Massachusetts.	Province Town.	Not	Green Fish.	Schooner	American	12 89	4 1 caplin -	Expects to be two months and a half this year; was only two months last year. Has been thirty- one seasons fishing on the coast; considers it is the worst season he has ever known.
14th August, Great St. Modeste -	Mina	William Lavender	Allstrom	Province Town, Massachusetts.	Province Town.	Not	Green Fish.	Schooner	American	7 57	2 None -	Expects to be two months and a half this year; was only two months last year. Has been twenty- one seasons fishing on this coast; considers it the worst season he has had.

(Signed) G. J. MALCOLM, Lieutenant.

Correspondence
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Departments.

REPORT of the COMMANDER of H.M.S. PLUMPER.

H.M. Steam Sloop Plumper, Halifax, N.S.,
October 14, 1850.

MY LORD,

I HAVE the honour to report the arrival at this port of Her Majesty's steam sloop under my command, having left St. John, N.B., 12th October 1850.

I have the honour to make the following statement respecting the fisheries of the Bay of Fundy.

The cod fishing has been considerably below the average this year; of pollock there has been a fair catch, that of hake is considered average; the herring is said not to have struck into the bay this year, and this branch of fishing is in most parts of the bay considered almost a total failure. I am informed that shad has been abundant in the upper part of the bay not visited by the Plumper, but that few have been caught owing to the roughness of the weather.

The times of commencing and ending the different fisheries are generally as follows:—

Herring are caught in weirs from July to the end of October, pollock by the open boat fishermen from June to the end of October, haddock, hake, and small cod fish by them also during that period, net herring during the fall months.

The decked vessels usually start early in the winter for Newfoundland for herring, and early in April to the Magdalen and Tusket Islands for the same. Vessels for cod fish also start in April for Nova Scotia and make two trips. In summer they variously go to the Labrador for cod fish and herring, to Grand Manan for herring and pollock, and in the fall months for mackerel or herring or line fish, wherever they hear they are most abundant. The smaller class of vessels generally lay up from the middle of November until April.

Commencing with Campo Bello, one of the most important stations in the bay, the subjoined is a statement of the quantities of fish brought by wholesale traders on the island up to the end of September. As considerable quantities are carried to Eastport and other ports of the United States by the fishermen themselves, this and the following statements can only be considered approximations to the whole quantities severally caught.

Number and Description of Vessels employed.	No. of Men.	Quantity and Kind of Fish.	Usual Price.	Gross Value.
50 open boats - -	100	5,000 quintals of pollock - -	5/6	£ 1,375 0 0
" - - - -	-	500 barrels of herring - -	12/6	312 10 0
" - - - -	-	100 " oil - -	65/0	325 0 0
" - - - -	-	150 " pickled fish - -	11/3	84 17 6
11 decked vessels, 400 tons in all.	52	1,750 quintals, cod fish - -	11/3	1,093 15 0
" - - - -	-	340 " pollock - -	5/6	93 10 0
" - - - -	-	4,600 barrels, herrings - -	12 6	2,875 0 0
" - - - -	-	480 " mackerel - -	30/0	720 0 0
" - - - -	-	21 " oil - -	65/0	68 5 0
" - - - -	-	100 " pickled fish - -	11/3	56 5 0
21 weirs - - - -	100	40,000 boxes, smoked herrings - -	1/6	3,000 0 0
			£	10,004 2 6

The average catch is substituted for that of the small portion of the season not expired.

WEST ISLES, September 30, 1850.

At this date between 9,000 and 10,000 quintals of fish had been taken, principally pollock, cod, hake, and haddock, also 3,000 barrels of pickled and a few smoked herrings.

ST. ANDREWS, September 30, 1850.

There has been no decked vessel employed fishing this season, and but a few open boats.

ETANG, August 27, 1850.

The only particulars learnt of this place are that mackerel which were formerly abundant in this neighbourhood have not been seen for many years in their usual numbers, and that a considerable quantity of pollock and but few herrings have been caught in Quoddy River this season by the Etang people.

DIGBY, Bay of Annapolis.

At this place, which was formerly a considerable fishing station, and which produces the well-known "Digby Herring," the business is said to be so neglected that there was not

one decked vessel last year, and only one at present. The few fish exported are taken in weirs, or in small boats around the shores of the bay of Annapolis and harbour, by persons who follow farming exclusively. At this place they are exceedingly careful of the character of their smoked herrings. They use white ash for their fuel, avoid the use of damp wood, and keep a very moderate fire; they are also careful to rub the scales well off the fish before curing them; they avail themselves of every opportunity to admit a current of dry air through shutters to carry off any moisture, and consider it of importance to the flavour of the fish to notch the tails of the fattest of them, to facilitate the escape of the oil after they are strung up.

At Grand Manan I was informed that they were not so careful in these particulars, and that the wood nearest at hand, unseasoned, and even drift-wood, were commonly used. I am assured by a fisherman of fifty years standing that the celebrated Digby herring cannot be distinguished from many others till after it is cooked and eaten.

BRIER'S ISLAND, September 21, 1850.

This town has an appearance indicating greater wealth than most of the fishing stations visited. Through Halifax it has long had a footing in the British and West India markets, and possesses several vessels which carry fish and lumber to Spain and other European ports. There is but a small space of ground to divert the attention of the inhabitants from the fishery business, which they are said to follow more exclusively than is usual in most other parts of the bay.

STATEMENT of the Fish taken by the Fishermen of the Township of West Port, Brier's Island, in 1850. The average Catch being substituted for that of the small Portion of the Season not yet expired, September 20, 1850.

Number and Description of Vessels employed.	No. of Men and Boys.	Quantities and Description of Fish.	Usual Price.	Gross Value.
40 open boats - -	92	1,725 quintals, scale fish - -	5/3	£ 452 16 3
" - - - -	-	1,725 " cod fish - -	11/3	970 6 3
" - - - -	-	450 barrels, herrings - -	12 6	287 10 0
" - - - -	-	92 " oil - -	70/0	322 0 0
" - - - -	-	150 " pickled cod and scale fish.	10 0	75 0 0
26 decked vessels, in all 520 tons.	120	4,500 quintals, cod fish - -	11/3	2,531 5 0
" - - - -	-	4,500 " pollock - -	5/3	1,181 0 0
" - - - -	-	2,080 barrels, Bay of Fundy herrings.	12/6	1,300 0 0
" - - - -	-	480 " oil - -	70 0	1,680 0 0
5 vessels, one trip in the spring to Magdalen Islands, 185 tons.	20	2,000 barrels, herrings - -	10/0	1,000 0 0
1 weir - - - -	10	250 " smoked herrings -	2/3	28 2 6
			£	9,828 5 0

"THREE ISLANDS," EAST OF GANNET ROCK.

Here are only two decked vessels, and no open fishing boat this season. They are of 14 and 7 tons respectively.

GRAND MANAN ISLANDS.

These islands contain a few more than a thousand inhabitants. The following has been furnished to me by a merchant, who has for many years taken a principal share in the business of this parish, as an approximation to the exports of the year ending January 1850 :—

"Produce of weirs, 5,000*l.*; cod, hake, and pollock, oil, and barrelled herrings, 7,000*l.*; agricultural produce (including cattle, sheep, potatoes, butter, eggs, chiefly to St. John's and St. Andrew's), and cord wood, 1,000*l.*; total, 13,000*l.*"

The cattle of Grand Manan are said to be excellent for labour. There is an abundance of good grazing ground on the east coast of Grand Manan, and some of the farms in the interior appear, and are said to be, in very good order. They are worked by persons who devote their time exclusively to them. Beech, birch, maple, and various other woods, well suited to the American markets, are plentiful, but the duties amount to a prohibition of their exportation.

The largest vessel which I could ascertain to have been built on the island is the St. John, of 650 tons old measurement. The spars only were procured elsewhere. I am

Correspondence
with Public
Departments.

informed that timber for a vessel of 1,000 tons could be easily procured on the island. The fishing grounds most commonly resorted to by the inhabitants are the southern head of Grand Manan, the Grand Manan bank, and the "Rippings." There were 24 schooners and nearly 100 boats employed fishing this season, besides 13 boats with men from Nova Scotia encamped on Long Island. The number of weirs is 27. A considerable number of these 27 weirs are wholly leased to Americans, and in several others the Americans have shares. The poorer class of fishermen, when questioned on this subject, stated that they were glad to get the Americans among them, as they stuck closer to the business than our own people, who generally having farms to attend to, less frequently require their assistance, and cannot so often supply them at a cheap rate with herrings. But it appears that the foreigner brings with him nearly all the stores required for the business, the frame work of his smoke houses, the wood for his boxes, and most of his provisions, consuming little of the island's farm produce. He does not permanently settle in the place, and his profits of trade are consumed in his own country, where he has his permanent dwelling. It is true that the resident proprietor receives the rent of the privilege. It is admitted by our fishermen that they have profited by the example of the Americans in the increase and management of weirs.

The small herring bait is almost wholly caught in the weirs. Before weirs were so numerous, driving by torch-light in our own waters was the chief means employed; and it is common for our fishermen to complain that it is principally our own bait which enables the American fishermen to keep our fish out of their markets.

It is not unusual for our fishermen to assert that the fish are not so abundant in the bay as in former years, and many supposed proofs of the fact are offered; but from all I could gather from old and intelligent fishermen there is no material difference in the quantity caught, if the result of a succession of years be considered, and there never has been any ground for apprehending that on this account any one branch of the fisheries has permanently failed or retrograded. The fishing seasons appear to be uncertain, as are the agricultural crops, and no further; for although now and then the fish of a particular kind, especially mackerel and herring, may not appear in their usual quantity, they are sure eventually to come back in as large quantities as before. Pollock, which had always been so abundant in the neighbourhood of the west isles as to give its Indian name "Quoddy" to the neighbourhood, appeared for the last four years to have deserted these waters till a short time since, when the shores were suddenly revisited by them in such swarms that they appeared in many places to be raised above the surface of the water, and women and children flocked to the beach to dip them up with their aprons, or draw them to the land with garden-rakes, and many instances might be adduced of the like tendency.

Sometimes a total extinction of the fisheries is predicted to follow from various supposed injurious modes of catching the herring, the prey followed by all the line-fish, and each method in his turn has some grave and specific evil alleged against it. The weir fishing, which can be practised comparatively by few, appears to be the most generally opposed. It is frequently and confidently asserted that as weirs have increased in number the herring has gradually receded from our shores, and that in many places where the fishermen in small boats used to catch without trouble as many as they wanted close to their homes, there are now few to be caught, and that they will not rise, where they do exist, to the torch as formerly; that the schools, being constantly broken up by these permanent obstacles to their free course in playing along the shores, are scared away from the neighbourhood. Great waste of herring and destruction to the fry of other fish are also said to result from the use of fixed weirs; vast numbers of small herrings, unfit for sale, are affirmed to be taken, and many fish frequently to be left by neglect to perish in the weirs, and to be afterwards used for manure; also that it frequently happens that too many are taken to be cured at the time, and that instead of being let loose they also are used as manure. On the other hand, it is asserted that great destruction is caused by the use of nets on the various spawning grounds. Again, driving by torch-light is said to break up a school, and frighten it away from the neighbourhood more than any other mode adopted. An argument seemingly too absurd to be mentioned, but as an instance of the bias with which each interest generally reviews the rest, is against the Indians, who hunt the porpoise for its oil. It is by many believed that the late scarcity of herrings is in some measure caused by the destruction of a fish which, when in pursuit of the herring, instinctively drives it towards the shore. The only point on which all agree is, that the herring, and also the line-fish which prey on them, keep farther than formerly, and that where the former are to be found near the shore they will not rise to the torch as readily as before.

The principal weir grounds are Campo Bello and the West Isles, where the same streams of fish meet American weirs. On the former island there are weirs within a few yards of those on the American side. Various islets and rocks have been purchased from the Government solely for their weir privileges. The waste of fish (if the term be at all applicable) said to be caused by weirs is greatly exaggerated; it is seldom that herring are allowed to die in the weirs, for besides the immediate loss of fish, such an occurrence is too injurious to the weirs by fouling them to be very frequent. I have not seen fish used in manure compounds, and their application to the soil appears confined to the careless strewing over the grass lands near the smoke houses the small and the spoilt or broken herrings. Indeed when a stranger sees the little care taken in the management of the soil, and considers the abundance of herrings, when they do strike in, he is inclined to

regret that so excellent a manure should not be more extensively used, rather than that a farmer fisherman should not return to the sea the fish he cannot cure, that they may be afterwards caught by others who may make a better use of them.

The spawning ground on the southern head of Grand Manan is about two and a half miles in extent, and two separate schools of herring are said to resort there, one in June and one at the end of August. At these times the whole space is covered with nets, not a spot being left undisturbed. The spawn is so thick that small ropes, when left by the tide, are by its clinging to them increased to the size of a man's leg, and the fish are often caught in such quantities that the lines break, and the nets, together with the fish, fall to the bottom, where the latter remain putrifying and tainting the water around. The whole space being thus occupied by fishermen, it seems reasonable to suppose that injury may be done in the spawning seasons more perhaps from the disturbance caused than from the quantity of "seed fish" taken or destroyed.

The "gurry nuisance" or the practice of throwing overboard the offal of fish, is always denounced in the strongest terms. It seems that the most desirable sites for weirs are on tide points, long rocky points jutting out from the shore, which are dry, or nearly so, at low water, and over which at other times the tide sweeps with great rapidity. The weirs are therefore commonly between rocks or small islands forming narrow passages which afford shelter for fishing vessels. In such spots it is common for the offal of fish to be thrown overboard, and to be carried by the current into the neighbouring weirs, which are then said to be "gurred," and to have little or no chance of success for a considerable time, the water being fouled for some distance around, and the surface covered with an oily substance. In the hake season, when vessels commence to catch fish near the shores of Grand Manan, the herring are said to be at once driven from the vicinity of the vessels, and in a very great proportion of the hake caught are found the bones and heads of hake which have been thrown overboard, the former sometimes protruding through the body of the fish, which are emaciated and little worth. The practice is universally condemned, but commonly followed, the feeling being that one may as well do it as his neighbours. The land wants manure, and the fishing is injured by this wasteful disposal of it.

Our fishermen are said to be generally careless in curing their fish. This appears to arise more from a wish to save expense than from want of knowledge of curing. They state that the price will not admit of a proper expenditure of time, labour, and salt. Where large hauls of herring are taken, the crew generally is insufficient to pack them away properly, and it is necessary to make up their loads and complete the voyage speedily, in order to make it pay expenses. These motives operate in a great measure even with the fishermen best fitted out; and I am told that it is an evil which must be rectified by the wholesale purchasers, and by a rigid inspection of disinterested public officers, rather than by attempts to instruct in curing. At present there is virtually no inspection. Those who are supposed to perform this office are themselves fishermen, or persons too busily occupied with their own concerns to go to a distance from their dwellings without being well paid by the parties requiring their inspection; and wholesale traders frequently affix their own mark, as having greater weight in the market than the "brand" of the inspector. The markets for which fish are intended should influence the choice of fish taken, the mode of curing, packages, &c. Our sealed herrings (smoked), which are in quick demand in the market for which they are proposed, would be dull of sale in those markets where the Scotch and Dutch herrings only are known; and large herrings, when smoked, which would be suitable to the European markets, are unsaleable in the United States. Also our pollock fish, which are intended for the Eastport market, are slack salted, and not thoroughly dried, and would in St. John, N.B. be neglected. Poor herring caught out of season (and I am informed that such are three quarters of the barrel herring taken by our fishermen), which are highly adapted to the hot weather and slave population of the Southern States, would be unsaleable in any large quantity in more northern climates, and among better fed people. Our fishermen are perhaps more anxious for a rigid inspection of their fish, and especially for useful particulars respecting markets, than for any instruction in the art of curing. I have seen fish covered with offal and dirt tossed with a pitchfork into the salt tub, the person admitting that "it was bad for the fish, and that considerably more salt would be required, from their not having been washed after dressing, but it would take too much time; and that they were more particular with cod." I am informed that the barrels in which our pickled fish are frequently stowed are such (as to both material and manufacture) as would not be tolerated in the United States. Some of the *Cammo Bello* herrings, in the preparing of which great care has of late years been taken, frequently fetch as high a price at Eastport, where they are best known, as those of Digby. Fishermen, who acknowledge the superiority of the smoked herrings of the latter place, assert that the same kind of herring is caught in other parts of the Bay of Fundy, but does not, when cured, (nor would, if equally well cured,) fetch much more than half the price, the commercial value so much depending on the curing or general character, well or ill founded, in individual cases, of the fish. Our fishermen universally complain that they cannot compete with those of the United States, especially in the more expensive but more lucrative branch, "line fishing," from the Americans having a bounty, and from the principal market being the United States, to which they have no access without paying a considerable duty, or smuggling under the disadvantages of risk, delay, and intermediate agency, which lessen their receipts by 2s. or 2s. 6d. on every quintal, average price 12s. 6d. They state that the last bounty was not continued long enough to produce

Correspondence
with Public
Departments.

the encouragement intended, and that it being extended to the catch of fish as well as to the tonnage of vessels, unprincipled men frequently obtained two payments for the same catch of fish. When told that the public revenue cannot benefit by granting permanently pecuniary aid to an employment so unprofitable as to require it, they usually affirm that a liberal bounty on tonnage would in a few years send many suitable vessels to the distant cod fisheries, and that an extensive footing would soon be obtained in the European markets, when this encouragement would no longer be required.

I am informed by an American merchant that a bounty to the fishermen of the United States has been continued for sixty years, and that it amounts to little more than an equivalent to the advantages of our fishermen, in cheapness of vessels, and generally of gear, used in the business; also, that the fisheries had always proved a good nursery for merchant seamen; and that they were supposed to require encouragement from the arduous and unhealthy nature of the employment, and not from its being insufficiently remunerative, when properly followed. There are between 600 and 700 American vessels, from fifty to seventy tons, on the banks of Newfoundland, St. George's Bank, and the other distant fisheries.

Contraband trade, always on the frontier line of two countries which can supply each others wants, is carried on to so great an extent that to smuggle is the rule. I am informed that the American authorities regard with considerable lenity the avoiding payment of duty on fish taken by our fishermen to their ports, as it induces dealings with their merchants, which are highly advantageous to them, for provisions and many other articles which our fishermen smuggle to our coast. To prevent this smuggling in a great degree would appear impossible.

Our fishermen generally appear to live comfortably, though with few superfluities; and if, as reported, they are not enterprising, they nevertheless to a visitor appear very industrious. They almost universally prefer dividing their time between fishing and farming occupations, as the most pleasant and certain way of procuring a decent livelihood. Fishing, to be very profitable, must, I am informed, be pursued almost without interruption, the only interval being in the depth of winter when farming is impracticable. The fishing season commences in spring, about the same time as farming operations should commence. The thinness and scattered state of the population must in a great measure prevent the usual and more economical division of labour. With the assistance of a shipwright to direct, the fishermen generally build the craft required in the business. All appear to be carpenters, and to build their own dwelling and smoke-houses, &c. Their families frequently weave their cloth, dye it, and make their clothes. The nets are also manufactured by their wives or daughters from material, generally cotton warp, purchased in the States. I am informed by American fishermen that "no man catches more fish than a Grand Mananer, when he works with us away from his home." The owners of vessels complain of great difficulty in getting proper crews, and especially masters fit to put in charge of a voyage. It is said that the best of their men fish with the Americans, who can give better pay, and they generally speak despondingly of the business from not being able to dispose of their fish profitably, &c. On the other hand I am informed that various markets besides our colonies,—such as Spain, the Mediterranean, North and South America, Cuba,—afford a vent for a far greater number of the fish of these waters (if suitably prepared and cured) for the markets respectively than all the men now employed could supply. A well-informed American made the following statement to me on the wealth of our fisheries:—

"Mackerel to the value of 150,000*l.* passed to the States last year through Halifax alone, and we should have been glad to have received more. On both sides of the inner bay of Passamaquaddy, and within a line joining Campo Bello and Point Lepreaux light-houses, you have daily in the season about 700 boats, each boat having about three men, each of whom will catch one quintal per day. Nearly three-fourths of these fish are directly carried to this port (United States), and bartered with the green fishmongers for provisions. From here they are sent by railway to Boston and other places, which can always take more than are supplied."

The fact of the small parish of Campo Bello exchanging through traders alone above 10,000*l.* worth of fish this year at Eastport for American goods gives some idea of the wealth of these fisheries.

Captain Robb, in his report in 1840, having mentioned the case of a young fisherman of Grand Manan named "Gubtail" as an instance of success sure to attend an enterprising fisherman, I visited the latter, and received the following account of himself since that period.

"Captain Robb gave a correct account of me. I have worked just as hard ever since. I did not build the vessel he speaks of till five years afterwards. She is about forty tons. I fished in her for about four years, but have not been out in her once this year. I had enough of it last year. I was sometimes very hard up for small herring bait, and we can't afford to give such good wages as the Americans do for good fishers. I used to fish with seven men between Brier's Island and Wilnot Clearing. We caught 600 quintals of cod and sealed fish, which is a very good catch; but I found it difficult to get rid of them. I had to haul up for four weeks for my hay. You can't well work at the deep-sea fishing and farming; but you may manage to look pretty well after your land if you are engaged in the inshore line or in the herring fishery in open boats; but this is not so profitable as the deep-sea fishing in good times. I have not sold a fish in the United States for twelve years. I took 200 quintals to St. Stephen's last fall; but

“ the market was so full that I did not get a farthing ready money: I received a note payable in a twelvemonth; the remainder I took to St. John this spring, having had to keep them all the winter for profitable sale. I am now going to try weir fishing. I don't deny that the weirs do harm (for although a limited number of men can catch more in weirs than by any other means, it is bad for the fishing generally); but a good privilege is lucrative, and I may as well have one as others. I reckon the expenses consequent on this change of employment at nearly 300*l.*, including the cost of weir, new house, &c., and loss of time. I got my money mostly by fishing. We require a bounty as an “ encouragement.” From inquiries I have made I believe that if Gubtail had had as good a knowledge of the markets as he has of fishing he would have disposed more profitably of his catch. It is well known that the Americans frequently visit our waters and anchorages for the purpose of fishing or for herring bait. When a vessel of war arrives, they hoist their colours and weigh, and if questioned as to the object of their visit invariably plead apprehension of bad weather or some other allowable motive. The friendly way in which our fishermen receive these intrusions would appear in some measure to be acknowledged by the lenity with which the Americans admit their fish without payment of duty; but the advantage of the compromise is mostly in favour of the foreigners, as it not only reconciles our fishermen to their encroachments, but brings dealings with their merchants, not only in provisions, but even in various exciseable British articles; and it would appear that these illegal dealings are allowed only within certain limits, to which they seem to be confined by a sort of “ sliding scale,” for I am told that they strictly guard the door against the admission of such a quantity duty-free as would either seriously affect their revenues or the interests of their own fishermen.

The provincial revenue cutter stationed in the bay this season is said to have been of considerable service at the southern head of Grand Manan in preserving order among the numerous fishermen who collect there from all parts in the spawning seasons; and I believe it is generally the opinion of the well disposed that she would be more effective if the master were a magistrate (perhaps with summary powers) and a portion of the crew special constables. Cutting and stealing nets, &c. are not uncommon practices, and instances have occurred of boats going among nets with a sharp instrument attached to them under water. The great spread of nets by the better equipped fishermen of St. John is a constant source of jealousy among the inhabitants of Grand Manan, who complain that they are driven away from what they seem to consider their own ground. The master of the cutter being constantly on the spot, and knowing personally many of the fishermen, is a good check to irregularities. The nearest magistrate resides about six miles from the spot on which his services are most likely to be required, and I am informed that no officers (especially inspectors of fish) however zealous, can be very efficient who are themselves directly concerned in the fishery business.

I have no remark to make on the lighthouses, further than all those included in the track chart supplied for my guidance were visited, excepting (owing to the weather) the light at Yarmouth, and that they appeared in good order, and carefully attended to

I have, &c.

(Signed) M. S. NALLATH,
Commander.

Vice-Admiral the Earl of Dundonald, G.C.B.,
&c. &c. &c.

REPORT of the COMMANDER of Her Majesty's Sloop Sappho.

Her Majesty's Sloop Sappho,

Halifax, September 18, 1851.

MY LORD,

AGREEABLY with your Lordship's directions, I proceeded to Charlotte Town, Prince Edward's, and put myself in communication with his Excellency Lieut.-Governor Sir Donald Campbell. On the 19th ult. sailed, and visited various points of Prince Edward Island, Bathurst in the Bay of Chaleurs (from which port I communicated my instructions to his Excellency Sir Edmund Head); from thence sailed for Paspobiac, Douglas Town, Gaspé, and Miscou Island, at none of which places did I ascertain that any infraction of the fishing treaties had taken place, or accounts that could be authenticated of their having occurred elsewhere. The catch of fish was an average one. Some complained of want of bait, owing to the Americans attracting the mackerel to a distance of some miles from the land; but as our own fishermen have equal opportunities and means of attracting the fish to the shore or elsewhere, it cannot be looked upon as a just cause of complaint, or render them worthy of consideration.

The beauty of the American schooners, their excellent fittings, being so well manned, and the energy they display, is indeed surprising, making often three trips during the season from the fishing ground to the States. Off the north shore of Prince Edward Island nearly 100 men collected within the space of a few miles from the splendid fishing grounds, namely, Pictou, Charlotte Town, and farther north, as Gaspé, where there is one boat fitted out by an American, who deserted from a vessel of his own nation (a circumstance almost unknown). There is not a single large fishing vessel employed in the mackerel fishery, which is the most profitable, it being possible and customary to catch forty or fifty barrels a day of No. 1. One schooner was fitted out at Pictou some years ago, and, by the personal energy of the owner, returned laden in eight days, through having

Correspondence
with Public
Departments.

had other business to attend to. He had previously sent the schooner out, and after an absence of three weeks returned with fifty barrels.

The extreme destitution of the fishermen is not more remarkable than general all over these coasts; the most abject poverty and ignorance pervading almost all of that class. The contrast of the American fishermen is remarkable, being well clothed, and apparently well pleased with their condition. To give an idea of the value at which articles are supplied by those who hire labour in prosecution of the fisheries it will be sufficient to state that a barrel of flour is charged at 52s. currency. Little or no money is ever paid for labour. I ascertained that the number of fishing boats and men employed this season correspond, as I was informed by the collector of customs at Gaspé (Mr. Kavanagh), as nearly as possible with the report he furnished to Commander Jenner last year, which statistical paper, together with the other journals and instructions, I have the honour to enclose.

Observed the lights of Picton, Canso, and Cranbury, which seemed in fair order.

During my stay in the gulf the state of the weather has been very unfavourable, having experienced several gales of wind. It is considered as being one of the most stormy seasons known in that part for some time. Many vessels were stranded and lost in different parts of the gulf.

I have, &c.
(Signed) ARTHUR A. COCHRANE,
Acting Commander.

Vice-Admiral the Earl of Dundonald,
&c. &c. &c.

No. 67.

No. 67.

COPY of a LETTER from HERMAN MERIVALE Esq. to Captain HAMILTON.

SIR,

Downing Street, May 27, 1851.

* No. 19, Apr. 27, 1851.
p. 128.

I AM directed by Earl Grey to transmit to you the copy of a despatch* from the Lieutenant-Governor of New Brunswick, enclosing an Address to the Queen from Houses of the Legislature of that province, on the subject of the protection of the local fisheries; and I am to request that you would submit this despatch and its enclosure to the Lords Commissioners of the Admiralty, and move their Lordships to inform Lord Grey whether they think it would be practicable to adopt the plan for the protection of the fisheries recommended by the Legislature in their Address.

Captain Hamilton.

I am, &c.
(Signed) H. MERIVALE.

No. 68.

No. 68.

COPY of a LETTER from Captain W. A. B. HAMILTON to HERMAN MERIVALE Esq.

SIR,

Admiralty, June 30, 1851.

I HAVE received, and laid before my Lords Commissioners of the Admiralty, your letter of the 27th May, with its enclosure, from both Houses of the Legislature of New Brunswick, praying that four cutters may be permanently assigned to that station for the protection of fisheries, instead of the two men of war which are annually dispatched thither for such purpose.

My Lords desire me to state, for the information of Earl Grey, that they have referred to Vice-Admiral Sir George Seymour for his opinion; but they consider that if such an arrangement 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 should fall on the colony.

Herman Merivale, Esq.
&c. &c. &c.

I am, &c.
(Signed) W. A. B. HAMILTON.

No. 69.

No. 69.

COPY of a LETTER from Captain W. A. B. HAMILTON to B. HAWES Esq.

SIR,

Admiralty, August 26, 1851.

WITH reference to former correspondence respecting the protection of the fisheries in New Brunswick, I am commanded by my Lords Commissioners of the Admiralty to transmit to you herewith, for the information of Earl Grey,

the copy of a letter from Vice-Admiral Sir George Seymour, dated the 5th instant, No. 83., and of its enclosure on the subject; and in laying the same before his Lordship I have to request that he will furnish my Lords with any opinion or information which he may entertain respecting the colonies, furnishing a local force for the protection of the fisheries.

Correspondence
with Public
Departments.

B. Hawes, Esq.
&c. &c.

I am, &c.
(Signed) W. A. B. HAMILTON.

(No. 83.)

Enclosure in No. 69.

Encl. in No. 69.

SIR,

Cumberland at Halifax, August 5, 1851.

IN obedience to the directions of the Lords Commissioners of the Admiralty, conveyed to me in your letter, No. 68, of the 30th June last, that I should give my opinion on a proposition which has been recommended by the Legislature of New Brunswick for the employment of four small cutters for the protection of the fisheries of that province, I beg to acquaint you, for their Lordships information, that I concur with Commander Robinson in thinking that the existing mode of employing sailing ships or sloops of war in the Bay of Fundy and Gulf of St. Lawrence does not answer the purposes intended, although the officers so employed are most zealous in performing their duties.

I believe with Commander Robinson that the vessels upon the service should be earlier on the fishing grounds, and that they should arrive as early in May as the season will permit.

Except on an accidental meeting on the clearing of fog, the fishing vessels distinguish the ships of war in time to get beyond the prescribed distance from the coast before they can approach; and I have learnt with regret that their want of success in seizing intruders has occasioned doubts of the sincerity of the desire entertained by Her Majesty's Government to enforce the treaties relative to the fisheries, and has led to a supposition that the mother country is indifferent to the interest Her Majesty's subjects in these provinces take in their preservation, which impression it is very desirable to remove.

It therefore appears that the time has arrived when another system should be introduced, and if the protection of the fisheries is continued, that it should be given in an effectual manner.

I have no doubt that small schooners of about fifty tons would be very useful in the intricacies of the coasts of the Bay of Fundy, where the strength of the tides increases the difficulties of larger vessels, and hope that they will be adopted to the extent Commander Robinson recommends; but schooners instead of cutters should be employed, whose rig is unusual in these seas, and would attract immediate observation. Still I consider that these small craft should form a part of the force, which the principal North American provinces are understood to be ready to apply to the protection of their own fisheries, and that they should not be furnished from the Royal Navy.

I enclose for their Lordship's information a copy of a paper which has been laid before the Governor-General and Council of Canada in June last, in which the government of Canada determines to co-operate with that of Nova Scotia, by each applying two or more vessels for the efficient protection of the fisheries; and I should only desire to change as much of this proposal as would substitute several small schooners for the one of a large size in the Bay of Fundy.

The combination of the protection of the revenue with that of the fisheries renders the employment of provincial vessels for the joint purpose far preferable, and they can be manned by hired seamen, who can find winter employment on shore, as is the custom of the country, while men-of-war's men would be comparatively useless for a considerable portion of the year when their vessels were laid up, and Commander Robinson's plan would be otherwise objectionable.

Although I recommend the employment of colonial small vessels, I am far from desiring that the whole burden of the protection of the fisheries should be thrown upon the provinces. The treaties under which foreigners have obtained fishing privileges within certain limits are the work of the Imperial Government, and had colonial interests been alone consulted some of these treaties would not have existed. If our Government now withdrew the national force from their protection the effect would be injurious, both in these provinces and in the countries which compete successfully with Her Majesty's subjects, from the bounties which they grant to their own people, and the heavy imposts they levy upon others.

I would therefore advise, that while every encouragement should be afforded for the co-operation of New Brunswick, that a screw steam vessel of 100-horse power, and with such capacity as would admit of her carrying good boats, should be employed in the Bay of Fundy; and, for the reasons Commander Robinson gives, she should return each summer for the whole of her commission, and in the winter, or when no longer required, she would be available for the general service of the station.

The protection of the fisheries in the Gulf of St. Lawrence and the coasts of Newfoundland would be secured by the employment of one of the larger steamers under my orders, in addition to one or more sloops during the summer. The rapid manner in which a

Correspondence
with Public
Departments.

steam vessel can sweep round the coasts, renders her equivalent to double or treble the number of sailing vessels, as their Lordships are well aware.

Assisted by the vessels the colonies propose to employ with the same object, the United States would learn from the increased difficulty with which the usurpation of fishing advantages was attended that they had something to gain by making reciprocal concessions. At present they enjoy practically as much facility as answers their purpose, and retain all the advantages of the catch and also of the market.

I would further recommend that a small man-of-war schooner should be applied every summer during her commission to the special service of Prince Edward Island, occasionally visiting the Magdalen Islands, or St. Pierre and Miquelon. In the former island the inhabitants do not avail themselves of the bounty of Providence, which has placed one of the most productive fisheries in the world at their threshold, and entirely neglect its pursuit. I have heard to-day that the number of United States vessels in that quarter is unusually great, and that a desire exists in the island to do away with the restrictions imposed by the treaties, and therefore it is very improbable that the local government would furnish any colonial vessel to control the fisheries in the manner intended by the more important provinces.

A small vessel of war which could enter the shallow harbour on the north side would therefore be very useful, as I presume the island will not be placed upon a different footing in its relation to a foreign power from Her Majesty's other colonies. The same vessel might be usefully employed in the Bahamas and their vicinity during the winter.

In Nova Scotia, at the present time, the anxiety of the inhabitants for the preservation of their fisheries is only equalled by that which appears generally to have been excited by the magnificent guarantee which has been offered, to advance the internal railway communication of British America; and I believe that the attention of Her Majesty's Government to both these objects will greatly promote the feelings which should continue to unite these important countries with the mother country.

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

MEMORANDUM.

Mr. Howe having called the attention of his Excellency and the Council to the importance and value of the gulf fisheries, upon which foreigners largely trespass, in violation of treaty stipulations, and Mr. Chandler having submitted a report of the Select Committee of the House of Assembly of New Brunswick, having reference to the same subject, the government of Canada determines to co-operate with Nova Scotia in the efficient protection of the fisheries, by providing either a steamer or two more sailing vessels to cruise in the Gulf of St. Lawrence and along the coast of Labrador.

It is understood that Nova Scotia will continue to employ at least two vessels in the same service, and that Mr. Chandler will urge upon the government of New Brunswick the importance of making provision for at least one vessel to be employed for the protection of the fisheries in the Bay of Fundy.

(Signed) JOSEPH BOURET,
JOSEPH HOWE,
EDMUND B. CHANDLER.

No. 70.

No. 70.

COPY of a LETTER from B. HAWES Esq. to Captain W. A. B. HAMILTON.

SIR,

Downing Street, September 17, 1851.

I AM directed by Earl Grey to acknowledge the receipt of your letter of the 26th ultimo, and to request that you will state to the Lords Commissioners of the Admiralty that his Lordship concurs in the opinion expressed by Sir George Seymour, that if small vessels are to be employed for the purpose of protecting the fisheries on the coasts of the British colonies in North America, the service ought to be undertaken by the Colonial Governments. Lord Grey conceives that a naval force should be maintained in these waters for the prevention of any successful attempts at open resistance to the measures taken for the protection of the fisheries; but that while Her Majesty's Government furnish a force sufficient for this purpose and to maintain the supremacy of British authority, the duty of preventing the evasion of the laws and trespasses upon British rights should devolve mainly upon the colonial authorities, by whom an effective maritime police ought to be provided. It is, in Lord Grey's opinion, the more necessary that a rule of this nature should be laid down, as it is well known that there are individuals among the colonists who find it for their interest to favour the illegal acts complained of, without whose assistance or connivance they would be comparatively limited in extent.

I am to add that these observations of course have only reference to the present state of affairs, and that Lord Grey does not wish to be understood as expressing any opinion adverse to allowing the subjects of the United States to fish on the shores of the British colonies, if an arrangement upon equitable terms could be made between the two nations for admitting them to that privilege.

Correspondence
with Public
Departments.

Captain W. A. B. Hamilton,
&c. &c. &c.

I have, &c.
(Signed) B. HAWES.

No. 71.

No. 71.

COPY of a LETTER from the SECRETARY OF THE ADMIRALTY to B. HAWES Esq.

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 enclosures, on the subject of the fisheries on the coasts of Newfoundland and in the Bay of Fundy.

Benjamin Hawes, Esq.,
Colonial Office.

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

Enclosure in No. 71.

Encl. in No. 71.

Vice-Admiral Sir G. F. SEYMOUR to the SECRETARY OF THE ADMIRALTY.

Sir,

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

I BEG to transmit, to be laid before the Lord Commissioners of the Admiralty, a report from Captain George Ramsay of H.M.S. 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.

The Secretary of the Admiralty.

I have, &c.
(Signed) G. F. SEYMOUR,
Vice-Admiral and Commander-in-Chief.

Captain RAMSAY to Vice-Admiral Sir G. F. SEYMOUR.

Sir,

H.M.S. "Alarm," Halifax, September 10, 1851.

I HAVE the honour to report to you that H.M.S. Alarm anchored in St. Pierre roads on the afternoon of 6th June, and found in the outer and inner roads two French war steamers, Phoca of 6, and Styx of 4 guns, 1 colonial schooner, Gentile, 16 brigs, 1 barque, 45 schooners, 37 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, Lieut.-col. 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 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. Lieut.-col. 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 strong 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

Correspondence
with Public
Departments.

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 Burges Islands on the forenoon of the 11th, and found there two English brigs loading with fish, one for Oporto and 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 5,000 of herring. The population of these islands have 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 bring 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 schoolhouse, but to get at it one must travel about five yards through a bog. I observed little children were over their ancles in going from the path to the schoolhouse, 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 those 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 and 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 and 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 seventy-five men in their business. The Jersey house in Jersey Harbour employs about fifty 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 her 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 clergyman, 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 23d, when I sailed for Lanelin, and anchored there on the morning of 27th; immediately landed for the purpose of obtaining lodgings for an officer and boats 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 (eighty-five 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 fifty small schooners lying in the bay, and thirty-two 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 and Co. and Nicolle in Fortune Bay.

The anchorage at Lamelin is very bad, and is open from south-west by south-east, 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 Laun, 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 the 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 one shilling 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 to 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 from twenty-five to forty 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 4,000 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 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 2,000, and in the district of Burin above 4,000, 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 fog 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, seventy-two 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 22d, and anchored off Sandy Point on 23d. From all I could learn of this settlement it appears that in 1828 there were seventeen families of English extraction and two families from Cape Breton; at the three Barachois on the south side of the bay there were about six families in each, and on Indian Head seven families.

In 1841 the population had increased on Sandy Point to 167 Protestants, and eighty-four at the Barachois, 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 Barachois, and eight 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 herring 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

Correspondence
with Public
Departments

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, forty pigs, and fifteen 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 two shillings 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 run-aways: 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 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 unmanagable, 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, afford 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 exceedingly 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 the 1st of 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 the 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, as 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 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 party to repair him.

On 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 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 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 place 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 ignorant as all the rest of the inhabitants of this coast. The Romans chapel is the only place of worship here. Many families leave 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.

Vice-Admiral Sir F. G. Seymour,
&c. &c. &c.

I have &c.
(Signed) GEORGE RAMSAY,
Captain.

Commander KYNASTON to Vice-Admiral Sir G. F. SEYMOUR.

SIR, H.M. Sloop Persian, St. John's, N.B., 4th September 1851.

HAVING resigned the command of H.M. 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 abso-

Civil government of
fisheries.

Correspondence
with Public
Departments.H. M. cruizers neces-
sary under the
present system.Duration of the
fishery season.Protected by boats
and small vessels.

lutely 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.

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.

Herring fishing commences at the Tuskets 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. On 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 rain 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.

The herrings come in to the southern head of Grand Manan in immense numbers with spring tides between 15th 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.

Should the province agree eventually to the establishment of revenue cruizers, 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 the 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 in shore; that is, in the deep bays, rivers, and inlets.

Four schooners of 30 tons, subdivided among the deep-sea fisheries and rippings, 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 her visits, might from time to time think proper to give.

They might be subdivided in this way:—

On New Brunswick side.

Boat stations.

Deer Island or Wilson's Beach (Campo Bello); 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 Tuskets.

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

On the New Brunswick side.

First. For the north side of the Bay, between Point Lepreaux and basin of Minis, parallel of northern head of Grand Manan, one schooner.

Second. Machias Seal Islands, Grand Manan, Bay of Passamaquoddy, as far as Point Lepreau, one schooner.

For the off-shore fisheries on the Nova Scotia side.

Between parallels of Cape Split and Bryer's Island, one schooner.

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

Grand Manan the key
of the Bay of Fundy
fisheries.

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 this bay naturally must discourage the visits of the larger kind of fish, such as cod fish, 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 of Grand Manan in the Persian's 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.

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.

Correspondence
with Public
Departments.

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 off the island), a missionary of the Church of England, and one or more dissenting ministers.

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. Some 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 the former state, and then reaping the harvest which a bountiful Providence has supplied for their wants.

Complaints against
the Americans.

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 in 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 twenty per cent. duty which would otherwise be enacted by the strict rigour of a law so injurious to our British fisheries.

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 have a good anchorage without a certain degree of security, in the way of wind and tide, of being able to reach another by nightfall.

Hints on the navigation
of the Bay of
Fundy.

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 ensure steerage way, and a stream anchor at the bows for dropping in deep water, and other anchors in 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 Campo Bello, from the above cause. More minute details on the subject of the different anchorages in the bay are given in my remark book.

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 lawbreakers.

Drifting.

In referring to Captain Robbs 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 in 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 Campo Bello; not one from here. 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 escapes 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 vessels who may follow me.

Cruizing in boats.

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

Crimping by American
vessels.

Correspondence
with Public
Departments.

offered to do so, should they find them. I have moreover addressed the British Vice-Consul at Eastport on the subject, and have of course particularly avoided any steps which might create any international dispute, or renewal 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 desertion. The *Publo* 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.

Vice-Admiral Sir G. F. Seymour.
&c. &c. &c.

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

No. 72.

No. 72.

COPY of a LETTER from the SECRETARY OF THE ADMIRALTY to
HERMAN MERIVALE Esq.

SIR,

Admiralty, November 7, 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 G. F. Seymour, dated the 9th of last month, No. 130., and of the accompanying report from Commander the Honourable A. A. Cochrane of Her Majesty's sloop *Sappho*, on the fisheries in the Gulf of St. Lawrence, coast of Labrador and west coast of Newfoundland.

H. Merivale, Esq.

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

Encl. in No. 72.

Enclosure in No. 72.

(No. 130.)

SIR,

Cumberland, at Halifax, October 9, 1851.

I TRANSMIT herewith, to be laid before the Lords Commissioners of the Admiralty, a copy of the report from Commander the Hon. A. A. Cochrane of Her Majesty's sloop *Sappho*, dated the 3d instant, on the fisheries in the Gulf of St. Lawrence, coast of Labrador and west coast of Newfoundland, which is well deserving the attention of Her Majesty's Government.

Since Commander Cochrane left the north coast of Prince Edward's Island, a heavy gale from the north-east has caused the wreck of numerous United States fishing vessels on its northern coast, on the 4th instant. It is reported that 100 were driven on shore. The number will prove the extent to which that nation usually profits by the fisheries, neglected by the inhabitants of Prince Edward's Island, as well as the vicinity to the land in which they must have been engaged when the gale came on to render nugatory the superiority of build and equipment which Commander Cochrane ascribes to them.

The Secretary of the Admiralty,
&c. &c. &c.

I have, &c.
(Signed) G. F. SEYMOUR,
Admiral and Commander-in-Chief.

SIR,

H.M. sloop *Sappho*, Halifax, October 3, 1851.

I HAVE the honour to inform you, that on leaving Picton I proceeded to visit, in accordance with your orders, the north shore of Prince Edward's Island. Off the eastern shore, and about East Point, from fifty to sixty schooners were catching mackerel. Five of these were English; the rest Americans. One of these, being within the limits, I ordered off.

St. Peter's.—A small schooner, named the *Experiment*, fitted out by Sir Alexander Bannerman to test the value of the cod fisheries to the northward of the island, was at anchor in the bay. She had not been very successful, being too small to ride on the grounds in blowing weather.

Warned off four American schooners hove to within the limits, though not actually fishing. Passed thirty sail of schooners at night.

Richmond Harbour.—Four schooners were absent, engaged in the fisheries.

New London.—Two schooners engaged in the mackerel fishing.

Casunnpeque.—Two schooners belong here, engaged in fishing, and a few boats. Forty English and 120 American schooners have been seen at anchor in this harbour at one time, engaged in mackerel fishing.

Miscou Island.—The only firms residing are those of Mr. Botillier and Mr. Alexander. They have caught 2,000 quintals of cod, which is considered a good average. The firm of Mr. Botillier think of abandoning the island, as the fishing is falling off very much. This island, once famous for the quantity of bait that used to strike in, is now comparatively deserted. I was informed that forty American schooners had been fishing close off the beach a few days previous catching No. 1. mackerel.

Paspebiac.—Mr. Robins and Mr. Botillier have large establishments. Five vessels of Mr. Robins were at anchor, representing 1,056 tons. The catch of fish had averaged fifty quintals per boat, which was considered very good. The number of boats twenty-five. Complaints of the American fishermen catching mackerel close to the shores, and of their attracting and drifting off with shoals of fish. Thirty or forty are said to have been fishing close to the beach.

New Carlisle.—I was informed has eighteen boats.

Port Daniel.—Though open to the south-east, is said to be a very safe anchorage during the summer. Winds from that quarter are said not to blow home. The cod-fishing has been very successful, the boats, of which there are thirty, having taken four or five quintals per day. The fishing grounds are about five miles from the land.

Pierre.—The quantity of cod taken is very large, averaging per boat (of which there are 120) ninety quintals. Complaints of American fishermen fishing close to the shore and attracting mackerel to sea. One schooner took seventy and another sixty barrels in one day close to the beach. Mr. Robins and M. Botillier have the largest establishments here.

Mal Bay.—Made two American vessels weigh and proceed to sea, who were at anchor without any good reason. In consequence of a very strong current was unable to reach St. Peter's before dusk, and being a dangerous place to visit at that hour made sail for Gaspé Bay. St. Peter's has eighty-two boats, and the cod fishery has been successful.

Gaspé Bay.—Owns nearly 200 boats, of which Douglas Town claims thirty. The average catch has been fifty quintals per boat, and was considered good. M. Botillier, Janvein, Wilson, and Prichard have establishments in Gaspé Harbour. Three English schooners engaged in the mackerel fishery, which they prosecuted by seines, arrived from the Bay of Seven Islands, Labrador, in which harbour they had seen as many as forty American schooners engaged in mackerel fishery, almost all had left in consequence of the fish not having struck in. It was stated that the Americans had set fire to the woods, and made themselves very troublesome. Five schooners belong here engaged in the whale trade, and have been very successful, and three schooners in the cod fishery.

At *Grand Grève* as many as fifty American schooners have been fishing close to the beach for mackerel.

South-west Point of Anticosti.—Visited the lighthouse which was in good order; no wrecks had taken place this summer.

St. John River, Labrador.—The salmon fishing was over and the establishments removed to Mingant, which together with Natashquan had taken about 240 tierces of salmon.

Esquimaux Harbour.—Anchored for the night, the weather looking very unsettled, and was detained the following day by thick fog. There is no establishment here.

On the 11th made sail to the eastward with a strong breeze from the north-west, it then fell calm and became variable, then set in at south-west, a strong breeze gradually increasing to a gale; not liking to run up the straits of Belle Isle with such a breeze, and probability of fog, barometer 29.08, hauled on a wind to the south-east; gale drew round to north-west. In the afternoon of 13th ran for the Bay of Islands, and anchored in Jack Harbour, where there are no inhabitants, and but two families residing in Jack Harbour which is closely contiguous. Rode out a heavy gale of wind, blowing ten and very hard in squalls. An American schooner came in, having lost her main boom.

George Town.—The fishing is principally confined to herring, of which about 15,000 barrels have been taken. The settlement is now quiet; the four men that had been sent prisoners to St. John's, Newfoundland, were liberated on bail and, I was informed, were in the town. From this harbour it was my intention to have visited Col Ray and the Magdalen Islands previous to my return to Charlotte Town, had it not been for the reasons I had the honour to inform you of in my letter of the 22d ultimo.

Prince Edward's Island has engaged in deep-sea cod fishery five or six schooners; mackerel, eight.

Magdalen Islands.—Schooners in cod fishery, 40; boats, about 300. As many as 30,000 seals have been caught in one season, though perhaps the average may be about 7,000 or 8,000. They are taken with little risk and expense; the seals being drifted on the ice closely contiguous or on the shore.

New Brunswick, Bay of Chaleurs, Canada, District of Gaspé, and Magdalen Islands are estimated by Mr. Kavanagh, collector of customs at Gaspé, to employ 6,000 men, of which nearly 2,000 come from Quebec and the Channel Islands for the season, and the value of cod fish exported at 100,000*l*. The quantity of mackerel taken in the Bay of Chaleurs does not, I believe, exceed 100 barrels and in Gaspé Bay and adjacent, not 40. Three schooners belong to Gaspé engaged in cod fishing and five whaling; the latter have, I believe, been very successful.

Anticosti may be said to be uninhabited, five or six families being the only residents; no fish is caught for exportation. The island is rented by Mr. Corkett for 120*l*. per annum;

Correspondence
with Public
Departments.
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he takes, with the assistance of a number of Indians from Labrador, a considerable quantity of salmon and furs. There are valuable cod fisheries about the south-east or north-west extremities of this island, and the shores abound with mackerel and herring.

Labrador, from Seven Islands to Cape Whittle may be said to be uninhabited, the Hudson Bay Company's agents at Seven Islands and Mingan being the only residents. Seals are taken in considerable numbers from Mingan up through the straits of Belle Isle via some places by shooting, others by means of nets.

Between *Greenly Island* and *Chateau Harbour* are numerous fishing stations, of which Forteau and Red Bay are the principal. A considerable number of persons resort to this coast from Newfoundland and the Channel Islands during the summer months in pursuit of the cod fishery. The few resident families take a large quantity of seals during the spring.

Belle Isle.—Not inhabited, though very valuable fishing grounds extend around its shores.

West Coast of Newfoundland.—From Cape Norman to Cape George may also be said to be uninhabited, but numerous French vessels resort to the harbours of Port Sanders, Cow Bay, Bonne Bay, Bay of Islands, and Port au Port, from April to the end of June in the prosecution of the cod fisheries.

George Town.—The take of herring this year has been about 15,000 barrels; cod and mackerel a small quantity.

Cod Bay.—Eighteen English and two French families reside here, exporting about 2,000 barrels of cod.

Cape Breton.—From Cape Lawrence to Cape North about forty boats are employed in the cod fishing.

Cheticou.—Seven schooners and 104 boats exporting from 10,000 to 12,000 quintals of cod.

Port Hood, Mahon, and Margerie I did not visit, but believe the quantity of fish caught to be very small.

Nova Scotia.—North shore from Cape George to Cape Tormentine no fishing worthy of the name is pursued. From Cape George to the southern part of the Gut of Canseau some mackerel and herring are taken, but the localities where these fisheries are most prosecuted is adjacent to Arichat, Chedabuct Bay, and the shores about Canseau.

Between *Cape Canseau* and *Halifax*.—I visited on a former occasion Whitehaven, Little Dover, Country Harbour, Indian Harbour, and Sheet Harbour; they did not muster 100 boats.

Salmon are taken in all streams of any size running into the Gulf of St. Lawrence; the laws regarding the close season are rendered nugatory by a clause which enables Indians to spear the salmon during that season; such an infamous proceeding ought not to be allowed, as it tends to destroy the fishing completely.

The white people, though they do not spear the salmon, buy them of the Indians.

REMARKS.

The curious circumstance that about 1,000 sail of American schooners find it very remunerative to pursue the herring and mackerel fisheries on the shores of our northern provinces, while the inhabitants scarcely take any, does indeed appear strange, and apparently is to be accounted for by the fact that the colonists are wanting in capital and energy. The Jersey merchants, who may be said to possess the whole labour market, do not turn their attention to these branches. The business of the Jersey houses is generally, I believe, with one exception, carried on by agents; these persons receive instructions from their employers to devote their whole time and energy to the catching and curing of cod. Such constant attention to one subject appears at least to engender a perfect apathy respecting other branches of their trade. They are all aware, I believe fully aware, of the advantages to be derived from catching the herring and mackerel, when these come in shoals within a few yards of their doors, but still nothing is done.

Commercial relations of long standing, never having engaged in the trade before, possible want of the knowledge of the markets, and the alleged want of skill among the fishermen of the method of catching and curing these fish, together with the twenty per cent. duty on English fish in America, may tend to induce the Jersey houses not to enter into those branches. Added to all these reasons the capital of the principals is, I am informed, in most instances small. It will probably be difficult to find about the Bay of Chaleurs and Gaspé any fisherman not engaged by some one of the numerous Jersey houses, and it may be said that a new branch of industry would much interfere with the cod fishery, but so lucrative a trade as the herring and mackerel one would prove would enable higher wages to be given than are done for cod. In fact I believe that very small, if any, wages are given at all, the money due to the fisherman for his summer labour being absorbed in food and clothing for himself and family repairs of boat and fishing gear, almost always deeply in debt in the spring, or at any rate sufficiently so to ensure his labour for the ensuing summer, and so more persons would be induced to resort here during the fishing season.

The want of knowledge of the method of catching and curing could be easily remedied. A little practice, with the aid of some Government inspectors well conversant with the

whole operation, together with the method of curing herrings in the Dutch fashion, who should inspect and brand the barrels, would soon remedy the evil complained of, and give a character and value to their fish. The fishermen when asked why they do not catch mackerel replied that they have not the means, and that the Americans have some secret of catching the fish, which consists, I am told, in throwing overboard chopped and crushed bait, thereby attracting the fish around their vessel, when they are ready with plenty of hands and good gear to take advantage of the opportunity.

Correspondence
with Public
Departments

The American schooners engaged in fishing during the summer in the gulf are, I am told, in the winter employed in the coasting trade, and some fish off the banks near New York. This employment during the winter is an advantage which the vessels of our colonies would not have, but this is counterbalanced by having the fish so abundant along the shores at all points as to render the necessity of employment of vessels devoted to that purpose almost unnecessary.

About 600 American schooners passed through the Gut of Canso this year in the prosecution of the mackerel fishing, many of which have returned with two or three cargoes. There are three qualities of mackerel, those taken in the spring are of an inferior quality, called No. 3., later in the year No. 2., and in the fall, No. 1.

It is said that from 60 to 70 more schooners this year than last, many of them new, are in the gulf this season.

The average tonnage of the American schooners	-	70.
Number of men	-	8 to 9.
Trips	-	2.
Cargo	-	700 barrels.
Time occupied in loading No. 3.	-	8 weeks.
" " No. 2.	-	8 "
" " No. 1.	-	6 "
Approximate value per barrel, No. 3.	-	£5.
" " No. 2.	-	£8.
" " No. 1.	-	£10 to 12.
Expenses of barrel, catching, and salting is, I am told, about	-	£1.

The crew and master receive half the catch; these generally have a share in the vessel.

The expenses of building schooners* is more in the States than, I believe, they would be built for in the colonies, but the American vessels are well turned out of hand, sail extremely well, and in their appearance many might be taken for yachts. If an Englishman is fishing amongst them, he may be known at once by his dirty looking vessel, sails badly cut, and bow and stern of such a shape as to preclude all rapidity of motion, so that he loses his time in getting to the ground, if changing his position in search of fish, and in returning to port, and must clear off a lee shore long before his competitors. I believe that some smart vessels are being built now in Nova Scotia in consequence of a bounty of 2,000*l.* recently voted, and that there will be nearly 4,000 tons of schooners engaged shortly in the mackerel fishery.

The amount of tonnage and men employed by the Americans in the deep-sea cod fishery in 1848 amounted to 1,579 vessels, of which 300 fish about the straits of Belle Isle and Belle Isle Island.

Tonnage	-	86,069
Men	-	8,495
Boys	-	484
Value of catch	-	£1,743,434
Bounty	-	£243,432

No bounty is paid to the vessels engaged in herring or mackerel fishery, yet the quantity of mackerel imported in the State of Massachusetts alone in 1848 was 300,000 barrels.

The value of foreign fish imported in the same year was £815,645, Duty £163,130.

Duty in America on foreign fish in 1842, £1 per barrel, in 1846 twenty per cent. ad valorem.

The number of hands hired by the Americans in our provinces is very large, and we witness the extraordinary fact of hundreds of British born subjects being hired by a foreign nation to prosecute the fisheries on their own coasts.

* In a late northern gale, on the 5th October, many of these vessels were wrecked, and several with the loss of their crews on Prince Edward's Island.

The names of four belonging to the British provinces and twenty United States have been ascertained.

(Signed) G. SEYMOUR,
Vice-Admiral and Commander-in-Chief.

October 13, 1851.

Correspondence
with Public
Departments.

The American masters and crews do not fail, I believe, to impress upon these persons (who are generally of a superior stamp to those employed about the Bay of Chaleurs and Gaspé in the shore cod fishery, being mostly sons of farmers more or less well off, and who have not been brought up in the same squalid poverty and wretchedness,) the importance of the American nation, and endeavour to make clear to them the advantages of annexation.

Seventeen or eighteen hands* are hired to make up a complement of twenty-five in some of the large mackerel schooners, and many of their vessels going to Labrador for cod fish call at the Gut of Canso with only three or four hands on board, and then complete their crews, whom they can afford to pay at the rate of 6*l.* per month, and find in provisions. Of course for such wages they get prime hands.

Complaints against the Americans are principally made in the Bays of Chaleurs and Gaspé where the inhabitants require mackerel for bait; here they complain much, and with reason. In all other parts of the gulf the Americans having no competitors may be said to have undisturbed and uncomplained of possession. The man of war on the station not being able to visit any one place more than twice in four months, they are aware when she is coming and passed, and act accordingly. The inhabitants of Prince Edward's Island, where the principal fishing is carried on, profit largely by such fleets of vessels cruising along their shores, selling large quantities of fuel and farm produce, probably for Yankee "notions." Many of the inhabitants of this island are employed on board the Americans, some hundreds from the Magdalens, and about 200 from the straits of Canso.

From their being at liberty to enter any port, or to anchor anywhere, there being no authority to prevent them, any amount of contraband trade may go on, the revenues of all the provinces being thereby very much injured. They are charged no dues for anchoring, pass through the Gut of Canso (paying the same light dues as our own vessels), which enables them to save at least a fortnight in getting to and coming from their grounds.

Much advantage might be derived by finding employment for so many young men of our provinces by offering a still larger bounty, which would cause these spare hands to be employed for our own profit, would throw difficulties in the way of the Americans procuring labour, and would interest the native fishermen in keeping the Americans without the limits. These fisheries once fairly started by ourselves, which has never yet been the case, would, I believe it is admitted, lead to immense advantages, and the bounty acting as a stimulus for a few years might be withdrawn.

When the railway to Halifax passes close to the gulf, at the head of the Bay of Fundy, these fisheries would assume an importance which at present cannot be estimated, as in a few hours the cargoes of the schooners can be put in Boston, and instead of some weeks being wasted in passages to and from the States, the vessels will be able to return at once to the fishing ground at a distance of a few miles.

The Magdalen Islands, in the centre of the best fisheries, may be said to be entirely without a government, the proprietor carrying on little or no fisheries; the soil covered by squatters, which he is in vain endeavouring to eject; the six magistrates, as I was informed by the collector of customs, being quite inoperative, having no police, everybody does very much what they like. The collector of customs appointed six or seven years ago was by virtue of his office on his first arrival so unpopular that he could scarcely buy provisions, the people wishing to starve him out; he was the first person sent to collect taxes. If he suspects a vessel of smuggling, and wants a boat's crew, he is obliged to wait until he can hire one on the beach, which is not easy as such an object is not popular, and as the islands are remarkably easy of access from all points smuggling may proceed without any interruption. The population amounting to 2,500 have, I am informed, but one school, and that a very bad one. No clergyman of any denomination was there at my visit, the Catholic minister being absent on a tour to George Town, Newfoundland. A Protestant clergyman has been recently appointed. People without instruction are expected to be religious and honest; were more attention paid to these branches the merchants might not have so much cause to complain of those to whom they furnish supplies.

* The fact of the employment of numbers of Nova Scotia fishermen in American vessels is confirmed to me by the Lieutenant Governor and other authorities in this province.

It shows that they have skill to gain high wages.

I attribute the preference they give to foreign employment during the summer months to the circumstance of their being hired in one case by ready money, and in the other that their wages are only advanced to account to defray debts due from the fishermen to the English houses for winter supplies.

(Signed) G. SEYMOUR,
Vice-Admiral and Commander-in-Chief.

October 9, 1851.

In connexion with the cod fisheries I may perhaps mention that the freight of fish per quintal to lading in Spanish bottoms is 2s. 6d., 3s. 7d. is remitted when carried in Spanish vessels, and as a large portion of the salt is brought from that quarter the fish are taken home for nothing, and the salt out for very little.

Correspondence
with Public
Departments.

With respect to the French fisheries, the number of vessels of which I have any knowledge that have been engaged in the cod fishery on the west coast of Newfoundland amounted, ships and schooners, to fifty. I am not aware that the French prosecute the herring and mackerel fishing in the gulf, though all the shore abounds with fish there is no establishment from Gray Town to Cape Norman, nor do vessels frequent the harbour for that purpose.

The following return of vessels that passed through the Gut of Canso may perhaps be interesting :

			Ships.	Barques.	Brigs.	Brigantines.	Schooners.	Shallops.
1847	-	-	101	262	938	1,013	2,970	2,412
1848	-	-	107	270	950	1,006	2,966	2,400
1849	-	-	104	260	960	1,030	2,060	2,360

Many of the brigs, brigantines, schooners, and shallops pass through many times in the year.

The amount of light dues collected in the Gut of Canso this year amounted to nearly 1,000*l.*, the duty is paid once per year by the fishing schooners and colliers, and is then at the rate of 6*d.* per ton.

Taking the average tonnage of all vessels that pass through the Gut at 100, the enormous quantity of 800,000 tons of shipping at the lowest calculation pass through the Gut yearly.

An electric telegraph wire is being thrown over the straits of Canso from Cape Porcupine to M'Keen's Point; the height of Cape Porcupine is estimated at 500 feet. A very light though strong wooden scaffolding, 320 feet high, is being erected on Cape M'Keen, 50 feet above the sea, giving a total of 370 feet above the sea. The estimated distance of the points of suspension of the wire, which is of steel wire, laid up like a rope, and three sixteenths of an inch thick, will be 3,200 feet. The estimated drop or curve that will be described by the wire is 200 feet, so that vessels of any size will still be enabled to work underneath. It may be interesting to mention that it is proposed to extend this line to Cape Race, and that the expense of putting it up averages \$100 per mile. It is presumed that this line of telegraph from Cape Canso to the States and Quebec will be a great advantage to the shipping interests.

Two or three small schooners, or vessels of any description, are quite essential in the Gulf if foreigners are to be kept off our fishing grounds. One vessel might be most advantageously employed in the bays of Chaleurs and Gaspé; one not drawing more than six feet water about the Magdalens and north shore of Prince Edward's Island, and one in the straits of Belle Isle and Labrador. The same complaints are made every year and the same infractions take place, it being impossible for the man of war on the station to prevent them.

I believe much advantage would be derived if the captains of the men of war visiting Labrador and Newfoundland were empowered to act as magistrates, for where there is but little other law than the strongest, the prospect of a man of war kept the turbulent in order; now they begin to know that the captain has no authority to adjudicate it may lead to bad consequences. Anxiety was evinced to know at Labrador whether I had any authority to interfere in affairs on shore.

Having, I believe, rather outstepped the usual letter of routine in some views expressed in these remarks, I can only plead, should they meet with your disapproval, my desire to lay before you what information I had acquired, and with respect to the herring and mackerel fisheries my regret at seeing so important a branch of commerce totally neglected and in the hands of foreigners must be my excuse.

I have, &c.

Vice Admiral Sir G. F. Seymour,
Commander in Chief.

(Signed) ARTHUR A. COCHRANE,
Commander.

Correspondence
with Public
Departments.

No. 73.

No. 73.

COPY of a LETTER from Sir JOHN S. PAKINGTON to the LORDS COMMISSIONERS
OF THE ADMIRALTY.

MY LORDS,

Downing Street, June 2, 1852.

URGENT representations having been addressed to Her Majesty's Government by the Governors of the British North American Provinces, complaining of the encroachment of vessels belonging to citizens of the United States of America on the fishing grounds reserved to Great Britain by the Convention of 1818, whereby the colonial fisheries are most seriously prejudiced, I have to signify Her Majesty's commands to your Lordships to give directions for stationing off New Brunswick, Nova Scotia, Prince Edward Island, and in the Gulf of St. Lawrence such a force of small sailing vessels and steamers as shall in the judgment of your Lordships be sufficient to prevent the infraction of the treaty.

It is the command of the Queen that the officers employed upon this service should be specially enjoined to avoid all interference with the vessels of friendly powers, except when they are in the act of violating the provisions of the treaty, and on all occasions to avoid giving ground of complaint by the adoption of harsh or unnecessary proceedings when circumstances compel their arrest or seizure.

It is of importance that the cruizers in question should be stationed immediately on the fishing grounds, as the fishing season has commenced, and is of short duration. I send herewith, for the information of your Lordships, copies of despatches, and of their enclosures, from the Lieutenant-Governors of New Brunswick, Nova Scotia, and of Prince Edward Island, the contents of which may possibly be of assistance to your Lordships in deciding on the size of vessels most suitable for this service.

I am, &c.

The Lords Commissioners
of the Admiralty.

(Signed) JOHN S. PAKINGTON.

New Brunswick.
No. 19. April 27, 1851,
p. 128.
Nova Scotia.
No. 140. Sept. 7, 1849,
p. 95.
No. 49. Jan. 22, 1852,
p. 99.
Prince Edward Island,
No. 50. Nov. 15, 1851,
p. 149.
No. 51. Nov. 22, 1851,
p. 152.
Ext. Letter from Mr.
Hincks, p. 16.

No. 74.

No. 74.

COPY of a LETTER from Captain W. A. B. HAMILTON to HERMAN
MERIVALE Esq.

SIR,

Admiralty, June 3, 1852.

HAVING laid before my Lords Commissioners of the Admiralty Secretary Sir John Pakington's letter of the 2d instant, signifying Her Majesty's commands that a force of small sailing vessels and steamers should be stationed off the coasts of New Brunswick, Nova Scotia, and Prince Edward's Island, and in the Gulf of Saint Lawrence, for the protection of the North American fisheries, I am commanded by their Lordships to acquaint you in reply, that my Lords will carry into immediate effect the commands of Her Majesty, as conveyed in Sir John Pakington's letter of the above date, and that a steamer will be sent out without delay.

I am, &c.

Herman Merivale, Esq.
Colonial Office.

(Signed) W. A. B. HAMILTON.

Correspondence
with Public
Departments.

No. 75.

No. 75.

COPY of a LETTER from A. STAFFORD Esq. to HERMAN MERIVALE Esq.

SIR,

Admiralty, June 28, 1852.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Secretary Sir John Pakington, a copy of a letter from Vice-Admiral Sir George Seymour, dated the 1st instant, No. 81, relative to the fisheries in the Gulf of St. Lawrence and the coast of Newfoundland.

Herman Merivale, Esq.
Colonial Office.

I am, &c.
(Signed) AUG. STAFFORD.

Enclosure in No. 75.

Encl. in No. 75.

(No. 81.)

SIR,

Cumberland, Bermuda, June 1, 1852.

I BEG to transmit a copy of a letter I have this day received from Sir G. Le Marchant, the Lieutenant Governor of Newfoundland, on the increased protection which he deems the fisheries of that colony to require, in which I am glad to find the colony is disposed to co-operate by the employment of a cruiser. I should consider it very desirable, as the Lieutenant Governor wishes that the Bermuda schooner should proceed to the Straits of Belle Isle, another vessel of war should be applicable to the south coast of Newfoundland, as requested by my letter of the 4th ultimo, No. 67. On that part of the coast a small frigate would answer the purpose, as I think steam power less essential than within the entrance of the gulf.

Within the entrance of the gulf a small screw steamer would execute the service best, for the reasons to which I drew the attention of their Lordships in my letter of the 5th August 1851, No. 83.*

I hope the employment of provincial vessels may render the presence of Her Majesty's ships of less importance in future years, but at present they are not sufficiently organized to do so.

A. Stafford, Esq.

(Signed) G. F. SEYMOUR,
Vice-Admiral

* p. 237.

No. 76.

No. 76.

COPY of a LETTER from A. STAFFORD Esq. to the Earl of DESART.

MY LORD,

Admiralty, July 6, 1852.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Secretary Sir John Pakington, a copy of a letter from Vice-Admiral Sir George Seymour, dated the 24th June, No. 92, reporting his proceedings and arrangements with regard to the protection of the North American fisheries.

Earl of Desart, &c. &c.
Colonial Office.

I have, &c.
(Signed) AUG. STAFFORD.

Enclosure in No. 76.

Encl. in No. 76.

(No. 92.)

SIR,

Cumberland, Halifax, June 24, 1852.

I HAVE to acquaint you that the Cumberland arrived at Halifax on the 11th instant, and I have since been employed in making the best arrangements in my power for the protection of the fisheries, which will be much aided by the additional means the Lords of the Admiralty have directed to be employed for the purpose.

I have written by this mail to ascertain whether small vessels of the description suggested by Sir A. Perrier for the protection of the fisheries, and for distribution on the coast of Labrador, can at present be obtained at St. John's; and I have signified to the clerk in charge at Kingston, Canada, by electric telegraph, their Lordships desire that the Mohawk

Correspondence
with Public
Departments.

may, if not sold, be sent to Halifax. If she arrives, I propose to send her to Prince Edward's Island, a great resort of American vessels, which her light draft of water would enable her to follow into the shoal harbours they frequent.

I shall proceed to Newfoundland, in compliance with their Lordships orders of the 1st instant, as soon as I can ascertain that I shall find there the necessary means for carrying them into effect. The preparations to prevent encroachments on the fisheries of the provinces of North America are more general at present than at any former period. Two brigantines and two schooners have been hired for the season by the government of Nova Scotia, but in order to reduce their expense their crew is no greater than that usually carried by each fishing schooner. Having pointed out this disadvantage to the administrator, Col. Bazalgette, I hope he will induce the provincial government to have fewer vessels, and those better manned. I have also furnished the administrator with the language of the instructions of the Secretary of State, addressed to the Admiralty on the 2d June, in order that those he issues to the hired vessels may be of a corresponding character with those received by Her Majesty's ships, which is very desirable, as the former inculcate moderation as well as firmness in the execution of the duty. Her Majesty's ship Sappho arrived here on the 21st, from Jamaica, on her way to England, but in consequence of the orders received by this packet relative to the fisheries I shall detain her until other vessels arrive, and send her to Newfoundland, in the hope that by so doing I shall be forwarding their Lordships orders on this important subject.

A. Stafford, Esq.

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

No. 77.

No 77.

COPY of a LETTER from Captain W. A. B. HAMILTON to HERMAN MERIVALE, Esq.

SIR,

Admiralty, July 21, 1852.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Secretary Sir John Pakington, the copy of a letter from Vice Admiral Sir George Seymour, dated 8th instant, No. 101., and of its enclosures, respecting the North American Fisheries.

H. Merivale, Esq.
Colonial Office.

I am, &c.
(Signed) W. A. B. HAMILTON.

Encl. in No. 77. (No. 101.)

Enclosure in No. 77.

SIR,

Cumberland, at Halifax, July 8, 1852.

I BEG to acquaint you, for the information of the Lords Commissioners of the Admiralty, that having communicated with the Government of Newfoundland on the subject of their Lordships orders, Nos. 108. and 112., of the 1st and 5th ultimo, for affording increased protection to the fisheries of that colony, especially in the Straits of Belle Isle, I have been acquainted by Sir Gaspard Le Marchant, that the intelligence of the measures proposed by Her Majesty's Government has been received with the most lively satisfaction.

2. Sir Gaspard, having consulted with the Chamber of Commerce of St. John's, further informs me, that although schooners may be procured at St. John's, he is of opinion it would be preferable to hire such vessels at Halifax.

3. As this opinion concurs with the result of other inquiries, and the communications with Labrador are more easily carried on from this port than from St. John's, as well as that the return of the tender's crew can be more easily arranged at Halifax at the conclusion of the fishing season, I had hired two schooners here, and they will sail immediately, under the command of Lieutenant Malcolm and the Honourable H. W. Chetwynd, of the flag-ship, the former to Labrador by the western route, and the other to be under the orders of Commander Campbell of the Devastation, to afford the means of entering the shallow harbours of Prince Edward's Island and the surrounding coasts in which the United States fishing vessels congregate.

4. A small steam vessel would have better answered the purpose, but the Mohawk had been sold before my electric telegraph reached Kingstown.

5. The Janus is ordered, on her arrival at St. John's, to join the Sappho at Belle Isle, where a provincial vessel has been sent, under the direction of a stipendiary magistrate, with boats, in the Straits and at Blanc Sablon.

6. It is therefore considered that no more vessels will be required in that quarter during this season.

7. The Buzzard steam sloop has not yet arrived, and the packet from England, which came in yesterday, reports a strong continuance of westerly winds upon her passage.

8. Two brigantines and a schooner have been engaged by the Government of this province to protect the fisheries on the coasts of Nova Scotia and Cape Breton. They are only merchant vessels hired, with their crews, each fifteen in number, the masters acting under the commissions from the colonial Government. The administrator, Colonel Bazalgette, sent me a copy of the proposed instructions to the masters, and requested any suggestions I deemed necessary. I considered it my duty to recommend that they should be drawn up as much as possible in accordance with those under which I act, as I thought them less cautious than was desirable, and they were modified.

9. On inspecting the colonial vessels, the equipment and crews appeared deficient, which was a motive for my offering to take one of the brigantines into Her Majesty's hired service, to enable more of the sum voted by the provincial Legislature to be applied to render the others more efficient; but the proposed arrangement failed, from my being unable to give the master the same advantages if I employed him as a pilot which he derives in case of making seizures when holding a colonial commission, and the vessel had sailed in less satisfactory preparation and order than is desirable for vessels employed in public services; but the administrator informs me that he will endeavour to have their crews increased later in the fishing season.

10. The Netley, tender to the Cumberland, has seized and sent into St. John's New Brunswick, the United States schooner Coral, of Machias. She is commanded and partly manned by British subjects, whose inducement to sail under United States colours has probably been to avoid the duty imposed in America on importation in British vessels. Lieut. Kynaston found her fishing nearly within musket shot of the Grand Manan Island, and I consider the example her condemnation may afford will be very useful.

11. Her Majesty's sloop Sappho has arrived at St. John's, Newfoundland, on the 29th ultimo, and was to have sailed on the 3d instant for the Straits of Belle Isle.

12. I propose to sail for St. John's Newfoundland, in consequence of their Lordship's order contained in your letter of the 1st ultimo, No. 108, as soon as I have made the necessary arrangements here for the employment of the tenders and vessels in the Gulf of St. Lawrence.

13. I beg to enclose a memorandum of legal points relative to the due execution of the convention of 1838, on which it is very desirable that the officers employed in carrying its provisions into effect should receive further instructions.

The Secretary of the Admiralty,
&c. &c. &c.

I have, &c.
(Signed) G. F. SEYMOUR,
Vice-Admiral and Commander-in-Chief.

MEMORANDUM of Legal Questions relative to the North American Fisheries.

Whether, under the Act 59 Geo. 3. cap. 38., the commanding officers of Her Majesty's ships or vessels require any commission from the governors or officers administering the government of the colonies to carry out the stipulations of the convention of 1818 with the United States relative to the fisheries on their respective coasts, either in seizing fishing vessels infringing the regulations, or in compelling them to quit any port or harbour when they are not there for the purposes defined by the convention, or whether the orders, under competent authority from the Imperial Government, are sufficient to enable them to enforce the terms of the convention.

The fishing vessels of the United States are found in great numbers at Port Hood and adjacent harbours in Cape Breton, New Brunswick, and those of Prince Edward Island, where they pass their Sundays; and the men land in great numbers, which leads to illegal traffic, and to an undue influence over the inhabitants, and from their numbers are beyond control. Such entry not being included under the causes admitted by the third clause of 59 Geo. 3. cap. 38. Can a vessel so offending be seized by Her Majesty's ships for a contravention of the Act (or if she remains, or returns after receiving due notice of the illegality of the act), or is the offence only punishable under the fourth clause by the colonial authorities, after notice has been given, by the imposition of penalty, recoverable in the supreme court of the colony?—and how are offenders to be detained in the latter case?

3. It being agreed in the convention of 1818 that the inhabitants of the United States may take fish of every kind on the shores of the Magdalen Islands, Sir John Dodson and Mr. Wilde gave an opinion, in their letter to Lord Palmerston in August 1841*, that American citizens have no right to land on those islands, or to conduct the fishery from its shores. Nevertheless, I find that an instruction has been issued on the North American

*p. 60.

Correspondence
with Public
Departments.

station by successive Commanders-in-Chief, commencing in 1828, that practical interference with the United States fishermen on the Magdalen Islands should be avoided, although their right to fish from the shores, or to dry and cure their fish there, should not be acknowledged. It is now reported that the crews of the United States vessels interrupt the fisheries of Her Majesty's subjects at the Magdalen Islands. I have to request instructions whether United States vessels so fishing from the shores of the Magdalen Islands, or in drying and curing fish on the said islands, shall be seized, and whether with or without warning for infraction of the treaty.

The Magdalen Islands are under the Government of Canada, and considered to make part of the county of Gaspé; but I understand there are at present no means whatever of enforcing measures by civil power.

Cumberland, Halifax.

(Signed) G. SEYMOUR.

I subjoin some queries on points respecting the construction of the convention, which were held doubtful in this province when the late instructions to their vessels were framed.

Has an American fishing vessel a right to enter a harbour of Nova Scotia in serene weather, and afterwards proceed to sea, without purchasing wood and water; or is she liable to seizure under existing laws?

2. If an American fishing vessel should approach within the limit, and there violate the terms of the convention and the existing laws, and escape beyond three miles, can she be seized by a provincial cutter on the high seas beyond the three marine miles?

How far do the regulations passed by His Majesty in Council in 1836 extend? Can a vessel commissioned by the province of Nova Scotia enforce the observance of these regulations in the waters around the province of Nova Scotia, New Brunswick, or Prince Edward Island? Can a cutter commissioned by the Government of Nova Scotia enforce the 59th Geo. 3d, cap. 38?

G. SEYMOUR.

No. 78.

No. 78.

COPY of a LETTER from Captain W. A. B. HAMILTON to HERMAN
MERIVALE Esq.

SIR,

Admiralty, August 2, 1852.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Secretary Sir John Pakington, the copy of a letter from Vice-Admiral Sir George Seymour, dated 16th ultimo, No. 105, reporting his having sailed for Newfoundland, and the measures he has adopted for the protection of the North American fisheries.

I have, &c.

Herman Merivale, Esq.,
Colonial Office.

(Signed) W. A. B. HAMILTON.

Encl. in No. 78.

(No. 105.)

Enclosure in No. 78.

SIR,

Cumberland, at Halifax, July 16, 1852.

I HAVE the honour to report, for the information of the Lords Commissioners of the Admiralty, that I sail this day in my flag ship for Newfoundland, in compliance with their Lordships orders conveyed to me in your letter No. 108, of the 1st June, and in order that I may communicate with the authorities of that island with regard to the increased protection to the British fisheries directed by Her Majesty's government.

The hired tenders, Telegraph and Arrow, alluded to in my letter No. 101, of the 8th instant, have both sailed, to be employed under Commander Campbell of the Devastation in the Gulf of St. Lawrence and S.W. coast of Labrador. They are officered and manned as well as the Nctley from the complement of the Cumberland, the Buzzard not having yet arrived.

I have, &c.

The Secretary of the Admiralty,
&c. &c. &c.

(Signed) G. F. SEYMOUR, Vice-Admiral,
Commander-in-Chief,

No. 79.

Correspondence
with Public
Departments.

No. 79.

COPY of a LETTER from HERMAN MERIVALE Esq. to H. U. ADDINGTON Esq.

SIR,

Downing Street, August 5, 1852.

I AM directed by Secretary Sir John Pakington to transmit to you, for the consideration of the Earl of Malmesbury, the copy of a letter, with its enclosures, from the Board of Admiralty, respecting the fisheries on the coasts of British North America, and to state that Sir John Pakington presumes that it will be necessary to consult the law officers of the Crown on some of the queries contained in the report of Vice-Admiral Sir Geo. Seymour, but that as others appear to involve questions of political expediency he has thought it best to transmit the whole to Lord Malmesbury, to be dealt with by him.

21st July 1852.

p. 254.

H. U. Addington, Esq.

I have, &c.

(Signed) H. MERIVALE.

No. 80.

COPY of a LETTER from Captain W. A. B. HAMILTON to HERMAN MERIVALE Esq.

No. 80.

SIR,

Admiralty, August 17, 1852.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Secretary Sir John Pakington, a copy of a letter from Vice-Admiral Sir G. F. Seymour, dated the 5th instant, No. 110, reporting his proceedings at Newfoundland.

I have, &c.

Herman Merivale, Esq.,
Colonial Department.

(Signed) W. A. B. HAMILTON.

(No. 110.)

Enclosure in No. 80.

Encl. in No. 80.

SIR,

Cumberland, Halifax, August 5, 1852.

I BEG to acquaint you that I arrived at St. John's on the 20th ultimo, and remained until the 28th, when I detached the Buzzard steam sloop to the straits of Belle Isle and Labrador, and the Bermuda schooner to Placentia and Fortune Bays and the coast opposite to St. Pierre and Miquelon. As it was the opinion of the Government and the principal members of the Chamber of Commerce at St. John's that the Buzzard and Sappho, with a tender I had detached to the western part, were amply sufficient for the protection of the fisheries in the straits of Belle Isle and Labrador, I did not deem it necessary to hire any further vessels, but placed in the Buzzard Lieutenant Rathbone, one of the supernumerary lieutenants sent out for the fishery service, with a boat's crew, and Lieutenant Robson with a boat's crew in the Bermuda, in order that they might obtain before the close of the present year such acquaintance with the fishery grounds and harbours adjacent as will enable them to commence with local knowledge the execution of their duties in another season.

Having reached Halifax as the mail for England is on the point of departure, I am obliged to defer making a general report of the present state of the Newfoundland fisheries, and the circumstances which affect the commerce of that island, until the next opportunity.

I have, &c.

The Secretary of the Admiralty,
&c. &c. &c.

(Signed) G. SEYMOUR, Vice-Admiral.

No. 81.

No. 81.

COPY of a LETTER from Captain W. A. B. HAMILTON to HERMAN MERIVALE Esq.

SIR,

Admiralty, August 17, 1852.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Secretary Sir John Pakington, copies of

L 1

Correspondence
with Public
Departments.

letters from Vice-Admiral Sir G. F. Seymour, dated the 5th and 6th instant, Nos. 113 and 117, and of the enclosures to the former letter relative to the North American fisheries.

Herman Merivale, Esq.,
Colonial Department.

I am, &c.
(Signed) W. A. B. HAMILTON.

Encl. 1. in No. 81. (No. 113.)

Enclosure 1 in No. 81.

SIR,

Cumberland, at Halifax, August 5, 1852.

I BEG to acquaint, you for the information of the Lords Commissioners of the Admiralty, that on my arrival here this day I received the letters of which copies are enclosed, from Her Majesty's Minister at Washington, dated the 20th of July.

It is my intention in consequence to direct the officers employed in the protection of the Fisheries to use additional caution, and to prefer as a general measure to warn off United States vessels found within three miles of the shores of our provinces, to seizure, unless in any gross and wilful case of infraction of the convention of 1818.

Since I left Halifax a second schooner has been seized by Lieutenant Kynaston, of the Netley, for coming within the limits near the Grand Manan to procure bait,—the Attorney General of New Brunswick having furnished him with an opinion that made the vessel liable to seizure. A schooner has also been sent into Charlotte Town, Prince Edward Island, by Lieutenant Chetwynd of the Telegraph, hired tender, for fishing within three miles from the shore, and another by one of the Nova Scotia preventive vessels.

Commander Campbell and Lieut. Kynaston report that the American vessels are much less frequently near the shores of the British provinces where they are stationed.

In consequence of Mr. Webster's having treated the Convention of 1818 as not having been enforced of late years, Colonel Bagalzette, the late administrator of Nova Scotia, has furnished Mr. Crampton with a list of twenty-eight vessels which have been seized in this province for infraction of its provisions, all of which, except three, were condemned between 1st June 1838 and 29th October 1851.

I am fully aware, however, that our rights should be asserted in a conciliatory spirit whenever circumstances permit.

The Secretary to the Admiralty,
&c. &c. &c.

I have, &c.
(Signed) G. F. SEYMOUR,
Vice-Admiral and Commander-in-Chief.

(Confidential.)

SIR,

Washington, July 20, 1852.

I HAVE the honour to enclose to your Excellency, for your information confidentially, the copy of a private letter which I have just received from Mr. Webster, in regard to the measures lately adopted by Her Majesty's Government and the provincial authorities for the protection of the British fisheries.

It is not for me to suggest a suspension of the proceedings which may have been adopted by order of Her Majesty's Government against American fishing vessels which have trespassed upon British right, and which proceedings, I have already officially assured the Government of the United States, were taken in no hostile spirit, but were purely defensive, and rendered necessary by the serious injury inflicted upon an important British interest which the United States had by treaty stipulations engaged themselves to respect.

You will perceive, however, that it is now contemplated by Mr. Webster to take up, by negotiation, the whole subject of the fisheries and of reciprocal trade with the British North American colonies (with the exception of Newfoundland), a question, as your Excellency is aware, now under the consideration of Congress, though as yet with little prospect of its immediate decision. A definitive solution of this question has long been an object much desired by the imperial as well as by the provincial governments; and it would evidently be conducive to the success of its negotiation that it should be undisturbed by the occurrence of any hostile collision between Her Majesty's Government and American citizens; and that all means should be taken, consistently with the proper assertion of our rights, to evince a conciliatory spirit on the part of Her Majesty's Government in regard to the matter in question.

I am about, in compliance with Mr. Webster's request, to proceed to Boston in order to confer with him in regard to this important matter.

I have, &c.
(Signed) JNO. F. CRAMPTON.

P.S.—I have the honour to enclose an extract from an American newspaper, containing a copy of a publication made by the United States Government in regard to this subject.

J. F. C.

Vice-Admiral Sir G. F. Seymour, K.C.B.

MY DEAR MR. CRAMPTON,

Franklin, July 17, 1852.

Correspondence
with Public
Departments.

THE threatened interruption by force of the enjoyment of the fisheries which the fishing vessels of the United States have so long practised and possessed without interruption or molestation, is a serious affair, and I fear full of danger.

I wish to see you as soon as you can possibly come north. If I am not in Boston at the Revere House, please immediately to proceed to Marshfield, bringing with you as many of your adjuncts as you please.

I have recommended to the President that we take up the whole subject of the fisheries and the Canada trade at once as matter of negotiation.

You will see in the Boston papers of Monday an official publication by me. Is it not possible for you to prevail with the provincial authorities to institute no hostile proceedings against American fishing vessels till longer notice be given, and until you and I may have conferred together on the subject.

I am anxious to see you at once. On receipt of this inform me by electric telegraph when you can be in Boston.

I am, &c.

John F. Crampton, Esq.

(Signed) DAN. WEBSTER.

THE FISHERIES.

The following important document appears in the Boston Courier of this morning, and was transmitted to this city by telegraph.

Department of State, Washington, July 6, 1852.

INFORMATION of an official character has been received at this department to the following effect.

The late ministry of England was opposed to the granting of bounties on principle, and in consequence it steadily refused to give the necessary assent to the Acts on the colonial Legislature granting bounties to the fisheries. The colonies complained severally of this interference with their local affairs, and they further complain that the Government declined to enforce the provisions of the fishery convention of 1818, and thereby permitted American fishermen to encroach upon the best fishing grounds, from which, under the legal construction of the treaty, they ought to be excluded. With the recent change of ministry has occurred an entire change of policy. The present Secretary of State for the colonies, Sir J. Pakington, has addressed a circular letter to the Governors of the several North American colonies, an extract from which is as follows:

Downing Street, May 26, 1852.

"Among the many pressing subjects which have engaged the attention of Her Majesty's ministers since their assumption of office, few have been more important in their estimation than the question relating to the protection solicited for the fisheries on the coasts of British North America. Her Majesty's Government have taken into their serious consideration the representations upon this subject contained in your despatches noted in the margin, and have not failed to observe that whilst active measures have been taken by certain colonies for the purpose of encouraging their fisheries, and of repelling the intrusion of foreign vessels, it has been a subject of complaint that impediments should have been offered by the policy of the Imperial Government to the enactment of bounties considered by the local legislatures essential for the protection of their trade.

"Her Majesty's ministers are desirous of removing all grounds of complaint on the part of the colonies, in consequence of encroachment of the fishing vessels of the United States upon those waters from which they are excluded by the terms of the convention of 1818, and they therefore intend to despatch, as soon as possible, a small naval force of steamers or other small vessels to enforce the observance of that convention."

The announcement is accompanied by the following as to bounties: "With regard to the question of promoting the fisheries of the British colonies by the means of bounties, Her Majesty's Government, though desirous not to sanction any unnecessary deviation from that policy which regulates the commerce of this country, are still disinclined to prevent those colonies, by interposition of Imperial authority, (and especially pending negotiations with the United States of America for the settlement of the principles on which the commerce of the British North American colonies is hereafter to be carried on,) from adopting the policy which they may deem most conducive to their own welfare and prosperity."

The vessels of war mentioned in the above circular despatch are expected to be upon the coasts of British North America during the present month (July), when, no doubt, seizures will begin to be made of American fishing vessels, which in the autumn pursue their business on the coast from which it is contended they are excluded by the convention of 1818.

Correspondence
with Public
Departments.

It is this construction of the intent and meaning of the convention of 1818 for which the colonies have contended since 1841, and which they have desired should be enforced. This the English Government has now, it would appear, consented to do; and the immediate effect will be the loss of the valuable fall fishing to American fisheries, a complete interruption of the extensive business of New England, attended by constant collisions of the most unpleasant and exciting character, which may end in the destruction of human life and in the involvement of the Government in a question of a very serious nature, threatening the peace of the two countries. Not agreeing that the construction thus put upon the treaty is conformable to the intention of the contracting parties, this information is, however, made public, to the end that those concerned in the American fisheries may perceive how the case at present stands, and may be upon their guard.

The whole subject will engage the immediate attention of Government.

DANIEL WEBSTER,
Secretary of State.

MY DEAR SIR,

Washington, July 20, 1852.

THE measures taken to protect our fisheries have caused a good deal of excitement here. You will see, however, from Mr. Webster's letter to me that they may have the effect of making the United States Government take up the whole of the reciprocity question, with a view to its settlement by treaty; the only means, as far as I can judge, which offers any prospect of its definite settlement.

Should we be able to keep things quiet in the meantime, the result of the measures in question may therefore be beneficial; but from the difference of the view taken by the law officers of the Crown and by the United States Government of the meaning of the treaty, as regards the line within which American fishermen are thereby precluded from taking fish, may, I fear, give rise to a number of cases, in regard to which the British and American Governments will find themselves at issue, and keep up a great irritation upon the subject here.

I am going to Marshfield (Mr. Webster's place near Boston) to-morrow, to confer with him on the subject, and I will inform you of anything of interest which may be the result.

I have written to the Lieutenant Governor of the colonies concerned a despatch similar to that which I send you to-day, and have sent to them a copy of the announcement on the subject made by the United States Government.

Any observations which you might like to make on this subject will find me at Marshfield, New Hampshire.

Believe me, &c.
JOHN F. CRAMPTON.

P.S.—I have just returned from the President's, with whom I have had a conversation on the subject of the fisheries. He suggests that in order to avoid the question which might arise from the different construction which seems to be given to the Convention of 1818 by the two Governments, that an understanding should be come to by both parties to abstain from exercising the right which each asserts in regard to points upon which the opinions of the two Government are at issue, until they can come to an agreement upon it, or refer it to the arbitration of a friendly power; that is to say, that the British authorities should not seize or interfere with American fishing vessels which should be found fishing without a line at a distance of three miles from the shore, which line shall follow the bays, creeks, and indents thereof, which is the American construction of the treaty; while the United States authorities, on the other hand, warn and in every way prevent their own people from encroaching upon the space we claim under our construction of it, until such time as it shall be settled which of the two constructions shall prevail. This would seem fair if it could be put into practice; but could the Colonial authorities take upon themselves to carry it into effect without referring it to the Imperial Government? I will write again as soon as I have spoken to Mr. Webster.

J. F. C.

Vice-Admiral Sir G. F. Seymour.

Encl. 2 in No. 81.

Enclosure 2 in No. 81.

NORTH AMERICAN FISHERIES.—Measures taken by UNITED STATES Government.
(No. 117.)

SIR,

Cumberland, at Halifax, August 6, 1852.

I HAVE received this day, by the Royal Mail Steam Packet America, New York and Boston papers of the 3d and 4th instant, which contain information of the steam frigate Mississippi having been sent to fishing grounds to protect the rights of American fishing vessels under the convention of 1818, and that one of the ferments which have been

usual latterly in the United States has been increased by supposed orders having been given in all the dockyards to prepare ships and steamers for service.

2. I have not received any communications from Mr. Crampton by this opportunity, nor am I acquainted with any steps having been taken to follow up the proposal which Mr. Webster made to Mr. Crampton, to take up the whole subject of the fisheries and the Canada trade as a matter of negotiation.

3. The Earl of Elgin has, however, sent me a letter addressed to him by Mr. Crampton on the 20th July, acquainting his Lordship that after an interview with the President, they suggested an understanding should be come to by both parties exercising the right which each asserts in regard to points upon which the opinions of the two Governments are at issue, until they can come to an agreement, or refer it to arbitration.

4. On the short consideration I can give the matter, when the packet is about to leave the harbour, I may not be authorized to enter into stipulations contrary to the opinion I find in the colonial correspondence from the law officers of the Crown, but I shall endeavour to prevent the question practically arising, by inculcating caution on the officers employed in the protection of the fisheries on no account to seize United States fishing vessels unless in cases of undoubted and flagrant breaches of the convention of 1818.

5. I am not aware that any of the seizures have turned upon any line between headlands; and the two cases in the Bay of Fundy have, I understand, not been defended by the owners of the vessels.

6. I have communicated with his Excellency Sir Gaspard Le Marchant, who has every disposition to make the commanders of the vessels employed by the province execute their employment with caution, and will give directions accordingly.

7. Sir Gaspard acquaints me that one vessel, the Helena, seized upon insufficient grounds, has been ordered to be released.

I have, &c.
(Signed) G. F. SEYMOUR,
Vice-Admiral-Commander in chief.

I am only aware of three seizures by the squadron under my command, two by the Netley and one by the Telegraph, but there may be more, as the vessels are on points in some cases at a further distance from Halifax.

G. F. S.

The Secretary of the Admiralty.

Correspondence
with Public
Departments.

No. 82.

No. 82.

COPY of a LETTER from T. F. ELLIOT Esq. to H. U. ADDINGTON Esq.

SIR,

Downing Street, August 18, 1852.

I AM directed by Secretary Sir John Pakington to transmit to you the accompanying copy of a despatch from the Lieutenant Governor of Prince Edward Island, enclosing a letter from the harbour master at Malpeque, reporting the refusal of certain American fishermen to pay the anchorage dues to which they are liable, under the provisions of a colonial enactment which has recently been passed, and I am to request that you will move the Earl of Malmesbury to favour Sir John Pakington with his opinion as to the steps it will be proper to take in this matter.

H. U. Addington, Esq.,

I am, &c.
(Signed) T. F. ELLIOT.

No 45., July 19,
1852. Page 156.

No. 83.

No. 83.

COPY of a LETTER from T. F. ELLIOT Esq. to Capt. W. A. B. HAMILTON.

SIR,

Downing Street, August 19, 1852.

WITH reference to your letter of the 21st ultimo*, accompanied by certain queries from Vice-Admiral Sir George Seymour, I am directed by Secretary Sir John Pakington to acquaint you, for the information of the

* Page 254.

Correspondence
with Public
Departments.

Lords Commissioners of the Admiralty, that such of these questions as are of a legal character have been submitted to Her Majesty's law advisers, who have stated that they will require to refer to various former documents on the subject, and from whom therefore an early opinion cannot be obtained; but on such others of the questions as involve considerations of policy rather than that of law, I am desired to refer, for the guidance of Sir G. Seymour, to the instructions contained in the letter which Sir John Pakington has addressed to the Lords Commissioners of the Admiralty this day* by Her Majesty's commands.

*Page 251.

Captain Hamilton.

I am, &c.
(Signed) T. F. ELLIOT.

No. 84.

No. 84.

COPY of a LETTER from Sir JOHN S. PAKINGTON to the LORDS COMMISSIONERS
OF THE ADMIRALTY.

MY LORDS,

Downing Street, August 19, 1852.

*Page 252.

IN my letter of the 2d June* last I conveyed to you Her Majesty's commands for stationing off the coasts of the British possessions in North America a sufficient force of small vessels to protect the fisheries and prevent infractions of the Convention of 1818 with the United States, desiring at the same time that the officers employed on this service should be enjoined to avoid all unnecessary interference with the vessels of friendly powers, and all harshness in the performance of their duty.

Since the time when these instructions were issued, apprehensions have been expressed in the United States that it was intended by them to withdraw the concession made by Her Majesty's Government in 1845, of liberty to the fishermen of the United States to pursue their avocation within the waters of the Bay of Fundy, provided that they should not approach within three miles of the inlets and coasts of the British provinces situated within that bay.

And Admiral Sir George Seymour has referred to the instructions given to successive Naval Commanders in chief, that although no right on the part of the United States fishermen to fish from the shores of the Magdalen Islands, or to dry and cure their fish there, could be acknowledged, yet they should not be practically interfered with at those islands.

Sir G. Seymour has also stated that the fishing vessels of the United States resort in large numbers to the various harbours in Cape Breton, Prince Edward Island, and New Brunswick, where they pass the Sundays without entering those harbours from stress of weather, or to repair damages, or for obtaining wood and purchasing water, as provided for in the Convention, and he has inquired what course should be taken as to these vessels.

With reference to these several subjects, I have it in command to instruct your Lordships to inform the Admiral commanding in chief on the North American station that Her Majesty's Government, in ordering that the British fisheries should be protected, are not making new claims against the United States, nor altering or reversing any standing orders to Her Majesty's governors and public functionaries, nor revoking any such concession as that which was granted in 1845 as regards the Bay of Fundy, or that which has long been practically made in the Magdalen Islands, it being clearly understood that no right of American citizens to land their crews upon those islands is acknowledged by this permission and sufferance on the part of the British authorities.

I have further to apprise your Lordships that, unwilling to withdraw any accommodation which fishermen of the United States now find in British harbours, although such accommodation may go beyond the terms of the treaty, Her Majesty's Government do not for the present desire any interference with the resort which it appears they have formed the habit of making to various

ports of the British provinces at times when they are not engaged in fishing, so long as they may conduct themselves in an orderly and peaceable manner.

Correspondence
with Public
Departments.

What course may be taken hereafter on these several concessions it is unnecessary now to determine. The various questions at issue between the governments of this country and the United States will be the subject of future discussion between them; but in the meantime Her Majesty's Government have no wish to withdraw the foregoing privileges from the fishermen of the United States in any manner which could be considered abrupt.

I have to request, therefore, that your Lordships will desire the Admiral to execute the instructions which you before conveyed to him, with due regard to the above concessions, and with as much moderation and forbearance as may be consistent with the firm maintenance of those rights on the part of the British North American provinces, the encroachments upon which have been the subject of their recent and repeated complaints.

I am, &c.

The Lords Commissioners of the Admiralty. (Signed) JOHN S. PAKINGTON.

No. 85.

No. 85.

COPY of a LETTER from T. F. ELLIOT, Esq. to
Captain W. A. B. HAMILTON.

Sir,

Downing Street, August 19, 1852.

CERTAIN queries proposed by Vice-Admiral Sir George Seymour in regard to the North American Fishery Convention of 1818, and to the Act of Parliament 59 Geo. 3. cap. 38., having been referred for the opinion of the law officers of the Crown, I am directed by Secretary Sir John Pakington to request that in order to enable those officers to advise upon the case, you will move the Lords Commissioners of the Admiralty to cause copies of the orders issued since the passing of the statute 59 Geo. 3. c. 38. on June 14, 1819, under which Her Majesty's naval officers are acting under a competent authority from Her Majesty's Government, to be transmitted to this office at as early a period as may be practicable.

I have, &c.

Captain W. A. B. Hamilton,
&c. &c. &c.

(Signed) T. F. ELLIOT.

No. 86.

No. 86.

COPY of a LETTER from Captain W. A. B. HAMILTON to
T. F. ELLIOT, Esq.

SIR,

Admiralty, August 23, 1852.

WITH reference to your letter of the 19th instant, requesting copies of orders relating to the North American fisheries, I am commanded by my Lords Commissioners of the Admiralty to transmit the copy of a letter addressed to the Under Secretary of State for Foreign Affairs in answer to a similar application; and in laying the same before Secretary Sir John Pakington I am to request that you will state if the instructions therewith transmitted are sufficient; or if Sir John Pakington wishes that copies of the whole correspondence relative to the North American fisheries since 14th June 1819 (thirty-three years) should be made, which must of course take considerable time to prepare.

I am, &c.

T. F. Elliot, Esq.,
Colonial Office.

(Signed) W. A. B. HAMILTON.

Correspondence
with Public
Departments.

Enclosure in No. 86.

Encl. in No. 86.

SIR,

Admiralty, August 11, 1852.

WITH reference to your letter of the 7th instant, requesting to be furnished with certain papers required by the Queen's Advocate respecting the North American fisheries, I am commanded by my Lords Commissioners of the Admiralty to send you copies of the 2d, 3d, 4th, 5th, and 6th articles of the instructions to Vice-Admiral Sir George Seymour, and of an order addressed to him on the 5th June last, which are the last instructions given on the subject; and I am directed to add, that my Lords suppose that copies of the several despatches from the Colonial Office and Orders in Council referred to will be obtained from that department.

H. U. Addington, Esq.,
Foreign Office.

I am, &c.
(Signed) W. A. B. HAMILTON.

No. 87.

No. 87.

COPY of a LETTER from T. F. ELLIOT Esq. to Captain W. A. B. HAMILTON.

SIR,

Downing Street, August 27, 1852.

I AM directed by Secretary Sir John Pakington to acknowledge the receipt of your letter of the 23d instant in answer to mine of the 19th instant requesting, for the use of the law officers of the Crown, copies of instructions issued from the Admiralty to the naval commanders-in-chief on the North American station. Finding that the Lords Commissioners of the Admiralty are in direct communication on this subject with the Secretary of State for Foreign Affairs, by whom the correspondence with the law officers on this question is carried on, I am desired to state that Sir John Pakington feels it unnecessary to trouble the Lords Commissioners with any further remarks or correspondence on the matter from this department.

Captain Hamilton, R.N.

I am, &c.
(Signed) T. F. ELLIOT.

No. 88.

No. 88.

COPY of a LETTER from Captain W. A. B. HAMILTON to HERMAN MERIVALE Esq.

SIR,

Admiralty, September 13, 1852.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Secretary Sir John Pakington, copies of a letter from Vice-Admiral Sir George Seymour, dated the 31st of August, No. 137, and of its enclosures, reporting his proceedings in visiting Prince Edward Island; and relating to the fisheries in the Gulf of St. Lawrence.

Herman Merivale, Esq.,
&c.

I have, &c.
(Signed) W. A. B. HAMILTON.

Encl. in No. 88.

Enclosure in No. 88.

Commander-in-Chief's visit to Prince Edward Island fisheries in the Gulf of
(No. 137.) St. Lawrence.

SIR,

"Cumberland," at Halifax, August 31, 1852.

I BEG to acquaint you that, deeming it advisable to communicate personally with the Lieutenant-Governor of Prince Edward Island, I proceeded to Charlotte-town, by way of Picton, on the 23d instant, from whence I visited the north part of the island, and re-embarked in H. M. Steam-sloop "Basilisk," off Richmond Bay, on the 26th, as I was desirous of observing the effect of the "Mississippi's" visit to the fishing grounds. I did not meet that ship, but Commander Campbell of the "Devastation" had fallen in with her on the preceding day, when Commander Perry had found several United States vessels fishing within three miles of the coast, and had warned them that they were liable to seizure.

2. I enclose a copy of Commander Campbell's report of the circumstances, and have approved of his conduct.

3. I received, when in the Gulf, a reply to the Declaration I had delivered to Commander Perry, on his quitting Halifax, against the interference of the United States vessels of war with vessels detained for adjudication before a Court of Vice-Admiralty, for contravention of the Convention of 1818, a copy of which is also enclosed.

4. Their Lordships will observe that although the Commodore's letter contains every assurance of his disposition to unite with me to calm, rather than to increase, the angry feelings which have arisen on the fisheries, (and with which his conduct, so far as has come within my knowledge, has been in unison,) still the reference to his instructions shows that they would authorize the Commanders of United States vessels to exercise a judgment as to the detention of the vessels which would cause a collision if persevered in.

5. It appears from the admissions made by Commodore Perry as to his own opinion regarding the headlands, which from the Bay of Chaleur and George's Bay, at the western end of the Gut of Canso, that, if he represents the views of his Government, there is not the wide difference of interpretation respecting the extent of the bays from which United States fishermen are excluded, which has existed in the extreme views entertained on either side, of which I furnished their Lordships with an instance in the chart which I enclosed by the last packet, in which the headlands of different islands were supposed to mark the British claims for bays.

6. It is, however, evident that the establishment of well understood limits, becomes of consequence to our peaceable relations with the United States.

7. The north side of Prince Edward Island swarms with fine schooners under the United States flag, though I saw none fishing within three miles.

8. I visited Fort Hood in Cape Breton, and communicated there with the "Bermuda" schooner, and two provincial cruisers, and returned to Halifax, by Picton, on the 28th, leaving the "Devastation" and "Basilisk" in the Gulf, with two tenders.

I have, &c.

(Signed) G. F. SEYMOUR,
Vice-Admiral and Commander-in-Chief.

The Secretary of the Admiralty,
&c. &c.

P. S.—I should acquaint you, that the Master of the United States schooner "Golden Rule," which had been detained for infraction of the Convention by the "Telegraph" schooner, supplicated his release from me on my arrival at Charlotte Town, and I did not consider a third example essential for the present; and on consideration of the Master having been put to great expense in the repairs of his vessel last year in the island, and of his engagement not to repeat the offence, which he acknowledged, I desired Lieut. Chetwynd not to institute legal proceedings, and to release her.

I enclose the Master's petition, with Lieut. Chetwynd's account of her detention.

G. F. S.

EXTRACT of a LETTER from Commander CAMPBELL, of the "Devastation," to Vice-Admiral Sir G. F. SEYMOUR. Dated, off Prince Edward Island, August 26, 1852.

"HAD made Prince Edward Island 14 miles to the westward of this point, while standing along shore observed 18 sail of American fishing vessels within about two miles of the land, hove to and apparently fishing. While nearing them observed the American Commodore coming along shore in the opposite direction.

"The distance which the steamers were from each other was very short at this time, as the weather was thick, and when this sloop was within hail of the "Mississippi" the intruders, or those of them which had not stood off, were in-shore of both vessels; at this time the distance of the "Devastation" from the shore was about two miles and half.

"Commodore Perry, in alluding to the fisheries, told me that he was fully aware that the United States fishermen frequently violated the Treaty, and pointed out what he considered the limits in nearly the same words as he used while speaking to you in my presence on board the "Cumberland." I did not enter upon the subject with him more than I could help, but on his asking me what I considered the sea boundary of the Bay of Chaleur, I told him that I thought from Miscou Point to Point Macquereau, but that I was merely giving my private opinion.

"The Commodore then told me that all the fishermen he had seen complained more of the exclusion from Chaleur Bay than any other part of the Gulf, but that he told them distinctly they could not fish in that bay without clearly violating the Treaty, and that they must take the consequences if they attempted it. He then informed me that the "Telegraph" had detained another vessel called the "Golden Rule," but that it was "quite right," and that he had been told by the other American fishermen that that vessel was taken fishing within the three miles. The only other remark he made on this head was, that he had been informed that the "Telegraph" was disguised at the time of this capture.

Correspondence
with Public
Departments.

“When this conversation was over I called the Commodore’s attention to the position of the fishing vessels immediately inside his ship, and observed that he himself must see the open violation of the Treaty.

“I then remarked that my present duty, always a delicate one, became doubly so while in company with him, but that I felt it incumbent on me to request him to have the terms of the Treaty enforced, by at least obliging the intruding vessels immediately to stand off the land with a warning not to return to their present position. He immediately ordered the boats to be manned and sent for the officers in my presence, desiring them to visit each vessel and warn her to stand out, and to say that she was violating the Treaty by being so close. I then said that after such orders from him I should not interfere with any vessel while he was in sight.

“On returning to the “Devastation” I had the satisfaction to see that every vessel made sail and stood off after being boarded, and none remained within three miles.

“The Commodore remarked that he was going to New York immediately, and from thence personally on to Washington, and was prepared to inform the Government that the United States fishermen had no just grounds of complaint, and that considerable forbearance had been shown them.

“I neglected to mention that the Commodore remarked that the Treaty excluded his countrymen from fishing in the bay, of which Cape St. George and Port Hood are the headlands, but that he is at the same time clearly of opinion that the Treaty by no means provides against their navigating the Gut of Canso.”

United States Steam Frigate “Mississippi,” at Sea, off the
Coast of Nova Scotia, August 20, 1852.

SIR,

YOUR communication of yesterday, the receipt of which I now have the honour to acknowledge, did not reach me until the moment of the sailing of the “Mississippi” from Halifax.

It is true that I informed you that I had come into these seas to warn the American fishermen not to encroach upon the limits prescribed by the Convention of 1818 between Great Britain and the United States, as recognized by general interpretation and usage for the last thirty-four years; but I also informed you that I should deem it my duty to protect from visitation or interference all vessels of the United States that might be found in these waters, the jurisdiction of which, under the Convention, was left in any doubt, and for reason as I intimated to you, that according to the representations made to me, there were enough actually trespassing upon the acknowledged jurisdiction of Great Britain, whose seizure would answer all the purpose of salutary admonition and example without the unnecessary resort to doubtful authority of capture; and I urged the policy of abstaining from such captures upon the ground of a probable mutual disposition of the two Governments to come to some more definite understanding upon the points at issue.

Up to this time I have heard of no unnecessary exercise of rigour or harshness by the officers under your command, on the contrary, I have every reason to believe that they have, in the execution of your instructions, exhibited a degree of forbearance as honourable to themselves as to the enlightened views entertained by yourself upon the question, which has recently produced so much discussion.

It is not for me to reply to the second paragraph of your letter, in which you declare against any interference on the part of the naval force of the United States whilst the two countries are at peace, in preventing any vessels charged with infraction of the Convention of 1818 being detained for adjudication before the Civil Courts, which, by the received practice of nations, forms the proper tribunal by which the facts can be ascertained, and in the first resort judgment pronounced.

My instructions certainly do not authorize any improper interference with the admitted right of seizure and adjudication by Her Majesty’s authorities of American vessels detected in a positive violation of the Convention. But such as these instructions are, my duty is to obey them. Yet I am free to repeat in this formal manner the assurances made to you personally, that whilst they enjoin the most careful watchfulness over the just rights and interests of the American fishermen, they hold forth the strongest solicitude of the President to adhere most faithfully to all the stipulations of the Treaty.

In conclusion, permit me to thank you for the courteous manner in which you have met my personal communications, and to assure you that I duly appreciate and cordially reciprocate those motives which should prompt us both, so as to administer the duties respectively intrusted to our direction as to calm rather than provoke the excited feelings which seem to have grown out of this vexed question of the fisheries; and which, I trust, may soon be amicably disposed of, and in a way alike honourable to the two nations.

I have, &c.

Vice Admiral Sir George Seymour,
Commander-in-Chief.

(Signed) M. C. PERRY.

To his Excellency Admiral Sir George Seymour, &c. &c.

Correspondence
with Public
Departments.

The petition of Israel M. Bartlett, master of the schooner "Golden Rule" of Gloucester, Massachusetts, in the United States,

Most humbly sheweth,

THAT your petitioner has for several years past been engaged in prosecuting the fisheries in and about the Gulf of St. Lawrence, in common with many of his countrymen; and he was induced again to visit this coast in the prosecution of his calling this spring.

That on Wednesday morning last, when off Cape Kildare in this island, the schooner under his charge was boarded by an officer and boat's crew belonging to the Government schooner "Telegraph," and was seized and brought into this port for a violation of the fishing Convention subsisting between the British Government and the Government of the United States.

That your petitioner has no doubt that the said schooner "Golden Rule" was within three miles of the coast of the island when so taken, and cannot impute blame to the officers by whom he was so taken, or charge them with anything like severity in the execution of their orders.

But from the known clemency and high character of your Excellency, your petitioner is humbly led to hope that, in the discharge of your high commission, you will rather exemplify the lustre and dignity of the British Crown, by the exercise of mercy, than the rigid exaction of justice towards your humble petitioner.

That by the unfortunate storm of last October his vessel was driven ashore, and in getting her off and refitting her, he sustained a loss of 1,500 dollars.

That the only property which your petitioner now owns in the world is his interest in the said vessel, and if called on to surrender her, he must surrender his all, and thereby entail destitution upon his family.

May it please your Excellency to take this humble petition into merciful consideration and cause such order and direction to be given, regarding this your petitioner's case as will have the effect of restoring to your petitioner his vessel; and if such should be the fortunate result of this application to your Excellency, your petitioner can assure your Excellency that in future he will not be found in any manner infringing a Treaty which your petitioner admits should be honourably and strictly regarded.

And, as in duty bound, your petitioner will ever pray, &c.

(Signed) ISRAEL M. BARTLETT.

Charlotte Town, August 23, 1852.

H. M. Hired Armed Schooner "Telegraph,"
Charlotte Town, Saturday, August 20, 1852.

SIR,

I HAVE the honour to acquaint you that on the morning of the 18th instant about $\frac{1}{4}$ past 8, whilst standing off and on the land between Liguish River and Cape Kildare, watching a fleet of about 30 American vessels that were fishing between four and eight miles from the shore, an American vessel stood in for the land, passing about 150 yards astern of the Telegraph, tacked, and stood along the shore. Not knowing whether she was standing down the coast or going to fish, I made sail in company with her, being about $\frac{1}{4}$ mile broad upon her lee bow. After standing in nearly a mile, she hove to, and commenced fishing. I immediately tacked, and stood towards her, and on rounding to close under the stern saw her crew fishing. I then hove to, and sent Mr. Sutton (mate) to board her. He found her to be the "Golden Rule" of Gloucester, U.S., ten men and one boy, 94 tons. Mr. S. immediately anchored her, I anchored also about 50 yards further in shore than the Golden Rule, and took the following bearings: Cape Kildare, S.W. $\frac{1}{4}$ W., Liguish R. C. Church, N.N.W., and sounded in six fathoms. The bearings taken by Mr. Sutton on board the Golden Rule were, Liguish Church, N. by W., Cape Kildare, W. by S. $\frac{1}{2}$ S., and sounded in $6\frac{1}{2}$ fathoms.

There being so much difference in the bearings taken on board the two vessels, I sent M. H. O'Brien (pilot) on board to acquaint Mr. Sutton of it, and to take them again. They found that there was a difference of one point between his compasses, when Mr. H. O'Brien said to the master, "I will take the bearings by the compass you say is correct." Pointing one out, he replied, "That is the one I steer by, and I think it is correct." They took the bearings again, and found them to be Liguish Church, N. by W. $\frac{1}{2}$ W., and C. Kildare, W. by S. $\frac{1}{2}$ S. in $6\frac{1}{2}$ fathoms, which would have made her rather closer, not in six fathoms water, and a mile and a quarter from the "Telegraph," whereas she was not more than 30 yards to the south-east.

Knowing that the direction of my own compasses, and the pilot, two seamen, and myself having taken the bearings, I have no hesitation in saying those taken on board the Telegraph were correct. This being such a flagrant case of wilful infraction of the treaty, I detained her, and having placed Mr. Sutton and nine men on board, I repaired to this place, where I arrived about eight o'clock this morning.

Two other American vessels that I presume stood in for the same purpose just after the "Golden Rule," upon observing the "Telegraph" stood out again.

I am, &c.

Vice-Admiral Sir G. F. Seymour,
&c. &c. &c.

(Signed) WM. CHETWYND, Lt. R.N.

No. 89.

Correspondence
with Public
Departments.

COPY of a LETTER from HERMAN MERIVALE Esq. to Captain HAMILTON.

No. 89.

SIR,

Downing Street, October 9, 1852.

• Page 264.

WITH reference to your letter of the 13th ultimo*, forwarding copies of a letter and of its enclosures from Vice Admiral Sir George Seymour, reporting his proceedings in visiting Prince Edward Island, and relating to the fisheries in the Gulf of St. Lawrence, I am directed by Secretary Sir John Pakington to request that you will move the Lords Commissioners of the Admiralty to signify to Commander Campbell the approval of Her Majesty's Government of his judicious conduct in abstaining from capturing American fishing vessels under the circumstances detailed in the Vice Admiral's Report of the 31st August.

Captain Hamilton.

I am, &c.
(Signed) H. MERIVALE.

No. 90.

No. 90.

COPY of a LETTER from HERMAN MERIVALE, Esq., to H. U. ADDINGTON, Esq.

SIR,

Downing Street, October 11, 1852.

Confidential,
31 August 1852.
Page 159.

WITH reference to my letter of the 18th August, and to your reply of the 10th September, on the subject of the refusal of American fishermen to pay the anchorage dues authorized to be levied under an Act recently passed by the Legislature of Prince Edward Island, I am directed by Secretary Sir John Pakington to transmit to you, for the information of the Earl of Malmesbury, the copy of a further Despatch which has been received from Sir A. Bannerman, relating to this subject, and to the general question of the fisheries.

H. U. Addington, Esq.,
&c. &c.I have, &c.
(Signed) H. MERIVALE.

No. 91.

No. 91.

COPY of a LETTER from T. F. ELLIOT, Esq., to H. U. ADDINGTON, Esq.

SIR,

Downing Street, October 25, 1852.

Page 261.

No. 56., Sept. 27,
1852. p. 160.

WITH reference to my Letters of the 18th* and 21st August last, and the 11th instant, I am directed by Secretary Sir John Pakington to transmit to you for the information of the Earl of Malmesbury, the copy of a Despatch from the Lieutenant Governor of Prince Edward Island, enclosing copy of a letter from the Commander of Her Majesty's hired armed schooner "Telegraph," referring to the refusal of the American fishermen to pay the anchorage dues leviable under an Act recently passed in that colony.

H. U. Addington, Esq.
&c. &c.I have, &c.
(Signed) T. F. ELLIOT.

No. 92.

No. 92.

COPY of a LETTER from T. F. ELLIOT, Esq. to H. U. ADDINGTON, Esq.

SIR,

Downing Street, October 25, 1852.

No. 57, 27 Sept.
1852. Page 161.

I AM directed by Secretary Sir John Pakington to transmit to you, for the information of the Earl of Malmesbury, the accompanying copy of a Despatch and of its enclosures from the Lieut.-Governor of Prince Edward Island, on the subject of the fisheries of that island.

H. U. Addington, Esq.,
& &c.I have, &c.
(Signed) T. F. ELLIOT.

No. 93.

Correspondence
with Public
Departments.

No. 93.

COPY of a LETTER from T. F. ELLIOT, Esq., to H. U. ADDINGTON, Esq.
Downing Street, October 29, 1852.

SIR, I AM directed by Secretary Sir J. Pakington to transmit to you herewith, for the information of the Earl of Malmesbury, copies of three Despatches enclosing returns of American vessels seized and prosecuted in the Vice-Admiralty Courts of Canada, Prince Edward Island, and Newfoundland, for violation of the Convention of 1818.

I have, &c.
(Signed) T. F. ELLIOT.

H. U. Addington, Esq.,
&c. &c.

* Lord Elgin, Con-
fidential, 6 Oct.
1852. Page 23.

* Sir A. Banner-
man, 59, 11 Oct.
1852. Page 162.

* Mr. Crowdy, 66,
5 Oct. 1852. Page
180.

No. 94.

No. 94.

COPY of a LETTER from T. F. ELLIOT, Esq., to H. U. ADDINGTON, Esq.
Downing Street, October 29, 1852.

SIR, I AM directed by Secretary Sir J. Pakington to transmit to you for the consideration of the Earl of Malmesbury, copy of a Despatch from the Earl of Elgin, enclosing a joint address to Her Majesty from the Legislative Council and Assembly of Canada on the subject of the protection of the rights of British fishermen on the coasts of British North America.

I have, &c.
(Signed) T. F. ELLIOT.

H. U. Addington, Esq.
&c. &c.

No. 95, 8 Oct.
1852. Page 23.

APPENDIX.

APPENDIX.

APPENDIX No. 1.

Appendix No. 1.

CONVENTION BETWEEN HIS BRITANNIC MAJESTY and the UNITED STATES OF AMERICA. Signed at London, October 20, 1818.

HIS Majesty The King of the United Kingdom of Great Britain and Ireland, and the United States of America, desirous to cement the good understanding which happily subsists between them, have, for that purpose, named their respective Plenipotentiaries, that is to say: His Majesty, on His part, has appointed the Right Honourable Frederick John Robinson, Treasurer of His Majesty's Navy, and President of the Committee of Privy Council for Trade and Plantations; and Henry Goulburn, Esquire, one of His Majesty's Under Secretaries of State:—And the President of the United States has appointed Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to the Court of France; and Richard Rush, their Envoy Extraordinary and Minister Plenipotentiary to the Court of His Britannic Majesty: Who, after having exchanged their respective full powers, found to be in due and proper form, have agreed to and concluded the following Articles:—

ARTICLE I. Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof, to take, dry, and cure fish, on certain coasts, bays, harbours, and creeks of His Britannic Majesty's dominions in America, it is agreed between the High Contracting Parties, that the inhabitants of the said United States shall have, for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Streights of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company. And that the American fishermen shall also have liberty, for ever, to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland here-above described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce for ever any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America, not included within the above-mentioned limits: provided, however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

ARTICLE II. It is agreed that a line drawn from the most north-western point of the Lake of the Woods, along the forty-ninth parallel of north latitude, or if the said point shall not be in the forty-ninth parallel of north latitude, then that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west along and with the said parallel, shall be in the line of demarcation between the territories of His Britannic Majesty and those of the United States; and that the said line shall form the southern boundary of the said territories of His Britannic Majesty, and the northern boundary of the territories of the United States, from the Lake of the Woods to the Stony Mountains.

ARTICLE III. It is agreed, that any country that may be claimed by either party on the north-west coast of America, westward of the Stony Mountains, shall, together with its harbours, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present Convention, to the vessels, citizens, and subjects of the two Powers: it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two High Contracting Parties may have to any part of the said country, nor shall it be taken to affect the claims of any other Power or State to any part of the said country, the only object of the High Contracting Parties in that respect being to prevent disputes and differences amongst themselves.

ARTICLE IV. All the provisions of the Convention "to regulate the commerce between the territories of His Britannic Majesty and of the United States," concluded at London on the 3d day of July, in the year of our Lord 1815, with the exception of the clause which limited its duration to four years, and excepting also, so far as the same was affected by the Declaration of His Majesty respecting the island of St. Helena, are hereby extended and continued in force for the term of ten years from the date of the signature of the present Convention, in the same manner as if all the provisions of the said Convention were herein specially recited.

ARTICLE V. Whereas it was agreed by the first Article of the Treaty of Ghent, that "All territory, places and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this Treaty, excepting only the islands herein-after mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places, which shall remain therein upon the exchange of the Ratifications of this Treaty, or any slaves or other private property:" And whereas, under the aforesaid article, the United States claim for their citizens, and as their private property, the restitution of, or full compensation for, all slaves who, at the date of the exchange of the Ratifications of the said Treaty, were, in any territory, places, or possessions whatsoever, directed by the said Treaty to be restored to the United States, but then still occupied by the British forces, whether such slaves were, at the date aforesaid, on shore, or on board any British vessel, lying in waters within the territory or jurisdiction of the United States: And whereas differences have arisen, whether, by the true intent and meaning of the aforesaid Article of the Treaty of Ghent, the United States are entitled to the restitution of, or full compensation for, all or any slaves, as above described; the High Contracting Parties hereby agree to refer the said differences to some friendly Sovereign or State, to be named for that purpose; and the High Contracting Parties further engage to consider the decision of such friendly Sovereign or State to be final and conclusive on all the matters referred.

ARTICLE VI. This Convention, when the same shall have been duly ratified by His Britannic Majesty and the President of the United States, by and with the advice and consent of their Senate, and the respective Ratifications mutually exchanged, shall be binding and obligatory on His Majesty and on the said United States; and the Ratifications shall be exchanged in six months from this date, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Done at London, this twentieth day of October, in the year of our Lord one thousand eight hundred and eighteen.

(L.S.)	FREDERICK JOHN ROBINSON.
(L.S.)	HENRY GOULBURN.
(L.S.)	ALBERT GALLATIN.
(L.S.)	RICHARD RUSH.

Appendix No. 2.

APPENDIX No. 2.

59° GEORGE III. CAP. 38.

AN ACT to enable His Majesty to make regulations with respect to the taking and curing Fish on certain parts of the coasts of Newfoundland, Labrador, and His Majesty's other possessions in North America, according to a Convention made between His Majesty and the United States of America.

[14th June 1819.]

Convention, dated
20th October 1818.

WHEREAS a Convention between His Majesty and the United States of America, was made and signed at London, on the 20th day of October 1818; and by the first article of the said Convention, reciting that differences had arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish in certain coasts, bays, harbours, and creeks of His Britannic Majesty's dominions in America, it is agreed, that the inhabitants of the said United States shall have for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coasts of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Joly on the southern coasts of Labrador, to and through the straits of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company; and it was also by the said article of the said Convention agreed, that the American fishermen should have liberty for ever to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland above described, and of the coast of Labrador, but that so soon as the same, or any portion thereof, should be settled, it should not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors,

or possessors of the ground: And whereas it is expedient that His Majesty should be enabled to carry into execution so much of the said Convention as is above recited, and to make regulations for that purpose; be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, it shall and may be lawful for His Majesty, by and with the advice of His Majesty's Privy Council, by any Order or Orders in Council, to be from time to time made for that purpose, to make such regulations, and to give such directions, orders, and instructions to the Governor of Newfoundland, or to any officer or officers on that station, or to any other person or persons whomsoever, as shall or may be from time to time deemed proper and necessary for the carrying into effect the purposes of the said Convention, with relation to the taking, drying, and curing of fish by inhabitants of the United States of America, in common with British subjects, within the limits set forth in the said article of the said Convention, and herein-before recited; any Act or Acts of Parliament, or any law, custom, or usage to the contrary in anywise notwithstanding.

His Majesty in Council may make Regulations for carrying the Convention into effect.

II. And be it further enacted, that from and after the passing of this Act it shall not be lawful for any person or persons, not being a natural-born subject of His Majesty, in any foreign ship, vessel, or boat, nor for any person in any ship, vessel, or boat, other than such as shall be navigated according to the laws of the United Kingdom of Great Britain and Ireland, to fish for, or to take, dry, or cure any fish of any kind whatever, within three marine miles of any coasts, bays, creeks, or harbours whatever, in any part of His Majesty's dominions in America, not included within the limits specified and described in the first article of the said Convention, and herein-before recited; and that if any such foreign ship, vessel, or boat, or any persons on board thereof, shall be found fishing, or to have been fishing, or preparing to fish within such distance of such coasts, bays, creeks, or harbours, within such parts of His Majesty's dominions in America out of the said limits as aforesaid, all such ships, vessels, and boats, together with their cargoes, and all guns, ammunition, tackle, apparel, furniture, and stores, shall be forfeited, and shall and may be seized, taken, sued for, prosecuted, recovered, and condemned by such and the like ways, means, and methods, and in the same courts, as ships, vessels, or boats may be forfeited, seized, prosecuted, and condemned for any offence against any laws relating to the revenue of customs, or the laws of trade and navigation, under any Act or Acts of the Parliament of Great Britain, or of the United Kingdom of Great Britain and Ireland; provided that nothing in this Act contained shall apply or be construed to apply to the ships or subjects of any Prince, Power, or State in amity with His Majesty, who are entitled by Treaty with His Majesty to any privilege of taking, drying, or curing fish on the coasts, bays, creeks, or harbours, or within the limits in this Act described.

Foreign vessels not to fish within a certain distance of any British harbour in America not included in the limits prescribed by the Convention; under penalty of confiscation.

Not to extend to vessels of any power entitled thereto by treaty.

III. Provided always, and be it enacted, that it shall and may be lawful for any fisherman of the said United States to enter into any such bays or harbours of His Britannic Majesty's dominions in America as are last mentioned, for the purpose of shelter and repairing damages therein, and of purchasing wood, and of obtaining water, and for no other purpose whatever; subject nevertheless to such restrictions as may be necessary to prevent such fishermen of the said United States from taking, drying, or curing fish in the said bays or harbours, or in any other manner whatever abusing the said privileges by the said Treaty and this Act reserved to them; and as shall for that purpose be imposed by any Order or Orders to be from time to time made by His Majesty in Council under the authority of this Act, and by any regulations which shall be issued by the Governor or person exercising the office of Governor in any such parts of His Majesty's dominions in America, under or in pursuance of any such Order in Council as aforesaid.

American fishermen may enter such harbours for the purposes of repairing or watering, subject to such regulations as may be issued to prevent the abuse of the treaty.

IV. And be it further enacted, that if any person or persons, upon requisition made by the Governor of Newfoundland, or the person exercising the office of Governor, or by any Governor, or person exercising the office of Governor, in any other parts of His Majesty's dominions in America as aforesaid, or by any officer or officers acting under such Governor, or person exercising the office of Governor, in the execution of any orders or instructions from His Majesty in Council, shall refuse to depart from such bays or harbours; or if any person or persons shall refuse or neglect to conform to any regulations or directions which shall be made or given for the execution of any of the purposes of this Act; every such person so refusing or otherwise offending against this Act shall forfeit the sum of two hundred pounds, to be recovered in the Superior Court of Judicature of the Island of Newfoundland, or in the Superior Court of Judicature of the colony or settlement within or near to which such offence shall be committed, or by bill, plaint, or information in any of His Majesty's Courts of Record at Westminster; one moiety of such penalty to belong to His Majesty, his heirs, and successors, and the other moiety to such person or persons as shall sue or prosecute for the same: Provided always, that any such suit or prosecution, if the same be committed in Newfoundland, or in any other colony or settlement, shall be commenced within three calendar months; and, if commenced in any of His Majesty's Courts at Westminster, within twelve calendar months from the time of the commission of such offence.

Penalty on persons refusing to remove, or disobeying orders, 200*l*.

APPENDIX No. 3.

At the Court at Carlton House, the 19th June 1819,

PRESENT,

His Royal Highness the Prince Regent in Council.

WHEREAS an Act was passed in the present session of Parliament, entitled "An Act to enable His Majesty to make regulations with respect to the taking and curing fish in certain parts of the coasts of Newfoundland, Labrador, and His Majesty's other possessions in North America, according to a Convention made between His Majesty and the United States of America," wherein it is enacted, that "whereas a Convention between His Majesty and the United States of America was made and signed at London on the 20th day of October 1818, and by the first article of the said Convention it is agreed that the inhabitants of the said United States shall have for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Joly, on the southern coasts of Labrador, to and through the Straits of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company; and it was also by the said article of the said Convention agreed, that the American fishermen should have liberty for ever to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland above described, and of the coast of Labrador; but that so soon as the same or any portion thereof should be settled, it should not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground: And whereas it is expedient that His Majesty should be enabled to carry into execution so much of the said Convention as is above recited, and to make regulations for that purpose:" "it shall and may be lawful, from and after the passing of the said Act, for His Majesty, by and with the advice of His Majesty's Privy Council, by any Order or Orders in Council to be from time to time made for that purpose, to make such regulations and to give such directions, orders, and instructions to the Governor of Newfoundland, or to any officer or officers on that station, or to any other person or persons whomsoever, as shall or may be from time to time deemed proper and necessary for the carrying into effect the purposes of the said Convention with relation to the taking, drying, and curing of fish by inhabitants of the United States of America in common with the British subjects, within the limits set forth in the said article of the said Convention, any Act or Acts of Parliament, or any law, custom, or usage to the contrary in anywise notwithstanding." It is ordered by His Royal Highness the Prince Regent, in the name and on the behalf of His Majesty, by and with the advice of His Majesty's Privy Council, in pursuance of the powers vested in His Majesty by the said Act, that the Governor of Newfoundland do give notice to all His Majesty's subjects being in or resorting to the said ports, that they are not to interrupt in any manner the aforesaid fishery so as aforesaid allowed to be carried on by the inhabitants of the said United States in common with His Majesty's subjects on the said coasts, within the limits assigned to them by the said Treaty; and that the Governor of Newfoundland do conform himself to the said Treaty, and to such instructions as he shall from time to time receive thereon in conformity to the said Treaty, and to the above-recited Act, from one of His Majesty's Principal Secretaries of State, anything in His Majesty's Commission under the Great Seal, constituting him Governor and Commander-in-Chief in and over the said island of Newfoundland in America, and of the islands and territories thereunto belonging, or in His Majesty's general instructions to the said Governor, to the contrary notwithstanding; and His Royal Highness, in the name and on the behalf of His Majesty, doth hereby annul and make void each and every of the said general instructions which are or shall be deemed contrary to the intent and meaning of the said Convention and of the said Act. And the Right Honourable Earl Bathurst, one of His Majesty's Principal Secretaries of State, is to take the necessary measures therein accordingly.

JAS. BULLER.

APPENDIX No. 4.

[Enclosure in Sir C. Campbell's Despatch, 23d May 1837, No. 77, page 31.]

REPORT of the COMMITTEE of the HOUSE OF ASSEMBLY of NOVA SCOTIA, on the subject of the FISHERIES.—Extracted from the Journals—1837.

THE Committee appointed to take into consideration the subject of the fisheries, and the infringement of existing Treaties by the citizens of other nations, report as follows:—

That, anxious to obtain the most full and satisfactory testimony on which to found their Report, they submitted interrogatories to the most intelligent commercial men engaged in

the fisheries throughout the province, and have accumulated a mass of evidence, removing all doubt on the subjects referred to them, and exhibiting a melancholy picture of the evil consequences flowing from the indiscreet negotiation between Great Britain and the United States of America; and the flagrant violations of subsisting Treaties by the citizens of the latter, and the necessity of promptly repelling such invasion of our inherent rights.

The Committee, in order to place the subject fully before the House, and to adapt the testimony received, refer to the Treaties, and a succinct historical sketch of the fisheries prior to their adoption, to guide to the course most for the benefit and interest of the inhabitants of this colony. The cod fishery of Newfoundland and Canso, on the peninsula of Nova Scotia, commenced soon after the discovery of the former by Sebastian Cabot, in the reign of Henry the Seventh, 1497: all nations resorted to the banks and coasts of that island, until the reign of Elizabeth, when Sir Humphrey Gilbert took possession, and claimed sovereignty under the right of original discovery—Newfoundland acknowledged that right; the French Government disputed the claim to the fishery of Canso, until Nova Scotia was ceded by Treaty in 1749, and Cape Breton conquered in 1758, from which period British subjects pursued the fisheries on Brown's Bank and the banks of Nova Scotia *exclusively*; and on the banks of Newfoundland in *common* with the subjects of every European nation; the colonists also, with British subjects only, resorted at pleasure to every part of Newfoundland; and to the Labrador coasts, after the expulsion of the French from Canada in 1759, to which Government Labrador then belonged; leaving the French accommodated with the islands of St. Pierre and Miquelon, and the north-west side of Newfoundland. At the Peace of 1783 a Treaty was entered into between the United States and Great Britain, by the third article of which the people of the former obtained the right "to take fish on the Grand Bank, and all other banks of Newfoundland, in the Gulf of St. Lawrence, and all other places in the sea where the inhabitants of both countries had been used to fish before, and the *liberty* to fish on such part of the coast of Newfoundland as British fishermen used (but not to dry or cure fish there), and on the coasts, bays, and creeks of all other British dominions in America." American fishermen also obtained *liberty* to dry and cure fish in any unsettled bays, harbours, and creeks of Nova Scotia, Magdalen Islands, and Labrador; but as soon as any of them were settled this liberty was to cease, unless continued by agreement with the inhabitants.

By this inconsiderate article in the Treaty (to speak of it in the mildest terms) a source was opened, from which flowed a torrent of misfortune to the inhabitants of this province: by it the harbours of the Atlantic Colonies were thrown open to the vessels of the United States, and the native fishermen subjected to a hostile rivalry, with which they were unable to compete, and from which no prospect was afforded of escape, while liberties of no ordinary character were ceded to the United States, affording profitable fields for commerce, and fostering a race of seamen conducive to national wealth in peace, and to defence and glory in war. Writhing under difficulties thus heaped on them, the colonists, by the declaration of war in 1812, were unexpectedly relieved, and exerted themselves to retain their restored rights. Fishing vessels of the United States were ordered off by British naval forces, or captured and condemned, on the ground that the Treaty no longer existed, maintaining that the Treaty of 1783, not having been confirmed by the Treaty of Ghent, was annulled by the war of 1812. At this period warm and energetic remonstrances went from the colonies, soliciting the protection of their rights, and on the subject of the fisheries,—Nova Scotia was foremost. By memorial, on 8th October 1813, she entreated His Majesty's Ministers to guard against the hateful article of the Treaty of 1783, and to exclude the French, American, and foreign fishermen from the narrow seas and waters of these northern colonies, stating that her inhabitants procured a living by their industry on those waters, which unquestionably belonged to Britain; she urged that if American citizens were to obtain the right of entering the gulfs, bays, harbours, or creeks of these colonies, that there would be no security against illicit trade, and the numerous evils inevitably attending such intercourse; that the sentiments, habits, and manners, both political and moral, of the lower orders of Americans, were dangerous and contaminating; that it was the first and most fervent wish of these colonists to be completely *British*, their surest defence and greatest blessing, and that the intercourse permitted by that fatal article of the definitive Treaty was detrimental and ruinous. Seizures were made by the British cruizers on the station, and the judgment in the case of the "Nabby," hereto annexed, marked No. 1, exhibits the view then entertained by colonists of their rights of fishery, and the advantages resulting from the war of 1812. The United States dissented from the doctrine maintained by Great Britain; and after protracted negotiation and various proposals the Convention of 1818, under which the inhabitants of this colony have been a second time stripped of their national rights, was agreed on; and, disregarding the voice of the people, the Minister of that day consented that the United States should have for ever, in common with British subjects, the liberty to fish on the southern coasts of Newfoundland, from Cape Ray to the Rameau Islands, on the western and northern coasts of Newfoundland, and from that Cape to the Quirpon Islands, on the shores of the Magdalen Islands, and on the coasts, bays, harbours, and creeks from Mount Jolie, on the southern coast of Labrador, to and through the Straits of Belleisle, and thence indefinitely along the coast northerly, but without pre-

judice to the exclusive rights of the Hudson's Bay Company; and that the American fishermen should also have liberty for ever to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern coast of Newfoundland, as above described, and of the coast of Labrador, subject, after settlement, to agreement with the proprietors of the soil. In consequence of the above stipulation the United States renounced for ever the liberty of fishing within three marine miles of any other part of the British coasts of America, or of curing or drying on them; but American fishermen were to be permitted to enter bays or harbours on the prohibited coasts for shelter, repairing damages, and purchasing wood, and obtaining water, and for no other purpose whatever, subject to restrictions necessary to prevent abuses. Thus, in the face of the decisions of our Courts, of petitions from Nova Scotia, Newfoundland, and the merchants of London, interested in the colonies, the foregoing fatal Treaty was proposed, agreed on, and completed with such marked secrecy, that none were apprized of its terms until it appeared in the public prints, and the people of this province deprived of their most valuable birthright—the fisheries.

The advantages conferred on the citizens of the United States of America by the foregoing policy, was received by them, not as a boon, but a right. Although the war of 1812 had abrogated the Treaty of 1783, the Minister Plenipotentiary of the United States, who negotiated and settled the new Convention, to use his own language, said:—"It was by our act that the United States *renounced* the right to the fisheries, not guaranteed to them by the Convention. We deemed it proper under a three-fold view, 1st. To exclude the implication of the fisheries secured to us being a new grant. 2d. To place the rights secured and renounced on the same footing of permanence. 3d. That it might expressly appear that our renunciation was limited to *three* miles from the coasts. This last point we deemed of the more consequence from our fishermen having informed us that the whole fishing ground on the coast of Nova Scotia extended to a greater distance than three miles from the land; whereas, on the coast of Labrador, it was universally close in with the shore. To the saving of the exclusive rights of the Hudson's Bay Company we did not object. The charter of that Company had been granted in 1670, and the people of the United States had never enjoyed rights in that bay which could trench upon those of the Company. Finally, it is to be remarked that the liberty of drying and curing on certain parts of the coasts of Newfoundland, as secured in the article, had not been allotted to the United States, even under the old Treaty of 1783." When the Convention was made public the article on the fisheries was assailed by complaints from all quarters, and none more loud or just than from Nova Scotia; galled by the recollection of the Treaty of Paris in 1814, the colonists felt that Great Britain, when flushed with conquest, and wearing the laurels of victory, had yielded to the intrigues of the vanquished, and alienated the rights of her subjects; they felt the utter hopelessness of breaking the Treaty; that the fate of the fishery was sealed, and were lulled into submission by the intimation of Ministry, that bounties would be granted upon their fish, to compensate for the disadvantages inevitably imposed. In Nova Scotia the information produced gloom, distrust, and despair; they were, however, still composed by the assurances of Government that their remaining rights should be protected, that the naval force would repel infringers of the Treaty, and the flag of England would insure safety to the industrious class engaged in the laborious pursuit of the fishery; and the colonists were assured that the vigilance of the naval force would shut out the dangerous rivalry of foreigners, at least in the fishery, within three marine miles of the coast of Nova Scotia. How far their anticipations and hopes have been realized the annexed mass of testimony proves.

The Committee further report, that the construction of distinguished lawyers and the legitimate construction of the Convention is, that the citizens of the United States cannot conduct their fishery within three marine miles of the headlands of the coast of Nova Scotia, and have no liberty to enter the bays, harbours, or creeks thereof, except for shelter, and to purchase wood or obtain water, and only then on proof of having left their own ports sufficiently supplied for the voyage; yet, on inquiry and hearing evidence it is proved beyond all doubt, by witnesses of unquestionable character, that the fishing vessels of that country resort to our shores, with as little concern as they quit their own—that, contrary to the terms of the Convention, they purchase bait from the inhabitants, and in many instances set their own nets within the harbours of the province, and on various occasions have, by force, coerced the inhabitants to submit to their encroachment, and they land on the Magdalen Islands and pursue the fishery therefrom, as unrestricted as British subjects, although the Convention cedes no such right. The consequences following in the train of these open violations of a solemn Treaty, are illicit trade, destruction of the fishery by the means of conducting it, interruption of that mutual confidence which ought always to exist between the merchants and fishermen of a country, inducing the former to supply and the latter to make payments with punctuality; and finally, the luring from our shores, by means of bounties, the youth of our country to their employment, reducing our population, and impoverishing our province, while they add strength and vigour to their own—for proof of which, your Committee refer to the documents hereto annexed, and numbered from 1 to 3.

The Committee further report, that the mode of taking fish by the Americans, particularly mackarel, has a tendency to impair, and will ultimately destroy the fishery: they

approach within the prescribed limits, and by the use of bait, tole the fish into deep water, and then take them by jigs, a system destructive to the fishery, by wounding more fish than are taken, which afterwards linger and die, and by detaining them so late by offering food, that the mackarel return to the westward, an immense distance from land, and beyond the reach of net or shore fishermen.

The Committee have also inquired into the encouragement given by the Americans to their fishery, and find that they fit out their vessels on shares; that the Government allows four dollars per ton to all vessels between thirty and ninety tons, in the cod fishery, provided they are engaged 120 days in the voyage, and dress and cure the fish they land; that one half is usually given to the crew, and the other retained by the owners, and thus a direct bounty is offered to the youth of the colonies to join them, to the extent of the bounty on the fish which passes for American, and the duty imposed on foreign fish to illustrate which, the Committee suppose a native fisherman, owner of ten quintals of round or undressed fish, joining the people of the United States, he obtains a bounty, enters them in the United States duty-free, and avails himself of a good market: if he adheres to Nova Scotia he obtains no bounty, is compelled to bear the fluctuations of market, or if he seeks the United States, is met by a heavy duty, in addition to which the outfit from that country is generally more economical.

Your Committee further report, that by the Convention of 1818, and the 59th Geo. 3., all vessels not navigated according to the laws of Great Britain, found fishing, or to have been fishing, or preparing to fish, within certain distances of any coasts, bays, creeks, or harbours whatever, in any part of His Majesty's dominions in America, not included within the limits specified in the first article of said Convention, are liable to seizure; and therefore, they are of opinion, that by restricting the fishing vessels of the United States to a distance of three marine miles from the headlands of Nova Scotia, they, as a matter of course, close the Gut of Canso against them, under the terms of the Treaty, it being impossible for vessels fitted out and apparelled for fishing, to pass that strait without infringing the spirit and letter of the Convention.

The Committee further report, that the present situation of the fisheries of Nova Scotia is appalling: close to inexhaustible sources of wealth, to which the attention of thousands has been devoted for nearly a century, and from which most munificent returns have been received for the labour bestowed, the whole is paralyzed by the interference of other nations, and the people must abandon the net and shore fishery hitherto pursued, follow the example of their rivals, and adopt a mischievous and ultimately destructive system, or call on the Government to enforce the Treaty by which so much has been ceded, and so little retained, and even that now invaded with impunity; this latter alternative the Committee strongly urge on the House, and while they reflect on the policy of Great Britain to preserve a monopoly to the tonnage of her country in all maritime adventures,—that her insular situation requires nurseries for seamen to preserve the dominion of the ocean,—that a tacit recognition of our claims for rigid protection was evinced at the execution of the Convention,—they hope that instructions will be given to guard the few remaining rights the people of Nova Scotia still possess.

Finally, the Committee report, that the youth of the province are daily quitting the fishing stations, and seeking employment on board United States vessels, conducting them to the best fishing grounds, carrying on trade and traffic for their new employers with the inhabitants, and injuring their native country by defrauding its revenue, diminishing the operative class, and leaving the aged and infirm to burthen the community they have forsaken and deserted.

The Committee recommend, that a strong remonstrance should be made to His Majesty's Government by address from the Legislature, or through his Excellency the Lieutenant-Governor, calling the attention of the Government to the state of our fisheries, and soliciting His Majesty to order one or more steamboats, or a few fast sailing schooners, on this station, to be employed in repelling by force those invaders of our rights; and to prevent delay, that a grant should pass, to induce by bounty, the inhabitants to fit out small vessels, to be used as preventive force, under the provincial statutes; the committee being of opinion, that unless prompt and efficient measures are adopted and continued, that it would be more for the interest of the colonists to admit Americans to settle on the shores of Nova Scotia, erect fishing establishments, and conduct the fishery therefrom, for then equality would be preserved, and the people retained in the province with the product of their labour.

House of Assembly, April 10, 1837.

JAMES B. UNIACKE, Chairman.

No. 1.

JUDGMENT delivered in the Court of Vice Admiralty, at Halifax, in Nova Scotia, on the 24th day of August 1818, in the case of the schooner "Nabby," Thomas Standley, master, by Crofton Uniacke, Esquire, Judge of that Court.

This vessel was seized by His Majesty's ship "Saracen," John Gore, Esq., Commander, and has been brought into this Court for adjudication. An allegation has been filed, on behalf of His Majesty, containing several charges, and a claim has been made by Thomas

Standley, the master, a citizen of the United States of America, on behalf of himself, Joseph Standley, and Samuel Hadlock, also citizens of the United States, as the owners of this vessel.

In considering the case which is submitted to the Court in this allegation and claim, it be found to rest upon two grounds, which have been brought forward, and supported with great learning and ability on the part of the prosecution.

First, it is contended, that this vessel, having been taken while engaged in the fishery on the coasts of Nova Scotia, has violated the territorial rights of Great Britain, and should, therefore, be condemned. And secondly, that having entered one of the harbours of this province without any justifiable cause, she has infringed the laws of trade and navigation, which prohibit foreigners from trading with the colonies, and has therefore incurred the penalties of those laws.

The Court is called upon in this case, during a period of profound peace, to enter into the consideration of a subject which involves the interests of a foreign nation, and to apply in their utmost strictness those general principles of abstract and universal law which are appealed to in questions between contending nations. It is presented to the Court in its most grand and imposing aspect, not as a collateral point growing out of private interests, and arising out of considerations of municipal law, but as a direct and solemn question, in which the high and important rights of one nation are to be defined and supported, and the claims and privileges of another to be confirmed or annihilated. The violated rights of Great Britain are represented as seeking, in the dignity of insulted greatness, the protection of its sacred tribunals, and as claiming, in the time of peace, from public justice, that defence which they have ever found in war beneath the arms of their brave defenders. Certain acts of the citizens of the United States are held up to the Court as the infringement of territorial rights, made under the pretext of privileges, become obsolete and now unacknowledged; and the confiscation of property is demanded, as the just and unavoidable penalty of the offence.

In this view of the subject it becomes one of the highest importance, and it will require the most serious attention on the part of the Court, neither to shrink from its duties from an apprehension of consequences, nor to exert its authority beyond its proper limits, from the influence of feelings which the subject may be supposed to excite. As it is the clear duty of the Court to take cognizance of all questions legally within its jurisdiction, and to administer the law to contending parties, so it is highly improper in it to entertain and determine those which belong to other tribunals, or which are not within the settled limits of its own authority.

The jurisdiction of the Court of Admiralty in former times was a subject of much controversy, and many very violent and unbecoming contentions have at different periods existed, as to the nature of the subjects to which its authority extended. Those discussions, which have so repeatedly laid open the subject to the investigation of the most able lawyers, have removed many of the errors which once prevailed, and little doubt can now be entertained as to the subjects of its ordinary jurisdiction. It will be necessary, however, for the satisfaction of those who have urged the Court to take cognizance of this subject, and to proceed to adjudication on the merits of this case, to consider, in the fullest manner, whether the Court of Vice-Admiralty has, within its ordinary jurisdiction, any power to proceed to the adjudication of foreign vessels, charged with the violation of territorial rights.

The Court of Admiralty takes cognizance of matters arising either within its *civil* or its *prize* jurisdiction. The Instance Court embraces all matters of a private nature, arising out of maritime affairs, but does not extend to subjects which grow out of a state of war, nor can it sustain questions in which the political interests of nations are involved. Without determining the precise boundaries of the Instance Court, which in many cases may, even at this day, be difficult to ascertain, as respects subjects of a private nature, it is sufficient in this case to show that the subject now submitted to it does not come within its jurisdiction. By the special provisions of an Act of Parliament, the important interests of trade and navigation are placed within its jurisdiction, and full power is given to confiscate the property of individuals found violating any of the positive regulations of British trade. Under those laws the interests of foreigners may be involved, and their property condemned; but all such cases are confined to private interests, and the offences, as well as the consequent penalties, are expressly settled and defined by those very laws, with the violation of which they may be charged. This vessel has been seized by one of His Majesty's ships, under an order from the Lords Commissioners of the Admiralty, for fishing within the territory of Great Britain, and I am not informed of any municipal law which gives the Court cognizance of such a subject, or which could justify it in confiscating property so employed. It has been urged, that an order from the Lords Commissioners of the Admiralty having been given to the Commander-in-Chief of the North American squadron to seize and detain all vessels found fishing within the British territory, this Court is bound to give effect to it by condemning this vessel and her appurtenances; but however high the authority may be from which such order may have emanated, and however strictly bound the Commander-in-Chief may be to carry it into execution, this Court must wait until its powers, as to matters of prize, are called forth in the regular and legal manner. That those powers are inherent in its commission, there can be no doubt, and it may be proper for me to state in what manner they are

brought into full operation. In the first place, a Commission under the Great seal of the United Kingdom goes directed to the Lords Commissioners of the Admiralty, authorizing the seizure and detention of the vessels of any country, saving such exceptions as may afterwards be declared, and authorizing the same to be brought to judgment in any of the Courts of Admiralty within the dominions which shall be duly commissioned; and the Lords Commissioners of the Admiralty are thereby authorized and enjoined to will and require the High Court of Admiralty of England, and also the several Courts of Admiralty within the dominions, which shall be duly commissioned, to take cognizance of, and judicially proceed upon, all ships, vessels, and goods, as shall be seized and detained, and to adjudge and condemn the same, saving such exceptions as may be at any time after declared. In consequence of this Commission, a warrant issues under the Seal of the Office of Admiralty, with a copy of such Commission usually annexed, requiring His Majesty's Vice-Admiralty Court at Halifax (or whatever place it may be) to take cognizance of, and judicially to proceed upon, all ships and goods that are or shall be taken within the limits of said Court, and to hear and determine the same; and according to the course of Admiralty and law of nations, to adjudge and condemn the same, saving always such exceptions as His Majesty may at any time be pleased to declare.

Thus, the Court of Admiralty becomes fully authorized to take cognizance of and to proceed judicially upon all vessels seized *jure belli*, or under any orders His Majesty's Government may have deemed it expedient to issue. But, until the Court receives authority to act through the regular and legal channel, it cannot undertake to administer the law as applicable to prize, and to settle the conflicting interests of nations. This Court cannot penetrate into the secrets of the British Cabinet, to ascertain what the political views of His Majesty's Government may be on this subject, but as no regular steps have been adopted to give the Court a power to proceed to adjudication and to condemn these vessels, it might be inferred that it was not the intention to confiscate them at present, but merely to detain them until further instructions should be given. It must be well known to those who administer the British Government, advised as they are by the most learned civilians of the age, that the Court of Vice-Admiralty has not power, in the exercise of its ordinary jurisdiction, to take cognizance of subjects of such a nature. Uninfluenced, therefore, by any considerations arising from the necessity or expediency of what has been proposed, and paying every respect to the order which has been produced, this Court will endeavour to perform its duty with firmness, within the proper limits prescribed to its jurisdiction, but will not allow itself to be led, by any plausible view of the subject, into a vague, irregular, and unjustifiable exercise of its power.

That these opinions are not merely the result of my own unassisted deliberations, but that they are supported by the decisions of the most learned and able judges, both of the Civil and Common Law Courts, I shall proceed, in the next place, to show.

The first case I shall notice on this subject, is the "Curlew," (*Stewart's Report*, 312.) in which Sir Alexander Croke, in speaking of vessels detained in consequence of a declaration of war, but before any Commission to condemn, uses these words, "This then is property which has been seized and detained in consequence of a declaration of war made by the United States against Great Britain, but before any orders have been given by His Majesty in Council, for general reprisals, and before any Commission had been issued to require this Court to *adjudge* and *condemn* such ships, vessels, and goods as shall belong to the United States." Again, "Till the British Government has declared the subjects of the United States to be enemies, by its order for general reprisals, and by a *warrant to condemn* their goods, this Court cannot consider them as enemies' property. Even an *order from the British Government to seize and detain* vessels would not have that effect. That might be only provisional, and must depend upon subsequent explanation, having a retroactive power. Seizures made may be declared to have been only on the footing of a temporary sequestration."

How much stronger was that case than the one before the Court. The actual declaration of war, by the Government of the United States, was followed immediately by all the violence of war; the treaty of peace between the two countries was violated and broken; the commerce of Great Britain was assailed and interrupted; and all those rights which are most valuable to a nation were infringed in the true spirit of national hostility: yet, in that case, the Court could not condemn the property which was very properly seized by His Majesty's ships. In this case it is alleged that the citizens of the United States have violated the rights of Great Britain, by entering its territory and fishing therein; and that, therefore, the vessels so found should be condemned. But if they had made an actual attack upon our shores, if they had captured and destroyed the property of British subjects both by sea and land, this Court would not be authorized to condemn, until it should be commanded so to do by the Sovereign, in whom alone such power is reposed by the Constitution of our country.

The next case I shall produce in support of my opinion, is that of the "Huldah" (*3d Rob. Rep. p. 235*). That ship was carried into St. Domingo, and proceeded against in the Court of Admiralty. The Court there was properly constituted as a *Civil Court of Admiralty*, and His Majesty's instructions were addressed to it as a prize court, but by a mistake, no *warrant* had been issued to give it a prize jurisdiction against *France and Holland*, although

there had been a prize warrant against *Spain*. Sir W. Scott—"In this case there is no imputation of misconduct; the captors went to a court which was sitting at St. Domingo, apparently with competent authority; in that court he obtained a sentence of condemnation and distribution has taken place in consequence of it; but that court having no authority, those proceedings are null and of no legal effect whatsoever." Now at the time the Court of Admiralty at St. Domingo was exercising a prize jurisdiction over the ships and goods of two nations, it could not extend that power to property belonging to another nation, although actual hostilities existed, and the vessels and goods of that nation were confiscated in other courts duly authorized. The Court of Admiralty is not to look at the state of things between Great Britain and another nation, and to infer from the existence of hostilities, or from the orders issued to the naval commanders, that its powers are called forth, and are to be exercised to their utmost extent. It does not sit to deliberate on the political relations of states, but to administer the law whenever it shall be so required. That the persons who have presided in the Courts of Vice-Admiralty have often ventured beyond the limits of their jurisdiction, and assumed the exercise of powers with which they were not invested, it is well known; but this court will select higher examples for its imitation, and will not easily be led into those gross errors which often prove injurious to the interests of individuals and always lessen the respect due to the tribunals of justice.

I shall mention one more case on this point, which was determined by that eminent judge Lord Mansfield, a case in which the jurisdiction of the Court of Admiralty was very fully considered. In the case of *Lindo v. Rodney*, Lord Mansfield, speaking of the distinction of the civil and prize jurisdiction of the Admiralty, says, "The Court of Admiralty is called the Instance Court, the other the Prize Court. The manner of proceeding is totally different. The whole system of litigation and jurisprudence in the Prize Court is peculiar to itself; it is no more like the Court of Admiralty than it is to any Court in Westminster Hall."

It is quite unnecessary to go further into this subject. Here are the decisions of the most learned and eminent judges, and they fully support the general position which I must assume, that the Court of Admiralty cannot, in the exercise of its ordinary jurisdiction, entertain any question which bears the character of prize. The first ground in this case is clearly of that nature. It is that this vessel has been captured by one of His Majesty's ships of war, for the violation of the rights of Great Britain, and that such seizure was made under orders from the Admiralty. The whole question arises out of a proceeding of a *military* and not a *civil* nature. And this it is that makes the distinction.

But it may be asked whether the orders thus issued to the Naval Commander-in-chief are to be rendered nugatory, and whether this determination is to operate to counteract the evident wishes and intentions of His Majesty's Government? To this the answer is plain. The Court has the power to take the custody of the vessel, and to preserve it in the usual manner, until the final determination of Government shall be made known, although it cannot proceed to adjudication upon this question. It can neither condemn nor restore. It is true no positive instructions have been sent to this Court to detain vessels of this description, but sufficient has appeared to it, to authorize the regular exercise of its ordinary care in the preservation of the property. That I am correct in this opinion I shall show by an authority directly to the point. Upon the declaration of war by the United States of America His Majesty's ships captured American vessels and brought them into the custody of this Court. At that time *no order* had been made to seize American property, nor had any instructions whatever been sent to the Court of Admiralty in this province. Sir Alexander Croke (*Case of the "Dart," Stewart's Report 301*), under such circumstances, said, "They may possibly be declared to be enemies in future, but their present situation is *ambiguous*. Whilst this uncertainty continues the Court cannot *reject* the claim of the parties or *condemn* their property. Neither in this state of semi-hostilities with the United States would it think itself justified in restoring goods." In the present case the Court is bound to take notice of the orders which have been issued to the Commander-in-chief, and to give them an operation to a certain extent: They have been communicated to the Court, and feeling itself influenced by the high respect it will ever have for the distinguished officers to whom His Majesty may confide the command of his fleets, it cannot hesitate to hold the custody of such vessels as may be brought within its care. In another case Sir Alexander Croke recognized the orders which had been issued to *detain* vessels, and gave them the effect that I am willing to allow those to have which have been communicated to me. In the case of the "*Zodiac*" (*Stewart's Report, 333*), he said, "If this was merely a claim as for American property, this Court would certainly not proceed to adjudicate upon it, because in the hostile or at least ambiguous state of the two countries under His Royal Highness the Prince Regent's Order in Council, to detain and bring into port all vessels belonging to the citizens of the United States, without giving any authority to condemn them—no property of that description could either be *condemned* or *restored*."

I have given to this subject the most serious attention and have considered fully the ingenious arguments which have been pressed upon the Court by His Majesty's Advocate-General; and I am perfectly satisfied that I should not be justified in exercising the powers which it has been contended this Court possesses. Did the cause rest, therefore;

entirely upon this ground, it would be my duty to direct it to stand over until further instructions should be given by His Majesty's Government; but another point has been submitted to my consideration which may render such delay unnecessary, and I shall proceed to state the reasons which I deem sufficient to support the judgment about to be pronounced.

The point now presented to the Court arises under the laws of trade and navigation; and it is contended that this vessel, her appurtenances, and everything laden on board of her, are liable to confiscation for having illegally imported goods, wares, and merchandize into a port of this province, she being a vessel not owned and navigated as vessels are required to be to entitle them to the privilege of trading with the colonies.

Questions arising under the laws made for the regulation of trade and navigation are not only clearly within the jurisdiction of this Court, but require its utmost attention and care, lest the ignorance or the arts of commercial speculators should interrupt the operation of a system framed for the greatest national purposes; and which has been found to realize the best hopes of those enlightened minds by which it was conceived and matured. It would seem unnecessary for me in considering a question confined within the narrow bounds of a few clauses of an Act of Parliament to take an extensive view of the whole system; but as the Court is under the necessity of seeking the rules which are to govern it, in the construction of this particular Act, from an enlarged conception of the general spirit of the whole system, it must take a comprehensive view of the great designs for which it was wisely contrived.

Those laws took their rise in the profound and enlightened views which experience had offered to the acute and reflecting mind of the true basis on which might be erected the fabric of a great nation. And however that system may have been extended and improved by the various alterations and additions which grew out of new relations and more complicated public interests, the same spirit which is manifest in the provisions of the earliest laws may be traced through every succeeding regulation. They rise to the contemplation of the human mind with a regularity at once clear and complicated; and may be considered as a beautiful specimen of positive law in which the profound and comprehensive speculations of political economy are admirably blended with the useful and practical regulations of mercantile experience. The wisdom of the policy which projected and of the care which was constantly taken to render this system more perfect was very soon discovered in the beneficial consequences which resulted to the nation. It was soon found that those admirable regulations were adapted to strengthen and enrich the mother country, while they gave a permanency of character to her distant possessions, which must have been entirely lost in the confusion of a loose and unrestrained commerce. As this system advanced to that perfection in which we now find it, those nations whose interests seem to have been neglected in the promotion of our own, did not fail to discover, what they affected to consider, a narrow and illiberal feeling inconsistent with those dignified and generous sentiments which should always govern the policy of nations. But while Great Britain increased in national greatness and commercial prosperity she viewed the envy and jealousy of other nations merely as a powerful confirmation of the wisdom of her plans.

Those laws form a code which it is the duty of this Court to guard from the slightest violation; their importance cannot be fully estimated, and they whose minds are too limited to trace the progress of our national prosperity in the rigid execution of them, might be awakened to a sense of their value by the rapid decline of our greatness, which would be the consequence of their relaxation. In viewing the subject in this light, the first object that strikes the mind is the great design of confining to British subjects, as far as it could possibly be effected, the commerce of the British colonies. For this purpose no goods, wares, or merchandize can be imported into, or exported from, the colonies, unless in British-built vessels owned by British subjects, and navigated by the master and three-fourths of the crew subjects of Great Britain, under pain of forfeiture of ship and goods. This part of the law is as clear as the plainest terms can make it; but were the Court to adopt a construction, which should be restrained to the very precise meaning of the words, the spirit of this law as well as of the whole system would be violated. If it should be said that the word *imported* means the actual landing of goods, wares, or merchandize, and that no penalty could be inflicted, except in a case where that fact was positively proved; or, that if the owner could make out by the evidence of himself and crew that no articles were landed from the vessel, she ought necessarily to be restored; it would follow, that a foreign vessel might enter the harbours of a colony or plantation without permission, and remain there until a suitable occasion should offer to land her cargo. But this construction would be evidently in opposition to the true spirit and meaning of this clause, and would render useless and unavailing every provision of the Laws of Trade and Navigation, which are clearly founded in the design, to *reserve* the privileges of trade to British subjects, and to *exclude* foreigners from participating therein. I cannot conceive two ideas more inconsistent with each other than a law positively declaring that foreigners shall not trade with the colonies, and at the same time a loose permission to enter the harbours of those colonies, and to continue there while it may suit their own convenience or favour their own views.

It has been contended that the presumption which arises from a vessel's entering an interdicted harbour, namely, that she came there with an intention to trade, may be

overcome by showing circumstances which prove that no such intention existed ; and that if, for instance, it were made out to the satisfaction of the Court, that the vessel was merely in *ballast* the presumption of her importing goods, wares, and merchandize would be completely destroyed, and she ought to be acquitted. But it should be remembered that the laws which prohibit the importation of goods make the *exportation* equally penal ; and if vessels were allowed to enter the harbours of a colony *in ballast*, what protection could be given to the lawful trade of British subjects ? Would not such permission throw open the ports and harbours of this country to the free trade of every American vessel ? Under such a vague and preposterous construction of this wholesome and rigid system of laws it would only be necessary for a foreign vessel to lie at anchor in our harbours until an opportunity offered to ship goods for exportation, which might be done without fear of interruption in almost every harbour of this province. To prevent the certain consequences of such a construction, it would require every inhabitant of this province to be a custom-house officer, and to be employed day and night in preserving the trade of the country from the monopoly of the enterprising adventurers of the neighbouring country. It is well known that even the most rigid execution of the laws of trade is not sufficient to deter the eager speculator from engaging in the commerce of these colonies. The contiguity of the harbours of the two countries makes it almost impossible, under every restraint that human laws can impose, to prevent a system of smuggling, destructive of the interests of the honest British merchant, and productive of the most pernicious consequences ;—in weakening the sense of the moral obligation of the laws, and in tempting the inhabitants of this colony to blend their interests with those of the depraved and lawless adventurer, rather than to strive by an honest and grateful allegiance to uphold the nation which protects them. Shall this Court then declare, by its solemn decisions, that the laws allow such an entry into the harbours of this province ? Shall it say, it is prohibited that you should import and export goods, but you may come as harmless and quiet people, to view the beauties of the surrounding scenery, and to pass your time in inoffensive indolence ?

It has also been advanced as a doctrine, to this Court, that although these principles may be applicable to vessels ostensibly equipped for trade, and which are constantly engaged in commerce, yet they ought not to be carried into rigid effect against vessels of a distinct character. And an exception has been made in favour of vessels, manifestly fitted out for the fishery, and which could not be supposed to have commercial objects in contemplation. But so far from considering vessels of this description as entitled to any particular favour, or to which a relaxation of the laws might be made without any dangerous consequences, they are to be viewed with more caution by this Court, and to be watched with more jealousy, by officers of the customs, than those whose character is more open and unequivocal. These vessels it is said leave their own ports without a cargo, ostensibly bound to their fishing stations, and as such cannot be considered as objects of suspicion ; but under the sanction of such impolitic liberality, they would, no doubt, avail themselves of the opportunity afforded to them of landing goods in such ports as they may be allowed to enter. A vessel avowedly engaged in trade, necessarily becomes an object of immediate attention to those who are entrusted with the execution of the laws ; but a little and apparently an insignificant vessel may, from the very character she assumes, be the most dangerous enemy to the system which this Court is bound to protect. To give full efficacy to every regulation which the laws have prescribed for the trade of this colony is one of its highest duties, and it is essential to the great objects thus entrusted to it, that every barrier which the words and spirit of the laws will permit should be raised around them, and that a narrow verbal construction should not operate to defeat the evident intention of them. In extending the penalty of those laws to vessels entering the harbours of this province without a justifiable cause, I find myself supported by the very highest authority ; and I shall proceed in the first place to consider the various cases in which I think this doctrine may be found ; and then I shall take a view of the circumstances of the case before me, and of the grounds upon which the claimant has attempted to justify the entry into a harbour of this province.

The first case I shall notice under this head is that of the "Eleanor," Hall, master. (1st *Edward's Reports*, 135.) That vessel was condemned in this Court, whils Sir Alexander Croke presided in it, and the case went before Sir William Scott by appeal. The principal ground of condemnation, and upon which, likewise, the sentence was confirmed by the High Court of Admiralty, was, that the vessel, having a *foreign character*, entered the port of Halifax in distress. Sir William Scott—"It is, I presume an universal rule that the mere act of coming into the port, though without breaking bulk, is *primâ facie* evidence of an importation. At the same time this presumption may be rebutted, but it lies on the party to assign the other cause, and if the cause as assigned turns out to be false, the first presumption necessarily takes place, and the fraudulent imputation is fastened down upon him." The second case is that of the "Dart," Ramage, master. (*Stewart's Reports*, page 301.) She was an American vessel, seized by the collector of this port for an importation into this province, contrary to law. Sir Alexander Croke—"Nothing short of a necessity can justify his entering the port of Halifax ; it was his own voluntary act. The original voyage might have been completed, which was to Philadelphia ; it was matter of choice, of mere prudence, to fly from the embargo to Halifax.

Entering the port *prima facie* is an importation unless it can be justified. It cannot be explained away by any *illegal* design. *To take in provisions* not from necessity is an exportation and contrary to law." The third case I shall mention is that of the "Patty," a vessel condemned in this port for having entered without a justifiable cause. (*Stewart's Reports*, 299.) Sir Alexander Croke thus expresses himself;—"A necessity to justify the breach of a law must be an immediate natural necessity, not a mere remote moral necessity. It must be an imminent danger of perishing." Besides these cases which are as clear and as much to the point as it is possible, it is well known that by the statute law of Great Britain *foreign vessels* are not allowed even to hover about the shores of these colonies, and that if found within a specified distance after a warning to depart they are liable to confiscation. So far, therefore, from any loose permission to enter the harbours of this province, *with or without* a cargo, being consistent with the words or spirit of this general system of laws, foreign vessels are not allowed to approach within two leagues of the shores. The Hovering Act, as it is called, was made to establish a greater degree of strictness in the execution of the laws regulating the plantation trade than had been observed, and strengthens the position which I think it necessary to take in this case.

If we look to the decisions which have been made in cases of blockade we shall find the principles which are applicable to vessels entering an interdicted port much more rigid than any this Court has yet advanced for the protection of the colonial trade. The mere circumstance of the vessel's sailing towards the blockaded port with an *intention* to enter it will work the forfeiture; neither is she permitted to enter such port *in ballast*, or for the supply of water. In the case of the "Exchange" (*Vol. 1. of Edward's Reports*, page 42,) Sir William Scott says:—"If it were once admitted that a ship may enter an interdicted port to supply herself with *water*, or on any other pretence, a door would be open to all sorts of frauds, without the possibility of preventing them." In the case of the "Comet" (*1 Edward's Reports*, 32,) the same great man observes:—"It has not been contended that a ship may enter a blockaded port *even in ballast*; that is a point upon which this Court has already decided, if wrongly the decision must be corrected elsewhere." Now I consider the ports of this colony as interdicted, and that, according to the true spirit and meaning of the whole system of laws, foreigners cannot enter the same without some reason that may be held sufficient to relax their strictness. It is notorious that the harbours and ports of this province afford the greatest facility to smugglers; the small number of their inhabitants and the want of officers of the Customs are circumstances which render more caution necessary in this country than might be found requisite in Great Britain. I shall therefore consider myself bound to adopt those principles which are applied to cases of this nature in their utmost rigour, and shall now proceed to consider the facts of this particular case, and to examine whether the causes assigned for entering a harbour in this province are sufficient for her justification.

It is admitted by the claimant that this vessel entered Pope's Harbour in the province of Nova Scotia, and it will be necessary to consider the facts of the case under two heads; first, as to the cause of her entering that port, and, secondly, whether anything was landed or taken on board while she remained there.

The master of this vessel has given his testimony to both points; to the first he says:—"They went into Pope's Harbour, the weather was thick, and when they made the land they found themselves nearer than they expected, and being scant of water they went into that port for the purpose of getting some, and with no other intention whatever;" and yet to the very next question almost he answers:—"They had abundance of provisions, stores, bait, wood, and water for the voyage at the time they left their own port, and were not apprehensive of any deficiency whatever of any of those articles." This account, as respects the cause of her entering the harbour, is confirmed by another witness with the addition that there was a deficiency of wood.

To the next point, as to what was landed or taken on board, the master declares:—"They did not land or put on shore a single article of any kind, except the water casks which they filled. They did not receive on board any articles whatever except two dollars worth of bread, which he bought of one of the inhabitants of Pope's Harbour." Again, "Neither himself or any person on board either bought or sold, bartered or exchanged, any article or articles of any kind or description whatever, except the two dollars worth of bread he has already spoken of." Another person belonging to the vessel says to this point, that a quantity of wood was taken on board in their own boat. James Whidden, a midshipman of His Majesty's ship *Saracen*, who has released all his interest in the event of this cause, and comes before the Court both as a competent witness, and as one to whom the highest credit is due, has given his testimony in these words:—"That he understood from the crew that they had procured some wood, and that if they should stand in need of it they expected to supply themselves with wood and water from this coast. They informed him they had been in at Pope's Harbour and sold some boots, for which they had not got payment." How such contradictions are to be reconciled I shall not stop to inquire; sufficient appears to the Court to show that this vessel entered a harbour of this province, and took certain articles on board, and that, if it were essential to the prosecution in this cause, a traffic, to a certain degree, was actually carried on. It remains to consider the defence which the claimant has thought proper to set up to justify such proceedings.

A claim has been filed, to which is annexed an answer to the allegation under the oath of the master. In this answer two grounds of defence are taken quite inconsistent with each other. In the first place, it is said that actual distress, arising from the want of water, obliged them to enter the harbour, and that they did *not* claim a right to approach the coast, or to enter the harbours, bays, rivers, or creeks of this province, under pretence of fishing, or for any purpose connected with the fishery. In the second place, it is boldly asserted that as citizens of the United States they have a right to engage in the fisheries on the coasts and in the harbours of this province.

The liberality which was always extended, by the eminent judge who so long presided in this Court, to parties whose interests were committed to its care, and the indulgences which he granted to practitioners as to the forms of legal proceeding, will not allow me on this occasion to restrict the claimant in making his defence as he may be advised. But I wish it to be understood that the proceedings must not assume a character which can only tend to perplex the Court, and to prevent the only object which parties can be permitted to seek in courts of law,—the administration of justice through the medium of unperverted truth. And I must confess that this defence presents to the Court a confused picture, in which the interesting colours of distress are awkwardly thrown over the obscure and almost faded outline of rights, once clear and acknowledged. Such as it is, however, I shall consider it, and this foreigner shall not be permitted to say that he was refused to be heard by a British Court on every point he pleased to assume, and in every way in which he thought justice might be attained.

The first ground then is, that this vessel came into a harbour of this province in distress, and, without any pretence of right, sought that relief from the inhabitants of this province which the people of the United States in a recent instance had most generously and nobly extended to the inhabitants of a British colony. And most assuredly if a case of real distress is made out there is an end for ever of this question. It must be buried in those feelings which, I trust, will ever be dear to this Court, and in the exercise of which it would hope to derive more satisfaction than can ever arise from the rigid execution of the laws. Real distress is a passport even through the savage land; it appeals at once to sentiments universally felt; at its approach the rigour of law is softened, and the violence of war becomes composed by the sacred influence of humanity. And where can unaffected calamity seek a refuge if it is denied it on a British shore? Intrepid in the defence of its rights, and lenient in the exercise of them, Great Britain requires not its harbours to be closed against the stranger who seeks a shelter from the tempest, or who asks the supply of those deficiencies which unavoidable necessity may have created. The private contributions of that country have cheered the hearts of the afflicted in almost every land, and its public treasuries have been exhausted in yielding protection to every nation whose people sought an asylum either in its bravery or its resources. As a British judge, therefore, I receive with every disposition of kindness this ground of defence, but let it not be a garb assumed by artifice to deceive and mislead. While I am ready to acknowledge the interesting features of distress, I am vigilant to detect the subtle contrivances of art. Now what is the truth of this case. That this vessel was in any serious distress cannot be pretended. That she might have wanted a little water is very possible, but it must be made out to this Court that the deficiency did not arise either from design, or from an unjustifiable neglect, and, let it have arisen from whatever cause it might, that it was such as to place the crew in imminent danger of perishing. The master says that they *found* themselves nearer to the land than *they expected*, which shows that his distress was not such as to have forced him to seek a harbour. He expresses his distress to arise from his water being scant, but he does not say that any inconvenience had been experienced, or that he could not have prosecuted his voyage. Besides, vessels are bound to have a sufficient quantity of water and provisions on board for the voyage in which they are engaged, and it would be absurd to suppose that a scarcity of water arising out of neglect, or, what is more probable, design, can operate to supersede the laws, and throw open British ports to any adventurer who may wish to evade the regulations of British trade and navigation.

The evidence on this and other points is extremely contradictory. One says the vessel could carry on a fishing voyage without going into any harbour, and another says it would be impossible without the privilege of putting into some of the British ports for wood and water, and it is in evidence that they informed the midshipman that they expected to supply themselves with wood and water from the British coasts. One of the witnesses expressly swears that they had a full supply for their voyage, but that *one* of the barrels of water proving bad, they put into Pope's Harbour to get a fresh supply; also, that a ten gallon cask of water was spoiled by being put into an old *gin* cask. Now it would be beneath the dignity of a Court to spend time in commenting on such evidence as this, brought forward to support a point which always requires to be made out in the most satisfactory manner, and in the proof of which such strictness has always been observed. Nothing could have induced me to give the attention I have done to it but a great anxiety that this subject, which has already excited much public interest, should be thoroughly investigated, and that not only the principles of law, but the facts of the case, should be presented to the world in the clearest point of view.

I shall conclude my observations on this point of the case with the words of a judge (Sir W. Scott) whose decisions are not only studied by the lawyer as the sources of

profound instruction, but are read with interest by the enlightened and accomplished scholar as the finest exercises of the human intellect. "Where the party justifies the act upon the plea of distress, it must not be a distress which he has created himself by putting on board an insufficient quantity of water or of provisions for such a voyage, for there the distress is only a part of the mechanism of the fraud, and cannot be set in excuse for it; and in the next place, the distress must be proved by the claimant in a clear and satisfactory manner. It is evidence which comes from himself, and from persons subject to his power, and probably involved in the fraud, if any fraud there be, and therefore it is liable to be rigidly examined."

The last point which is to be considered by the Court is a right which has been set up by the claimant to enter the ports and harbours of this province, and there to cure the fish which he may have taken in the course of his fishing voyage. And certainly if such a right exists, the principles of law which I have laid down with so much care will not be applicable to this vessel, unless proof shall have been made of an *actual trading*; because it would not be consistent to permit foreign vessels to enter these harbours for a certain purpose, and then to make that entry a ground upon which to raise the presumption of illicit trade. This right is asserted to belong to the citizens of the United States under the Treaty of peace entered into between His Britannic Majesty and the Government of that country in the year 1783; and it is contended, in the first place, that a right to take fish on our coast, and in our harbours and bays, and to cure the same on the shores of this province, was *absolutely acknowledged and given* by the third article of that treaty; and in the second, that admitting the treaty granted only a *privilege* to do so, that such privilege still exists because the treaty itself has not been annulled. This question now presents itself in a way which obliges the Court to enter into the full consideration of the right here asserted. For although it has already determined that it cannot take cognizance of it as a direct charge against this vessel, having no authority so to do, yet as it becomes essential to the determination of the second point in this cause, as it arises incidentally out of the consideration of the municipal laws of the country, and as it must be entertained in order to do justice to the parties whose private interests are involved, it is its duty to sustain it, and to place it in such a point of view as may put an end to those doubts which some have affected to indulge on this subject. It might be sufficient for me to say on this point, that His Majesty's Government having determined that the privileges granted to the citizens of the United States by the treaty of 1783 to carry on the fishery upon the coasts of this province, and to cure fish in the harbours thereof, had ceased, and that determination having been made known, it would not be necessary to consider this right as entitled to any attention. But as it will require but little reasoning to show the weakness of such pretensions, I shall take a cursory view of the grounds upon which this extraordinary right seems to have been placed.

It will not be requisite for me in this case to enter into those general considerations of the rights of nations to a dominion of the sea which have occupied the attention of the gentlemen of the bar. Very able writers on abstract law have differed both as respects the right of dominion over particular parts of the sea, and also as to the distance from the shore over which a nation holding the land might exercise the rights of sovereignty. When these important points shall be submitted to the Court in a way which will render it incumbent on it to determine them it will not shrink from so arduous a task, neither will it despair of placing them on grounds which may find their support in the sound principles of general and universal law,—principles which flow from the reflections of enlightened reason, corrected and confirmed by the usages and customs of the civilized world. It will hope that those contradictions which may have been observed in the best writers are to be reconciled by an attention to the characteristic circumstances of the different ages in which they thought and wrote, and by an allowance for the influence which the fluctuating relations, the jarring interests, and the various modifications of the claims and pretensions of nations cannot fail to produce, even upon the most reflecting mind. Much of that difference found amongst writers of this description may be traced to the prevailing public sentiment, to national prejudices, and even to the eccentricity of individual opinion. But whatever the difficulties are which those great questions might present, they do not meet the Court in this case. It is only necessary, in order to see the simplicity of this point, to read the article of the treaty on which the claim is founded, and to determine whether that treaty exists at the present time. The words of the third article of the treaty are:

"It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all other banks of Newfoundland, also in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have *liberty* to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island), and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled, but so soon as the same or either of them shall be settled it shall not

“ be lawful for the said fishermen to dry or cure fish at such settlement without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.”

Now it is impossible to imagine words more clear than those. Two objects seem to have been in view, the first was the fishery on the Grand Bank, in the Gulf of St. Lawrence, and other places in the sea; and the second was the *privilege* which was intended to be granted to the people of the United States to take and cure fish on the coasts, and in the bays, creeks, and harbours of the British dominions in North America. It would seem that the intention of the British Government at the time was to acknowledge an *absolute right* in the people of America to fish on the Grand Bank of Newfoundland, in the Gulf of St. Lawrence, and other places in the sea, but the Court is not called upon in this case to determine that point. As respects the latter part of this article, it would be confounding all ideas of common sense, and throwing obscurity over the ordinary perspicuity of language, to contend that the word *liberty* here used can be conceived to convey an *absolute unqualified* right. That it was received as a privilege at the time, and has been exercised as such until the late war, cannot be doubted. By accepting such privilege that Government acknowledged the right to exist in Great Britain, and the only question left for the slightest consideration is, whether that treaty is now in force or not?

It has been ingeniously argued on the part of the claimant in this cause that the treaty of 1783 is now in force, because the late war being for a cause entirely new and distinct from the subjects of contention, which were terminated by that treaty, the declaration of war by the United States was not a violation of any of its articles; and the words of some eminent writers would seem to support such a doctrine; but a little attention to this subject will explain the grounds upon which the true and sound doctrine firmly rests. Grotius, book 3, cap. 20, section 27, has these words: “ It is also a daily dispute when a peace may be said to be broken, which the Greeks call *Paraspondemo*, for it is not directly the same thing to give a *new* occasion of war and to break a peace. But there is a great difference between them as well in regard to the penalty which the breaker incurs, as with respect to the liberty of the injured party to disengage his word in the other articles of the treaty.”

In a note, however, to these words the principles as received in modern times, and the reason upon which they are founded, are clearly laid down and explained. “ When a new occasion of war is given in this manner the treaty of peace is thereby broken indirectly; and with regard to the effect, if satisfaction for the offence be refused. For then the offender having a right to take arms in order to do himself justice, and to treat the offender as an enemy, against whom everything is lawful, he may also undoubtedly dispense with observing the conditions of the peace, though the treaty has not been formally broken with regard to its tenor.” This distinction can scarce be of use in these days, because treaties of peace are conceived in such a manner that they include an engagement to live in amity for the future in all respects, so that the least occasion of war, how *new* soever it be, may be deemed an infringement of the most important articles of the treaty. It will be found that the treaty of 1783 contained an engagement that there should be a firm and *perpetual* peace between the two countries, and that such engagement was violated by the declaration of the late war no human being can be permitted to doubt. I am therefore bound to declare that the treaty of 1783 and all the privileges depending thereon have ceased.

I have now fully considered the grounds of defence in this case, and as I do not perceive either truth in the distress or strength in the right set up by the claimant, I feel myself compelled to pronounce this vessel, and the goods laden on board of her, to be liable to confiscation for a violation of the laws of trade and navigation.

In pronouncing this judgment I derive a consolation from the reflection that my errors may be corrected by an appeal to one of the most upright and learned judges the world ever saw. From the decisions of that tribunal I have humbly endeavoured to draw the principles which should govern me, and I trust that when the solemn scrutiny to which this decree is open shall be made, it will be found that while my labours were directed by a sacred regard to the interests of an obscure and indigent foreigner, I did not forget the rights and claims of every British subject, nor relax by a feeble construction that noble system of laws upon which the wisdom of ages had reared our national prosperity and greatness.

No. 2.

The following circular, with the subjoined interrogatories, was addressed to various persons, thought most competent to afford information on the subject of the inquiry by the committee.

Sir,

The committee appointed by the House of Assembly to define the true meaning of the treaties now in force regulating the fisheries of Nova Scotia, to inquire into the state of that branch of industry, and to take evidence relating thereto, being desirous to obtain every information previous to their report on these important subjects, respectfully request answers to the following queries, marking your reply to each question with the number

to which it refers; and stating also whether your opinion is founded on facts within your own knowledge, or is the result of general knowledge and experience acquired in the course of business. The committee being desirous of reporting speedily, request answers as soon as possible. It would add to the weight of the evidence if the facts should be verified on oath.

Assembly Room, Provincial Building,
February 20, 1837.

Your obedient servant,

JAMES W. UNIACKE, Chairman.

No. 1. What is your profession? Have you any knowledge of the fisheries and commerce of this province, and how long have you been engaged therein?

2. Have the fisheries and commerce of this province been injured by the operation of the definitive treaty of peace concluded in 1783, between His Majesty and the United States of America? Specify particularly how and in what manner that treaty has been prejudicial to the commercial interests of this country.

3. Set forth how and in what manner the fishery carried on from the United States operates to the disadvantage of the British fisheries in North America.

4. Have you any and what knowledge of the fisheries appertaining to that part of the coasts of Newfoundland, the straits of Belleisle, Labrador Shore, and Magdalen Islands upon which a right to take and cure fish under certain restrictions has been ceded to the people of the United States, under the Convention concluded at London, October 20, 1818, between His Majesty and the United States Government? State your knowledge, how obtained or acquired, and make an estimate of the value between the fishery granted by the convention to the United States and that still retained by Great Britain in North America, comparing them.

5. Have the citizens of the United States violated the terms of the convention by encroaching on the fishing grounds still exclusively retained by Great Britain? Describe how, when, and in what manner.

6. Do the American fishermen catch bait on the shores of this province, and purchase bait from the inhabitants, and what is the effect thereof?

7. Do the people of the United States frequent the shores of Nova Scotia, and conduct their fishery within three marine miles thereof? Do they interfere with the net fishery on the shores? Do they by artificial means raise shoals or schools of fish within three marine miles of the shores of the province by means of bait prepared for the purpose, or by any other means, and lure them beyond three marine miles into deep water; and what is the operation of such system on the shore fishery?

8. Do the people of the United States enter the harbours, bays, and creeks of Nova Scotia, trade with the inhabitants, and barter goods and merchandise for fish, and do they by such means supply the inhabitants with contraband and foreign commodities, and smuggle to a great extent? Answer fully to this query, and how the provincial revenue is affected thereby.

9. Is there any and what net fishery, and to what extent, carried on from this province beyond the limits of three marine miles from the shore? Is not a fishery of some importance prosecuted on the shores of islands belonging to Nova Scotia within and beyond three marine miles of the shores thereof; and when the Americans come within the headlands, keeping three marine miles from the shores in the bays and harbours, are they not in the midst of the net fishery?

10. Do the Americans and the people of Nova Scotia differ in the construction of the treaty of 1818; the latter asserting that the former have no right to approach the shores of Nova Scotia nearer than three marine miles from the most projecting headlands, and then only for shelter, and to purchase wood and water, provided they have sailed from their own country fully and efficiently equipped for the voyage; and the former claiming and exercising much more extensive rights?

11. Has the permission granted to the American fishermen to take fish within three marine miles of the shores of this province, and their system of jigging and catching them, operated in any respect and how to the prejudice of the British fishery?

12. Does the American Government or the Government of any particular State allow any and what bounty to encourage their cod, salmon, mackerel, and herring fisheries? Is such bounty allowed on salt, tonnage, or catch? Does the American Government impose any and what duty on the productions of the British fisheries when imported into the United States?

13. Where are the best markets for the produce of the British fisheries? Does the United States afford a good market for the same?

14. Do you consider that American fishermen have a right to pass through the Gut of Canso under the convention of 1818? Can they so pass without being within three marine miles of the shore, and approaching the most important fishing stations of that part of the province?

15. Can you speak as to the value of the salmon fishery on the coast of Labrador, and to what extent trade is carried on with the natives of that country in furs, skins, feathers, oil, or any other commodities? Please to set forth particularly what you know on these subjects.

16. Describe how the fishery on the coast of Labrador is carried on, whether in boats or decked vessels, and at what distance from the land.

17. Do you know whether American or British fishing vessels are outfitted and navigated at the cheapest rate? State the comparative expenses, so as to show in what manner the advantages appertain to either side.

18. Have you known any and what instances in which British fishermen have been forcibly prevented by the American fishermen or citizens of others nations from carrying on their fishery? State what you know as to any violence offered to British subjects on their own shores or at sea by those people.

19. Are you aware of any means by which the American fishermen can be prevented from usurping rights and privileges on the British shores, differing from those ceded to them by the convention of 1818? Set forth particularly what system will be most efficient. Would the employment of steam boats or fast sailing cutters be useful; and which of the two, in your judgment, would be preferable?

20. Have the British fisheries and commerce suffered more from the convention of 1818 than under the treaty of 1783? Can you make any comparative statement of the difference in operation.

21. Turn your attention generally to the subject of this inquiry, and state any matter relative thereto which may not have been set forth, and particularly explained, in your answer to the foregoing queries; and state your opinion of the evil resulting already, and the consequences to be apprehended if some prompt measures are not adopted to protect the inhabitants of the colonies in the enjoyment of their natural and inherent right of fishery.

22. If the British Government does not enforce the convention of 1818, would it not be more beneficial to the inhabitants of Nova Scotia to permit the Americans to reside and form establishments in the province, and conduct the fishery from the shores thereof, they reciprocating such privileges, and allowing the produce of the British fisheries to be imported into the United States duty-free?

To which interrogatories the following answers were received from various persons to whom such circulars were addressed:

1. A merchant.

8. By what is called lee bowing; viz., running to leeward of the British vessels who are in the midst of a school of fish, causing the windward vessel to search for another with the uncertainty of finding and raising it; also by throwing overboard the gurry of their large fish. Where the Americans do not fish within the prescribed limits, they keep the gurry of some days' fishing on board, until there is what is called a slack in fishing, by storms, &c.; then they run in shore and throw it overboard; sometimes this is where the boat fishing is carried on. It immediately follows, that at this place no fish is taken for some time afterwards. Also by running along shore at night, and taking whatever fish are in the nets of the inhabitants, who are thereby deprived of bait for boat fishing next day.

5 and 6. Answered above.

7. Large number of American fishermen were in St. Mary's Bay last season for many weeks; was said at the time that they were sailing as Grand Manan fishermen; and where they did not resort to this disguise, they were commanded *pro tem.* by persons hired from the shores along the bay.

13. The Mediterranean and West Indies. In 1836 the United States was a good market for pickled fish.

17. British vessels were in 1836 fitted out at least expense. Hired wages and salted provisions and salt were much less in the western part of Nova Scotia than in the United States.

19. Seizure (by any persons having authority so to do), where the treaty is violated, would have the effect of keeping American fishermen within their prescribed limits. The seizures made by H. M. sloop Wye in the year 1818 in the Bay of Fundy had the effect of driving them off for many years succeeding.

22. A doubtful measure, and requires so much consideration that I am at present unable to answer it.

JAMES H. F. RANDOLPH.

1. I have been engaged in shipbuilding, navigation, fisheries, and commerce, for some thirty years.

2. The treaty of 1783 has been highly prejudicial to the fisheries and commerce of this province generally. The Americans throw over their garbage, to the destruction of our fisheries in the Bay of Fundy. They come in of nights, set their nets outside ours, watch them by night, take bait themselves, and prevent the fish coming into our nets, and barter their notions with our shosmen and boat fishers for their fish. They claim a right to come in of Saturday night and remain till Monday morning, which gives them two nights to take bait, agree with the inhabitants to set their nets on shares, and communicate respective wants and wishes by the sounding of horns. These fishermen have occasionally been detected with pretty good assortments of dry goods and groceries; and they doubtless carry on smuggling in a greater or less degree in every part of British America to which they are admitted.

3. See No. 2.

4. Have been master of my own vessel on the coast of Labrador, where the Americans, by having first arrived and taken possession of the best fishing harbours, to the exclusion of our vessels, of course had a very decided advantage over our vessels. And in comparing their bills of *outfits* with mine they appeared to have the advantage by about *one-third*.

5. The citizens of the United States are continually violating the terms of the convention of 1818, by their encroachments on the fishing ground still exclusively retained by Great Britain.

6. The Americans have no hesitation either in taking bait with their own nets on our shores and in our harbours by night. In fact, in our more obscure harbours, where the inhabitants are unable to protect their nets, the Americans take them up, and set their own in defiance, stoning them and their houses. Strong complaints of such conduct have been forwarded to the provincial secretary by the inhabitants of Petit Passage, through the colonial officer, Mr. Morton Digby.

7. The people of the United States do frequent the shores and harbours of Nova Scotia and fish within *one* mile of the shores, having their nets for bait fastened to their fishing boats. For the two last seasons schools of mackerel have run in quite to the head of and in St. Mary's Bay, some thirty or forty miles within the headlands, it being from one to three miles wide, and the Americans pursued and took them, in defiance of our fishermen and inhabitants, and loaded several vessels with them.

8. The American fishermen occasionally bring quantities of dry goods and groceries, to the injury of our commerce and revenue. The colonial officer Digby has made a number of seizures.

9. We have no net fishery in this part of the province beyond our harbours.

10. People of Nova Scotia differ very widely from the Americans as to the treaty of 1818, as even the best disposed of the latter claim a right to approach our shores, and set their nets for bait, &c., enter our harbours, and procure bait in a friendly way of whomsoever they may be able to obtain it. Neither do the Americans calculate their *three* marine miles as being beyond a line from the *headlands*, but as beyond a line *curving and corresponding with the shores*; and the Americans are also in the habit of evading that treaty, and of coming into our harbours whenever they please, and for whatever purpose they please, by just allowing their water to *leak* out.

11. Great and many are the complaints against the American's practice of jigging fish, as in consequence many are wounded and die, and the shoals are broken and dispersed, and even the treaty itself, however strictly fulfilled, would be quite ruinous enough to our fisheries.

12. The American Government give a bounty both on tonnage and catch, and impose a duty on our fish.

13. The last season the United States offered a good market for our fish. Should generally suppose that South America and the Mediterranean would afford a better.

14. Cannot conceive that the Americans have a right to pass to Gut Canso, as they cannot do so without infringing the treaty in a greater or less degree.

15. Cannot speak with accuracy as to the salmon fishing on the coast of Labrador.

16. The cod fishery at Labrador is carried on in boats at from one to ten miles from where the vessels anchor, and at from ten rods to a mile from the shore, as the caplin bait may abound and press on the shores.

17. The American vessels are certainly fitted out at a less expense than ours.

18. Violence has occasionally been offered by the Americans to our people, more particularly at the Petit Passage, Digby Neck. Reference to No. 6.

19. Certainly should consider steamer by far the most eligible and efficient means of protecting our fisheries and commerce from the encroachments of foreigners of every description.

20. I humbly conceive our fisheries have suffered more from the convention of 1818 than the original treaty of 1783; both, however, are unpardonably bad. In fact, how can available treaties ever be made with those *fish hawks*? They are perfectly acquainted with the resorts of all the fishing tribes, and know when and where to pick for them, and in point of position enjoy such decided advantages; for while our baymen have to sail round the compass to make Canso, they just start from their different ports with flowing sheets, and make a straight course of it. They just follow the different schools into the bay, set their nets along the shore from the entrance to Scotch Bay, cross Digby Neck, in a sociable way walk over to St. Mary's, and take bait out of the weirs when wanted.

21. If some prompt and speedy measures are not resorted to for the protection of our natural and inherent rights of fishing, it requires not the gift of prophecy to foresee the utter destruction of that valuable branch of our commercial wealth and provincial revenue.

22. It would require a wiser head and an abler pen to suggest the best means of adjusting the many difficult questions of the fisheries with our American neighbours, as all the grounds for the protection of our natural and inherent rights which the British Government have hitherto attempted to set up in our behalf have proved perfectly futile and unavailable. What then can be done? If a door is once opened for their *free*

admission, should we not speedily be crowded to suffocation? and could that door ever be shut again? and where would it end? and what would be the consequences? We would all very sincerely and ardently wish to promote the present cordial good feelings; still, to purchase their friendship at the expense of our own existence, would be paying dear indeed. Should the case be clearly and kindly stated to the American Government, and their assistance respectfully requested in aid of our *prudent* but *firm* and *persevering determination* to protect those native and inherent rights, perhaps it might prove effectual.

I have, &c.

THOMAS SMALL.

Answers to sundry questions of the committee of the House of Assembly, for inquiring into the state of the fisheries, and the encroachments thereon by the Americans and others, by John Barss of Liverpool.

Answer to first question. I am by profession a merchant, and have been engaged in and connected with the fisheries and commerce of the province upwards of five and twenty years, and will answer, as far as my experience, to such questions as I am best acquainted with.

Question No. 3. The mackare fishery carried on from the United States in the Bay Chaleur, where the fish resort for the purpose of spawning, is destructive to the net and seine fishery on the shores of Nova Scotia; for the fish being detained in the bay by the food thrown to them from the vessels till the season of their feeding on the shore of Nova Scotia is past, they pass to the westward, at a distance from the shore too great to permit their being taken with nets.

Question No. 5. The statement given by Charles Steward, and enclosed with this, will show that the citizens of the United States do encroach on the fishing grounds on the shores of Prince Edward Island and Cape Breton, where the mackarel are principally taken by them.

Question No. 6. Several of the American fishermen are in the habit of frequenting the harbour of Liverpool in the fishing season, for the purpose of procuring bait, which they purchase from the people, and pay for in pork, bread, and other articles, as early in the season they cannot procure bait on the fish banks, but must resort to the harbours for it.

Question No. 12. The American Government allows four dollars per ton bounty on vessels employed in the cod fishery, but none on the mackarel fishery, or any other that I am aware of.

Question No. 16. The fishery on the coast of Labrador is carried on in boats, the vessels lying at anchor in the harbours. The fish are chiefly taken near the shore, say within a mile. The French vessels lying on the north side of Newfoundland have shallops which they send to the Labrador coast, but chiefly fish in deep water: in the straits, where they catch the largest fish.

Question No. 19. To prevent the American fishermen from usurping rights and privileges on the British shores differing from those ceded to them by the convention of 1818, I would not employ steam boats or cutters, or any vessel conspicuous enough to alarm them, but would rather place proper officers and men on board gebucto boats or schooners, such as are employed in the fisheries, and disguise both vessels and crews as fishermen, that they might sail among them without being known, and should a few of them be caught violating the treaty and condemned it would doubtless have the effect of deterring them at least for some time.

Question No. 22. I am decidedly of opinion that it would be of advantage to the province to permit the Americans to reside and form establishments in the province, and conduct the fisheries from the shores thereof, they reciprocating such privileges, and allowing the produce of the British fisheries to be imported into the United States duty-free.

The above are all the questions that I can answer by this opportunity, as owing to the non-arrival of the mail last week I did not receive the circular till yesterday morning; but should anything upon the subject occur to me upon further consideration, I will communicate it by next post. In meantime,

I remain your obedient servant,

Liverpool, 11th March 1837,
W. B. Taylor, Esq. M.P. Halifax.

JOHN BARSS.

James B. Uniacke, Esq.

SIR,

Halifax, N.S., February 23, 1837.

WE have received your circular of 20th instant, addressed to us, as chairman of a committee from the House of Assembly appointed to inquire into the state, &c. of the fisheries of the province. We have to regret that our information upon these subjects is so limited as to enable us to give answers to but few of the questions put to us. We deem it, however, our duty, if we can afford the committee any information, to do so, and accordingly very respectfully offer the following answers.

We are, Sir, your most obedient servants,

D. & E. STARR & Co.

No 1. We have been engaged in mercantile pursuits since the year 1825; in the fisheries to a very limited extent, but principally in the export of fish to distant or foreign markets.

3. It is evident to us that the fishery carried on by the Americans operates much to the disadvantage of our fishermen; but their ill success we cannot impute entirely to that cause; there is more exertion and enterprise on the part of the Americans; they are upon our fishing grounds, and sometimes with full fares, before all of ours have left their harbours. They have a double advantage, in the bounty granted by their Government, and the duties levied upon foreign-caught fish. We think the boat fishery suffers much from the Americans; but our entire want of knowledge of facts precludes us giving any satisfactory proof upon the subject.

8. The people of the United States do frequent the harbours, bays, &c. of Nova Scotia. They purchase fish and oil from our inhabitants, and pay for the same in tea, tobacco, shoes, and such articles as they require, and sometimes with what they don't, and occasionally give money, amongst which it sometimes happens that counterfeit dollars and spurious notes are detected, *and this fish and oil is taken into their ports as caught by themselves, and consequently free of duty.* Such a traffic deprives the revenue of a large amount of duty, the province of a valuable export, and the merchant who has supplied those people with their outfits of his payment. The earnings of the fisherman are squandered in useless traffic; his credit is destroyed, and his time completely lost to the country; whereas if a stop was put to their trading in our harbours a much great source of valuable export would be brought to the capital, and the credit and the mean of our fishermen would annually increase.

12. The American Government allows a bounty upon the cod fishery; but upon reference to their Act of 19th June 1813, which we believe has not since been altered, we cannot find that any such support is afforded to salmon, mackarel, or herring fishery, but upon the export of pickled fish cured with foreign salt a debenture of 25 cents per barrel is allowed. The bounty on the cod fishery is upon the tonnage of vessels, viz. from five to thirty tons, employed four months in the fishery, three and a half dollars per ton; and over thirty tons for the same period, four dollars per ton; and over thirty tons, with a crew of not less than ten persons, employed three and a half months, three and a half dollars per ton. No vessel can pursue the fishery without a licence, and cannot obtain a greater bounty than three hundred and sixty dollars. The duties imposed by the American Government are, upon cod or any kind of dried fish, \$1 per 112lbs.; salmon smoked, \$1 do.; salmon in barrels, \$2 each; mackarel, \$1 50 do.; all other kinds of pickled fish \$1 per barrel.

13. We consider South America and the West Indies to be the best markets for our fish. The American markets do occasionally offer some encouragement for pickled fish; and it appears to us the day is not far distant, when they, with Upper Canada, will require all the pickled and even a great part of the dry that we can take, were the American duties taken off or even reduced. A very small reduction in their prices would be caused thereby, and the value of fish caught by our people much enhanced. Could such a measure be effected, it would be the best bounty our fishermen could receive. The encouragement to fit out a greater number of vessels could be increased to such an extent that we could still give supplies to those places to which our trade is now principally, indeed almost exclusively, directed, besides the large proportion of the catch which would naturally find its way to the United States.

17. At present our vessels for the fishery can be fitted equally as cheap as the Americans, which hitherto has not been the case, pork, bread, and flour, being quite as low here as in the United States. The American pays a duty upon his salt of two cents per 56lbs, and upon his fishing nets and lines, five cents per lb.; consequently, in those duties he contributes largely towards the bounty he receives, which in reality to a large extent is only a debenture. Upon those articles our fishermen pay no duty, and therefore so far they both may be nearly equal; but the duty upon foreign fish is the bounty and encouragement received by the American.

19. We think the employment of fast-sailing cutters would be very effective, and the most economical for protecting our fisheries, and protecting the encroachments of the Americans. Steam would perhaps be the most effectual, but the expense too great. The cost of four vessels for the fishing season would be fully made up by the surplus revenue directly and indirectly obtained. Those vessels of fifty tons, manned with twelve persons each, employed seven months in the year, would be furnished at an expense not over 2,500*l.* for the season.

21. It appears to us that through the British Government negotiations might be made with the United States to induce them to take off the present duties. In the state of Massachusetts, from which the fishery is principally conducted, a strong feeling has long been evinced by the mercantile part of the population that they should not exist, and we understood, three years ago, that representations upon the subject were made to Congress. At present twenty-one of their states at least, in the consumption of fish, are taxed for the support of the fisheries wholly enjoyed by the New England states. The consumption of the article has increased so rapidly that the price is too high to make it any longer an article of export; consequently American vessels which formerly loaded at their own ports are now sent to Newfoundland and Nova Scotia for cargoes.

Unless some measures are adopted by the province or British Government for the better protection of our fisheries, they soon will be completely usurped by the Americans. Their numbers on our coasts, and in our harbours and bays, every year, are increasing to an alarming extent, and in the summer season the Gulf of St. Lawrence literally swarms with them.

22. It will never answer to allow the Americans to bring their vessels and supplies, and erect temporary establishments in our harbours for the fishing season, and when that is over to remove with their fish to the United States. Such a measure would to a certainty stamp our ruin. We, however, think, as permanent settlers, it would be highly advantageous for us to allow them to cure. It would bring industry, enterprise, and wealth to the country; but while the present duties exist they will never remove to our shores to be saddled with them; but if they could be got rid of, and it appears to us they are the great evil and the principal barrier we have to contend with, there would be nothing to prevent our harbours being rapidly settled with Americans. They would be nearer the fishing grounds, and be enabled to obtain their fishing supplies quite as cheap as in the United States.

No. 1. Merchants and shipowners. Possess some general knowledge of the commerce of the province, having been engaged therein twenty-five years.

2 & 3. By the third article of the treaty of 1783 the people of the United States were allowed to *take* fish on the banks of Newfoundland, in the Gulf of St. Lawrence, and at all other places *on the sea* where the inhabitants of both countries used previously to *fish*; also on such part of the coast of Newfoundland as British fishermen shall use, and on the coasts of all other of His Majesty's dominions in America. The permission to *dry and cure fish* by American fishermen was confined to the unsettled bays, harbours, and creeks of Nova Scotia, Magdalen Islands, and Labrador, or if settled, then by agreement with the inhabitants.

The very extensive privileges thus conceded to the United States, together with the frequent relaxations of the navigation system of Great Britain between the years 1794 and 1806, by which American vessels were permitted to carry to the West Indies fish and other colonial products on the most favourable terms, while British vessels were subject to increased insurances and wages, impressments, and other disadvantages incident to a state of war, were for the time being highly injurious to the fisheries and commerce of this province, and proportionably advantageous to those of our rivals.

The renewal of those privileges, under certain limitations, and the grant of additional ones, by the convention of 1818, with the aid of extravagant bounties from their Government, has enabled the Americans to increase their fisheries to an immense extent, and they have in consequence materially interfered with British-caught fish in the markets of Europe, and almost wholly supplanted it in those of the West Indies not under the British Crown.

4. We are not as well acquainted with the extent and value of the fisheries on the north coasts of Newfoundland, Labrador, &c. as many of our neighbours. We believe the Americans have resorted thither in great numbers, and that the concessions made to them have been found of immense advantage to their fisheries.

5. It is alleged that the Americans carry on an extensive net fishery in the *harbours* at the Magdalen Islands, contrary to the express terms of the convention, and that they have actually prevented British subjects from participating therein.

6 & 7. Not being directly engaged in the business of supplying fishermen and traders, we are unable to give that circumstantial information in reply to this and the two following questions which may be afforded by many of our neighbours; but we are informed that about seventy sail of vessels resort to those islands every spring to prosecute the herring fishery.

8. Our fishermen and traders complain that the whole of the eastern coast of this province, and much of the western, is lined with American fishing vessels in the summer season; that they do not confine themselves to the fishing ground allotted to them beyond three marine miles from the shore, but come into the harbours, and supply the inhabitants extensively with foreign goods, only admissible into free ports on payment of duty, taking in return green fish, oil, mackerel, and other produce of our fisheries, to the serious injury of the honest trader and of the provincial revenue.

9. The mackerel fishery, which is one of great value to this province, is carried on principally within the limits of three marine miles from the shore; but there is reason to fear that this important branch of our industry has already suffered materially from the interference of the Americans, and their practice of throwing the offal from their vessels into the sea.

10. Whatever difference of opinion may exist as to their right, under the terms of the convention, we believe the Americans have freely used the privilege of coming to any part of our shores not within three marine miles from *land* (whether headland or bay) to fish, and are in the habit of entering our harbours, not only for shelter but for other purposes, as mentioned in Answer No. 8.

11. See Answers to Nos. 5, 6, and 7.

12. We do not possess particular information respecting the bounties given in the United States. We believe the general Government grants a bounty of 28 cents per

barrel on the export of pickled fish cured with foreign salt, being equivalent to the duty paid on such salt in the United States. In Massachusetts a bounty of 48 per ton is allowed (we believe by the state) on all vessels of a certain size employed in the cod fishery during six months of the year. We are not aware whether the same is given by the other eastern states.

13. The principal markets for dry fish, British caught and cured, are the British West India possessions, Spain, Portugal, the Italian States, and the empire of Brazil. Our pickled fish are consumed chiefly in the West Indies, the Canadas, and New Brunswick. A large proportion of the salmon is shipped to the United States, and latterly mackerel have also been exported thither to some extent. Great Britain herself takes nearly the whole of the oil.

14. It may be doubtful, we think, whether American fishermen are actually precluded by the terms of the convention of 1818 from passing through the Gut of Canso, the distance of three marine miles being the limit within which they are not allowed to *fish*; but if these waters be exclusively Nova Scotian, the provincial authorities are perhaps competent to enforce such restrictions, with consent of the parent Government, as will effectually prevent that passage being used by them.

15. The salmon fishery on the coast of Labrador is a very valuable one. It is carried on partially from this province, but chiefly from Newfoundland, Canada, and the United States. The trade with the natives in furs, &c. is but little known here.

16. The fishery extends from the distance of half a mile to between three and four miles from the shore. It is carried on by vessels of from 60 to 100 tons burden and upwards, which lie at anchor in the harbours, and send out their boats and crews to the fishing grounds.

17. The cost of outfit for a fishing voyage varies every year. In general, the Americans have the advantage over the British, their provisions, canvas, and some other articles required being cheaper than ours; while iron, cordage, lines, &c. are procured at lower prices in the colonies. At the present time there is but little difference in the price of provisions in the two countries; but heretofore they have been from fifteen to twenty per cent. cheaper in the United States. We are not possessed of sufficient data to enable us to make an exact comparison of the cost of outfit here and in the United States.

18. There have been numerous complaints made of the interference of the Americans and French with our fisheries at the Magdalen Islands, on the coasts of Labrador and Newfoundland; and for some recent acts of violence committed by subjects of both these nations, we beg to refer particularly to a pamphlet submitted by Mr. George Handley, of this town, to the hon. the House of Assembly during the present session. It appears to have been the opinion of the naval officers employed to protect our fisheries that the Americans are entitled, by the convention of 1818, to fish in the *harbours* of the Magdalen Islands; but it will be seen by reference to that document that no such right was ever intended to be conceded to them, the terms employed being "on the *shores* of the Magdalen Islands," and also on the "coasts, bays, harbours, and creeks" of the coast of Labrador.

19. We are of opinion that small armed vessels, well manned, and calculated to sail fast, would be the most efficient for the protection of the fisheries and prevention of smuggling on our shores. The knowledge that a few such vessels were actually employed would go far to prevent the encroachments and illicit traffic now complained of. We consider that any sum of money which could be spared for this service would be more advantageously employed in sailing vessels than steam boats, owing to the great expense attending the latter.

20. The advantages gained by the Americans under the convention of 1818 are greater, we conceive, than those conceded by the treaty of 1783; but we cannot undertake to make a comparative estimate of the actual difference. We would observe that the fishery in the Gulf of Saint Lawrence, which was allowed to the Americans by the treaty, is not specified in the convention, but is probably conceded under the general permission to fish anywhere not within three marine miles of the shore.

21. We consider that the protection and encouragement of our fisheries is at this moment a question of vital importance to the interests of this colony. For several years past the price of cod fish in this port has been so high as to occasion a large import from Newfoundland to supply the additional demand, created by vessels not owned in the province resorting here for cargoes; and such must continue to be the case until more efficient means are adopted to increase the catch of this staple export, and protect the rights of our fishermen.

We think the employment of additional capital in the cod and mackerel fisheries, by parties living in convenient places for conducting them, an essential point, and that larger vessels, suitable for the bank fishery, should be more generally employed. It is notorious that our fishermen on the shore do not follow the business with that energy which is requisite to ensure success, but, by dividing their time between coasting, farming, and fishing, they fail in producing any good result. To induce capitalists to embark in the business it is of the first importance to restrain foreigners from fishing within the limits of treaties, and thus secure an undoubted and undivided right to the in-shore fisheries to British subjects.

22. We do not conceive that it would be possible to enter into any arrangement of the kind here suggested, without conceding much greater advantages to the Americans than

any equivalent they have to give in return. Former experience teaches us that their diplomatists understand the art of making commercial conventions and treaties much better than ours. But, as respects this proposal, it requires but little foresight to discover that they would gain upon us immeasurably by it if adopted as the basis of a new arrangement. If we allow them the right of fishing on our shores their numbers will of course be much greater than now while they are regarded as intruders; and undoubtedly a very large proportion of our fishermen will be employed in American vessels, the produce of whose labour will be transferred to the United States. And what are we to get in return? They have no shore fishery of any value to offer us a share of; and as to their market for cod fish, it is seldom higher than our own, after deducting freight from this province to their ports. A removal of the foreign duty on this article in the United States would therefore be of no advantage to us; and, as respects pickled fish, it would only be the best qualities, such as salmon and No. 1 and 2 mackerel, which would be enhanced in value *materially* by free admission into their ports. It cannot, however, be contended that these articles are now too low to remunerate the fishermen; and it is a well-known fact that had the catch been quadrupled the last two years advantageous prices would have been obtained for the whole. But if as a commercial speculation the bargain would be a bad one for us, its consequences in a political point of view would be still more disastrous; and we cannot believe that such a proposal would be listened to for a moment on the other side of the Atlantic.

JOSEPH ALLISON & Co.

James B. Uniacke, Esq.

DEAR SIR,

New Glasgow, March 11, 1837.

IN answer to your letter of the 20th February I beg leave to transmit the following remarks:

No. 1. I am a farmer, but have partially engaged in trading to Chebucto Bay for the last fourteen years.

2. Not competent to give an answer.

3. They pick up the fish and materially shorten the catch.

4. The Americans are in the habit of harbouring in the harbours of the Magdalen Islands in May, and taking large quantities of herrings in seines; in larger quantities than they are enabled to cure, which must be very injurious to the fisheries.

5. They do, by fishing within one mile, at Point Misco, Bay de Chaleur, Prince Edward's Island, and the Magdalens in 1836 and past years, hooking mackerel and codfish.

6. They do purchase bait from the inhabitants, in exchange for tobacco, tea, &c., by which contraband trade is encouraged, to the injury of the honest trader.

7. They do, and raise schools of fish near within one mile of the shore, by throwing over ground bait, and the driving them off into deep water, by which means the shore fisherman is deprived of his natural privilege.

8. They do regularly attend at the fishing establishments in Chebucto Bay, and purchase fish, for cash and other commodities.

9. Am not aware of any net fishery beyond three miles. When passing through Little Canso they materially affect the net fishery.

10. We are aware they wood and water in the harbours adjacent to the fishing ground.

11. By coming as near as one mile from the shore, and drawing schools of fish, and decoying them to deep water by means of ground bait.

12. It is generally understood they have a bounty, but I am not sufficiently acquainted to go into details.

13. I am aware the market in the States is good; but the restrictions to British bottoms affect the market.

14. Do not know the convention of 1818.

They cannot pass without approaching within half a mile of the shore.

15. They do trade, but cannot say to what extent.

16. Chiefly in boats, at various distances.

17. Cannot say particularly.

18. They have been known sometimes to interfere with our fisheries.

19. A small armed vessel disguised, so as to appear as much as possible to resemble a trader, would in my opinion suit best.

20. Cannot say.

21. If the fishing decreases at the same rate for the four succeeding years as it has done for the past, the fishing will not be worth attending to.

22. Keep the Americans from the fishing ground, if possible.

WILLIAM McLEAN.

To James B. Uniacke, Esquire, Chairman.

SIR,

Pictou, March 14, 1837.

IMMEDIATELY upon receiving the circular letter of the committee of the honourable the House of Assembly, whereof you are chairman, I set about making all inquiries

necessary to enable me to answer a few of the questions put. I now beg leave to forward two affidavits of individuals well worthy of credit, calculated to satisfy the committee in a great measure in reply to queries 5, 7, 8, 9, and 11. From knowledge obtained during sixteen years, and in my capacity of inspector of fish for the last eight years, and frequent communications with many persons engaged in the fisheries of this province, I am enabled to state that there exists a very general dissatisfaction on their part at the manner in which the fishing grounds are constantly invaded by the subjects of the United States; and from knowledge generally obtained I am enabled to state that our fellow subjects are virtually excluded from anything like a fair participation in a fishing which by right belongs to them. Americans are a bold, daring, and enterprising people, and unhesitatingly lay hold of every possible commercial advantage that presents itself; and while on this account they are not the most scrupulous observers of the rights of their neighbours, they are for the same reason most punctiliously jealous of their own. They are moreover a nation of *capitalists*, and spare no expense in the prosecution of their object; their fishing vessels being of the most approved description, manned by men individually having an interest in the adventure, and who consequently pursue the fishing with the most unabating zeal. Our fishermen, on the contrary, are very poor; our vessels not calculated for the business. Add to this, they cannot move on our own fishing ground without being interrupted and jostled by these foreigners; on every tack insulted, brow-beat, and their property destroyed within hail of our very shores; and it is no matter of surprise that our fishermen exclaim in bitterness of spirit that it is unfortunate for them to have been born under the British flag,—a flag that protects the oppressed around the globe (them excepted). It is grievous to a loyal subject to perceive the tone of alienated feeling that now prevails among the hardy fishermen of our shores, in consequence of daily and repeated violation of their rights by the haughty citizens of the neighbouring republic, the infringement of rights solely and wholly theirs, and which affords this enterprising people a source of incalculable wealth. Whoever refers to the well-known fact that our waters are completely studded with their vessels, ably, diligently, and successfully fishing during the whole season, will readily admit the correctness of the foregoing assertions. Ninety of their vessels were at one time to be seen fishing from an island at the mouth of the harbour of this port, and consequently within our headlands.

In order that I might be enabled to give every possible information to your honourable committee on this most import subject, I called a meeting of our merchants and others interested in the commerce of the province, which took place in the court-house. I have now the honour to state their satisfaction at the earnest and comprehensive manner in which the committee has taken up the subject, and that it is an earnest of your determination that the aggression complained of will not be any longer submitted to. The gentlemen present seemed unanimously impressed with a very strong and unpleasant conviction that no sufficient protection was afforded to our fisheries by the British Government, whose ships of war might as well remain on the other side of the Atlantic for all the service they have ever been to the fisheries of Nova Scotia. It was suggested, in adverting to your 19th query, that if the question of right were properly described and settled between the two Governments there would probably be no occasion of an armed defence of our rights; but if so, cutters supplied with sweeps would be the most efficient description of vessels for the purpose.

Respecting query the 22d, it was the unanimous opinion of the meeting that it is incumbent on the British Government to insist on a strict compliance with the treaties on the part of the United States of America; but it was also fully admitted, when these treaties were respected, there could be no just reason why natives of America or any other country should not be allowed all the privileges of British subjects, they becoming *bonâ fide* residents of the province, purchasing lands and investing capital among us, but on no other condition, as granting them the privilege of fishing on any other terms would but open the door for the evasion of the treaties, when all the benefits of fishing would be altogether in their favour. While the superiority of the American markets is admitted, to open it to us would do no more than open the door to competition between our fishermen and theirs, which, it is to be feared, instead of improving our condition, might possibly make it worse, as we are not, and little likelihood for a considerable time of being, able to enter into a successful competition. My remarks have been drawn out to a greater length than I could have wished, but hoping they may not be considered impertinent,

I have, &c.

(Signed) A. D. GORDON.

SIR,

Montegan, Clare, March 11, 1837.

IN answer to your letter of the 20th February, and in compliance with the request of the committee to inquire into the state of the fisheries, I hereby reply to the queries therein, as far as my knowledge extends. Where I have expressed my opinion, it is the result of general knowledge and experience acquired in the course of business. What I have stated positively are facts within my own knowledge. As regards treaties, not

having them at hand to refer to, I have refrained giving an opinion upon the operation of them.

Your obedient servant,
(Signed) GILBERT R. TUCKER.

1. I am a trader. Have been in the habit of supplying fishermen in open boats, along the shore of the bays and Cape St. Mary's eight years. I have been accustomed to the trade of the lower part of the county of Annapolis from my infancy. What knowledge I have of the fisheries and commerce of this province have been principally acquired by those means.

2. I am not prepared to say what effect the operation of the treaty of peace of 1783 had upon the fisheries or trade of this country, as I do not know what privileges were ceded or gained by it on either side. I think it has operated injuriously, inasmuch as the Americans have been made bold to approach our shores, interfering in our fisheries, injuring our trade and revenue, by bartering goods with the inhabitants for fish.

3. The fisheries carried on from the United States operate to injure our fisheries, because they encroach on our fishing grounds, scatter the fish, and drive them away by their carelessness in throwing overboard the cleanings of their fish.

4. I am not acquainted with the fisheries of those places. Cannot give the information required.

5. I am not informed, consequently cannot give the necessary information.

6. The Americans catch bait, and purchase from the inhabitants on the shores of this province; the consequence is, they pursue their fisheries more successfully in our waters, by getting plenty of fresh bait without loss of time. The effects are injurious to our fisheries, the Americans purchasing bait from the inhabitants many times for a baubee, when at the same time there were among themselves who would lose a day or more fishing for want of bait; injuring trade by disposing of their goods at a lower rate than can be afforded by the fair trader, and defrauding the revenue by smuggling.

7. Americans do frequent the shores of Nova Scotia, and fish within three miles thereof. I believe they interfere in the net fishery. By means of bait for the purpose, they raise shoals of fish within three miles of the shores; they also cure them within that distance, and beyond, in deep water. I do not know what effect it has on the shore fisheries.

8. To this I answer they do. The revenue is injured in proportion to the goods so smuggled.

9. I believe the net fishery is not carried on to any extent beyond three miles from the shores, except on the shores of islands. I am not acquainted with the net fishery, therefore cannot give the information required.

10. The people of Nova Scotia, I believe, assert generally that the Americans have no right to come within three miles of the shores, except for wood and water, or to shelter. I have known the Americans, when caught encroaching beyond such privilege, to plead ignorance, or a different construction of the treaty.

11. I believe their system of jigging and catching mackerel fish has operated injuriously on the mackerel fishery, by destroying a great many they do not take, and leaving a great many wounded that die, and drive or cause the other fish to leave the ground.

12. The American Government allows a bounty to encourage their fisheries; I do not know what bounty on each, nor do I know whether on salt, tonnage, or catch; I believe on each and all. They impose on the produce of the British fisheries 5s. per barrel, on pickled fish, though I believe on mackerel it varies according to quality.

13. I believe the West Indies afford the best market for the produce of the British fisheries. The United States would, I think, afford a better market could they be taken free of duty.

14. I do not know the rights of Americans, according to the convention of 1818. I believe they cannot pass through the Gut of Canso without being within three miles of the shore, and approaching important fishing stations of that part of the province.

15. I can give no information on that subject, from a want of knowledge.

16. I am not sufficiently informed.

17. American fishing vessels are outfitted at cheaper rates than British; the difference consists chiefly in the price of provisions, which is the principal item in the bill of outfits; other necessaries being equally as low, or even lower than can be procured by our fishermen. I give it as my opinion, however, that the greatest reason why our fisheries are not as productive as the Americans arises from the difference in the way they are fitted out and owned. The greater part of our fishing vessels are owned by poor men; they get their outfits on credit, at the highest possible rate; their hands are generally hired; his own spirits are dull from a knowledge of the disadvantageous circumstances under which he has to labour; his hands have the same feelings, in some measure, with the additional one of the uncertainty of being paid; thence their want of energy and the unprofitableness of our fishing. The American merchant owns the vessel, fits her out at the cheapest rate, ships his hands on shares, from the skipper to the cook, according to what she catches; an ambitious spirit is thus excited among them; this, and the liberal encouragement from their Government, causes more active enterprising men to embark in the fisheries, consequently they are generally more successful, and their fisheries more

productive. Perhaps the encouragement from Government more than anything else causes those good effects.

18. I have no knowledge of any instances of that kind. I believe there has been numbers, but not in this part of the province.

19. I think the employment of a steam boat would be the most efficient means to prevent American fishermen approaching our shores. They would scarcely venture in our harbours, and run the risk of being caught in a "flat calm," if they knew a steam boat was in quest of them.

21. I have stated in my answers the principal evils, in my opinion, resulting from the Americans approaching our shores.

22. I think it would be attended with beneficial effect to the inhabitants of this province to permit the Americans to form fishing establishments in the province, and conduct the fisheries from the shores thereof, provided all our fishermen could have all the privileges of and be placed on an equal footing in every respect with themselves; provided also, they did not (like birds of passage) leave us in winter and return in summer.

I passed over the 20th question by mistake. I can give no satisfaction, however, respecting it.

To James B. Uniacke, Esquire.

SIR,

Digby, March 9, 1837.

BELOW you have answers to such numbers as came within my knowledge.

1. Shipmaster. Have been engaged several seasons in the Labrador cod fishery, and several years in the Bay of Fundy mackerel fishery, and also in the West India trade from this province.

3. The fishermen from the United States are encouraged by a bounty, which excites energy in them, and enables them to compete with us at any market more favourable for them. I consider a bounty on tonnage preferable to any other way.

6. The American fishermen do catch bait in the harbours of the Bay of Fundy, and sometimes, to the annoyance of the inhabitants, they also purchase bait.

7. The whole of this section is incontrovertible. The last season many American vessels were in Saint Mary's Bay for the purpose of taking mackerel, when, instead of catching them with the hook, used gaffs or jiggs, whereby three fourths of the fish were destroyed, to the great disadvantage of the fishermen of this district. They are also in the habit of throwing out bait, to induce the fish from the shore, to avail themselves of the limits by treaty. This practice certainly must affect the shore fishery.

8. The whole of this, I am sorry to say, is too true; and this being the case it must appear evident the provincial revenue is affected.

11. Is fully answered in No. 7.

12. Refer to No. 3.

14. No vessel can pass through the Gut of Canso without being within one mile of the shore.

16. Vessels prosecuting the Labrador fishery take with them boats, according to their size or tonnage, and the fish taken in them sometimes near the shore, and at other times two miles off.

19. I am fully of opinion that a cutter about forty tons, with two good boats, would effectually protect the western coast of Nova Scotia and the Bay of Fundy from encroachment, and in a great measure prevent smuggling.

21. The evils resulting are so general that it would be difficult to separate them in severalties, as their encroachment upon the shores of Nova Scotia cannot be any way beneficial to the inhabitants, as will be answered in No. 22.

22. I am firm in the opinion that if Government does not protect the fishery that it would be more beneficial to the inhabitants to admit the Americans, the reciprocating such privilege, and allowing the produce of the British fisheries to be imported into the American States duty free. But in such an event I should be fearful that it would tend to introduce republicanism into the province.

The different queries have been so copiously put I am not prepared to make any further comment.

(Signed) I have, &c.

JAMES F. TOBIN.

James B. Uniacke, Esq.

SIR,

Prospect, March 15, 1837.

I HAVE forwarded all the information I could rely on, in answer to the queries sent through your circular on the subject of fisheries; and I am convinced there are many more instances of their encroachments on our shores, from what I can ascertain.

I remain, &c.

THOMAS TOBIN.

1. I have been for the last four years engaged in the fishery at Upper Prospect, and employ from eighteen to twenty-five men in the cod, herring, and mackerel fishery on the western shore. I have previously supplied fishermen, east and west, upwards of ten years.

3. I have been informed from different sources, by persons I can rely on, that American fishermen from the State of Maine, every spring, call into Pennant Bay, opposite Sambro Light, and purchase gaspereaux for bait, whence they proceed to Pope's, Liscomb's, and Big Dover Harbours, where, at the respective grounds of each place, they fish their nets, purchase bait, and make their voyages. The spring of 1835 there was upwards of fifty sail of American fishermen in and about Liscombe's, and by their baiting the fish at those places has been a severe injury to our fishermen depending on the Sambro Bank. If the Americans can be prevented from setting nets or purchasing bait in the above places, our fishermen would be enabled to trail the fish in shore.

7. A person from our shore, who was fishing at Cape Breton last season, has informed me that it was a common thing for the Americans to stand into some point of headland on that shore (it is a well-known fact to seine masters that the mackerel generally show most about such places, seldom further than half a mile from the beach, and in many instances not fifty yards). When there was no appearance of any interruption, they would commence throwing over ground mackerel bait, and when the mackerel would show on the surface to immediately stand off under easy sail, towing the shoals of fish with them. The boats from other Americans in waiting make fast to the decoyer, in many instances upwards of twenty, for the more boats the surer the work. They rise in such immense quantities that they frequently use the jiggers, a most destructive machine, in place of the hook; consequently nearly one fourth of the fish are wounded and lost. By such means the fish are carried out of their natural course, and when they congregate again they never make the western shore, but are supposed to stand off to the southward.

8. The following circumstances came under my own observation:—The fall of 1835 there was a number of American vessels in and about Upper and Lower Prospect, Blind Bay, Margaret's Bay, and in fact up to the cape, endeavouring to purchase mackerel. One of them was lying in Blind Bay, and purchased, as I ascertained on my getting there, between 80 and 100 barrels of round mackerel, for which they paid 14s. per barrel. They took them in the hold and on deck. I had occasion to go up there the same morning on business in my sail boat. The fishermen, on seeing my boat, or their own fear, induced the American to make sail, and as I proceeded up they came out dressing their fish. By such means they avoid paying the duty and obtain the bounty, for I understood from an American that they merely swear that they, the crew, dressed and cured them. The same week others went into different harbours endeavouring to purchase pickled cod fish by the cwt. One of them succeeded in getting, I am convinced, eighty barrels, they having their own packages. I understood they paid specie for their purchases, although I ascertained they had goods on board. Many persons here thought my opposition to them was in consequence of having similar articles for sale. I certainly conceive it very hard that strangers, particularly Americans, should carry away the fish that was due me for supplies. Two gentlemen from Halifax were here purchasing fish, and observed the Americans in and about the harbours.

22. In reply to query No. 22, there is not a fisherman, I am confident, between Cape Sable and Cape Canso, but would oppose the settlement of Americans among us. If once allowed to get a footing, they would in a few days ultimately destroy the fishery on the shore. As it is, we are not able to contend with them. In the first place they have a better class of vessels, supplied fully forty per cent. less; they receive a bounty on tonnage and catch; in addition, they are more expert fishermen; and in most instances nearly every man in a crew is related by family more or less, also having shares in vessel and voyage, which naturally makes them take a deeper interest than the servants of Nova Scotia planters. In general the men that compose their crews are from Newfoundland and elsewhere. They, after serving a year or two, and realizing a little money, proceed on to the United States; consequently two thirds of our crews are entire strangers every year. As respects the natives, as soon as they become of age they procure a whaler and commence business on their own account. I am of opinion, with all the information I have procured from the old fishermen, if the Americans can be compelled to keep actually three marine miles off the headlands, without in any manner of getting within the bays, keeping actually headlands inside of them the proper distance, that our mackerel fishery would not be injured, for the mackerel on their return in the fall from the eastward naturally keep the shore close aboard to avoid the large fish.

ANSWER TO QUERIES.

1. (*William Irish.*) Trader. Have some knowledge of the fisheries and commerce of this province. Have been engaged therein about seventeen years.

1. (*Thomas Mudie.*) Trader. Have considerable knowledge of the fisheries and commerce of this province, but principally of Cape Breton. Have been engaged therein three or four years.

1. (*Charles F. Harrington.*) Attorney-at-Law. Have, from a long residence in this part of the province, some knowledge of the fisheries and commerce, chiefly from travelling and accidental intercourse. Have been but little engaged therein.

2. (*William Irish, Thomas Mudie, Charles F. Harrington.*) The operation of the treaty of 1783 is undoubtedly injurious to these colonies and the British trade in general, inasmuch as the inhabitants of the United States have the same rights in most respects, by that treaty, as they before had as colonists of the British Empire, and now, by their

numbers, skill, resources, and commercial privileges at home and in foreign countries, are enabled to exclude the fish of British subjects from the benefits of a foreign market, and do, by the immense quantities of fish by them taken on the shores of British North America, and forced into all the foreign markets, greatly reduce the price of fish, and otherwise greatly injure the fisheries and commerce of this province by their competition.

3. (*William Irish, Charles F. Harrington.*) By interfering with and greatly lessening the quantity of fish heretofore caught by our fishermen; by supplying the inhabitants of the United States exclusively and extensively; and by the sale of great quantities in the British West Indies, in almost all the British foreign possessions, and principally in South America; thereby being enabled to purchase returns, and preserve their commercial relations in many of those countries with an article of demand which their own country cannot supply.

4. Unanswered.

5. (*Thomas Mudie, Charles F. Harrington.*) The Americans have grossly and continually violated the terms of the convention of 1818, by coming into our bays and harbours and within the limits prescribed, and there trading illicitly with the inhabitants, especially during the last year; in settling and anchoring in those bays and harbours, in all times and all weathers, for those and other unlawful purposes; and in engaging sailors and fishermen from among the inhabitants, in enticing these away to the States in great numbers, and in procuring outfits for their voyages.

6. (*Thomas Mudie, Charles F. Harrington.*) The United States fishermen do catch bait on the shores of this province and of Cape Breton, the consequence is it enables them to interfere with and interrupt the catch of our fishermen, to trade with the natives, and to fish, and to infringe more easily and frequently the treaty and convention.

7. (*Thomas Mudie.*) They do. Your certifier hath seen them repeatedly on the shores of Nova Scotia and Cape Breton within three marine miles of the shore, fishing to the number of sixty vessels at a time, and in his opinion they were not more than one mile and a half from the shore, particularly at Cape George, Port Hood, Mabou, and Broad Cove. They do raise fish within three miles of our shores, by fish, principally mackerel, ground up in mills, using every fifth and sometimes every third barrel in this manner, by which means they entice the fish beyond three miles from the shore, and by glutting them with food detain them there, so that the fisherman along shore is very much injured thereby.

(*William Irish.*) The American States fishermen meet the schools of fish in our bays and off our coasts, along the Gut of Canso onward, and to Prince Edward's Island, within three miles of the shore, and entice them off the shore by their bait, and break them by their catch, so that they are greatly diminished, never again unite, and at length abandon the shores.

8. (*William Irish, Charles F. Harrington.*) They do enter the harbours, bays, and creeks of Nova Scotia, barter extensively with the inhabitants, and supply them with various articles, such as boots, shoes, flour, bread, cider, &c. clandestinely, and smuggle to a great extent, so that the provincial revenue is much injured thereby.

9. (*William Irish, Charles F. Harrington.*) The net fishery is not carried on beyond three marine miles from the shore, except upon the ledger and headland. The net fishing of great importance, and prosecuted most extensively and generally by the inhabitants around the shores of Nova Scotia and the islands. When the Americans come within three miles of the shore they are frequently in the midst of the net fishery.

(*Charles F. Harrington.*) I have seen the American vessels running over the nets along the shore.

10. This question contains its own answer.

11. It is not known by us that the inhabitants of the United States have ever been permitted by treaty or otherwise to fish within three marine miles of the shore.

(*Thomas Mudie, William Irish.*) The system of jigging is very destructive to the fish, by wounding and destroying great numbers uncaught.

12. (*William Irish, Charles F. Harrington.*) The Americans allow a bounty of 20s. per ton; it is principally upon the tonnage. They impose a high duty on British fish, as by reference to their tariff will be fully seen.

13. (*William Irish.*) The best market for British fish are the West Indies, South America, Europe; and the United States, of late years, for mackerel; Canada for herring.

14. (*William Irish, Charles F. Harrington, Thomas Mudie.*) The Americans cannot pass through the Gut of Canso without coming within three miles of the shore. We consider it contrary to the convention of 1818 to do so. The most important fishing stations are from Canso Point up through Chedabucto Bay and the Gut of Canso northwards.

15. Unanswered.

16. Unanswered.

17. (*William Irish, Charles F. Harrington, Thomas Mudie.*) We think the fishermen of United States fit out much cheaper than our fishermen, but cannot state the difference or speak decisively.

18. Not well informed.

19. (*William Irish, Charles F. Harrington.*) We do think that a steam vessel or two would be much more efficient in preventing the fishermen of the United States from infringing the treaty of 1783 and the convention of 1818 than the mode heretofore used.

20. (*William Irish, Charles F. Harrington, Thomas Mudie.*) Not having the treaty and convention to refer to, we cannot well answer this question, but can say that since the convention of 1818, and particularly within the last four years, the Americans have compassed and lined our whole shores with their numerous fishing craft, and continually interfered with and injured the fishery of our inhabitants.

21. (*William Irish, Charles F. Harrington.*) We have given some consideration to the importance of those inquiries, and from the opinions of several intelligent men in this community consulted on this occasion, and from our own conviction, we do say that as the fish are an article of universal demand, as they abound exclusively upon our own coasts, as many towns and portions of this province and Cape Breton now solely exist by the fishery, and as the prosperity of this province must much depend upon a cautious and skilful management of those fisheries, the Americans and all foreigners should not on any account be permitted to participate therein. And further, we do think it most unreasonable that the United States, an independent nation, should now enjoy and use privileges and advantages that properly belong to and spring out of the soil, right, and sovereignty of the British empire. That the fisheries must be considered as belonging to the territory of Nova Scotia. That the Americans have prohibited their own fishermen from pursuing that course of fishery on their own coast which they follow on the coasts of this province, and have prevented all foreigners from using any privileges of fishery on their own coasts, while they themselves enjoy and exercise most extensive ones on the shores of these colonies. And, lastly, we say that the evil produced from the several causes referred to above has been great and extensive in Nova Scotia, by depressing and preventing the commerce of the country, and in cutting off a principal source of wealth to the inhabitants.

22. (*William Irish, Charles F. Harrington.*) As we think it very difficult, if not impossible, for the British Government to enforce the convention of 1818, we say that to render the fisheries at all beneficial to Nova Scotia the Americans must either be totally prevented from any fishing on our coast, or must be permitted to enter our country freely with their capital, to form permanent establishments for the conduct of the fisheries, and to consider Nova Scotia as a fixed residence; "they reciprocating such privileges, and allowing the produce of the British fisheries to be imported into the United States duty-free." But if they shall be allowed to make temporary stations on our coasts for the purpose merely of meeting the run of the fish in their season, to bring their labourers outfits and necessaries from home, and to return thither at the approach of winter, they will much injure the province; as witness the Jersey merchants, who have carried on their trade in that manner, residing in the old country, and acting here through their agents.

WILLIAM IRISH.
CHARLES F. HARRINGTON.
THOMAS MUDIE.

Antigonishe, March 14, 1837.

James B. Uniacke, Esq.

Chairman of the Committee to inquire into the state of the fisheries of this province.

SIR,

WE, the undersigned, residents and inhabitants of Brier Island in the county of Annapolis and province of Nova Scotia, beg to call your attention to injuries which your petitioners are subject to by the American fishermen encroaching within limits, often running near the shores on the fishing ground of your petitioners, and there discharge the garbage of their fish, which, if allowed to continue a few years, will destroy our shore fishery. Several fares are annually made in St. Mary's Bay in the months of April and May, within a mile or two of our shores. They also, in common with your petitioners, set their nets when there is scarcely a sufficiency of herrings for bait for your petitioners. They having taken these liberties for a few years past, now claim them, or, knowing your petitioners having not any way of protecting themselves, take every advantage they please.

Your petitioners having heard that letters have been transmitted to the magistrates of this place on the subject of fishery, beg to say that Charles Jones, Esq., one of the magistrates of this place, is at this time absent. Elisha Payson, Esq., our other magistrate, who, your petitioners have been informed, has written you on the subject of fishery, stating, "if the American fishermen were allowed to fish in common with the inhabitants of this island, and erect fishing establishments on our shores, by allowing the inhabitants to carry their fish to the American ports duty-free, would result to our advantage."

If these statements have been made by Elisha Payson, Esq., your petitioners beg to say they have never been consulted upon the subject; neither are they knowing to the tenor of your letter upon the subject, which leaves them quite unable to answer the questions required of them.

Should such privileges be allowed, the Americans would entirely destroy the fishery of the inhabitants at this section of the province, and benefit but one individual on this island or hereabouts, which is Elisha Payson, Esq., who is collector of "impost and excise, also of light duties."

Your petitioners furthermore beg to say, that the prices which have been paid at Halifax and St. John, N.B., these few years past, for dried and pickled fish, considering the reasonable terms they procure their supplies at these places, afford them much better markets for their returns than the United States.

Trusting that a cutter or some armed vessel will be stationed in the early part of April to protect the fisheries at this quarter, as the Americans approach our shores about that time, make one fare, and off before the man-of-war has arrived here, for years past.

And your petitioners, as in duty bound, will ever pray.

Edward A. Jones, Lacey Denton, Wm. Rice, Benj. Heny. Ruggles, Daniel Bayly, James M. Haycock, James Buckman, James Ring, William Thurber, William M. Desmond, Arthur Collins, John Slocomb, G.B. Smith, Ethel Davis, Franklin Patten, William T. Potter, Hubbard Davis, Edward J. Potter, Charles J. Potter, Thomas P. Haycock, Josiah Cann, Samuel Denton, David Welch, Isaac Dakin, Gilbert Welch, John McKay, James Welch, Moses Morrell, John Dogherty, Stephen Buckman, William Boyly, Joseph Morrill, James S. Denton, Abraham Titus, Charles P. Morrell, Charles Carroll, Edward Morrell, Daniel Welch, William Morrell, Samuel Young, Thomas Hains, Benjamin Horton, John Hains, Charles Hains, Joseph Crocker, Israel Outhouse, Peter Outhouse, Anthony Brookford, James German, Thomas Wescoat, George Denton.

James B. Uniacke, Esq.

Chairman of the committee regulating the fisheries of Nova Scotia.

SIR,

Rugged Islands, March 13, 1837.

No. 1. Our professions were formerly fishermen, but now engaged as fish merchants, and have some knowledge of the fisheries and commerce of this province.

2. The treaty made in 1783 has been prejudicial to the commercial interests of this country, by allowing the Americans to take fish on the shores and banks of Nova Scotia, and carry the same to markets which could be supplied by the people of this province.

5. The Americans have encroached on the fishing grounds retained by Great Britain, by taking fish within the limits, which has been principally done in the Bay Chaleur (so called) near the shores of Cape Breton, Prince Edward's Island, Nova Scotia, &c. The fact is well established by our fishermen, that in the Bay Chaleur last season 100 to 200 sail of Americans at a time were taking mackerel with the hook or jig, and within a few rods of the shore of Prince Edward's Island, thereby not only destroying the mackerel fishery, but destroying the voyages of cod fish, as bait could not be obtained where mackerel catchers were, they being so much better prepared than the cod fishers, and the mackerel were found in greatest plenty near the shore.

6. As far as we know, the American fishermen do not take bait on the southern part of the coast of Nova Scotia, within the limits of the treaty, but frequently purchase bait from the inhabitants, and thereby are enabled to take large quantities of cod fish, and making their privilege equal to our fishermen.

8. The people of the United States do enter our harbours in great numbers, but do not barter with the inhabitants to any extent, so far as comes to our knowledge.

19. We are aware that there are means to prevent foreigners from usurping rights and privileges on the British shores. Our opinion is, that the only sufficient means would be to fit out schooners, about fifty or sixty tons, painted and fitted like the American fishing vessels, as decoys; the same to be armed, &c., and to cruise along the shores most infested with foreigners, to be piloted by some experienced man, that could pass for a fisherman, and get any information wanted, without being known as an armed vessel, except when required. We do not think steam boats or any other vessels showing her true intention would be of any service. We will state one instance, which you may depend on as correct, that occurred last season (in August). There were about 200 sail of American mackerel catchers on the east side of Prince Edward's Island, as near the shore as they could go with safety, say a $\frac{1}{4}$ to $\frac{1}{2}$ mile, and were busily employed in taking mackerel; some lying to; others at anchor. At about noon an armed brig was discovered coming down upon them, and before she came up with them they were outside of the limits, and although many of them were boarded, yet none was detained, but were sent to sea. The brig remained in sight of our informants all night, and left the next day, and was not out of sight to leeward before the Americans were coming in sight to windward, and before night they all resumed their former stations. Had this been a decoy vessel she could have detected the whole in the very act of taking fish within the limits; and when it was once known that there were decoys cruising amongst them they would not venture within the limits.

21. We think the fisheries of this province are already greatly injured by encroachment of foreigners; the Bay Chaleur in particular, by the American mackerel catchers; and some prompt measures are required to secure the employment of the right of fisheries to the people of this province.

Yours, &c.
LOCKE & CHURCHILL.

ANSWERS TO QUERIES contained in a circular signed by James B. Uniacke, Esq., chairman of a committee appointed by the House of Assembly to inquire into the fisheries of Nova Scotia, dated Assembly Room, Provincial Building, February 20 1837.

No. 1. Engaged in supplying the fisheries of Cape Breton over ten years.

2. It is so long since I have seen the treaty alluded to in the query, that I have little knowledge of it; but so far as Great Britain ever having granted to the United States the privilege of fishing on the shores of Newfoundland and Nova Scotia, I cannot but think it has been prejudicial to the commercial interests of this country.

3. I can only state that I have frequently heard our fishermen say that the number of American vessels employed in the bank fishing from Cape Sable to Cape North, as well as their dressing the fish on those banks, is the means of keeping the fish off the shore, and causes the scarcity so long complained of.

4. I have not sufficient knowledge of the fishery here alluded to to answer this query.

5. No doubt but the American fishermen frequently encroach on our fishing grounds, but such has never come under my view, and I can therefore say little about it.

6. It is said they do, and if so, the disadvantage to the fishery is too apparent to require much comment.

7. It is said the American fishermen, under pretence of supplying themselves with wood and water, frequently put into harbours on the shores of Nova Scotia, in doing which there is no doubt but they supply themselves with bait, and catch fish within the limits; that they interfere with our net fishery there can be no doubt, by the manner they use of raising shoals of mackerel with bait prepared for the purpose, and by their mode of catching them with a hook, in doing which I consider they *destroy annually* a greater quantity of fish than they take.

8. It is generally reported, and I believe it to be correct, that the people of the United States do, in their fishing vessels, enter many of the harbours and bays of Nova Scotia, and supply the inhabitants with many foreign contraband articles, thereby affecting the revenue of the province, but to what extent I cannot say.

9. I am not aware that there is any net fishery carried on beyond the limits of three marine miles in this province; but if so there is no doubt but that the Americans often interfered with that description of our fishery.

12. I am told the American Government allows a tonnage bounty of twenty shillings to all their vessels employed in the cod fishery. The bounty they allow on other descriptions of fish I am not aware of. And there can be no doubt but fish of all descriptions, the catch of British subjects, when taken into their markets, pay a high duty.

13. The best foreign markets for the produce of the British fisheries are well known to persons engaged in that trade; and I believe the United States is a good market for all descriptions of pickled fish, but not for cod, as the duty is too high.

14. I do not think that American fishermen can pass through the Gut of Canso without being within three marine miles of the shore, and approaching the most important fishing stations of that part of the province.

15. I cannot speak with any certainty as to the value of the salmon fishery on the coast of Labrador, nor to what extent trade is carried on in that country in the articles of furs, feathers, oil, &c., but believe it to be very great.

16. I have always understood that the fishery on the coast of Labrador and Newfoundland is carried on by the British in various sized open boats, and not far from the land.

17. From conversation I have had with Americans at different times I have always understood that their vessels are fitted out and navigated, both in the merchant service and fishery, at a much cheaper rate than the British, but I cannot state the comparative difference.

19. I have often thought it surprising that out of the large naval force employed on the North American station that three or four smart sailing gun brigs or schooners have not been appointed to visit the principal fishing harbours on the coast, by which means there can be no doubt but the Americans would be deterred from taking the liberties they now do, and the fishery be protected. If such means are not adopted by Government, fast sailing cutters I should think would be preferable to steamers.

22. If our present grievances respecting the fisheries are properly made known to the British Government, there can hardly be a doubt but means will be adopted to redress them; and I cannot think it would be more beneficial to the inhabitants of Nova Scotia to permit the Americans to reside and form establishments in the province, and conduct the fisheries from the shores thereof; nor do I think the Government would even agree to any such proposal.

GENTLEMEN,

Little Arichat, 20th March 1837.

IN answer to some of the queries in your circular respecting the fisheries of Nova Scotia, I forward the following statement:—

Question I. I have been engaged in the fisheries of this province for the last twelve years as a merchant.

3. The fisheries carried on from the United States operate to the disadvantage of the British fisheries in North America generally, by enabling the citizens of those states to supply themselves with fish caught in a great measure on our grounds, thereby depriving B. N. America of almost the sole profit of furnishing them with that article, the Americans having very little good fisheries exclusively their own.

5 and 7. They have, in many instances. Last autumn they caught much fall mackerel in Antigonish Bay, near the head of it, and within the limits. In Port Hood also on the western coast of Cape Breton, which harbour they make a place of general resort during the fall fishery, as many as sixty and upwards of their fishing vessels are sometimes anchored at one time, and have been known to be actually engaged in jigging mackerel in the harbour. A seizure took place there last year of American barrels, salt, &c. to a considerable extent, the articles were found landed on shore. It is also quite a common practice for them to anchor along the western coast of Cape Breton, and with a spring on their cables jig mackerel within the limits. They likewise run in close to those shores and heave too, so that they may drift off, (the fish trim the shores in the fall) and by baiting, catching, and scattering the bodies of mackerel do very serious injury to our fisheries; for it is evident that by such practices the schools of fish frequenting our shores are thinned, annoyed, dispersed, and often turned out of their former course; and hence it is a received opinion among our fishermen that these are the main causes of the failure of mackerel at our fishing stations for some years. Last season the fish were remarked to be very abundant in the gulf, but would not take the bait on the jigging hook as freely as in former years.

8. Yes, to a great extent. As, however, it would be considered invidious to mention names and particulars, I will merely observe that in April 1836 business led me to the Gut of Canso. Upon observing large quantities of corded firewood on the shores I wished to purchase, but found it very difficult to do so. I had for answer, it was hauled out and prepared for the Americans. Captain so and so was to call for it, and had promised to bring such and such articles, and in fact, as they expected their American merchants daily, and had promised them their custom, it was not fair to sell the article to another: and this traffic is not confined to a few articles nor to the Gut of Canso. The provincial revenue is of course affected by these contraband commodities, as they prevent sales of similar merchandize which would pay duty.

11. From the American system of catching mackerel, even when prosecuted within their own limits, much injury has been done to the British fishery. In jigging it is necessary to raise the fish to the surface with bait, &c., and keep them there as long as possible. The jigging and baiting then goes on, and the fish are carried along with the drifting vessel; it may be very far out of their accustomed course. Now, considering that this operation is performed by several hundreds of vessels, scattered in all directions throughout the gulf, and at the same time, its influence on the shoals of fish passing within its sphere must be extensive, as it combines catching, wounding, feeding, and decoying the fish from the beginning of July till well through October. That such a system operates powerfully to the prejudice of the British fishery, is, to me at least, too plain to admit of a doubt.

12. The American empty barrels which I have seen, intended for the mackerel fishery, were branded with the words "*for bounty.*" Our fish imported into the United States pay a duty of \$1 per barrel on herring—\$1½ per barrel on mackerel, &c. &c.

14. Our government have answered this query in the affirmative. The narrowest part of the Gut of Canso, viz. the N.W. entrance from M'Millan's Point to Cape Porcupine, is usually reckoned a good mile across.

19. Fast sailing cutters, by all means, if well manned, and furnished with good and sufficient boats; say, one stationed in the gulf to cruise about east point of Prince Edward Island, Antigonish Bay, and along the western and N.W. coast of Cape Breton; another from N. W. entrance of Gut of Canso, eastward along Manchester Bay, and as far as Cape Canso; a third from Cape Canso to Halifax; and fourth from Halifax westward.

Some such system as the above, it is believed by many, would not only guard our coasts from foreign encroachments, but also put an end to smuggling among ourselves. An officer residing on shore has very little power over vessels anchored along a coast, or even in a harbour, where the inhabitants are few in number and far apart; his authority is often put at defiance. From it also, a very salutary check would be imposed on the lawless multitudes which assemble from all quarters during the fishing months at our best stations.

21. In turning my attention generally to this subject, much appears to demand our serious and immediate consideration. By existing treaties the Americans are already admitted into the *heart* of our fisheries; for although a boundary line of three miles in breadth encircles our shores, yet this is so difficult to be pointed out on the fickle

element upon which it is drawn, that it is not easy to determine, in very many instances, when our rights are invaded; and this will be at all times a ready excuse to the aggressor. To this original evil, therefore, we must submit; but let us improve and protect, to the utmost of our power, those resources which remain.

The system of jigging has been introduced by our enterprising neighbours, and I am astonished that they have not commenced a net fishery within their own limits; it would be doing no more than is done on the coasts of Scotland. We know not indeed what improvements or new inventions may be introduced. The eagerness with which they rush to our shores and fishing grounds the moment the breaking up of the ice allows an entrance into the gulf, and their increasing numbers every returning year, assures us that their energies are vigorously and steadily directed towards this branch of industry and of national aggrandizement; and these are sufficient causes, if not to awaken our fears, at all events to call upon us to provide in time if we can.

22. As to whether the British government will or will not enforce the convention of 1818, surely we are not driven to the necessity of giving up our remaining rights of fishery for nothing; for unless the Americans had fishing stations of equal value, with those we possess, and would permit us to form establishments in them, and conduct the fisheries from the shores thereof, they cannot reciprocate equal privileges with us, in those matters. The mere removal of the duty on fish would not be an equivalent. It is not to a foreign power, nor, in many instances, even to our parent state, that we must look for assistance,—it is to ourselves. If the Americans put a duty on our fish, why do we add a further duty by an expensive and useless system of inspection? If the American fishermen receive bounties to encourage them to prosecute the jigging of mackerel, &c. with advantage, why do not we also extend encouragement, according to our means? We have the example of the mother country in this, in the manner in which she fostered her herring fisheries by bounties, &c.

Thus, gentlemen, it would appear, that besides foreign grievances, many of which are perhaps beyond our control, there are other evils, and their remedies too, which exist among ourselves. So little encouragement is there given to our fishermen that they are even anxious to hire on board of American vessels bound into the gulf, and those being very often our best fishermen they are readily engaged; and this practice is becoming so general in Manchester Bay, the Gut of Canso, and the western coast of Cape Breton, that it is a matter of serious consideration. Towards the latter part of June last I had much difficulty in getting a crew of eight good fishermen to man a vessel for a mackerel jigging voyage; though I searched the Gut of Canso from one end to the other, most of the best fishermen were either already gone with the Americans, or engaged and waiting their arrival. Another evil, and that also of a serious nature, resulting from this practice is, that it ultimately tends to draw off our shore population to the United States. When a voyage is made, the American skipper has seldom money to pay the wages, and if the goods he may have on board do not answer, (for to part with fish is out of the question, and *barefaced smuggling*.) our hired fishermen, particularly if he is a young man, rather than leave his wages unpaid, and wait their uncertain remittance, concludes to proceed with the vessel, and a winter's residence in the States generally terminates in his becoming an American citizen, and paves the way for others of his family and former companions to follow.

To apply remedies to all that we complain of is not in our power, but surely something can be done to ameliorate existing grievances when they cannot be removed. Wherever our fisheries are worth the looking after, see that order, and the protection of persons and property, is maintained. This will gradually introduce capital and permanent establishments, and discourage the vagrant life which is too prevalent throughout our best fishing stations. Extend encouragement to bring into vigorous operation the jigging or catching of mackerel in the gulf or at sea, in decked vessels only, and owned in the province. Do away with the Inspection Law; the article will not bear the expense, and always has and must be sold by sample, from the nature of materials which compose our barrels, and they cannot admit of any sudden or extensive alteration. We ought, however, to encourage the manufacture of *hard-wood barrels*, by a bounty per barrel on pickled fish put up in them for exportation only. This would gradually introduce a better description of that article, and thus raise the character of our pickled fish. Barrels made of pine, or what is usually termed soft-wood, are not capable of preserving fish for any length of time; and while we have comparatively abundance of hardwood, pine is becoming scarce, and of inferior quality in many parts of the province.

You will please to observe, that I have principally confined myself to matters relating to pickled fisheries. As regards the cod fisheries, whether a tonnage bounty, or one on the quintal, or on salt, are questions which have frequently occupied the attention of the Legislature. To me, it appears that a tonnage bounty restricted to Labrador, and other deep sea voyages, would be most beneficial. And as respects the interference of foreign nations with this branch of our fisheries, it is chiefly limited to the Magdalen Islands and Labrador, with which places I have not much intercourse.

Your obedient Servant,

WILLIAM CRICHTON.

No. 1. I am a merchant ; have some knowledge of the fisheries and commerce of this province ; have been engaged in them for the last fifteen years.

2. I consider that the fisheries and commerce of this province have been greatly injured by the operation of the treaty to which this query refers ; that treaty, by giving to the fishermen of the United States the right of fishing on the coast and within the waters appertaining to the remaining British Provinces, conferred on the former a privilege which, had it been retained exclusively, as of right it ought to have been, for British colonists, would long ere this have induced many persons of capital and enterprise, and many experienced fishermen, from the United States and other countries to have settled on the shores, bays, and harbours of these provinces, that they might be enabled to participate in these fisheries and in the advantages which our proximity of situation affords. In addition to this had American fishermen been precluded from our fisheries, their limits and the products of their fisheries would have been vastly curtailed, and the demand for our fish in their extensive markets, as well as in those of other nations which they at present contribute to supply, would have been immensely more favourable to our fisheries and commerce, as well as to that of the adjacent British provinces, than it has been under the operations of that unfortunate treaty.

But had that treaty, in exchange for the invaluable privilege which it conferred on the fisheries and commerce of the United States at the expense of these colonies, had the treaty secured to the latter the only equivalent at all commensurate to their conceded rights, namely, the right of sending to their markets in our own vessels, free from all discriminating duties or charges, the products of our fisheries, our coal and iron mines, plaister and grindstone quarries, &c. &c., this would have restored to us some of the advantages of which we had been deprived by the then recent dismemberment of the revolted colonies ; and as they had by the treaty fully acquired their former rights in the fisheries, we ought in justice to have had our former commercial privileges in reference to that country secured to us. The proximity of the American Atlantic States to this province, their comparatively wealthy population, and the extensive markets which they afford for all, and the only market for many of our products, possessing also those articles which are of indispensable necessity to us, and for which vast sums in specie have been every year taken from this province, the advantages of a free and unrestricted intercourse with that country would have been of incalculable advantage to this province in a commercial and maritime point of view. Our coasting and carrying trade, and with it ship building, would have been immeasurably increased, and have given extensive and profitable employments to an augmented maritime population, many of whom are now forced to seek for subsistence in other and more favoured countries.

3. The fishery carried on from the United States operates to the disadvantage of the British fisheries in North America in a variety of forms. The immense quantities of fish every kind taken by the Americans in the vicinity of these provinces, while it lessens the quantity and interferes with the operations of our fishermen, enables them to supply their own extensive markets, and to send large quantities to foreign markets upon terms extremely injurious to the interests of British fishermen.

4. I have not sufficient knowledge of the Newfoundland, Labrador, and other fisheries mentioned in this query to enable me to answer it to any good purpose.

It is a notorious fact that the citizens of the United States have in innumerable instances violated the terms of the convention of 1818, by encroaching on the fishing ground still exclusively retained by Great Britain.

I cannot state instances from personal knowledge, but the facts are too obvious to admit of doubt or contradiction. For several years past immense quantities of mackerel have every season been taken by American fishermen on the shores of Nova Scotia, New Brunswick, Cape Breton, and Prince Edward Island, within the limits from which they are excluded by that convention. Great numbers of them resort every spring to the Magdalen Islands, and vast quantities of herring are there taken by them, either within or at the entrance of the harbours within which their vessels anchor and remain during the whole fishing season or until their cargoes are completed. To this fact I have been eyewitness, having myself made a voyage to those islands in 1833, and remained there for two weeks during the herring season, at which time upwards of twenty American vessels were fully laden with fish taken in the harbours or at their immediate entrance.

In many instances they also take codfish within three miles from the coast, but in this respect their encroachments are much less notorious and less the subject of complaint than the mackerel and herring fisheries.

6. It is probable that American fishermen do in some instances catch bait on our shores or purchase it from the inhabitants, but I have heard of none such in this quarter.

7. The first part of this query is answered by No. 5. I do not know that American fishermen interfere with the net fishery on our shores in any other way than by the effects which the quantities of mackerel and herring taken by them as stated in No. 5. ; but the great and continued decrease in the quantity of net fish taken on the shores and at our principal fishing stations since the American mackerel fisheries have been prosecuted to any considerable extent in the Gulf of St. Lawrence, and manner within

stated, leaves no doubt on my mind that the net and seine fishery on our shores have been extensively injured by the American fishermen, and that their encroachments upon the limits assigned to them have been much more injurious to our fisheries than had they been strictly confined to these limits. This is the almost unanimous opinion of all those conversant in the fisheries on our shores. I believe it possible that the Americans may in some instances have raised schools of fish near the shore and land them into deep water, but in general they take them without scruple wherever they can raise them. I have no personal knowledge on the subject, but state this as the general opinion in this quarter.

8. As far as my knowledge and information extends, smuggling and bartering goods and merchandise for fish between the people of the United States and the inhabitants of this country has been carried on to a very small extent. I have understood that this illicit traffic has been much more extensive in other parts of the province. I know that considerable quantity of mackerel have been sold at Fox Island within the last two years to the Americans for cash.

9. I do not know of any net fishery carried on from this province or from any islands, bays, or harbours belonging to it, beyond three maritime miles from the shores thereof.

10. I cannot give any satisfactory answer to this query, having never heard any opinion on the subject.

11. The permission granted to American Fishermen to take fish at the distance of three marine miles from the shores of this province, and their system of jigging and catching them even had they confined themselves to their assigned limits, would no doubt have been greatly prejudicial to the British fisheries, by lessening the quantity, and thereby subjecting our fishermen to greater loss of time and expense in making their fares, and to a much greater chance of failures, by occupying the fishing shoals or banks in the vicinity of the harbours to the great detriment of the inhabitants and of the boat fishery, which, to many of them, is the only source of employment and subsistence, and thereby discouraging and retarding the settlements of our shores and harbours, by throwing the offal and garbage of their fish overboard on the fishing ground, particularly the offal and bones of codfish which are said to be extremely destructive to the fisheries, by disturbing and breaking the schools of mackerel, and causing them to deviate from their wonted course, and thereby greatly injuring our net fisheries, and by supplying their own and foreign markets to a great extent with American fish caught in British waters to the great loss and injury of British and Colonial fishermen and merchants.

12. I have understood that liberal bounties are allowed by the American Government to encourage the fisheries, but to what description of fish or in what manner it is allowed I cannot answer, neither do I know precisely the amount of duty enforced by that Government on the product of the British fisheries when imported into the United States, but I have understood that the latter has been so heavy as until lately to have nearly prevented British fish from going to American markets, and in fact has deterred many American fishermen from becoming residents in this province, who, had the markets of that country been unrestricted to persons residing in this, would have settled on our shores, and become useful inhabitants of this country.

13. I have reason to believe that were it not for the heavy duty enforced by the American Government on the product of our fisheries, that country would afford the best as well as the nearest and most advantageous markets for our pickled fish. I cannot at present say what foreign markets are the best for cod and scale fish.

14. I apprehend that the American fishermen have the same right by the convention to pass through the Gut of Canso that they have to sail along our coasts within three marine miles from the shores. They cannot pass through the Gut without being within much less than three miles from the shore; that strait not much exceeding one mile in breadth in any part thereof.

15 and 16. I am unable to say anything on the subjects embraced by these queries.

17. I should think at present that British fishing vessels might be fitted out fully as cheap as American, in consequence of the high price of provisions in that country.

18. I have not known any instances of the kind mentioned in the query.

19. I am of opinion that until some effective system be adopted for the encouragement of our own fishermen, either by bounties given in such way as will be obviously for their advantage, or by such a system of trade as will enable them to purchase their supplies and sell their fish upon nearly as favourable terms to the resident merchant or colonial trader as to the American fisheries, it will be extremely difficult to interest our resident fishing population generally in any measure that will tend to banish the latter from our shores; as long as our fishermen can gain more by dealing with the American fishermen, as long as they are dependent upon American fishing vessels for their only or principal source of probable employment, so long will they encourage their approach to our shores, and so long will preventive measures of every kind be more or less frustrated. If bounties were allowed by our Government to encourage the fitting out of vessels to be employed in the fisheries, either on the tonnage or the catch, and if our trade with the United States were less restricted, it would remove much of the feeling engendered by the comparative protection and encouragement given by the American Government to the interests of their fishermen, while ours have been in a great measure unprotected, and

left to their own limited and curtailed resources. I think small armed steamboats, manned with crews interested in the protection of the fisheries, and encouraged by a liberal share of the prizes that might be made, would be much the most efficient mode of guarding the fisheries on our coasts.

20. In answer to this query I can only speak in reference to the trade and fisheries in this part of the province. There can be no doubt that these have suffered much more from foreign interference since the date of the Convention of 1818 than at any previous period; but this I apprehend has arisen from the early and continued, and, on our part unresisted violations of the terms of that convention. Had these terms, however far they come short of what was due to the natural and inherent rights of British colonists, been strictly enforced, they would, in my humble opinion, have proved more beneficial to our fisheries and commerce than the most unlimited right conceded by the first treaty.

21. Some of the evils which have already resulted from the operation of the treaties to which these queries have before had reference, and from the want of adequate encouragement and protection to our fisheries, have been stated in the foregoing answers.

To these may be added, that by these treaties and their effects this province, with the other maritime British provinces in North America, have been deprived of a large and invaluable share of the rights appertaining to their natural situation, and which the circumstances otherwise imposed upon them at that period required to have been reserved to their exclusive benefit, as far as related to foreign participation. The injuries inflicted upon our maritime and commercial population by the almost unlimited encroachments of foreigners upon their reserved rights, and in consequence of the feeble and unavailing protection hitherto afforded them, have already operated to induce a belief that our fisheries have been abandoned to foreign aggression, and that the only remaining chance of deriving any substantial benefit from them is to take refuge under the more liberal, and, as respects their claims, more just policy of another country. These sentiments, so unfavourable to the interests of this province, have already induced numbers of our fishermen from this quarter to embark in the American fisheries, and nothing short of the most prompt and vigorous measures of protection and encouragement will restore the general confidence in the wisdom and justice of our Government in this respect, and prevent a great portion of our young and active fishermen from leaving the country.

22. I do not hesitate to answer this query in the affirmative, and would observe further, that if the American Government would consent to allow the products of our fisheries to be sent to their markets in British or colonial vessels duty free, it would in my humble opinion be advantageous to this province to permit their fishermen to reside and form establishments in it, and conduct their fisheries from its shores. I believe the principal hindrance at present to their settling in this province is the duties to which, in that case, their fish would be liable at the American markets; and if these were removed and permission granted by our Government, there is little doubt that our numerous harbours, many of which are at present unsettled and waste, would be filled with an active and enterprising population. I apprehend the province would gain by such a measure, even at the expense of abandoning the Convention of 1818.

Guysborough, 17th March 1837.

FRANCIS COOK.

Mr. Philip Carten of Liverpool, N.S., to the 8th query.

Was at Prospect Oct. 1835; had proceeded there with money and some goods to purchase mackerel; whilst there an American schooner came to Lower Prospect, having on board gin, boots and shoes, apples, soap, with other articles, and opened a regular trade with the fishermen, and sold the above goods, taking in return mackerel. A schooner between eighty and ninety tons took away as much as the goods and money they also brought could procure. Went across the land to a place called Tunis Bay, where they were in the habit of hauling seines; there he found two more American vessels; the people on board purchased the mackerel. Mr. Carten could not obtain any, though the money was offered, and other articles, at as low a rate as the foreigners. There was a vessel there likewise belonging to Yarmouth, chartered by merchants of St. John, N. B., and she had a large and valuable cargo on board for the purpose of purchasing mackerel, consisting of flour, soap, dry goods, tea, and other articles, which he offered to sell on as reasonable terms as Americans, say flour at 7 dollars, and other articles equally low. Could not obtain any mackerel whatever until the foreigners were supplied. Apparent could purchase or procure no mackerel, but what he caught in his own nets. Captain of N. B. vessel went on shore, offered his goods, &c. as above to the people, but received for answer he could not get any mackerel until the Americans were supplied. Feeling indignant at the preference given to foreigners, told them they had no business there; that if they did not immediately clear out of the harbour, that he would immediately proceed to Halifax and bring down a sufficient guard to seize their vessels; also stated to the people that they were injuring themselves and robbing the country of its living; taking away the trade from the coopers and employment from the coasters, and even from their own neighbours, who could all be employed in curing the article which they were relinquishing to foreigners as they took them out of the seines, and without any labour expended on them. The Americans felt alarmed, but remained until they got their loads; that when

they were loaded there were two others came down from Blind Bay, where they had been for the purpose of purchasing mackerel, to Tunis Bay; but whether they succeeded in getting loads or not, cannot say. Afterwards several other American vessels came to same place; they were not enabled to buy any fish, no seines being hauled; that they went and bought the fish in bulk from those who had previously caught them. They bought them for 17s. 6d. for the two hundred pounds, though at the same time the persons they bought them of might, by incurring the expense of a barrel, 2s. 6d., and half bushel salt, 10d., and the labour within themselves, have sent them to Halifax and obtained from 5 dols. 25 cts. to 5 dols. 50 cts. per barrel.

James B. Uniacke, Esq.

Bryers Island, March 13.

SIR,

IN reply to yours of the 20th February,

No. 1. I have been upwards of forty years on Bryer Island, and have been engaged in fishing business, and in the exportation of fish to foreign markets.

2. As my information extends no farther than the Bay of Fundy, I cannot correctly answer this query. There is but a small number of Americans that fish in the Bay of Fundy.

3. The only disadvantage in my opinion is that the fishermen of the United States being prohibited from the privileges of the shore fisheries that many of them run in shore and heave over the offal of their fish, to the disadvantage of the boat fishery.

4. Know nothing of that coast.

5. The fishermen from the westward of Mount Desert in general are quite punctual to the treaty; but from Machias Eastport, and near the lines, there are many who pay no regard to the treaty whatever, and take fish within half a mile of shore. Last season there were a number of vessels from near the lines that took considerable mackerel in St. Mary's Bay, where it does not exceed three miles in width.

6. In harbour they do not set their nets; but in the out coves and creeks on this coast I am informed they do, and that the inhabitants in many places set their nets and furnish them with bait.

7. They frequent the shores, and many of them fish within three miles. I have never known them to raise schools of fish within their limits, and entice them upon their own privileges.

8. I have not heard of any fishermen from the United States to trade or barter goods with the inhabitants upon this coast; but I am informed they do to a considerable extent in the eastern part of this province.

9. There is no net fishery carried on in this bay beyond the limits of three miles, except the island of Grand Manan.

10. I have never known of any difference between the inhabitants of those islands and the fishermen of United States. I have collected light duty for three years past, and find that they are all informed of the treaty by the collectors of their own ports. I have made it my duty to caution them on the subject; they appear to be willing to submit to the treaty, with the exception of a few, as before stated, from near the lines, which are manned chiefly with the people of our own province.

11. As to the cod fishery carried on by the Americans in the Bay of Fundy, I do not think an injury, excepting that they do sometimes heave the offal over on the small boat fishery.

12. The government of the United States give four dollars per ton on the cod and mackerel fishery. The duty on mackerel and herrings of the British fishery is something like 1 dol. 40 cts. to 1 dol. 50 cts.; on codfish, one dollar.

13. The United States is the best market for mackerel, herrings, pollock, and large codfish.

14. Cannot say.

15. do. do.

16. do. do.

17. The Americans fit out the cheapest; they receive a bounty of four dollars per ton, and have far the best market, by which means they can pay their men more wages than we can.

18. I have never heard of any insults offered to our people in this part of the province.

19. I think that an armed force would not be of much service in the Bay of Fundy.

20. It has ever been my opinion that the treaty of 1783 is the best. Were the Americans allowed full privilege with our own people they would protect the fisheries.

21. It is my opinion, if the government of the United States would allow the produce of the British fisheries to be imported in the United States under the same restrictions as their own fishermen, then it would be best to allow them the same privileges with ourselves on our coasts. It would encourage our citizens to fit out larger vessels in the fishery business, and in the winter season would give them employ to take their fish to the southern states, which is the best market. Our young men would then be able to stay at home and fish, instead of going to the Americans for employ. There are hundreds

of our people who go to the United States during the fishing season for employ, because they can get more wages; this is for want of a market in our own country. In the southern states for the last two years mackerel No. 1. has been 12 dollars, No. 2. from 10 to 11.

ELISHA PAYSON.

ANSWERS to QUESTIONS proposed by the Committee of the House of Assembly, relative to the Treaties between Great Britain and the United States.

Question 1. Fishing is our profession.

3. The Americans, by fishing in great numbers on the coast, break the schools of fish before they get in shore, consequently preventing our fishermen from procuring them. As a proof of the above statement, fish were much plentier, and could be taken much nearer the shore during the years of the American war.

4. We have followed the Labrador fishery from seven to seventeen years. Until late years the Americans have frequented the Labrador shore in great numbers, and continued the fisheries there as long as it would pay them; they have also been in the habit of seining codfish there, thereby injuring the fishery by taking many small fish that otherwise would not be taken; it also has a tendency to drive the schools away. The fishery retained by Great Britain (except the Newfoundland fishery) bears no comparison with that granted to the United States.

5. We do not know that the Americans have violated the treaty by encroaching on the fishing grounds; and, as regards the cod fishery, we do not think that they wish to come any nearer the shore than they are allowed by treaty. Our open boats seldom fish as near as three miles from the shore, and very often five leagues in the summer season.

12. The American government allow a bounty on the tonnage of vessels below ninety tons of four dollars per ton. They impose a heavy duty on the productions of the British fisheries when imported into the United States.

16. The cod fishery on the coast of Labrador is carried on altogether in boats from very near the shore (say one hundred yards) to three miles distance from the land.

17. We do not think that there is much difference at present between the outfitting of American and British fishermen.

18. The French pretend to a right of fishing at Belle isle Island in the Strait of Belle isle, and we have been forcibly prevented from fishing there by them, thereby preventing us from obtaining a load in those years of scarcity, which we might easily have done had we not been so prevented. The French also fish on the coast of Labrador.

21. If the Americans are not prevented from fishing on our shores and the coast of Labrador we have no doubt but a stop will be put to the fisheries in a few years, or at least so far injured as not to be worth following.

32. We do not think that it would answer any good purpose to allow the Americans to settle on our shores and prosecute the fisheries therefrom; on the contrary, we think that it would be injurious to us in every shape.

Signed, William Cunningham, James Kenny, Jethro Covell, Henry Brown, Joseph Kendrick, and Alexander Nickerson.

Barrington, 22d March 1837.

SIR,

Barrington, 22d March 1837.

I RECEIVED per post your printed circular of 22d ult., requesting answers to several queries relative to the treaties now in force regulating the fisheries of Nova Scotia. It would require some time to procure the necessary information on every question; the want of copies of the several treaties prevent our answering as fully to each question as we would wish. I have, however, obtained answers to some of the queries, which I beg leave to enclose for the information of the Committee appointed by the House of Assembly, and as I procure further information will forward it on. I also enclose a letter from Mr. Snow of Port Latour, which may give some information on the subject required. All the persons, except two, who have signed the enclosed paper, are or have been masters of Labrador fishing vessels; numbers might be procured to subscribe their names to the same, but I did not think it necessary. There are others who will be able to give answers to some of the questions that those persons could not subscribe to.

I am your obedient servant,

James B. Uniacke, Esq., Halifax.

WILLIAM B. SARGENT.

No. 3.

THE following Affidavits were received from various parts of the Province of Nova Scotia in answer to the Circular No. 2.

Personally appeared, John Graham of Guysborough, in the county of Guysborough, mariner, and maketh oath, that in the month May last, he went on herring fishing

voyage from Guysborough to the Magdalene Islands, on board the schooner Glasgow, owned by himself. He was also master of the said schooner. Arrived there on the 3d day of May. At that time there were upwards of 40 sail of American vessels there, and a few days afterwards their numbers was increased to about 90 sail. Deponent remained there upwards of three weeks. During all that time the Americans fished and set their nets in the harbour. Deponent believes there were more than 300 nets belonging to the Americans fished in harbour Le Bear and the other harbours on these islands, and about thirty seines; nearly all their vessels lay in the harbours during the fishing season. There were but very few British or colonial vessels, deponent thinks not more than nine or ten, at all the islands. A great proportion of the American vessels made good voyages, some of them had as many as 700 barrels, and most of them from 300 to 400 barrels of herrings. Deponent has reason to believe that from 40 to 50,000 barrels were taken by the Americans at these islands last spring; some of their vessels made two voyages during the herring season. A great proportion of the fish taken by them at these islands were either within or at the immediate entrance of the harbours; and deponent further saith, that he verily believes that the immense quantities of herring taken by the Americans at these islands these few years past have already greatly injured the herring fisheries on our coasts, and if continued will ultimately ruin them.

Deponent made a voyage to Quebec last summer, and both in going and returning he saw many American vessels fishing near the shores of Prince Edward Island, New Brunswick, and Cape Breton, many of them within a half mile of the shore. He saw about thirty sail fishing near the east point of Prince Edward Island at one time, within three miles of the shore, some of them within a half mile. Deponent believes and is assured that the extensive encroachments of American fishermen on our fishing grounds, and particularly on the shores and harbours in the Gulf of St. Lawrence, is greatly injurious to the mackerel and other fisheries of Chedabucto Bay, and on the coasts and harbours of this province generally, and if continued to the extent that they have been for several years past, will in the end prove utterly ruinous to these fisheries.

JOHN GRAHAM.

Sworn to before me at Guysborough, this 10th day of March 1837.

WENTWORTH TAYLOR, Justice of Peace.

Personally appear Thomas Peart of Guysborough in the County of Guysborough, yeoman, and maketh oath, that he has for many years been employed in the fisheries at Fox Island and in Chedabucto Bay. He feels certain that the failure of these fisheries for the last four years has, in a great measure, been owing to the great quantity of fish taken by the Americans in the Gulf of St. Lawrence. He thinks so, because in former years the mackerel fishery at Fox Island rarely if ever failed for two successive years, and for every year in which they failed there were generally three or four years in which they were abundant, but in the last five years they have been extremely scarce every year. Deponent believes that if the Americans were strictly confined to the limits of the existing treaties in taking fish, they could not materially injure our shore fisheries.

THOMAS PEART.

Sworn to before me, this 10th March 1837.

WENTWORTH TAYLOR, Justice of Peace.

Personally appeared John McPherson of Manchester in the county of Guysborough, yeoman, who being duly sworn, maketh oath, and saith, that he was employed during the months of July and August last for seven weeks on a cod fishing voyage, on board of an American schooner called the Melvina of Duxbury, in the Gulf of St. Lawrence. That during the said voyage the said vessel generally kept from twelve to fifteen miles from the shore, excepting two days in which they fished for mackerel at the east point of Prince Edward Island, within one and a half miles of the shore. That during the said two days, and while fishing for mackerel as aforesaid, deponent saw about 175 sail of American vessels, all fishing for mackerel within the distance of a mile and a half from the shore on the northern side of the aforesaid East Point; they were all fishing with lines, and all within an extent not exceeding two miles. Deponent understood that the American vessels usually fished for mackerel near the shores and near to each other, that they might keep the fish in a body and near the surface. He has also understood from various persons who have been on mackerel voyages with the Americans, and from what he saw himself during his said voyage, that were these vessels kept at the distance of nine miles from the shores they could neither make profitable mackerel voyages or greatly injure the run of the mackerel on these shores. And deponent further saith that he has been for many years engaged in the mackerel and other shore fisheries in Chedabucto Bay, and has not the least doubt that the continued failure of these fisheries for several

years past has been in a great measure owing to the quantity taken by American vessels in our waters, and contrary to the stipulations of the treaties which have reference to these fisheries.

JOHN M'PHERSON.

Sworn to before me at Guysborough, this 7th day of March 1837.

WENTWORTH TAYLOR, Jus. Peace.

Personally appeared Richard Reeves, a resident inhabitant of the Gut of Canso, in the county of Guysborough, and being duly sworn, deposes and saith, that he has for many years been conversant with and engaged in the mackerel and herring fisheries at Chedabucto Bay, and verily believes that the continued failure of these fisheries for several years past has in a great measure been owing to the great quantity of these fish taken by American vessels in the Gulf of St. Lawrence, and within the distance of nine miles from the shores of Cape Breton and Prince Edward Island, which deponent is informed is the distance limited by the existing treaties, within which foreign vessels are not allowed to take fish on these shores; and deponent further saith, that in his opinion were American vessels confined to the limits of the treaty, or, in other words, kept to the distance of nine miles from the shores of this province, New Brunswick and Prince Edward Island, they could not materially injure the mackerel and herring fisheries of this province.

RICHARD REEVES.

Sworn to before me at Guysborough, this 6th day of March 1837.

WENTWORTH TAYLOR, Jus. Peace.

Personally appeared Robert Irvin of Harbor Au Buchet in the county of Sydney, yeoman, and maketh oath, that in the month of August last he went out on a mackerel voyage on board the Commodore, an American schooner from Gloucester in the state of Massachusetts; was out nine weeks; fished principally on the shores of Cape Breton between Port Hood and Marguerite, and within one and a half miles of the land, sometimes within a half mile; 225 barrels during the voyage. There were at various times from forty to fifty American vessels in company on the said shore during the time deponent was there, all fishing within three miles of the shore, and for the most part much nearer than three miles; their mode of fishing is by grivelling or mixing herring or mackerel, either salt or fresh, or mackerel offal, and mixing it with water, and throwing it overboard with a ladle; when the school is thus raised they either lay the vessel to and drift, or if the weather is fine they come to anchor and fish with jigs, or when the fish will not bite, as is sometimes the case, with gaffs; this they do as long as the fish remains; to keep them on the surface they continue throwing bait; sometimes 100 barrels are taken in one day, and frequently twenty, thirty, or forty barrels to each vessel.

No. 7. Deponent does not know that the Americans interfered with the net fishery of the inhabitants on these shores; does not know that they raised the fish near the shores, and lured them into deep water; as far as he saw they made no scruple of fishing wherever they could raise the mackerel, but deponent thinks it quite practicable for fish to be thus raised and lured from the shores.

No. 11. Thinks that the permission granted to American fishermen to take fish at the distance of three miles from one shore would, even if strictly adhered to on their part, be very prejudicial to our net and seine fisheries, by baiting and keeping them off the shores, and from pursuing their proper course and in their usual season. The system of gaffing, not gigging, is also injurious as many fish that escape from the gaff are thereby wounded and destroyed.

Deponent believes that steam vessels would be the most effectual mode of preventing the encroachment of American vessels in the Gulf of St. Lawrence. If two small armed steamers were kept running alternately from the Gulf along the western shores of Cape Breton to Marguerite, thence to the east point and along the northern shore of Prince Edward Island and the eastern shore of New Brunswick to Cape Gaspe, it would be in their power to give the most efficient protection to these fisheries.

ROBERT IRVIN.

Sworn to before me at Guysborough, this 17th day of March 1837.

WENTWORTH TAYLOR, Jus. Peace.

Personally appeared John McKay of Manchester in the county of Guysborough, yeoman, and maketh oath, that in the month of May last he was employed on board of an American schooner called the Armanda of Well Fleet in the state of Massachusetts, on a voyage to Magdalene Islands; that said vessel remained at said islands for nearly a month, and during all that time lay at anchor in Harbour Mazory; that there were in all about twenty-five American vessels in the said harbour during the time he was there; they all made good voyages, and caught their fish either in the harbours or in their own

immediate vicinity; the vessels got on an average 400 barrels each; deponent firmly believes that the quantity of herrings lately taken at these islands greatly injures the herring fishery in Chedabucto Bay, and other parts of this province.

Deponent further saith, that he was also on board the aforesaid vessel on a mackerel voyage in the Gulf of St. Lawrence for six weeks in July and August last; during said voyage there were taken on board of said vessel about 270 barrels, one third of which were taken near the North Cape of Prince Edward Island at the distance from three to six miles from the shore; remainder was taken on the banks at a great distance from the shore; saw a great number of American vessels fishing close into the shores of the said island, and understood that some vessels fished at times in the harbour.

JOHN MCKAY.

Sworn to before me at Guysborough, this 10th day of March 1837.

WENTWORTH TAYLOR, Jus. Peace.

Personally appeared James Howlet of Manchester in the county of Guysboro', yeoman, and maketh oath, that in July and August last he was employed on a mackerel voyage on board of an American schooner called the Fairplay of Eastport; that during the said voyage about 250 barrels were taken on board said vessel; fished between Margaree Island and the shore of Cape Breton for five days; saw a great number of American vessels fishing within one mile of the shores of Cape Breton and Prince Edward Island; thinks he saw about sixty sail so fishing; believes that the quantity taken by American vessels in the Gulf is very injurious to the mackerel fisheries on our shores.

JAMES HOWLET.

County of Pictou, S.S.—Frederick Green, of the East River of Pictou in the county of Pictou, mariner, maketh oath and saith, that during the summer of the year 1836 this deponent was engaged by George Hanley as master of the shallop Kate, on a fishing voyage on the coast of Cape Breton and Prince Edward Island, and the adjacent parts; that in the month of June deponent was stationed between Wolfe Island and the main land of Cape Breton, the straight between the island and the main land being about four miles in width; that at that time there were from ninety to a hundred sail of American vessels at anchor in the said straights, fishing mackerel by jigging them as it is called; that this deponent had his nets set at the stern of the shallop, and fastened to a mooring at some distance astern; that one of the American vessels ran in close upon this deponent, who told the master of the same that he would run foul of his said nets; whereupon the American replied, that deponent had no right to set his nets there, and the American kept on his course, and ran through deponent's nets, which caught the rudder of the American vessel the master of which got out his boat, and cut away deponent's nets, and carried away part of them with him.

That in the month of August following, deponent had other nets set and one morning he found them gone, and is quite positive they could not have gone adrift as they were well secured; that upon going on board one of the Americans he found his nets, and having claimed them was told by the master that he had found them adrift, but deponent is sure they were drawn by the Americans, and designedly taken away.

That deponent continued in the station above mentioned from June till November, during all which time great numbers of American vessels were engaged fishing along the said coasts, and they constantly fished close into the shores, and indeed from the dexterity with which they manage their vessels much closer than this deponent thought it safe to venture.

That when this deponent spoke to any of the Americans about their infraction of the treaty, they insisted that the restrictions therein contained extended only to the fishing of cods, and that they had as much right to fish mackerel there as the subjects of Great Britain.

And deponent further saith, that the nets destroyed as aforesaid were worth sixteen pounds and ten shillings, and cost that price; and he verily believes he would have caught from one hundred and fifty to two hundred pounds worth of mackerel, if the same had not been so destroyed as above sworn to; and that all the fish deponent caught, except a few barrels caught before the nets were destroyed, he caught by jigging; to which he was forced to resort in consequence of the loss of the nets, although quite unprepared to fish in that manner.

And deponent lastly saith, that he has been upwards of twenty years engaged in the fishery, and he is quite positive that if the Americans were restrained from fishery within three marine miles of the shores they could not succeed in the mackerel fishery, as they could not raise them in the deep water, but at present they catch immense quantities and completely destroy the net fishery. This deponent has seen upwards of seventy American vessels, who caught in two successive Sundays upon an average, by their own admission, one hundred and twenty barrels each, making in all in the two days, sixteen thousand eight hundred barrels, worth about thirty thousand pounds.

That when the American carried away the nets as aforesaid they were set between the shallop and the shore, which was not more than fifty yards distant, and the people who inhabit the shores cannot sometimes set their nets for fear of the Americans carrying them away.

FREDERICK GREEN.

Sworn to before me, this 13th March 1837.

DAVID CRICHTON, Jus. Peace.

Digby, County of Annapolis, March 25, 1837.

WE the undersigned do hereby certify and make oath, that it pleased Heaven in the course of the month of August last to send in the narrow and deep bay of St. Mary's in Digby aforesaid immense shoals or schools of mackerel, so that the inhabitants on the shores of said bay could take them in great abundance in their little shore boats, and even when standing on the shores, with lines of two or three fathoms long. But, unfortunately for the inhabitants, those schools of mackerel were followed in by more than thirty sail of American fishermen who pursued them more than thirty miles up said bay, where they lay at anchor for a fortnight, and where the bay was not more than from three to five miles wide, and by throwing over great quantities of bait, enticed the mackerel from the shores of the bay to the very great injury of the inhabitants, and loaded their vessels in defiance of them.

FREEMAN TERFRY.
RICHARD LEONARD.
ABRAM GAVEL.

Sworn before me the day and date above.

E. MORTON, Justice Peace.

This is to certify unto all whom it may concern, that on or about the months of May or June last, we the undersigned did see several vessels (which we have every reason to believe were American) fishing within two miles of the shores of Parrsboro' to the great annoyance and injury of His Majesty's subjects, by throwing the garbage overboard.

Given under our hands at Parrsboro', this 6th day of March 1837.

William Hatfield, junr., John Plushaw, Ralph Pearsons, A. G. Howard, John Morris, John L. Morris, Joshua Hazel, Isaac Hatfield, William Turpel, James Hatfield, James A. Hatfield, John Hatfield, Samuel Maynard.

This is to certify unto all whom it may concern, that on or about the months of May or June 1835, I the undersigned did see an American vessel fishing on the coast and within one mile of the shore of Parrsboro', to the great injury and annoyance of His Majesty's most loyal Subjects, by throwing garbage over board.

Given under my hand at Parrsboro', this 7th day of March 1837.

GEORGE WINTER.

Sworn to before me at Parrsboro', this 7th day of March 1837.

JAS. RATCHFORD, Jus. Peace.

This is to certify unto all whom it may concern, that on or about the months of May and June last, we the undersigned did see several vessels, which we do verily believe were American, fishing on our coast, and within one mile of the shore of Parrsboro', to the great injury and annoyance of His Majesty's most loyal Subjects, by throwing garbage over board.

Given under our hands at Parrsboro', this 7th day of March 1837.

GEORGE WINTER,
WILLIAM BREALEY,

This is to certify unto all whom it may concern, that on or about the months of May and June last, we the undersigned did see several vessels (which were American) fishing on our coast, and within one mile of the shore of Parrsboro', to the great injury and annoyance of His Majesty's most loyal subjects, by throwing garbage over board.

Given under our hands at Parrsboro' this 6th of March 1837.

JOHN W. MORRIS,
L. M. LOVELY.

Sworn to before me at Parrsboro', this 6th day of March, 1837.

JAS. RATCHFORD, Jus. Peace.

HENRY COWLEY, of Canso, in the county of Guysborough, merchant, maketh oath and saith, that he has been engaged, in fishing and trading in fish, in the said county, for the last six years, and during that period he has repeatedly seen American fishermen introduce articles of American manufacture into the said county in exchange for fish, and repeatedly violate the terms of the treaty now existing between Great Britain and the United States, both in Chedabucto Bay, Antigonish Bay, as well as on the shores of Prince Edward Island and Cape Breton; that deponent has repeatedly known the skippers of American vessels to land one or more of their crew with supplies and money, to purchase fish from the inhabitants of Chedabucto Bay, and also to procure fish by nets, which are taken on board the vessels when on their homeward voyage from the fishing grounds. That during the years 1834, 1835, and 1836, American vessels have traded from Canso to Crow Harbour, almost within sight of the custom house, without any measures having been taken to check a traffic so ruinous to the revenue of the province. That in each of the above-named years deponent has counted from thirty to sixty sail of American vessels between the east point of Prince Edward Island and St. Peter's Bay, fishing within one mile of the shores, and which vessels, on the approach of stormy weather, frequently run into the harbours of said island, and within deponent's knowledge trade with the inhabitants. That it is very common to see from fifty to sixty sail of American vessels engaged in the cod fishery at one time in the harbours of Souris and Three Rivers, in said island, where they set their bait nets, and if they are not well fished do not scruple to rob those belonging to the inhabitants, and assault the owners if interfered with. That from fifty to sixty sail of similar vessels proceed to the Magdalene Islands, and there, in direct opposition to the wishes of the inhabitants, take from 15 to 20,000 barrels of herrings, interfering with British subjects, and in some cases preventing them from setting nets, except in such places as the Americans point out, which outrages they are enabled to commit with impunity from their overwhelming numbers. That deponent has held repeated conversations with the commanders of American fishing vessels, who invariably allow, that after the month of July, when mackerel keep the shores of Prince Edward Island, not one vessel in a hundred could procure a fare, if confined to the limits defined by treaty; and who, at the same time, boast, that if permitted to visit the fishing grounds to which they now resort, for four or five years, that they will render them as unproductive in mackerel, as their own coasts now are, from their immense numbers, and destructive method of fishing.

HENRY COWLEY.

Sworn before me at Arichat, this day of March 1837.

JOHN JEAN, J. P.

WILLIAM DUNBAR of Pictou, in the county of Pictou, yeoman, maketh oath that this deponent hath been for a period of nine years attending the fisheries on the coast of Labrador and the shores of this province, and was during the last summer so employed on the shores of the same. That during the month of August, whilst this deponent was so employed attending the fisheries, he saw from about 60 to 70 sail of American vessels lying at Anchor, from Mabou to Margaree Island, within from one half mile to two miles from the shore, and were busily engaged catching fish by jigging them. That during a whole fortnight, whilst this deponent was there, they continued so engaged. That owing to so many American vessels frequenting the said fisheries, the net fishery is completely stopped and ruined. That when the Americans are fearful of being detected within the three marine miles of the shore they prepare a quantity of bait, which in abundance is thrown overboard so as to entice the fish. That when the shoal or schools of fish discover it they follow the vessels until they reach off from the shore the three miles, when they are immediately taken, and this great injury is done to the fishermen, and others concerned in the fisheries. That the Americans do, during the fishing season, enter the harbours and bays on the coast of Nova Scotia, and trade with the inhabitants for fish, and this deponent knows of his own knowledge of their trading in this way during the last two years, particularly at Canso and the Gut of Canso, where they bartered tobacco, tea, shoes, boots, cottons, and other dry goods, in payment for fish, and this system of smuggling is carried on during the whole fishing season.

That from so many Americans being employed during the last summer's fishery at Port Hood this deponent was afraid to set his nets, and was obliged to return to the Gut of Canso. That deponent with great difficulty got even into Port Hood, and in doing so came in contact with one of the said American vessels, there being at this time Sixty-seven sail of American vessels, which number this deponent distinctly counted.

That almost every night during the fishing season the said Americans anchor in the harbours on this coast.

WILLIAM DUNBAR.

Sworn to at Pictou, this 11th day of March 1837, before me,
DAVID CRICHTON, J. P.

CHARLES STUART, a native of Liverpool, Nova Scotia, states that he was employed the past season on board an American vessel, fitted out from Cape Ann, for the purpose of taking mackerel in the bay Chaleur. That they fished partly on the north side of Prince Edward's Island, and partly off Chestigo, in the island of Cape Breton. That a great part of the fish was taken by the said vessel within three miles of the shores, and some of them, not more than a quarter of a mile off. That the best fishing is near the shore, of which the Americans are aware, and take advantage thereof, when no British vessels are near them. That the mackerel are drawn towards the vessel by throwing overboard bait, consisting of fish and fish offals, ground in a mill fitted for the purpose, and are then taken partly by the hook, and partly with gaffs.

That American vessels for the mackerel fishery are fitted out in what is called a half lay, that is, the men have half of the fish caught, and that the natives of this Province are induced to sail in American vessels because the value of the fish is so much greater in the American markets than in Nova Scotia; that their profits are thereby greatly increased.

CHARLES STEWART.

Liverpool, March 11, 1837.

This Statement may be relied on as strictly correct, although not sworn to.

T. B.

I JACOB TITUS do certify, that the American fishermen have trespassed on our fishing ground, with one and a half miles from the shore, and have carried off loads of fish; and further, that they have cast their offals overboard, within a mile of the shore, which is very injurious to our fishing; also, that they set their nets on our shores entering our harbours this last year, and obtaining great quantities of mackerel.

JACOB TITUS.

Digby Neck, March 20, 1837.

Sworn before me,

E. MORTON, J. P.

APPENDIX No. 5.

Enclosure in Sir C. Campbell's Despatch, March 26, 1838, No. 16, page 32.

PROVINCE OF NOVA SCOTIA.

PROCEEDINGS of the GENERAL ASSEMBLY upon the CONVENTION concluded between HIS MAJESTY and the UNITED STATES OF AMERICA.

Halifax Council Chamber, February 15, 1819.

THE Attorney-General moved, That a message be sent to the House of Assembly to invite the House to join with His Majesty's Council in forming a select committee of both houses, to consider the convention lately concluded between His Majesty and the Government of the United States of America, and to report how the interests of this province are likely to be affected by it, and what steps are necessary to be taken to obtain a relaxation of those commercial restrictions which are inapplicable to the present state of the British colonies in North America; which, being put and seconded, was unanimously agreed to, and a message accordingly sent to the House. On the same day a message was received from the House of Assembly accepting of the invitation, and acquainting His Majesty's Council that they would appoint a committee to meet a committee of the Council; and on the 1st instant following it was resolved in the House to appoint a committee to meet a committee from the Council, to consider the convention which had been lately made between His Majesty and the Government of the United States of America, as far as the same restricted the interests of this colony, and to report what measures are necessary to be taken to obtain a relaxation of those commercial restrictions which are inapplicable to the present state of the British colonies in North America, agreeably to the message received from the Council, and that the following gentlemen should constitute the committee:

Mr. Ritchie,
Mr. Mortimer,
Mr. Roach,
Mr. Freeman.

Mr. Prescott,
Mr. Cogswell,
Mr. Bingay.

And on the same day the Honourable Michael Wallace, the Honourable Richard John Uniacke, and the Honourable James Frazer were appointed a committee to join the committee of the Lower House, for the above purpose.

To his Excellency the Right Honourable George, Earl of Dalhousie, Baron Dalhousie of Dalhousie Castle, G.C.B., Lieutenant-General and Commander-in-Chief in and over this His Majesty's Province of Nova Scotia and its Dependencies, &c. &c.

The Joint Address of His Majesty's Council and House of Assembly.

May it please your Lordship,

At an early period of the present session a joint committee of both houses was formed for the purpose of taking into consideration the late convention concluded with the United States of America, so far as relates to the interests of this province, together with the general state of the colonial commerce.

This committee of both Houses have made a report with certain documents annexed thereto; and both Houses have received such report, and agreed on a joint address to His Royal Highness the Prince Regent, humbly begging His Royal Highness to take this report into his favourable consideration.

His Majesty's Council and the House of Assembly herewith lay before Your Lordship their humble address to His Royal Highness, accompanied with the report and documents referred to.

And humbly pray your Excellency to take the earliest opportunity to transmit this address, report, and documents to His Majesty's Principal Secretary of State for the Colonies, accompanied with a request that the same may be presented to His Royal Highness on behalf of the province. And His Majesty's Council and the House of Assembly beg leave to state to your Excellency that they have appointed a committee of both Houses to get this address and report printed, which committee is instructed to deliver to your Lordship printed copies of the same, which His Majesty's Council and House of Assembly humbly beg your Lordship, on behalf of the province, to transmit to the Governor-General and to each of the Lieutenant-Governors of the North American colonies, and to move their attention to the consideration of this very important subject.

In behalf of the Council,

S. S. BLOWERS, President.

In behalf of the House of Assembly,

S. B. ROBIE, Speaker.

To His Royal Highness George Prince of Wales, Prince Regent of the United Kingdom of Great Britain and Ireland.

The humble address of His Majesty's Council and the House of Assembly of His Majesty's province of Nova Scotia, in their several legislative capacities, now sitting in General Assembly at Halifax.

May it please Your Royal Highness.

The Council and House of Assembly beg leave humbly to approach your Royal Highness with expressions of those sentiments of loyalty and affectionate attachment which it has ever been the pride of His Majesty's subjects in British America on every occasion to manifest for the person and government of our venerable and beloved Sovereign and every branch of his illustrious family.

Feeling as we do, in common with all the rest of His Majesty's subjects in North America, the distressing prospects that the late convention with the United States of America opens to our view, we owe it as a duty to those we represent humbly to approach your Royal Highness, not with a disposition to murmur or complain against any exercise of the sovereign power by your Royal Highness, but as dutiful and obedient subjects, humbly to entreat your Royal Highness to turn your royal attention to the particular and interesting situation of all His Majesty's faithful subjects in British America.

On behalf of the people we represent we can with confidence appeal to every department of His Majesty's Government for our character. We do not trouble His Majesty's ministers with discontented representations; faction or sedition meet no encouragement in this province; and we feel happy in acknowledging to your Royal Highness that we have no complaints against the administration of our government. Every thing is honourably and fairly conducted, so as to promote, as far as possible, our happiness and prosperity.

We are not a people whose crimes have compelled them to fly from the government of the mother country. A large part of our population consists of men who came to this province to seek an asylum where they could be protected in their allegiance to their King and country, for the professions and practice of which they were persecuted in those colonies which now compose the United States. The residue of our population consists of men, or their descendants, who, giving a preference to this Province, have found in it a happy abode.

Since the revolution in America we have constantly viewed the Government of the United States in all its forms with jealousy and apprehension; and although we know there are many virtuous and good people in that country, yet, when we reflect, that a democratic faction, giving way to the influence of those revolutionary principles which have so long disturbed the peace of the world, lately had the power to involve all the

good and virtuous people of that country in the horrors of war, a war which their government without even a shadow of pretence suddenly declared against His Majesty for the avowed purpose of possessing British America by force. During this trying time we feel an honest pride in reflecting that the colonists of all descriptions stood firm in their allegiance, and rallied round their respective governments with alacrity and zeal to resist and abide the event.

On the return of peace we hoped the disasters and inglorious termination of a war so unjustly entered into would have calmed that restless spirit which has so long disturbed the peace of the country; but in these hopes we are sadly disappointed, and view with serious apprehensions an insatiable ambition generally prevailing, accompanied with a total disregard for those principles which have been hitherto held sacred by civilized nations. The manner in which they lately possessed themselves of the Floridas, and the horrid circumstances which attended a transaction that outraged every sense of justice and humanity, naturally produced strong sensations amongst us, who are separated only by an imaginary line from such a people. These feelings are increased when we find that the voice of the just and good people of that country, although powerfully raised in the councils of their nation against this horrid transaction, was exerted in vain; and when to this we add that every art is still used in that country to keep alive a spirit of hostility against every thing British,—that fortifications are erecting at every point of their frontiers, and most extensive inland navigations and military roads constructing for the obvious purposes of entering into British America with rapidity and ease,—when we see every exertion making to fortify their sea-coast, and to create a powerful navy and military force—we humbly submit to Your Royal Highness whether the inhabitants of British America have not just and serious cause for apprehension that pacific professions do not accord with this system of policy. While we were suffering under such just and well founded apprehensions we received the distressing intelligence that a Convention was concluded with the United States, which allowed the people of that country to participate in the most valuable appendages of the British Sovereignty in America. Under such circumstances we felt it as an imperious duty no longer to remain silent; and in the early part of this session a joint committee of both Houses was formed for the express purpose of taking our present situation into consideration. That committee have agreed to a report, which, with the appendix and papers annexed, we humbly beg leave to lay before Your Royal Highness, and humbly to entreat Your Royal Highness to take the same into your early and serious consideration.

All that we desire is, that restrictions and regulations totally inapplicable to our present situation may be laid aside, and in this time of peace the powerful aid of the mother country may be brought to our assistance to fortify and strengthen our frontier; to form easy communications between the provinces by inland navigation and roads; and that the vast emigration to the United States, may, by wise and judicious regulations be stopped and directed to British America. By such measures His Majesty's faithful subjects would have ample scope to avail themselves of the innumerable natural advantages with which the God of the universe has blessed the vast territory comprehended within the limits of British America. Under wise and judicious regulations we would soon rise to a power and strength that would appal any enemy who might meditate an attack upon us. Attachment to the mother country is treasured in every breast, and our offspring are trained from their infancy to feel the same pride and glory that we do in calling ourselves British subjects. Should we be so happy as to draw towards us an increased attention and powerful aid of the mother country in this most favourable time, to lay a firm foundation for our future greatness, old as many of us are, we feel animated with the hope, that we shall yet live to see British America expand her powerful energies, and become in the Western World such a firm prop to her venerable parent that her bitterest enemies shall despair at seeing the splendour of British power surrounding them, in defiance of every effort on their part to ruin and degrade her.

Surrounded as we are at present with gloomy and unfavourable prospects, we derive some consolation, when we reflect that our nearest neighbours in the United States still preserve some of the proud and just spirit of their British ancestors. Although the feelings which a most unjust war on their part had given rise to were not yet allayed, they could not help rejoicing with us when they saw the despotic tyrant who had so long triumphed in the world overthrown by the powerful arm of Great Britain, guided and directed by the wisdom of Your Royal Highness, nor could they, as the descendants of Britons, refrain from participating in the splendid triumphs which elevated the Crown of the United Kingdom to a rank of glory and renown such as no other nation ever attained.

As the senior British Government in the North American Colonies we feel it our duty on this most important occasion to call the attention of all the inhabitants of British America to our present situation, and to invite them to unite with us, not in factious or seditious murmurings, but in a respectful, dutiful, and becoming deportment, such as to entitle us to the confidence and assistance of the mother country; and should we be so fortunate as to obtain what we ardently desire, the youthful energies of such a vast empire, firmly united to the power of the parent state, would soon see Britannia ruling the fresh-water seas of America with the same justice that she now rules the ocean.

Under all the anxiety which present circumstances create, we humbly offer our case for the favourable consideration of Your Royal Highness; feeling a well-founded hope, that a share of that generous and magnanimous aid which Your Royal Highness so lately extended to a suffering world will not be refused to your faithful subjects in British America. When we reflect that our venerable and beloved Sovereign founded and established all the Governments in the North American British Colonies, and that under his paternal care they have grown to their present state, and have never failed on every occasion to manifest their loyalty and gratitude, we cannot permit ourselves to suppose that Your Royal Highness will consider us a burden, or that the policy of our parent Government will deem it necessary to continue us bound by restrictions which retard our growth and prosperity. We know Your Royal Highness is ever attentive to all the just representations of His Majesty's subjects; and we feel confident that your enlightened mind, and those royal and exalted sentiments of benevolence and generosity which have so justly entitled you to pre-eminent consideration by all the civilized world, will lead you to a gracious attention to our case.

Which, with all humility, we humbly pray Your Royal Highness to favour and support.

S. S. BLOWERS,

President of the Council

S. B. ROBIE,

Speaker of the Assembly.

Province House, March 30, 1819.

The Committee appointed by the Council and House of Assembly to consider the Convention lately concluded between His Majesty and the United States of America, and also to consider what steps are necessary to be taken to obtain a relaxation of those commercial restrictions which are inapplicable to the present state of the British Colonies in North America, have, pursuant to the orders of both Houses, united together, and examined the matter to them referred, and have agreed on the following Report:—

Your committee, in taking these important subjects into consideration, find that, although the late convention will, in its operation, be more ruinous to the best interests of this province than to any other of the British North American colonies, yet the general interests of British America are so similar, that your committee are of opinion the report they have agreed now to make is applicable to all the colonies in North America, the same as it is to this province.

Your committee find that the most respectable merchants in Great Britain, and in all the British provinces in North America, have for a series of years past in bodies made constant, united, and most forcible representations to His Majesty's Government respecting the neglected state of the commerce and fisheries of British America, and your committee, with deep sorrow, report that such representations have been attended with little effect or advantage, proceeding, no doubt, from the more important interests which for so many years have claimed the whole attention of His Majesty's Government, and required the utmost exertions of the mother country; but your committee, on taking a view of the present state of affairs, feel warranted in congratulating both Houses upon the arrival of that happy period which will now enable His Majesty's Government, without fear of interruption, to turn their most serious attention to this very interesting and important portion of the British dominions.

Your committee could not enter into the consideration of the important objects referred to it without painfully feeling the constant sacrifices which this province has been called on to make, not only in the extent of its provincial territory on the land, but also in the valuable fisheries, which ever since the treaty of Utrecht were considered as exclusively appertaining to Nova Scotia. That a proper estimation may be made of the extent of these sacrifices your committee deem it expedient here to insert a description of the boundaries of the province of Nova Scotia, as settled and established by His present Majesty after the peace of 1763, when they were regulated and permanently fixed by the commission, dated in September 1763, granted by His Majesty under the Great Seal of Great Britain, appointing Montague Wilmot, Esquire, to be Captain General and Governor-in-Chief over this province; and His Majesty, by that commission, thought proper to restrain this province within the following limits; that is to say, "to the northward Our said province shall be bounded by the southern boundary of Our province of Quebec, as far as the western extremity of the bay Des Chaleurs; to the eastward by the said bay and the Gulf of Saint Lawrence to the cape or promontory called Cape Breton, in the island of that name, including that island, the island of Saint John's, and all other islands within six leagues of the coast; to the southward by the Atlantic Ocean, from the said cape to Cape Sable, including the island of that name, and all other islands within forty leagues of the coast, with all the rights, members, and appurtenances whatsoever thereunto belonging; and to the westward, although Our said province hath anciently extended, and doth of right extend, as far as the river Pentagonet or Penobscot, it shall be bounded by a line drawn from Cape Sable across the entrance of the Bay of Fundy to the mouth of the river Saint Croix,

“ by the said river to its source, and by a line drawn due north from thence to the southern boundary of Our colony of Quebec.”

Your committee find that the whole of the territory comprehended within this boundary was represented in the General Assembly of this province, and legislated for in that assembly, being governed as one body politic, the union and constitution of which was considered settled, until His Majesty was advised to separate from it the island of Saint John, now called Prince Edward Island. This separation your committee cannot admit to have been strictly legal; for His Majesty, having exercised the powers of sovereignty by solemnly incorporating the whole of this country into one government, and having established its constitution and the legislative powers of the General Assembly over the whole, could not, by any subsequent act, revoke, alter, or annul the same. This separation, however, was improvidently made to gratify several speculative theorists, who projected a proprietary government on a new system that was to exhibit an improved form of colonial administration; this project failed, and laid the foundation of the depressed and ruinous state in which that fine island still remains, and obliged His Majesty, on the proprietors relinquishing the power of government, to reassume the sovereignty which they were obliged to surrender from a total inability to conduct it.

Thus things remained until the first war with America, during which His Majesty subdued and conquered that part of the ancient province of Nova Scotia lying between the St. Croix and the River Penobscot, and was in possession of the same when the peace of 1783 was made. By that unfortunate treaty the whole of that territory, together with the best half of the province of Canada, of which we were in full possession, were surrendered to the United States, together with all the fisheries of Nova Scotia, and free access to all our harbours and shores. This great yielding of territory took place without the smallest equivalent given on the part of the United States. Shortly after this His Majesty was advised to take away from the province of Nova Scotia more than three fifths of its territory, which was erected into a separate province, called New Brunswick; thus taking from Nova Scotia a country which she had settled and improved at a great expense, and for which she had contracted a large debt, not a shilling of which was assumed by New Brunswick; besides which an imaginary boundary was described for the two provinces, which remains to this day an unsettled matter of dispute between them; and, so far as it can be ascertained, has divided the township of Cumberland, which had been twenty years incorporated under the laws of Nova Scotia, placing the half of it in the province of New Brunswick and leaving the other half with Nova Scotia. Besides this, the island of Cape Breton was separated from the free government it enjoyed as a part of Nova Scotia, and this fine island was erected into a government to be legislated for by a governor and council; and yet remains a wilderness, in a most distressed and forlorn state. Nova Scotia, after suffering such a variety of dismemberments, remained silent and without complaining. When the second American war commenced the boundaries of this province remained, as will appear by the captain general's commission to Sir George Prevost, under the great seal of Great Britain, which describes the limits of it to be as follows, viz. “ bounded on the westward “ by a line drawn from Cape Sable across the entrance to the centre of the Bay of “ Fundy; to the northward, by a line along the centre of the said bay to the mouth of “ the Musquat river; by the said river to its source, and from thence, by a due east line, “ across the isthmus into the Bay Verte; to the eastward by the said bay and the Gulf “ of Saint Lawrence to the cape or promontory called Cape Breton, in the island of that “ name; including the said island, the island of Saint John's, and all other islands within “ six leagues of the coast; and to the southward by the Atlantic Ocean, from the said “ cape to Cape Sable aforesaid, including the island of that name, and all other islands “ within forty leagues of the coast, with all the rights, members, and appurtenances “ thereto belonging.”

Gloomy as the prospect of this war appeared to His Majesty's subjects in British America, they met it with fortitude; and their sufferings and apprehensions were cheered with the hope, that a part of the evils with which the treaty of 1783 abounded, would be remedied, so far at least as it respected boundary. But the treaty of Ghent was concluded just at the time when we beheld the resources of the United States exhausted, and when their inability to continue the war much longer with any effect was manifest; then were our best hopes frustrated, and the only consolation left to us was, that the United States had by the declaration of war forfeited the rights they held under the treaty of 1783, to participate in our fisheries, and to enter our harbours with their vessels; but the recent convention has deprived us of this our last resource, and left us almost without hope; for your committee feel no hesitation in saying that human ingenuity could scarcely have devised a more destructive measure for British America than this convention.

Your committee, calling your attention to these very important objects, are not moved by a spirit of discontent; we know the people we represent are too proud of the honour and happiness of being British subjects to admit a dissatisfied disposition to influence their opinions respecting the exercises of the sovereign power, or to question the policy of His Majesty's Government; when it finds it necessary to relinquish the rights and interests of some of His Majesty's subjects for the general advantage, it is our duty as good subjects to submit with patient resignation; and your committee in bringing these

objects to your view, have no fear of producing a spirit of disaffection, or affording an opportunity to seditious persons, if any such be amongst us; nor will the discussion of this subject disturb that universal spirit of loyalty and attachment for which all His Majesty's subjects in British America are so highly distinguished. But now that we are at peace, your committee feel fully justified in moving you to make a solemn appeal to the justice and liberality of His Majesty's Government—an appeal which, if well founded, is never made in vain; and by temperately and moderately calling the attention of His Royal Highness the Prince Regent and his ministers to the distressing and discouraging state of affairs in British America, we have good reason to hope we shall obtain that relaxation and amelioration of a system which is totally inapplicable to our local situation; and at the same time draw the attention of His Majesty's Government to fortifications, inland navigations, and military roads, which are so indispensably necessary to counteract the policy of the United States. The Government of that country having induced Great Britain to assent to the mutual limitation of naval equipments on the lakes, have turned their attention to increase its naval force on the ocean, to fortify her seaports; and, by extending her inland navigations and military roads, to facilitate her communication with the chain of fortifications erecting along the whole frontier; thus providing easy access into British America. These measures, if not counteracted must lose British America, and revolutionize the West Indies. We, who are on the spot, cannot shut our eyes to our danger; and your committee would consider it a departure from that affectionate duty and attachment we owe to the mother country, were we to suffer His Majesty's Government to remain any longer influenced by the representations with which the numerous foreign and domestic agents of the United States deceive our unsuspecting Government. The only hope left for us is, that Great Britain will view, as we do, the United States to be as enterprising a rival as she ever had to contend with. Your committee would be unworthy of the trust you have reposed in it were they to conceal from you the danger we apprehend; and the people of the United States should be made to know that we are not deceived, that we are watchful and vigilant, and will never cease to call upon the mother country to avail herself of the time of peace to strengthen her colonies in North America, and to enable them to stand by her side with effect when the struggle for which the United States are so manifestly preparing shall take place.

Your committee, desirous to obtain every information on the important subjects referred to its consideration, immediately forwarded a circular letter to the principal merchants and inhabitants throughout the province, accompanied with a set of questions, calculated to obtain, by their answers, the general opinion of the people of this province on the important objects which these queries open; and your committee have received numerous replies, which are too voluminous to constitute a part of this report, but your committee have carefully collated the various answers they have received, and have given the substance of them as the answers to each separate question; and your committee have annexed as an appendix to this report, a copy of such circular letter with the questions and answers thereto; to which they beg the serious attention of both Houses, as they fully develop the opinion of your committee as to the measures necessary to be adopted by the mother country to make these colonies worthy of the name of British America. And your committee feel happy in stating, that their view of the subject has met the general approbation of all those who have answered their questions, and the substance of these answers to which your committee refer, brings the whole of these important subjects to view in all their several bearings.

Your committee, desirous to bring before both Houses every information necessary to enable them to form correct opinions on the subjects to us referred, have procured from the collector of the customs for the port of Halifax returns of the trade of his district for the last ten years, but the time would not allow your committee to obtain similar returns from the other custom-house department at Shelburne. Your committee think these very important documents will enable both Houses to form an opinion sufficiently correct, as to the increase and decrease of trade and navigation in this province for the last ten years, as well as its present state; and your committee therefore call the serious attention of both Houses to the following documents, which accompany this report. The paper marked letter A. is an abstract account of the trade of the Custom House district of Halifax for the last ten years to and from Great Britain. Letter B. is a similar account of the trade to and from the southern ports in Europe. Letter C. is an account of the trade with the United States in British vessels. Letter D. is an account for the same period of the trade with the United States in foreign vessels. Letter E. is an account for the same period of the trade to and from the West Indies. Letter F. is an account of the trade to and from the British colonies in North America including Newfoundland. Letter G. is an abstract account of the quantity of salt and coals imported for the last ten years. These documents will enable both Houses to form a tolerably correct judgment as to the value of the trade of this province, in its present limited and contracted scale.

Your committee having its attention called to the exertions of the United States, in constructing fortifications on the frontier inland navigations upon a gigantic scale, and military roads of vast extent, your committee would be happy to view these great public works as peaceful projects for the internal improvement of a civilized nation; but

when your committee trace the line of direction which these works are taking, and couple them with the recent invasion of the Floridas, the murder of British subjects for no other cause but that they were British subjects, and the extermination of the Indians because they were friendly to Great Britain, your committee cannot forbear pressing on the consideration of both Houses, the necessity there is for the mother country to counteract measures of this sort, by undertaking and completing works on a similar scale, a line of fortifications on the frontier, an inland navigation, to commence at two points, first at the harbour of Halifax, to form a communication with the Bay of Fundy by the way of the Shubenacadie Lakes. This navigation has been accurately surveyed, its practicability fully established, and the estimate of the expense exactly ascertained, not to exceed materially the sum of 35,000*l*. This navigation should be continued from the head of the Bay of Fundy at Fort Cumberland to the Bay of Vert, which from low-water mark on the one side to low-water mark on the other would not exceed the distance of eight miles; its practicability at a small expense cannot be doubted; and thus a direct communication would be opened between Halifax, the Bay of Fundy, and the River St. Lawrence, by which the present circuitous, long, and dangerous navigation would be avoided. The second inland navigation should commence at Montreal, and proceed by the Ottawa or Great River, and by the Rideau to Kingston on Lake Ontario; and also by the Great River to Lake Nigrissing, and from thence by the River Du Francois into Georgian Bay in Lake Huron. As to the practicability of these navigations there can be no doubt, and the expense will be very small when compared with the works now carrying on of a like kind in the United States. As to the advantages in peace or war, one look at the maps of the interior will be sufficient to point them out. The present communication with Quebec through the interior, is more a water than a land carriage; from Halifax to the head of the Peticodiac, there is now a good road, and where this road turns to Fredericton on St. John's River, a military road should commence, and proceed by the head of the Nashwack River, the head of the Mirimachie River, and the head of Ristigouche River, until it joins the road on the side of the St. Lawrence opposite to the Isle of Bic.

This road would open a fine country for settlement, and would connect Halifax and Fredericton with Quebec. All interceptions from water would be avoided; and this road, being distant from the frontier on the St. John's, would give support to that line in case of war, without danger of interruption from the enemy. These works, though not expensive, exceed the present resources of the colonies, but would soon be repaid to the mother country by the vast advantages they would lay open to all British America. Besides which these works would give employment to the emigrants, who would derive from them on their arrival immediate support, such as would shortly enable them to settle with advantage. Public works of this kind in the United States are one of the great inducements to emigrants to resort to that country for immediate support, as they generally exhaust all their little means in the expenses of their outward passage.

Your committee are decidedly of opinion, that the late convention, as it respects the fisheries, is far more ruinous to the colonies in North America than the treaty of 1783; but at the same time it is but justice in your Committee to observe, that excluding the Americans from any intercourse with the West Indies was a point of the utmost importance to the best interests of Great Britain and her colonies. Had such an intercourse been allowed, the British possessions in that part of the world would soon have fallen into the revolutionary schemes which desolated St. Domingo. There is no danger that the people in British America can be turned from their attachment to the mother country. We see enough of the fruits of a combination of sanguinary republics to make us detest such a system, and to enable us to maintain the union between this country and Great Britain. Your committee are of opinion, that it is immediately necessary that the colonies, in addition to the privileges they now enjoy, should be allowed the same freedom of trade with all the world which the people of the United States have acquired. This measure, with the carrying on of such public works as your committee have before pointed out, and the circulating throughout the United Kingdom of fair and candid statements of the advantages which emigrants may expect in British America, may counteract the exaggerated statements made and circulated throughout Europe, by those who feel an interest to induce British subjects to move to that country. Secondly, by laying out lands in all parts on which settlers may be immediately and advantageously located, without wandering as they do now in search of situations, until their patience and little means of support are exhausted in fruitless exertion. Thirdly, by totally prohibiting passengers from embarking in foreign vessels unless by special passports, and taking off the unnecessary restrictions imposed on British ships carrying passengers. Fourthly, by a duty imposed on British salt shipped in foreign vessels, so as to give the carrying of that article across the western ocean for the supply of America to British shipping. Fifthly, by excluding foreign vessels from taking salt from Turk's Islands. Sixthly, by prohibiting the export of the productions of the British West Indies to or from either the domestic or foreign free ports in the West Indies, and prohibiting the vessels of the United States from entering any of the domestic free ports in the West Indies; at the same time prohibiting the import into any part of the British

West Indies of any of the productions of the United States brought from foreign ports in the West Indies or elsewhere. Seventhly, by allowing and encouraging the merchants and fishermen employed in the United States in the whale and cod fishery to remove with their effects and settle in this province, and by naturalizing the foreign built vessels which they may bring with them, so far as to enable them to employ them with the privileges of British vessels, while only employed in the fishery. Eighthly, by establishing two British governments on the Labrador shore and straits of Belleisle, to secure British interests from encroachment. Ninthly, by adopting such regulations as will prevent the vessels of the United States from abusing the indulgences granted to them by the late convention, and by limiting their right of entering the harbours of the British colonies for shelter, or to procure supplies of wood or water, except in cases of real necessity. And, lastly, by reuniting the islands of Prince Edward and Cape Breton to this province. By adopting such measures your committee are of opinion that the colonists would soon be able to counteract the advantages which the United States have acquired by the late convention, and by the rapid acquisition of wealth and population British America would open a corresponding increase in the consumption of British manufactures, and, united with the mother country by the strong ties of interest and consanguinity, we should convince the people of the United States that their efforts to become successful rivals to Great Britain were in vain, to which may be fairly added that revenue which the increasing prosperity of the country would soon enable British America to contribute. These are a few of the many advantages which your committee foresee would soon be derived from Great Britain abandoning a narrow contracted policy, totally inapplicable to the present state of her North American colonies, and generously extending her pecuniary aid in constructing, as national works, the important projects to which your committee have called the attention of both Houses.

Should you approve of the report your committee have now made, they advise that both Houses should unite in an humble address to His Royal Highness the Prince Regent, praying him to recommend to the serious consideration of His Majesty's Government this report, with the appendix and other documents accompanying it; and humbly to entreat His Royal Highness to extend to British America, under its present peculiar circumstances, a share of that wise, liberal, and generous care and attention with which he has so long happily and prosperously ruled the British nation in His Majesty's name and on his behalf, and for this purpose your committee have prepared the draft of such an address, which they offer, with this report, for the consideration of both Houses.

Your committee cannot omit further to state, that in case this report shall receive the approbation of both Houses, it is the opinion of your committee that the whole should be immediately ordered to be printed; and as this province is the oldest of the colonial governments in British America it should take the lead in this important business, by requesting his Excellency the Lieutenant-Governor to forward a copy of this report and the papers accompanying it to each of His Majesty's governors in British America, and that the President of His Majesty's Council and the Speaker of the House of Assembly should each transmit copies to the presidents and speakers of the several legislative bodies in each of the North American colonies, and at the same time invite them to bring these important objects to the serious consideration of their respective houses, so that in case they approve of the same they may move their respective governments to unite with us in our best and zealous endeavours by every moderate and respectful course of proceeding to attain objects of such vast importance to the best interests of British America.

Your committee, having as briefly as the great importance of the subjects referred to them will permit stated their sentiments respecting the present state of the British colonies in North America, together with such measures for their relief as have been suggested to them, and such as from the best information appear most adequate to attain the end in view, they have only to add that, if the remedies pointed out are liable to objections, they feel confident from the concurrent testimony and proof brought before them, that there can be but one opinion, as to the necessity for the most speedy and efficient measures being adopted for the relief and security of British America, which, if any longer neglected, will produce the most serious and fatal injury to the commercial, maritime, and financial interests of Great Britain.

MICHAEL WALLACE,
Chairman of the Committee
of Council.

RICHARD J. UNIACKE,
JAMES FRASER.

THOMAS RITCHIE,
Chairman of the Committee
of Assembly.

EDWARD MORTIMER,
CHAS. R. PRESCOTT,
JOSEPH FREEMAN,
HENRY H. COGSWELL,
THOMAS ROACH,
JOHN BINGAY.

SIR,

Province House, February 26, 1810.

THE committee appointed by the Council and House of Assembly, to consider the convention lately concluded between His Majesty and the United States of America, and also to consider what steps are necessary to be taken to obtain a relaxation of those commercial restrictions which are inapplicable to the present state of the British colonies in North America, being desirous to obtain every possible information previous to making up their report on the important subjects referred to their consideration, they request you to favour them with separate answers to the following queries, marking your reply to each question with the number to which it applies; and when you give your opinion on any point be pleased to mention whether it is from facts known to yourself or is the result of that general knowledge and experience which you may have acquired in the course of your business. The committee, being desirous to make their report without delay, beg that you will return an answer as soon as possible.

We are, &c.

MICHAEL WALLACE, Chairman.

Question 1.—What is your line of business, and what knowledge have you of the fisheries and commerce of this province?

Answer 1.—Generally engaged in the commerce and fisheries of the province, and have a competent knowledge of the same.

Question 2.—Can you form an opinion to what extent the fisheries and commerce of this province were injured by the operation of the definitive treaty of peace concluded in 1783, between His Majesty and the United States of America? Specify particularly how, and in what manner, you consider that treaty to have been prejudicial to the commercial interests of this country.

Answer 2.—It is impossible to calculate the extent of the injury. It can be best estimated by considering the great value the Government of the United States attached to the privilege of commerce and fishery obtained by that treaty. What they gained we lost. The injury to us was immense.

Question 3.—Set forth how, and in what manner, the fishery carried on from the United States operates generally to the prejudice and disadvantage of the British fisheries in North America.

Answer 3.—The natural advantages are ours, but by admitting the Americans to participate in them we suffer in the same ratio that they gain. The markets of the world are open for the admission of their fish, either directly or indirectly, their Government cherishes and encourages their fishery, by which means they meet British fish in almost every market with advantage; besides which they ruin the British fishery by wantonly throwing into the sea the garbage and other filth from their vessels.

Question 4.—Have you any and what knowledge as to the value of the fisheries appertaining to that part of the coasts of Newfoundland, the Straits of Belle Isle, Labrador shore, and Magdalen Islands, upon which a right to take and cure fish has been granted to the people of the United States under the convention lately concluded between His Majesty and the Government of that country? If you have, set forth the same, and describe how you have acquired such knowledge, and make an estimate comparatively as to value between the fishery granted by that convention to the United States and that still retained by Great Britain in North America, setting forth what proportion the value of the one bears to that of the other.

Answer 4.—The convention gives to them every advantage in the cod fishery they can wish for or desire. A general indulgence in the whole we have retained would make but little difference unless we can preserve the *net fishery*. The overwhelming numbers of the American fishermen will exclude British subjects from participating in the fisheries now made common to both nations.

Question 5.—Will the liberty of fishing granted by the late convention to the United States afford to them any and what facilities in participating in the fisheries still exclusively retained by Great Britain; and, if it will, describe how and in what manner they will attain that object?

Answer 5.—Unless we can preserve the net fishery the Americans will have nearly the same advantages that the British have in the reserved fisheries; besides which, they will supply the British fisheries with stores of every kind, and receive from them their green fish in return, and they will, through the same channel, supply in a contraband way the inhabitants with all sorts of foreign commodities.

Question 6.—Is there any and what net fishery, and to what extent, carried on from the coasts of this province, beyond the limit of a cannon shot or three marine miles from the shore? If there is, describe the nature and value of such fishery.

Answer 6.—There is to a very great extent, particularly the mackerel fishery, which is of the greatest importance, and is at some seasons carried on at double that distance. We have much cause to fear that the ruin of the net fishery will be the consequence, if the treaty allows the Americans to come within the headlands, keeping a cannon shot from the shores in the bays and harbours; they will be in the very heart of our net fishery.

Question 7.—Will the general permission granted to the American fishermen to take fish at the distance of a cannon shot, or three marine miles from the shore of this province, operate in any respect, and how, to the prejudice of the British fishery?

Answer 7.—It will, not only from the increased number of vessels they will employ in the cod fishery, but particularly in the mackerel fishery, the best market for which is the United States; it is a fishery of vast value to this province, and of which it has hitherto had the monopoly. But the Americans while engaged in the cod fishery will set their nets three miles from the shore, where at one season of the year they will meet all the shoals of that fish; and when they run nearer to the shore, they can set their nets in the night, which is the time the fish run, and send them in their boats from their vessels at an anchor three miles from the shore. This will also apply to the herring fishery; and if they come within the headlands, keeping three miles from the shores of the bays, the whole net fishery is open to them; so is the dog fishery, the oil of which fishery is a most important branch of our trade: but when it is considered that with the liberty of fishing three miles from the shore, they can enter every harbour and river in the North American colonies, nothing is left for the British fishermen but to scramble on the common ground, having superior numbers to contend with. Under such circumstances, British fishermen have their nets at the mercy of the Americans, who carry them away by sailing through them, without the British fishermen having even the smallest prospect of redress. Besides, they ruin the fishery by throwing their offals into the sea; while our fishermen bring them to the shore.

Question 8.—If British subjects were allowed to fish on the coasts, to and enter the harbours of the United States of America in the same way that the people of that country are allowed to enter those of the British North American colonies, would such privilege be of any, and what advantage to the British fisheries and commerce?

Answer 8.—None, further than it would furnish to our people the same facilities to carry on an illicit commerce with the people of that country, which the convention enables the Americans to carry on with the North American colonies; but a right to enter for shelter, or when in distress for any necessary articles, would have been an advantage to British colonial vessels, had the Convention secured them that privilege, of which they are now deprived.

Question 9.—Can you speak as to the value of the salmon fishery on the coast of Labrador, and to what extent trade is carried on with the natives of that country, in furs skins, feathers, oil, or any other and what commodities?—Please to set forth particularly what you know on these subjects.

Answer 9.—The salmon fishery is very extensive; some adventures in that fishery have been made from this province; but it has been principally carried on by persons from England, Newfoundland, and Canada. The trade with the natives is valuable, and has hitherto been conducted by the Hudson's Bay Company and traders from Newfoundland; but the whole is now thrown open to the Americans, and its advantages will almost exclusively centre with them.

Question 10.—Describe how the fishery on the coast of Labrador is carried on, whether in boats or decked vessels, and at what distance from the land?

Answer 10.—The fishery extends from the distance of about half a mile to between three or four miles from the shore. It is carried on by vessels of from sixty to eighty tons burden and upwards: these vessels lie at anchor in the harbours and send out their boats with their crews to the fishing ground; the fish are all taken by the boats belonging to the vessels, which remain laid up in the harbours until their lading of fish is completed.

Question 11.—Do you know whether American or British fishing vessels are outfitted and navigated at the cheapest rate? and if you do, state the comparative expenses, so as to show how and in what manner the advantage lies on either side.

Answer 11.—There is very little difference in price.

Question 12.—Have you known any, and what, instances in which British fishermen have been forcibly prevented by the American fishermen from carrying on their fishery? State what you know as to any violence offered to British subjects on their own shores or at sea by these people.

Answer 12.—The complaints of injuries, violence, and outrage sustained by British fishermen from the American fishermen are numerous and frequent every season; pains have been taken to investigate the causes of complaint, which have always proved well founded. On the coast of Labrador, they prevent British subjects from hoisting their colours, they drive them from the best fishing stations, take their bait, and will not allow them to set nets for bait until they supply themselves. This their superiority in number enables them to effect, and whenever that is the case they generally do as they please.

Question 13.—Are you aware of any practicable means by which the American fishermen can be prevented from usurping rights and privileges on the British shores different from those granted to them by the late Convention? Set forth the same particularly.

Answer 13.—It will be very difficult, if not impossible, to prevent all the evils which will grow out of this convention. First, it will be necessary to explain whether the right

given to the American vessels to enter every harbour, river, and creek in the North American colonies for shelter, or to procure supplies of wood and water, is a right only to be exercised in cases of real necessity, or whether it is a right they can use at their will and pleasure. Secondly, whether they are liable to pay for the various lights kept up on our shores, or any other and what port charges; and lastly, a naval force, judiciously distributed, to prevent, as far as possible, the numerous abuses which the extensive privileges given by this Convention will give rise to.

Question 14.—From the experience you have had of the injuries which the British fisheries and commerce suffered from the operation of the treaty in 1783, can you make any comparative statement of the difference in operation between that treaty and the late convention? If you can, set forth in what respect they differ as to the advantages or disadvantages likely to be produced to the British fisheries and commerce.

Answer 14.—Ruinous as the treaty of 1783 was this convention is far more so, inasmuch as it throws open to American vessels every harbour, river and creek in the North American colonies; it gives them a right of fishing nearer to the shores; it lays open the Newfoundland fishery; and in fact cedes everything in North America which could be deemed the exclusive maritime rights of Great Britain.

Question 15.—What do you consider to be the cause why emigrants from the British dominions, as well as all other parts of Europe, give such a decided preference to settle in the United States, instead of the British colonies in North America?

Answer 15.—The United States offer to emigrants a more extensive enjoyment of commercial and other privileges than are allowed in the North American colonies. The vast extent of public works carrying on in that country, coupled with the vast demand for labour caused by an extensive and uninterrupted commerce with all the world, gives immediate support to almost the whole of the labouring class of emigrants. The facility with which capital is there employed to advantage, compared with the colonies, gives in that respect a decided preference to the United States. The facility with which settlers obtain land by purchase from the Government, the constant publications by which false and exaggerated views of the advantages of emigrating to the United States are circulated, and the artful measures taken in the same way to make unfavourable impressions against the North American colonies. These are some amongst the many causes which lead to so decided a preference.

Question 16.—If the British colonies in North America were allowed freedom of commerce with all parts of the world, the same as the people of the United States, in addition to the advantages they now enjoy as British subjects, do you not think that European emigrants would give a more decided preference to settle in such colonies than the United States?

Answer 16.—Under such circumstances emigrants would certainly be greatly influenced to give a preference to the North American colonies.

Question 17.—Can you form any estimate as to the amount of British and other European capital, which has been transferred from Europe to the United States since the year 1789, for the purpose of being there employed in the East India trade, and other commercial pursuits? Set forth the probable amount, to the best of your judgment.

Answer 17.—It is impossible to form any correct estimate on this subject. The amount of capital transferred to America has been very great; it may be safely said to exceed fifty millions of dollars.

Question 18.—Has the re-establishment of peace in Europe, or any other event, caused any, and what portion of that capital to be removed from the United States?

Answer 18.—The loss of the carrying trade, and of many other advantages which grew out of the war, has no doubt caused a considerable portion of that capital to be withdrawn, but not so much as many suppose.

Question 19.—Is it your opinion that, if a commercial intercourse with the East Indies and all other parts of the world was added to the other privileges which the inhabitants of the British colonies in North America now enjoy, that it would have any, and what, effect in transferring capital from the United States to these countries for commercial purposes?

Answer 19.—It certainly would be a means to induce many capitalists to move from that country to the North American colonies.

Question 20.—If freedom of commerce such as is enjoyed by the United States was granted to the colonies in North America, in what proportion (compared with the revenue now collected in the United States) would such colonies be enabled to contribute to the revenue of the mother country, in return for such advantages?

Answer 20.—The establishment of such a trade would, no doubt, enable the mother country to draw a considerable revenue from her North American colonies.

Question 21.—What effect do you suppose the freedom of trade from the North American colonies would have on the importation of manufactures, and other commodities, from the United Kingdom? Do you think it would operate to increase or diminish the same?

Answer 21.—It would, no doubt, greatly increase the importation from the United Kingdom, not only to supply the domestic consumption of an increased population, but also for exportation to other countries.

Question 22.—Does not the Government of the United States use every effort, by legislative and other regulations, to crush the commerce and retard the prosperity of the North American colonies?

Answer 22.—It certainly does.

Question 23.—Do not the efforts of the United States to keep back the growth of the North American colonies, proceed from a knowledge that, if the natural advantages of these fine countries were once drawn into active operation, they would soon rise to be their successful rivals, both in power and commerce?

Answer 23.—The United States have various motives which induce them to depress and keep back the growth of the North American colonies; among many others, a very great one proceeds from the strong hope with which they flatter themselves that they will, before long, easily acquire the dominion over them, either by negotiation or easy conquest.

Question 24.—If the mother country was to give to her people in North America all the commercial freedom which her former subjects in the United States obtained by separating from her, and at the same time preserve to them their present advantage, as British subjects, do you think it possible, by any means whatsoever, to cause these colonies voluntarily to separate from the parent state?

Answer 24.—Under any circumstances it would be a mortifying change to the people in the North American colonies to cease to be British subjects. If the ties between the two countries were strengthened by adding to their present advantages that commercial freedom which the United States obtained by separating from the mother country, no power on earth could induce the North American colonies ever to separate from the parent state; and their increased population, under such circumstances, would soon enable them to set at defiance any attempt to effect such separation by force.

Question 25.—If Great Britain continues by the present narrow and contracted system to retard the increasing population and commercial power of her North American colonies, does she not thereby favour the views of the United States? And if she perseveres in such system will it long be in her power, with all her force, to resist the overwhelming efforts which the United States will make to separate these colonies from the mother country?

Answer 25.—The present system does greatly retard the increase of the North American colonies both in population and commercial power, and highly favours the views of the United States. If the North American colonies are left to struggle with the present system, and all the sad calamities which must grow out of the late Convention, numbers of the inhabitants must remove, and the North American colonies will become an object scarcely worth a struggle on the part of Great Britain to retain.

Question 26.—Has not the United States used every effort to lessen the attachment of the people of these colonies to the mother country; and were they not greatly disappointed in their late invasion of the Canadas to find, notwithstanding the gloomy prospect then presented to the colonists, that there was scarcely a man who did not readily stand forth against them; and was not the determination of the colonists to defend their country and their respective Governments to the last general throughout the whole?

Answer 26.—The United States did certainly use every effort to destroy the natural attachment of the colonists to the mother country, and were sadly mortified and disappointed to find from the experience of the late war that their effort in that respect had totally failed.

Question 27.—Can you form any estimate of the advantage which the mother country would soon acquire if she would suffer these colonies to grow in population and commercial strength, even as fast as the United States now do? If you have entertained any opinions on this subject please to set them forth.

Answer 27.—It is difficult to enumerate all the advantages which would result from this measure; it would be received by the colonists as the full accomplishment of the parental care and attention which they have ever experienced from the mother country; it would bind the two countries together in the indissoluble bonds of mutual interest, and the ties of gratitude and natural affection which are now so universally felt in the North American colonies would be perpetuated to the end of time. The vast increase of population would every year produce an increased demand for the manufactures of the mother country, and her power and strength, by sea and land, would grow with the progressive settlement of the almost boundless territory of British North America. In a few years

the colonists would be able to set bounds to that spirit of ambition which so manifestly urges on the people of the United States to aim at becoming the maritime rival of Great Britain; and the vast commercial wealth which British North America would soon acquire under the operation of such measures, would give to the mother country an increase of revenue that would keep pace with the advancement of this new addition to her power.

Question 28.—Does not the Government of the United States artfully maintain at this hour a commercial warfare against Great Britain; and are not her duties and custom-house regulations skilfully contrived, so as to prevent, as far as possible, the consumption of British manufactures and commodities of every kind?

Answer 28.—It is too manifest to admit of a doubt; the Government of that country openly avows that to be their system of policy.

Question 29.—Can you form any estimate as to the part or proportion of the revenue of the United States which is raised by taxes and duties upon British commodities; and how much per cent. on the value of such commodities do such duties amount to on an average. Is there not a long list of British manufactures the importation of which they calculate to prohibit by extravagant duties?

Answer 29.—It is difficult to form a particular estimate as to the amount of the revenue raised in the United States by duties imposed on British commodities, but it is a large amount. The tax is very heavy, being from 20 to 30 per cent. on the prime cost; and it is the avowed object of their policy to encourage their domestic manufactures by prohibitory duties imposed on foreign productions.

Question 30.—What number of days does it generally take to make a passage from each of the following ports in the United States to Halifax; that is to say, from Portsmouth in New Hampshire, Boston, New York, Philadelphia, Norfolk, Charleston, and Savannah; and what number of days does it generally take to make a passage from Savannah to Portsmouth, Boston, New York, Philadelphia, Norfolk, and Charleston? Set down each passage separately.

Answer 30.—From Portsmouth to Halifax the passage is from 3 to 6 days; and from Boston it is accomplished in nearly about the same time; from New York it takes from 4 to 8 days; from Philadelphia from 7 to 14 days; from Norfolk from 7 to 14 days; from Charleston 8 to 16 days; from Savannah 9 to 18 days. From Savannah to Boston or Portsmouth, from 8 to 16 days; from Savannah to Philadelphia or New York much the same, from 6 to 12 days; from Savannah to Norfolk, from 4 to 8 days; from same place to Charleston, from 3 to 6 days.

Question 31.—If proper ports were established in the North American colonies, and American vessels allowed to bring to them all the productions of the United States, and then to receive in return all kinds of merchandize lawfully imported into such colonies, would it not in that case be of general advantage to the commerce of Great Britain if British vessels were totally excluded from the ports of the United States; and would not British vessels under such regulations obtain cargoes of the productions of the United States in the colonial ports upon as good terms as they now procure the same at the principal shipping ports in that country?

Answer 31.—At present all British vessels coming from the colonies are excluded from the ports of the United States by an Act of their own Government; and it would be of little importance if they had excluded British vessels altogether, because Great Britain, by permanently opening her ports in North America for the admission of American vessels, would induce capitalists to engage in this new trade, and British vessels would be laden in British ports in North America, with all the productions of the United States, upon full as good terms as they could be laden in the ports of that country. By that means the short voyage would only belong to American navigation, and the long one to British navigation. Thus we should gain all that they would lose, with the additional advantage of exchanging in British ports all sorts of British productions for the productions of the United States, upon much better terms than it can be done in the ports of that country. Thus British seamen would find full employment in their own ports, and British ships and commodities would be relieved from the many port charges and duties to which they are subject in the ports of the United States.

Question 32.—Can you state the probable value of the annual importations from Great Britain into the British colonies of the productions of the East Indies for the last ten years; and can you form an estimate of the annual value of East India productions clandestinely introduced into the same colonies from the United States during the same period?

Answer 32.—Part of this question can be best answered from the different custom houses. The annual importation from Great Britain into this province may be estimated for the last ten years at the value of from 16,000*l.* to 20,000*l.* a year, and the clandestine importations from the United States at about from 8,000*l.* to 10,000*l.* a year. There is good reason to believe the clandestine importations into the sister colonies in North America far exceed the estimate for this province; and upon such excess the calculations should be made, according to the population of the respective provinces.

Question 33.—Are not the furs and skins which answer the East India market, and which are collected in the North American colonies, clandestinely exported to that country through the United States, and the returns received through the same channel?

Answer 33.—Large quantities of the furs and skins collected in British America, which suit either the consumption of the United States or foreign markets, no doubt find their way to that country.

Question 34.—Can you speak with any degree of certainty as to the number of British merchants carrying on business in the different trading towns in the United States? Is not the number very great?

Answer 34.—It is impossible to make any exact calculation; but the number is very great.

Question 35.—Do you think that all or any great portion of such British merchants would remove with their trade and business to the North American colonies, in case they were allowed there to trade to and from all parts of the world with the same freedom they now enjoy in the United States?

Answer 35.—If such extension of trade to British America was placed on a footing that merchants could depend on its permanence no doubt great numbers of British subjects would remove to the North American colonies. Their natural inclinations would influence them, were it not for the injury their interests would sustain, were they to move while the present system exists.

Question 36.—Would not the high duties which the United States are obliged to impose on the commerce of the country, afford to the North American colonies a decided preference in case they were allowed the same freedom of trade?

Answer 36.—No doubt they would.

Question 37.—Would not a direct trade carried on to the East Indies from the North American colonies be the means of forming there deposits of the productions of that country; and could they not then be advantageously exchanged for the productions of the United States imported into such colonies in American vessels. Would not a measure of this kind operate in a short time powerfully against the East India trade now carried on from the United States?

Answer 37.—It is not easy to form an opinion what effect an East India trade carried on from British America would have on the India trade carried on from the United States. It would certainly put an end to the advantages they at present enjoy of clandestinely supplying the British dominions in North America and the West Indies with the commodities of that country; and deposits of East India commodities would be made in British America, where they probably may be exchanged to advantage for the articles imported in the American vessels.

Question 38.—If a general freedom of commerce was permanently established in the North American colonies, could not the manufactures of the mother country be there exchanged for the commodities of the United States, generally, upon as good terms as they are now exchanged in the principal trading towns of the United States?

Answer 38.—They would, upon better terms.

Question 39.—Would not the high duties collected in the ports of the United States operate as a strong inducement to the coasting vessels of that country to resort for their supplies of merchandize to the North American colonies, in case a general freedom of trade was permanently established.

Answer 39.—They certainly would.

Question 40.—If the Crown lands in North America were laid out in sections, as the lands belonging to the United States are, and instead of being sold, as in that country, they were given to European emigrants in suitable lots, and if a general freedom of commerce, as in the United States, was at the same time permanently established, within how many years, in your opinion, would the people of these colonies, with a moderate support from the mother country, be enabled to defend the West Indies, and set at defiance the people of the United States, both by sea and land?

Answer 40.—Had the Government adopted this system twenty years ago, the North American colonies, with a moderate support from the mother country, would now be adequate to set the United States at defiance, and to afford powerful aid in defending the West Indies. The United States have gained everything which we have lost by impolitic restrictions. Every settler turned from the United States to British America increases our strength in the ratio that it diminishes theirs.

Question 41.—Did not the experiment of the embargoes, non-importation laws, and finally an open war on the part of the United States, afford to us here ample proof that if the same measures had been continued on their part to this day, that Great Britain would carry on a more beneficial trade with that country, through the medium of her North American colonies, than she now does with a direct communication open between the two countries?

Answer 41.—There can be no doubt that the trade and navigation of British America greatly increased during the operation of those restrictions. All communication in trade with the United States would be more advantageously managed for British interests in British ports in North America, than it can be managed in the ports of the United States.

Question 42.—If the export of goods from Great Britain to the United States was totally prohibited, and the export of the same goods allowed from the North American

colonies in foreign vessels, what effect would it have on the commerce and navigation of Great Britain? Would it, in your opinion, increase or diminish the consumption of British commodities in the United States?

Answer 42.—Such a measure would be advantageous to British commerce and navigation. If it should in any respect diminish the consumption of British goods in the United States, which is doubtful, yet the increased population in British America would open in that country a consumption of goods, which would far overbalance any diminution of consumption in the United States which such a measure could possibly produce.

Question 43.—If the exportation of salt direct to the United States was prohibited, or otherwise a high duty imposed on it in England, and salt allowed to be imported into the North American colonies in British ships free of duty, would not the consumption of that country be as fully supplied through that channel as it now is, and would it not be the means of increasing British navigation in the same ratio that it would reduce the navigation of the United States?

Answer 43.—British vessels sailing from Great Britain cannot carry British salt to America with the same advantage that the American vessels do. This branch of trade is a great support to the American shipping engaged in the European trade. If by duties, or any other regulation, the export of British salt to the United States, either in British or foreign vessels, was prohibited, and the salt allowed to be exported in British ships to British America free of duty, the loss to American navigation would be great, and the gain to British navigation would far exceed the loss to America. The carriage across the Atlantic of all the British salt consumed in America would thus exclusively belong to British navigation. The ships engaged in the timber trade would deliver it at convenient ports in British America, where it would be exchanged for productions of the United States, and would be carried in their vessels to that country, and there delivered upon as cheap terms as it now is, with this advantage, that the whole freight, which is now exclusively enjoyed by American shipping, would be divided; the long freight would be gained by British ships, and the short one by American ships. The consumption of British salt would not be diminished by this regulation in the United States, but, if anything, would be increased, as their coasting vessels, taking it in return for their productions, would distribute it upon cheaper and better terms in the different ports of America than it now is, when carried in their bulky vessels across the western ocean. The great number of British ships of a large class, now constantly employed in the timber trade, would deliver salt in British America upon terms far under what the American ships can afford to carry it from England to their own ports.

Question 44.—Does not the opening of free ports in the West Indies for the importation of the productions of the United States in foreign vessels, and allowing British vessels to import the same articles from the foreign islands, greatly increase the navigation of the United States, while it diminishes British navigation?

Answer 44.—It most certainly does, and that without benefiting the British West Indies. By this mistaken regulation, the American navigation obtains the long freight not only upon their own productions, but also upon the productions of the British West Indies, which they obtain at these free ports; whereas, if all intercourse between the British West Indies and the foreign or domestic free ports in the West Indies was prohibited, so far as respected the productions of the United States, and the exports to that country of West India productions by the way of such free ports, the advantage would be reversed, and the long freight would be secured to British shipping, without any loss to the British West Indies. Their productions would be exchanged for the productions of the United States, in the ports of British America, upon better terms than it is now done in the West India free ports; and the productions of the United States would be distributed by British shipping in the British West Indies, in much better order, better assorted to suit the consumption, and upon much cheaper terms than it is now possible to effect by an intercourse with West India free ports. Besides which, the great advantages which at present centre with the foreign islands, would rest with British America; and the policy of the American Navigation Act, calculated solely to depress British Navigation, and to raise their own at its expense, would be turned against themselves.

Question 45.—If the West India free port and foreign island trade in the productions of the United States, for the supply of the British West Indies, was prohibited, and the ports of the North American colonies opened for the general importation of the commodities of the United States in vessels of that country, would not the West Indies receive in British vessels from the North American colonies a full and as cheap a supply of all the productions of the United States as they could obtain by a direct trade with the United States, if carried on by British shipping?

Answer 45.—The only measures adopted by Great Britain to counteract the Navigation Laws of the United States, have been the temporary opening of two ports in British America, and one at Bermuda, upon a very limited scale. This experiment, notwithstanding it has had to struggle with all the difficulties arising from the foreign as well as the domestic free ports in the West Indies, has proved beyond doubt that the West Indies can be regularly supplied with the productions of the United States by this channel, in sufficient quantities, and on as cheap terms as they could when British vessels were allowed to trade between the West Indies and the United States; and if a more ex-

tended and permanent regulation shall be made in this system, the West Indies will be as cheaply supplied with the productions of the United States as they could be if all the British ports in the West Indies were opened for American shipping.

Question 46.—Is not the trade of the North American colonies reduced, and prevented from increasing, by reason of the fluctuating and unsettled state of the trade between the United States, the West Indies, and the North American colonies; and does not the unfixed state of that trade discourage persons from venturing to engage in it to any extent?

Answer 46.—It most certainly does; and has proved, in many instances, most ruinous to those who have engaged in supplying the British West Indies from resources truly British.

Question 47.—State the average prices obtained in the West Indies annually, during the last ten years, for cargoes sent from the North American colonies, distinguishing the different islands. State also, the duties which are paid upon such articles when imported direct from the North American colonies in British ships; also the duties paid on the productions of the United States when carried direct in their vessels to the same islands.

Answer 47.—The constant derangement of the West India trade the last ten years, owing to the sudden opening and shutting of the ports, the various restrictions and prohibitions of trade by the United States, coupled with the events of the war, have caused such a fluctuation and uncertainty in that trade that it would be impossible to give a correct or satisfactory statement of the average prices obtained for the cargoes sent from British America; but the British West Indies have not, even in the most difficult periods, for the last ten years, suffered materially from a scarcity. Since the peace, the low state of the markets has made the supplying of the West Indies generally a losing trade. The duties on imports in the different ports of the British West Indies fluctuate from $2\frac{1}{2}$ to 10 per cent. But when the ports there have been opened to foreign vessels, either from causes real or feigned, these duties have not been collected from the foreign cargoes, although levied at the same time on British cargoes. The duties on exports are $4\frac{1}{2}$ per cent. The island of Jamaica has laid a duty on productions of the United States, imported either directly or indirectly, and exempted from such duties the productions of British America. This duty on indirect importations of productions from the United States by the way of British America should be laid aside.

Question 48.—At the times when Americans vessels were admitted to bring the productions of that country to Halifax, and there to sell or exchange the same for other commodities, did it not increase the demand at Halifax for European and West India productions; and in what degree or proportion was such increased demand?

Answer 48.—When this experiment was tried, it had all the difficulties either of the war or the prohibitory regulations of the United States to encounter; notwithstanding which, the sales of European and West India goods were greatly increased while such intercourse lasted.

Question 49.—If the ports in the North American colonies are opened for American vessels to import the productions of the United States, and that trade fixed on a permanent footing, so as to secure its continuance to persons possessing capital, could not cargoes of the various productions of the United States be provided there for the ships bound from Great Britain to the West Indies to any extent or amount that may be acquired; and what would be the difference between the cost of such cargoes when delivered in the West Indies if laden in the North American colonies, or at the principal ports of trade in the United States; and state as nearly as you can compute what would be the difference in price if the same cargoes were delivered in the West Indies by American shipping direct from the United States?

Answer 49.—There can be no doubt if such a trade was established cargoes to any extent may be collected for ships bound from Europe to the West Indies; but such cargoes should be ordered to be provided in sufficient time, so as to enable agents to contract for their delivery in British North America upon the best and cheapest terms; and when the tonnage duty and other vexatious restrictions, with the heavy port charges incurred by British vessels in the United States, are considered, it is manifest that such cargoes can be delivered cheaper in the West Indies by British ships from British North America, and as cheap as they could from the ports in the United States, if carried direct by American vessels. At any rate the difference would not be material; perhaps from 1s. 6d. to 2s. per barrel on provisions, and 10s. per thousand on lumber, would be the extent of the advantage in price if supplied by American vessels.

Question 50.—If it were permitted, could any and what beneficial trade be carried on between the North American colonies and the Cape of Good Hope or any other British or foreign settlements on the coast of Africa, or with any of the Spanish or Portuguese settlements in South America, either on the shores of the Atlantic or Pacific Oceans?

Answer 50.—This trade is not much understood here, but if laid open no doubt we should adventure in it. The people of the United States pursue such trade with advantage; and if they can do so there is nothing to hinder us but the restrictions of our own Government.

Question 51.—Is the monopoly of trade by the Hudson Bay Company any and what injury to the commerce of the North American colonies, and could any advantageous

trade be carried on by the British colonies in North America with the French fisheries on the coast of Newfoundland?

Answer 51.—Every monopoly of trade is injurious, and discourages mercantile adventure. If this trade is beneficial to one class of British subjects (which it seems to be to the company, or they would not carry it on,) it would of course be more extensively beneficial to the nation if free for all British subjects to adventure in, and if allowed no doubt at times a beneficial trade may be carried on with the French fisheries.

Question 52.—Does it not greatly injure the commerce of the North American colonies, and retard the increase of population, our Government leaves in a waste and unsettled state the lands of Newfoundland, those on the great rivers emptying into Hudson's Bay, the shores of Labrador, the Magdalen Islands, and Prince Edward and Cape Breton Islands?—and would not great numbers of settlers resort to them if these countries were placed under good governments, and would not their settlements greatly extend British commerce, and add much to the strength and power of the mother country in North America?

Answer 52.—These countries being left in a waste and derelict state no doubt diminishes the power of Great Britain in North America. Good governments established there would certainly open an extensive field to provide maintenance for the increased population of the mother country who would emigrate there. The terms of the convention with the United States make the establishment of such governments now indispensably necessary, or otherwise the people of the United States will soon obtain such a footing as will produce serious controversy between the two Governments. This may be easily done without any increased expense to the mother country, by restoring Prince Edward and Cape Breton Islands to their legitimate connexion with this province, and removing the temporary governments at present existing there to proper stations on the northern shores. The jarring interest and innumerable inconveniences and injuries which the separation of those two islands from this Government caused would be remedied; the general interests of the people inhabiting those islands would be greatly benefited and improved, and the establishing of British governments in this immense northern territory would draw forth new resources for the mother country, which have been too long neglected.

Question 53.—Turn your attention generally to the subject matter of this inquiry, and state any matter relative thereto which may not have been set forth and particularly explained in your answers to the foregoing questions, and state your opinion as to the consequences to be apprehended if some measures are not speedily adopted to place the North American colonies upon such a footing as will enable them to prepare, during peace, to resist the attack which the hostile preparations of the United States so manifestly show is meditated against them?

Answer 53.—Whatever views the Government of the United States may have in their past or present exertions to acquire the dominion of British North America, the colonists can derive no possible advantage from encouraging a spirit of hostility between the two countries. If they are pleased with the system of government they enjoy, so are we with ours. Our habits, our inclinations, indeed every feeling which it is laudable to cherish in the human mind, bind us to the mother country; and we have proved that interest could not influence us on this point. When the United States suddenly declared war against Great Britain, every temptation was held out to induce the colonists to depart from their allegiance. We were offered liberty to form for ourselves whatever government we thought proper, and a free commercial intercourse with the whole world was the boon held out to us if we could incorporate ourselves in the union of the American States. This event took place during the most dark and gloomy days that our mother country ever experienced. Under such circumstances every man in the colonies flew to arms, with a fixed determination to stand or fall with our Government, and in this trying time we firmly waited the attack. Treasons and treachery were unheard of amongst us; and such of our brethren as came in immediate contact with the enemy made him know that the people of British North America are not cowards, and that they are attached to their Government by principles of too high a nature to be changed by any regard for private interests. With these feelings, however, the duty we owe to ourselves and the nation to which it is our pride to belong requires that we should, while now in peace, move the attention of the mother country to our situation; and it is a duty she owes to allow us to enjoy to the full extent the advantages of our natural situation, by giving to us equal freedom of commerce with the people of the United States,—by strengthening our extended frontier with fortifications, such as will correspond with those erecting in opposition to us,—by opening military roads from one province to the other, thus enabling us with rapidity to unite our forces for mutual defence,—by opening the navigations which nature has so strongly marked out and almost effected, so as to make it practicable to transport the heaviest articles (which may be done) from the harbour of Halifax to Lake Superior, with half the expense that it cost to carry warlike stores and provisions during the late war into the interior. By such steps as these British power in North America will soon be placed beyond the reach of any combination of force; the sources of ample revenue would be opened upon a scale that would increase in arithmetical progression for centuries to come; and no jarring interests could disturb such a

system, as British North America has but one common interest, which can never clash with the interests of the mother country. Nature has so arranged the two countries that it must be for ever the interest of the one to support the other. Thus, with comparatively a small expense, during peace, the causes of future wars may be removed for ever. Indeed nothing but the apparent weakness of the North American colonies could ever tempt the United States to hope to acquire them by conquest; and while the mother country permits that want of physical strength to exist she holds out encouragement for future wars that must be supported by millions of expense, every prospect of which would be extinguished if on our part we followed the system of the United States, who make every exertion in creating fortifications, roads, and inland navigations and by opening to their subjects every advantage which nature gives them, whether in commerce or otherwise, they draw to their own dominions a population from the United Kingdom, which, if turned to British America, would soon render the possessions of the mother country in North America safe and secure; besides which, the increasing wealth of such an immense territory would continually open new resources for the unbounded consumption of British commodities, rendering at the same time a revenue proportionably increasing with their prosperity. These are not exaggerated or theoretical opinions; for if the natural advantages of British North America had been well known and understood in Great Britain, this country would never have remained, as it does at present, a tempting object to the United States, who are silently pointing all their exertions to the one great object,—that is, our conquest,—which our present neglected state renders almost certain. If Great Britain is determined not to counteract such measures by a corresponding exertion, it is but the justice which is due to faithful and loyal people to give them timely notice of her intentions to abandon them, that they may prepare in such forlorn state for their last struggle, to avoid being incorporated into a government they detest. At present the United States are making every exertion, by fortifications, military roads, and extensive inland navigation, and extending their population everywhere to our lines, to prepare a way for the easy conquest of British North America. At the same time she is also, by navigation laws and hostile custom-house regulations, endeavouring to crush British commerce and industry, and by the same means to increase her own. To such measures we can in peace offer no just objection; but we have the same right to resort to the same means, and, fortunately for us, the power rests with us; and if Great Britain thinks proper to use it she will soon make the United States feel most sensibly our superiority in every respect. If, in addition to the measures before pointed out, Great Britain shapes her navigation laws and custom-house regulations promptly to meet every new system adopted in the United States, so as to turn the advantage in favour of her own colonies, and, by adopting the only remedy left, to counteract the extensive field which the fisheries conceded by the late convention have laid open, for the increase and extension of American navigation, the United States would soon discover that all her efforts to become the successful maritime rival of Great Britain would be in vain. She would soon see that it was her interest to lay aside that intolerable spirit of republican ambition which she at present so zealously cherishes and promotes by every possible means, the strongest inducements to which she derives from the neglected state of British America. The system pursued in carrying on the cod and whale fishery in the United States is far superior to any that is established in the British dominions; and yet we make no exertion to reduce their strength, by adding to our own one of the most powerful supports of their extensive navigation.

If Great Britain would hold out to the merchants and fishermen of that country engaged in the whale and cod fishery the enjoyment of the same commercial advantages in British North America which they now enjoy in the United States, adding thereto all the commercial and other advantages which belong exclusively to British subjects, and would also allow them to remove with their vessels and effects into the British dominions, naturalizing the merchants and fishermen, and constituting the vessels they bring with them into a special and particular branch of British navigation, so calculated as to naturalize their vessels as British-built ships, qualified to carry on the whale and cod fishery from British America, to which occupation they should be exclusively confined, and restricted from being employed in any other branch of British trade or commerce; we, from our contiguity and intercourse with this description of people, are well acquainted with their sentiments and opinions, and know the powerful effect it would have, if a measure (so simple in itself, so easily executed, and attended with no expense,) was carried into effect. We know that under such encouragement great numbers would at once remove and settle with their vessels and property in British America; and the great advantages they would immediately derive from such removal would cause them to be followed by a constant succession of the same description of emigrants, which no exertion on the part of the United States would prevent, for it is not in their power to give them any natural advantages such as the British dominions afford, and it is also out of their power to open for them any new commercial resources beyond what they at present enjoy. Thus we should soon strip the United States of the vast advantages they expect to derive from the late convention; and we should not only gain in a commercial point of view what they would lose, but we should add to British power the principal foundation of their naval strength; thus increasing the maritime force of Great Britain in the same ratio that we should diminish theirs.

A.

PORT OF HALIFAX, NOVA SCOTIA.

ABSTRACT of the Trade at this Port Inwards from Great Britain and Ireland for the last Ten Years, ending on the 1st Day of March 1819.

Years.	No. of Vessels.	Tons.	Men.	Bales.	Boxes.	Cases.	Chests.	Trunks.	Casks.	Crates.	Firkins and Kegs.	Bundles and Bags.
1809	47	10,338	508	1,868	4,230	1,293	1,385	899	4,165	446	993	4,471
1810	115	27,776	1,216	1,726	4,874	1,750	1,406	954	3,902	472	1,165	539
1811	93	17,431	882	1,088	2,856	742	490	673	2,991	215	434	3,578
1812	122	26,592	1,505	1,038	3,644	846	596	711	2,985	325	875	5,819
1813	65	18,976	881	2,218	5,105	1,616	1,741	1,299	4,181	775	1,843	19,143
1814	106	25,303	1,341	3,991	9,894	4,916	3,054	2,861	8,564	907	2,589	27,745
1815	114	26,646	1,232	2,776	6,805	2,509	1,496	1,499	6,099	581	1,991	6,365
1816	90	21,069	1,082	2,148	6,551	2,290	1,300	1,205	5,767	982	3,986	4,605
1817	107	24,565	1,212	1,520	4,691	993	1,427	723	4,106	566	4,512	9,214
1818	178	39,047	1,933	1,574	3,395	1,052	1,045	677	5,149	612	1,016	1,267
1819	(From 5th Jan. to 5th March) Nil.											

Years.	Baskets and Hampers.	Mat. Bales and Trusses.	Iron Pots.	Camp Ovens.	Tea Kettles and Spiders.	Bars, Iron and Steel.	Tons Coal.	Tons Salt.	Pipes and Butts.	Punchoons and Hogheads.	Bundles, Iron and Steel.	Barrels and Bags.	Jars.
1809	251	62	2,999	1,273	406	7,796	271	1,939	190	984	504	2,014	528
1810	855	36	4,934	1,671	857	15,277	525	2,963	140	652	1,147	858	1,941
1811	11	19	2,058	839	434	7,436	2,590	2,060	53	646	133	1,445	451
1812	165	92	2,384	627	302	12,805	632	3,403	84	700	372	1,771	649
1813	119	50	2,869	515	-	8,883	1,134	991	136	604	583	2,910	685
1814	1,221	198	2,559	1,902	244	5,680	580	2,513	1,267	2,485	3,255	-	1,343
1815	379	215	5,777	1,725	-	16,587	1,956	3,763	411	1,015	887	2,351	1,883
1816	303	562	8,160	2,662	101	4,643	2,902	4,101	332	1,025	1,301	4,241	1,353
1817	1,187	-115	2,586	1,099	184	12,684	2,368	1,746	154	563	814	9,214	178
1818	1,217	146	2,212	700	50	48,427	2,870	5,411	359	415	34	11,399	1,577
1819	(From 5th Jan. to 1st March) Nil.												

Years.	Tierces.	Ploughs and Ploughshares.	Bundles Frying Pans.	Bundles Spades and Shovels.	Dog Irons.	Cart Boxes.	Sock Moulds.	Anchor.	Sercoons.	Coils of Cordage.	Ps. Cast Iron.	Anvils.	Dozen Empty Bottles.	Cambooses.	Iron Chests.	Bars and Rolls Lead.	Iron Stoves.	M. Bricks.	
1809	1,615	362	74	199	111	198	60	60	3	895	302	-	1,176	-	-	-	-	40	
1810	521	-	293	260	238	1,623	776	222	-	1,134	-	-	-	32	18	337	-	34	
1811	5	50	38	99	79	386	134	165	-	1,708	-	-	-	34	-	521	-	133	
1812	1,163	251	29	27	-	-	-	132	-	1,330	-	-	-	-	-	-	-	34	
1813	2,548	-	22	83	-	-	-	75	-	1,465	-	-	-	-	-	-	-	25	
1814	23,480	185	26	132	-	-	-	172	-	3,894	-	-	-	-	16	223	325	375	
1815	677	565	-	131	-	-	-	-	-	2,694	-	-	-	-	-	256	314	569	
1816	1,470	389	-	291	-	-	-	296	-	4,053	-	-	-	-	-	7	100	378	
1817	393	55	-	-	-	-	-	175	-	1,037	2,438	120	-	-	-	73	193	490	
1818	93	240	-	207	-	-	24	197	-	-	-	-	-	-	-	-	-	-	
1819	(From 5th Jan. to 1st March) Nil.																		

Years.	M. Slate.	Pieces Earthen-ware.	Pigs Copper.	Tons Chalk.	Bolls Lime.	Tons Free Stone.	Barouches and Gigs.	Tons Potatoes.	Iron Cables.	Chimney Tops.	Wheel barrows.	Carts.	Tons Hay.	Cwt. Cork Wood.	Sugar Pots.	Iron Doors and Window Shutters.	Tons Earthen-ware.	
1809	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
1810	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
1811	-	6,126	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
1812	-	1,850	106	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
1813	-	176	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
1814	-	3,360	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
1815	-	126	-	-	364	-	-	-	-	-	-	-	-	-	-	-	-	
1816	-	-	-	41	300	326	-	-	-	-	-	-	-	-	-	-	-	
1817	228	856	-	-	-	236	-	-	3	-	-	2	19	15	1,200	48	15	
1818	-	-	-	-	-	-	12	10	-	24	18	-	-	-	-	-	-	
1819	(From 5th Jan. to 1st March) Nil.																	

Custom House, Halifax, March 1819.

A.

PORT OF HALIFAX, NOVA SCOTIA.

AN ABSTRACT of the Trade at this Port Outwards to Great Britain and Ireland for the last Ten Years, ending the 1st March 1819.

Years.	No. of Vessels.	Tons.	Men.	Hard Wood	Spruce and Pine	Hard Wood,	Spruce and Pine	Deals,	Scantling.	Lath Wood.	Spars.	Poles and Rick-
				Timber.	Timber.	Boards and	Boards and					ers.
				Tons.	Tons.	Feet.	Feet.	No.	Feet	Cords.	No.	No.
1809	113	21,639	1,170	1,087 ¹ / ₂	64,018	64,108	85,138	-	6,125	2,079	2,084	1,789
1810	115	21,793	1,124	123	5,154	3,375	378,236	-	-	923	5,354	4,940
1811	88	16,986	882	238	4,853	-	61,809	6,796	-	4,225	3,358	938
1812	127	27,322	1,308	223	1,835	300	370,960	-	461	2,631	1,109	360
1813	72	15,074	762	11	387	6,483	41,156	-	600	430	809	682
1814	68	14,476	726	131	940	30,252	214,619	-	3,141	456	728	437
1815	180	21,082	863	40	159	17,557	106,798	-	1,120	533	1,337	962
1816	62	15,696	753	2,483	8,565	14,113	47,130	-	5,360	4,026	1,034	792
1817	65	14,019	666	1,503	20,968	4,448	68,798	-	-	1,052	892	90
1818	130	27,375	1,347	2,116	38,651	-	24,325	-	-	1,882	1,514	742
1819*	2	197	12	-	-	-	-	-	-	-	77	-

Years.	Oars and Oar	Pipe Staves.	Hard Staves.	Barrel Staves.	Pine Plank.	Hard Wood	Pine and	Stave Billets.	Handspikes.	Pipe Shooks.	Boat Hook	Fustick.
	Rafter.					Timber.	Spruce Tim-			Handles.		
	No.	No.	No.	No.	Pieces.	Pieces.	ber.					Tons.
1809	4,109	4,789	69,543	36,670	-	-	-	24,339	7,776	-	-	30
1810	6,311	4,946	160,332	-	-	-	-	-	5,936	-	-	-
1811	1,598	1,558	18,845	40,136	7,039	1,808	23,704	65,636	3,556	-	-	49
1812	1,978	2,041	58,025	14,106	14,077	3,574	36,075	70,548	4,113	-	-	7 ¹ / ₂
1813	1,325	4,500	34,786	1,600	7,346	1,273	16,707	15,617	2,484	-	106	-
1814	5,914	18,500	115,135	7,542	1,646	1,578	17,470	-	-	200	-	109
1815	1,238	34,556	104,025	-	16,393	5,348	36,885	43,384	2,126	-	-	-
1816	1,529	150,056	-	22,231	1,149	101	12,023	32,967	1,851	-	-	-
1817	60	-	-	-	-	-	-	114	1,763	-	724	-
1818	2,351	-	344,514	2,960	22	1,184	6,120	-	5,448	18	-	-
1819*	-	-	-	15,000	95	90	18	-	-	32	-	-

Years.	Lignum Vitæ.	Logwood.	Treenails.	Tar and Pitch.	Turpentine.	Rosin.	Salted Hides.	Ox Horns.	Cranberries.	East India	Cocoa.	Furs.	Copper Ore.	Brit. Planta-	Molasses.
										Goods.				tion Rum.	
	Ps.	Ps.	No.	Bls.	Bbls.	Bls.	No.	No.	Bls.	Bales.	Bgs.	Pun.	Ps.	Pun.	Puns.
1809	480	-	-	-	-	-	600	-	-	-	8	16	-	20	-
1810	-	-	-	100	153	-	-	-	-	-	-	6	-	-	-
1811	2,260	345	500	-	-	-	-	-	-	-	-	-	-	211	-
1812	-	570	-	467	130	-	5,520	8,475	-	14	-	7	-	-	-
1813	80	4,920	1,200	893	1,956	5	2,281	6,132	-	13	-	18	-	40	42
1814	100	360	-	200	109	-	17,350	1,000	2	-	297	11	1,857	-	-
1815	-	1,273	-	-	360	-	1,360	-	-	-	-	17	-	194	-
1816	-	-	400	-	-	-	-	-	-	-	-	66	-	1	-
1817	-	-	-	-	-	-	-	-	-	-	-	28	-	-	-
1818	-	-	1,306	-	-	-	-	-	12	-	-	11	-	-	-
1819	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Years.	British Plantation Coffee.		British Plantation Brown Sugar.		Foreign Coffee.			Foreign Brown and Clayed Sugar.									
	Trs.	Bls. & Bags.	Hds.	Trcs.	Bls.	Trs.	Bls.	Bags.	Hds.	Trcs.	Bls.	Cases	Bskets.	Bags.	Mats.	Bxes.	do.
1809	-	-	69	13	-	37	98	74	187	191	191	-	-	-	-	-	-
1810	-	-	-	-	-	84	69	3,836	44	78	78	78	-	-	-	-	-
1811	-	-	-	-	-	-	88	-	-	-	-	-	-	-	-	-	-
1812	-	-	-	-	-	-	-	169	-	-	-	-	-	-	-	-	-
1813	992	130	306	2	-	-	-	-	-	270	-	229	2,791	1,476	380	205	-
1814	-	-	-	-	12	38	34	2,954	-	84	-	-	-	-	-	-	-
1815	278	-	-	-	-	30	-	2,254	-	-	-	-	-	-	-	-	-
1816	103	-	-	-	-	51	-	-	-	-	-	-	-	-	-	-	-
1817	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1818	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1819	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

* Jan.

Port of Halifax.—Abstract of the Trade Outwards to Great Britain and Ireland—*continued.*

Years.	Whale Oil.			Cod and Seal Oil.				Castor Oil.	Head Matter.	Fish Oil and Blubber.		Pickled Fish.		Marble Ornaments.		Gums.	
	Csks.	Bls.	Gl.	Puns.	Hds.	Trs.	Bbls.			Puns.	Tuns.	Puns.	Bbls.	Cases.	Box.	Cases.	Tubs.
1809	-	-	-	-	-	135	7,910	-	-	-	-	-	-	-	-	-	-
1810	-	-	-	-	-	380	-	-	-	-	-	-	-	-	-	-	68
1811	-	1	29	-	-	426	-	-	-	-	-	-	-	-	-	5	-
1812	-	-	-	8	16	85	76	-	-	-	-	-	-	-	-	-	-
1813	-	29	870	21	20	8	79	2	-	-	-	-	-	-	-	-	-
1814	477	-	-	-	-	-	-	-	140	-	-	-	-	-	-	-	-
1815	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1816	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1817	-	-	-	-	-	-	-	-	-	212	47	-	-	-	-	-	-
1818	-	-	-	-	-	-	-	-	-	2,536	389	-	-	-	-	-	-
1819*	-	-	-	-	-	-	-	-	-	674	101	15	37	-	-	-	-

Years.	Dry Cod Fish.	Green Cod Fish.	Smoked Herrings.	Pot and Pearl Ash.	Salts.	Goat Skins.	Elk Skins.	Bear Skins.	Carriboo Skins.	Deer Skins.	Seal Skins.	Turmeric.	Varnish.	Bark.
1809	-	-	-	-	-	-	150	541	12	-	-	-	-	-
1810	-	-	-	-	-	-	39	-	-	-	-	-	-	-
1811	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1812	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1813	-	-	-	-	-	19	-	-	-	11	-	-	-	-
1814	-	-	-	191	4	3,689	-	-	-	-	-	28	38	25
1815	-	-	-	3	-	-	3	-	-	-	-	-	-	-
1816	-	-	-	-	-	-	103	-	-	-	-	-	-	-
1817	135	1,200	-	-	-	-	160	-	-	-	-	-	-	-
1818	-	-	-	8	-	-	199	-	-	-	-	-	-	-
1819*	-	-	46	-	-	-	-	-	-	368	-	-	-	-

Years.	Tobacco.				Tobacco Stems.	Rice.	Wine.		Cotton Wool.			Sponge.	Indigo.
	Hds.	Trces.	Bbls.	Packages.			Hds.	Trces.	† Trces.	Pipes.	Hds.		
1809	45	-	-	-	20	-	-	-	-	-	68	28	-
1810	378	-	-	-	25	6	-	-	-	153	-	-	21
1811	-	-	-	-	-	-	-	-	-	138	-	-	-
1812	-	-	-	-	-	423	-	-	4	-	-	-	-
1813	-	-	-	-	-	11	-	2	6	-	1,563	-	-
1814	1,123	6	2	109	18	289	84	3	1	32	3,856	-	28
1815	-	-	-	-	-	-	-	-	-	14	-	-	19
1816	-	-	-	-	-	1,361	305	3	-	-	-	-	-
1817	-	-	-	-	-	-	-	-	-	-	-	-	-
1818	-	-	-	-	-	-	-	-	-	-	-	-	-
1819*	-	-	-	-	-	-	-	-	-	-	-	-	-

Year.	Indigo.	Tea.	Brandy.	Arrack.	Salt Petre.	Flour.	Camphor.	Mahogany.	Manna.	Pepper.	Pimento.	Arrow Root.
1809	-	-	-	-	-	-	-	-	-	-	-	-
1810	-	6	-	-	-	-	-	-	-	-	-	-
1811	-	-	-	-	-	-	-	-	-	-	-	-
1812	-	-	-	5	-	-	-	-	-	-	-	-
1813	32	85	217	24	206	-	235	10	7	-	6	2
1814	-	-	-	-	-	-	-	-	-	-	-	-
1815	-	-	-	-	-	-	-	-	-	-	-	-
1816	-	-	-	-	-	-	-	66	-	-	-	9
1817	-	-	-	-	-	-	-	-	-	-	-	-
1818	-	-	-	-	-	-	-	-	-	-	-	-
1819*	-	-	-	-	-	-	-	-	-	-	-	-

* From 5th January to 1st March.

Custom House, Halifax, March 1819.

B.

PORT OF HALIFAX, NOVA SCOTIA.

AN ABSTRACT ACCOUNT of the Trade at this Port Inwards from the Southern Parts of Europe for the last Ten Years, up to March 1, 1819.

Years.	No. of Vessels.	Tonnage.	Men.	Wines.					Pipes Brandy.	Hogshead Salt.	Olives.		Olive Oil.			
				Pipes and Butts.	Hogsheads.	Quarter Casks.	Half Quarter Casks.	Cases and Baskets.			Cases.	Jars.	Casks.	Cases.	Baskets and Jars.	
1809	Nil.															
1810	5	618	32	262	219	407	-	-	-	250	-	122	4	-	-	36
1811	12	1,856	102	255	41	132	-	-	-	2,816	-	-	11	84	-	40
1812	11	1,702	88	259	99	266	-	-	-	9,900	-	31	-	77	-	1
1813	4	630	41	275	72	113	-	-	-	-	-	-	-	-	-	-
1814	11	1,924	120	1,145	339	367	-	-	29	1,595	30	-	10	-	-	65
1815	9	1,439	70	430	256	588	-	-	5	150	-	-	70	50	-	108
1816	14	2,348	127	164	216	560	-	-	4	3,975	6	146	32	268	-	-
1817	4	659	47	96	82	202	-	-	-	720	-	-	-	150	-	-
1818	5	585	56	122	89	107	51	639	80	219	-	40	1	46	-	120
1819	(From 5th Jan. to 1st March) Nil.															

Years.	Linseed Oil.		Raisins.		Barrels Currants.	Boxes and Frails Figs.	Jars Grapes.	Boxes Prunes.	Almonds and other Nuts.			Boxes Lemons and Oranges.	Capers.		Orange Peel and Buds.	
	Pipes.	Hogsheads.	Casks.	Boxes.					Casks.	Boxes.	Bags.		Casks.	Boxes.	Hogsheads.	Bales and Boxes.
1809	Nil.															
1810	6	13	534	1,237	-	341	128	-	30	-	16	-	3	14	-	-
1811	-	101	-	592	18	92	-	11	1	-	123	140	13	98	-	-
1812	-	-	460	232	10	-	-	-	-	-	252	4	14	216	-	-
1813	-	-	900	364	-	5	-	-	30	-	57	100	-	-	-	-
1814	-	-	1,402	416	-	144	162	-	5	6	70	1,178	-	30	10	190
1815	-	-	-	1,472	-	443	245	5	28	-	278	415	-	-	-	-
1816	-	-	-	2,441	-	280	317	78	29	61	376	322	-	19	-	-
1817	-	-	70	430	-	30	-	-	-	-	226	506	-	-	-	-
1818	-	-	50	925	-	160	-	-	-	40	106	120	-	-	-	8
1819	(From 5th Jan. to 1st March) Nil.															

Years.	Cork Wood.		Boxes Fruit in Brandy.	Cases and Kegs Anchovies.	Cases Pickles.	Baskets Onions.	Bags Feathers.	Bales Sponges.	Boxes Paintings.	Cases Alabaster and Marble Ornaments.	Marble Mortars.	Cwt. Brimstone.	Cases Essences and Colitures.	Drugs and Medicines.			Baskets Parmazan Cheese.	Baskets Macaroni.
	Centars.	Cwt.												Bales.	Cases.	Boxes.		
1809	Nil.																	
1810	-	263	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
1811	-	116	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
1812	-	11	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
1813	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
1814	85	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
1815	-	33	-	-	-	4	-	-	-	-	-	-	-	-	-	-	-	
1816	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
1817	-	20	-	-	-	10	-	-	-	-	-	-	-	-	-	-	-	
1818	-	37	50	35	25	-	3	3	10	351	37	8	6	4	10	2	28	
1819	(From 5th Jan. to 1st March) Nil.																	

B.

PORT OF HALIFAX, NOVA SCOTIA.

AN ABSTRACT ACCOUNT of the Trade at this Port Outwards to the Southern Parts of Europe for the last Ten Years, up to March 1, 1819.

Years.	No. of Vessels.	Tonnage.	Men.	Dry Cod Fish.	Pickled Fish.		Fish Oil.		Smoked Herrings.		Smoked Salmon.		Kegs, Sounds, Tongues, and Bels.	Boards and Plank, Feet.		Timber.	
					Barrels.	Half Barrels.	Casks.	Containing Gallons.	Barrels.	Boxes.	Boxes.	No.		Tons.	Pieces.		
1809	Nil.			Qtls.													
1810	4	419	22	4,459	120	-	-	-	-	35	-	47	-	9,000	-	3	-
1811	4	654	36	5,302	109	-	4	126	-	-	-	15	-	105,000	-	-	-
1812	3	335	16	349	133	1	34	1,360	-	212	-	124	-	162,000	-	100	-
1813	1	125	6	2,000	-	-	-	-	-	-	-	-	-	-	-	-	-
1814	3	346	21	3,258	50	-	48	2,011	-	48	-	-	-	8,250	-	-	-
1815	3	476	29	6,245	-	7	-	-	-	-	-	-	-	-	-	-	-
1816	Nil.																
1817	2	341	14	620	40	-	-	-	-	-	-	-	-	6,000	-	-	461
1818	3	318	17	2,825	17	-	-	-	35	80	2	-	13	24,000	-	-	-
1819	Nil.																

Years.	Cords, Lathwood.	Oars and Oar Rafters, No.	Handspikes.	Spars.	Small Spars.	Sweeps.	Shingles, M.	Hogshhead Shooks.	Pipe Staves.	Hogshhead Staves.	Barrel Staves.	Boxes Ess. of Spruce.	Barrels Rosin and Turpentine.	Barrels Porter.	Firkins, Butter.	Barrels Potatoes.	Kids Beef.	Casks Cheese.	Trunks Dry Goods.	Boxes Cordials.	Kegs Cranberries.	Patent Cranes.	Chairs, No.
1809	Nil.																						
1810	-	111	12	110	100	74	-	-	-	-	1,600	12	22	-	-	-	-	-	-	-	-	-	-
1811	-	32	-	-	-	-	-	-	2,400	3,000	160	64	-	-	-	-	-	-	-	-	-	-	-
1812	5	-	-	-	-	-	-	-	-	-	-	20	-	-	-	24	30	-	-	-	-	-	-
1813	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1814	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1815	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1816	Nil.																						
1817	8	12	12	7	20	-	-	-	-	-	-	-	-	20	-	-	-	-	-	-	-	-	-
1818	-	-	-	-	-	10	100	-	-	-	-	-	-	-	-	22	24	-	1	12	6	3	60
1819	Nil.																						

Custom House, Halifax, March 1819.

C.

PORT OF HALIFAX, NOVA SCOTIA.

AN ABSTRACT ACCOUNT of Imports from the United States of America, in British Vessels, for the last Ten Years, up to March 1, 1819.

Years.	No. of Vessels.	Tons.	Men.	Bread and Flour.		Indian Corn.	Oats.	Rice.	Crackers.		Beef and Pork.	Wheat.	Tar and Pitch
				Bbbs.	Half Bbbs.				Bush.	Trcs.			
1809	68	6,007	337	12,895	-	1,652	186	524	-	413	-	1,670	1,720
1810	60	4,318	240	20,557	-	11,901	2,587	818	-	534	-	2,175	1,137
1811	26	1,853	120	6,029½	-	3,218	3,054½	60	-	28	-	939½	1,170
1812	Nil.												
1813	Nil.												
1814	Nil.												
1815	136	13,191	593	46,094	17	14,964	234	331	346	2,408	-	3,733	6,854
1816	121	12,183	633	44,879	-	13,009	1,816	947	86	1,155	-	1,474	5,923
1817	158	14,021	676	50,873	-	13,220	5,758	227	-	566	-	1,836	2,346
1818	72	6,078	316	30,328	-	13,957	2,838	120	56	89	-	2,154	1,109
1819	(From 5th Jan. to 1st March) Nil.												

Port of Halifax.—Abstract Account of Exports to the United States—*continued.*

Years.	Tortoise Shell.	Wine.				Coal.	Pimento.		Dollars.	Smoked Herrings.	
		Bls.	Pipes Butts.	Hds.	Qr. Casks.		Cases.	Chs.		Lbs.	Bags.
1809	-	-	-	-	-	51	-	10	-	53	-
1810	-	-	-	-	-	19½	10,771	128	-	-	1,190
1811	2	8	-	-	1	-	-	18	16,300	-	-
1812	Nil.	-	-	-	-	-	-	-	-	-	-
1813	Nil.	-	-	-	-	-	-	-	-	-	-
1814	Nil.	-	-	-	-	-	-	-	-	-	-
1815	-	874	244	149	145	-	-	453	-	-	209
1816	-	64	121	79	-	441	-	-	4,500	-	2,021
1817	-	-	5	5	-	21	-	-	-	-	2,331
1818	-	-	-	1	-	623	-	-	-	-	900
1819	Nil.	-	-	-	-	-	-	-	-	-	-

Years.	Foreign Coffee.	Foreign Brown Sugar.			Dried Fish.	Plaster of Paris.	Salt.	Origanum.	British Merchandiz and Prize Goods			
		Hds.	Bls. and Bags.	Hds.					Bls.	Bags.	Qtls.	Tons.
1809	-	-	-	-	737	81	780	-	-	-	70	-
1810	33	1,076	2	18	4,411	686	-	-	-	-	209	65
1811	-	-	-	-	-	-	-	3	-	-	-	-
1812	-	-	-	-	-	-	-	-	-	-	-	-
1813	-	-	-	-	-	-	-	-	-	-	-	-
1814	-	-	-	-	-	-	-	-	-	-	-	-
1815	-	-	-	-	1,432	232	-	-	-	726	1,408	155
1816	-	-	-	-	250	652	-	-	-	-	49	50
1817	-	-	-	-	-	1,121	232	-	-	1	14	-
1818	-	-	-	-	-	251	-	-	-	-	15	195
1819	Nil.	-	-	-	-	-	-	-	-	-	-	-

Years.	British Merchandize and Prize Goods.									Old Canvas.	
	Bls.	Trunks.	Casks.	Bales.	Packages.	Kegs.	Bund. Bags.	Truss.	Chsts.	Tons.	Bund.
1809	-	-	3	-	-	-	-	-	-	-	40
1810	4	24	116	9	14	-	-	-	-	-	213
1811	-	-	-	-	-	-	-	-	-	1	-
1812	-	-	-	-	-	-	-	-	-	-	-
1813	-	-	-	-	-	-	-	-	-	-	-
1814	-	-	-	-	-	-	-	-	-	-	-
1815	-	183	143	-	133	606	53	39	-	-	-
1816	115	-	-	11	35	-	-	-	-	-	-
1817	-	2	4	14	-	12	31	7	-	1½	-
1818	43	-	14	9	-	2	15	-	9	-	-
1819	Nil.	-	-	-	-	-	-	-	-	-	-

Port of Halifax.—Abstract Account of Exports to the United States—continued.

Years.	Copper Rods.	Old Beds.	Chalk.	Earthenware.			Old Junk.	Bottles.	Slates.	Clocks.	Free Stone.	Sheep Skins.
				Hhds.	Trs.	Bbbs.						
1809	No.	No.	Tons.	Hhds.	Trs.	Bbbs.	C.	Gross.	Tons.	No.	Tons.	Casks.
1810	-	-	-	-	-	-	-	-	-	-	-	-
1811	-	-	-	-	-	-	-	-	-	-	-	-
1812	-	-	-	-	-	-	-	-	-	-	-	-
1813	-	-	-	-	-	-	-	-	-	-	-	-
1814	-	-	-	-	-	-	-	-	-	-	-	-
1815	198	400	10	2	1	19	-	-	-	-	-	-
1816	-	-	-	-	-	-	-	-	-	-	-	-
1817	-	-	-	-	-	-	15	310	451	8	140	4
1818	-	-	-	-	-	-	15	-	82	16	136	-
1819	Nil.	-	-	-	-	-	-	-	-	-	-	-

Years.	Rudder Irons.	Tombstones.	Iron.				Copper.				
			Bolts.	Bundles.	Cwt.	Sheet lbs.	Casks.	Casks.	Pigs.	Cwt.	Bolts.
1809	No.	No.	Bolts.	Bundles.	Cwt.	Sheet lbs.	Casks.	Casks.	Pigs.	Cwt.	Bolts.
1810	-	-	-	-	-	1,000	16	-	-	-	-
1811	-	-	-	-	-	-	6	2	-	-	-
1812	-	-	-	-	-	-	-	-	-	-	-
1813	-	-	-	-	-	-	-	-	-	-	-
1814	-	-	-	-	-	-	-	-	-	-	-
1815	-	-	-	304	1,050	-	43	35	179	35	-
1816	-	-	-	-	260	-	102	74	-	97	-
1817	15	10	2,956	-	157½	-	93	-	-	-	-
1818	-	80	-	-	-	-	80	-	-	5	34
1819	Nil.	-	-	-	-	-	-	-	-	-	-

Years.	Shot.	Lead.		Copper Pumps.	Mahogany.	Chests of Drawers.	Tent Beds.	Cast Queens.	Iron Balls.	Carts.	Red Wool.
		C.	Pigs.								
1809	C.	Pigs.	Cwt.	No.	Logs.	No.	No.	No.	No.	No.	Cwt.
1810	-	-	-	-	-	-	-	-	-	-	-
1811	-	-	-	-	-	-	-	-	-	-	-
1812	-	-	-	-	-	-	-	-	-	-	-
1813	-	-	-	-	-	-	-	-	-	-	-
1814	-	-	-	-	-	-	-	-	-	-	-
1815	8	198	25	-	-	-	-	-	-	-	-
1816	-	-	3	-	-	-	-	-	-	-	-
1817	-	-	-	4	8	-	-	-	-	-	-
1818	-	-	5	-	-	4	1	11	27	1	8
1819	Nil.	-	-	-	-	-	-	-	-	-	-

Custom House, Halifax, March 1819.

D.

PORT OF HALIFAX, NOVA SCOTIA.

An ABSTRACT of the TRADE of this PORT Inwards, from the United States of AMERICA, in Foreign Vessels, for the last Ten Years, up to March 1, 1819.

Years.	No. of Vessels.	Tons.	Men.	Indian Corn.		Rice.		Bread and Flour.		Beef and Pork.	Tar and Pitch.	Barley.
				Bushels.	Tierce.	Half Tros.	Hds.	Barrels.	Half Barrels.			
1809	108	7,143	454	10,067	884	—	36	22,754	281	1,664	4,651	—
1810	Nil.	—	—	—	—	—	—	—	—	—	—	—
1811	Nil.	—	—	—	—	—	—	—	—	—	—	—
1812	42	4,105	220	10,629	388	—	3	15,915	—	7,613	4,823	440
1813	107	8,895	559	10,311	875	—	—	53,708	—	159	2,185	1,600
1814	28	1,011	110	160	—	27	—	2,171	54	500	296	2,382
1815	Nil.	—	—	—	—	—	—	—	—	—	—	—
1816	Nil.	—	—	—	—	—	—	—	—	—	—	—
1817	Nil.	—	—	—	—	—	—	—	—	—	—	—
1818	74	7,223	332	19,214	19	—	—	19,096	2	—	876	1,044
1819*	17	1,703	68	1,893	26	—	—	6,368	—	7	749	—

Years.	Oats.	Crackers.		Turpentine.	Indian Meal.		Onions.		Hams.		
		Bushels.	Barrels.		Barrels.	Hds.	Barrels.	Barrels.	Bunches.	No.	Hds.
1809	671	—	93	—	—	—	—	—	—	335	—
1810	—	—	—	—	—	—	—	—	—	—	—
1811	—	—	—	—	—	—	—	—	—	—	—
1812	270	—	266	472	47	50	—	200	—	—	6
1813	338	—	430	1,695	—	40	—	25,830	—	—	41
1814	20	—	—	—	—	—	—	—	—	—	—
1815	—	—	—	—	—	—	—	—	—	—	—
1816	—	—	—	—	—	—	—	—	—	—	—
1817	—	—	—	—	—	—	—	—	—	—	—
1819	—	237	820	119	119	1,467	409	21,681	—	—	—
1819*	750	58	100	—	155	303	—	32	—	—	—

Years.	Peas and Beans.		Butter and Lard.	Potatoes.	Hard Wood.	Cheese.		Shooks.	Boards and Plank.	Rye.
	Casks.	Bushels.				C.	Casks.			
1809	1,066	336	484	—	22	4	—	475	309,201	185
1810	—	—	—	—	—	—	—	—	—	—
1811	—	—	—	—	—	—	—	—	—	—
1812	1	—	484	—	—	45	—	—	—	1,549
1813	—	—	521	63	—	—	—	102	106,092	—
1814	—	77	—	—	—	—	1	—	—	—
1815	—	—	—	—	—	—	—	—	—	—
1816	—	—	—	—	—	—	—	—	—	—
1817	—	—	—	—	—	—	—	—	—	—
1818	—	96	—	240	—	—	—	4,672	1,252,000	373
1819*	—	309	—	2 $\frac{1}{2}$	—	—	—	270	233,000	750

* From 5th Jan. to 1st March.

Port of Halifax. — Abstract of the Trade Inwards from the United States, &c.—*continued.*

Years.	Nuts.	Apples and Pears.	Tongues.	Cider.	Soap and Candles.	Hogs.	Poultry.	Horned Cattle.	Handspikes.	Cotton Wool.	Raisins.
	Barrels.	Barrels.	Barrels.	Barrels.	Boxes.	No.	Doz.	No.	No.	Bales.	Boxes.
1809	2	—	—	—	3,107	50	73	156	1,404	5	49
1810	—	—	—	—	—	—	—	—	—	—	—
1811	—	—	—	—	—	—	—	—	—	—	—
1812	6	25	12	28	—	—	—	—	—	—	—
1813	—	—	—	—	—	—	—	—	—	—	—
1814	—	—	—	—	—	—	—	—	—	—	—
1815	—	—	—	—	—	—	—	—	—	—	—
1816	—	—	—	—	—	—	—	—	—	—	—
1817	—	—	—	—	—	—	—	—	—	—	—
1818	40	750	—	—	—	—	—	—	—	—	—
1819	23	40	—	—	—	—	—	—	—	—	—

Years.	Seed.		Shingles.	Cranberries.	Oar Rafters.	Hoops.	Pearl Ash.	Buckwheat.	Bacon.	Sausages.		Staves.	Rounds Beef.	Resin.	Leaf Tobacco.	Sheep.	Cheese.
	Bls.	M.	Bls.	Feet.	M.	Bls.	Bls.	lbs.	C.	Kegs.	No.	Tubs.	Bls.	Csks.	No.	lbs.	
1809	2	616	—	—	—	5	—	—	—	—	—	—	11	445	401	14,708	
1810	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
1811	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
1812	—	—	—	—	—	—	—	1,372	—	6	3,500	50	—	—	—	—	
1813	—	—	—	—	—	—	—	—	4	—	28,000	—	—	—	—	962	
1814	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
1815	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
1816	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
1817	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
1818	15	573	28	12,000	386	—	105	—	—	—	573,000	—	—	193	—	—	
1819	6	139	—	3,000	23	—	53	—	—	—	73,000	—	—	3	40	—	

Custom House, Halifax, March 1819.

D.

PORT OF HALIFAX, NOVA SCOTIA.

An ABSTRACT of the EXPORTS to the United States of AMERICA, in Foreign Vessels, for the last ten years, up to March 1, 1819.

Years.	No. of Vessels.	Tons.	Men.	British Plantation Brown Sugar.				Molasses.			British Merchandize and Prize Goods.			
				Hhds.	Trs.	Barrels.	Pun.	Trs.	Brls.	Trunks.	Bales.	Boxes.	Hds.	
1809	105	7,256	450	8	—	1	150	—	—	17	30	19	—	
1810	Nil.	—	—	—	—	—	—	—	—	—	—	—	—	
1811	Nil.	—	—	—	—	—	—	—	—	—	—	—	—	
1812	35	2,925	171	111	1	57	50	4	—	13	72	103	—	
1813	93	7,406	483	1,177	39	1,290	520	1	81	276	122	176	14	
1814	34	2,081	163	229	8	64	113	—	—	33	46	3	9	
1815	Nil.	—	—	—	—	—	—	—	—	—	—	—	—	
1816	Nil.	—	—	—	—	—	—	—	—	—	—	—	—	
1817	Nil.	—	—	—	—	—	—	—	—	—	—	—	—	
1818	66	6,005	288	63	—	—	290	—	—	3	—	14	—	
1819	20	2,159	93	—	—	1	49	—	—	3	—	—	17	

Port of Halifax.—Abstract of the Exports to the United States, &c.—*continued*

Years.	Ox Horns.	Olive Oil.	Wine.		Old Anchors.	Junk.	Nuts.	Oranges.	Chalk.	Vitriol.	Pickled Salmon.
	No.	Jars.	Pipes.	Butts.	No.	Cwt.	Bags.	Boxes.	Tons.	Jars.	Barrels.
1809	-	-	-	-	-	-	-	-	-	-	-
1810	-	-	-	-	-	-	-	-	-	-	-
1811	-	-	-	-	-	-	-	-	-	-	-
1812	-	-	-	-	-	-	-	-	-	15	-
1813	-	-	-	-	-	-	-	-	-	-	-
1814	-	-	-	-	-	-	-	-	-	-	-
1815	-	-	-	-	-	-	-	-	-	-	-
1816	-	-	-	-	-	-	-	-	-	-	-
1817	-	-	-	-	-	-	-	-	-	-	-
1818	400	95	10	13	2	4	18	-	-	-	878
1819	-	-	-	-	-	-	-	76	26	-	-

Custom House, Halifax, March, 1819.

E.

PORT OF HALIFAX, NOVA SCOTIA.

An ABSTRACT of the Trade at this Port Inwards from the West Indies for the last Ten Years, ending March 1, 1819.

Years.	No. of Vessels.	Tons.	Men.	British Plantation Rum.			British Plantation Brown Sugar.			Molasses.		
				Puns.	Hhd.	Bbls.	Hhds.	Tres.	Bbls.	Puns.	Tres.	Bbls.
1809	109	11,590	632	3,777	66	-	1,018	262	452	2,541	117	97
1810	105	10,577	533	3,853	78	31	1,714	136	755	1,342	35	15
1811	110	11,652	713	3,724	278	564	3,618	533	2,645	1,228	93	-
1812	77	9,197	514	4,231	118	56	1,811	397	1,533	1,551	-	6
1813	108	13,934	785	7,945	440	62	2,644	524	2,407 $\frac{1}{2}$	1,116	74	124
1814	115	14,355	751	6,374	229	30	4,234	809	1,602 $\frac{1}{2}$	2,077	80	62
1815	94	14,780	765	4,170	262	53	2,201	196	472	1,527	-	43
1816	115	14,465	774	5,085	116	3	2,006	331	814	2,265	-	12
1817	141	16,714	915	4,522	32	-	1,348	419	423	1,988	-	-
1818	152	16,689	952	6,016	57	6	1,214	143	247	2,081	-	-
1819	14	1,635	86	305	-	-	68	-	42	257	-	-

Years.	British Plantation Coffee.				Cocoa.			Wines.				
	Hhd.	Tierces.	Barrels.	Bags.	Tierces.	Barreis.	Bags.	Pipes.	Hhds.	Cases.	Casks.	Qr.Cks.
1809	30	195	150	440	2	-	210	137	19	-	-	25
1810	-	122	124	5	100	148	149	-	-	-	-	-
1811	115	644	814	115	39	89	410	4	5	-	-	17
1812	91	-	382	376	318	48	205	-	-	-	-	-
1813	3	126	103	63	188	-	238	-	-	-	-	1
1814	-	105	408	294	151	-	24	-	21	10	1	-
1815	-	620	-	130	185	-	6	3	26 $\frac{1}{2}$	-	-	2
1816	-	375	-	287	-	-	276	13	-	-	-	-
1817	-	7	66	29	-	1	-	9	4	-	-	-
1818	-	28	80	18	-	59	-	5	10 $\frac{1}{2}$	-	-	12
1819	-	-	30	1	-	-	-	-	-	-	-	2

Years.	Pimento.		Lignum Vita.		Clayed Sugar.			Foreign Coffee.		Leaf Tobacco.		Foreign Brown Sugar.		
	Casks & Bls.	Bags.	Tons.	Pieces.	Hhds.	Brls.	Boxes.	Bags.	Casks.	Hhds.	Bbls.	Hhds.	Bbls.	Bxs.
1809	37	66	56 $\frac{1}{2}$	582	-	-	-	1,831	138	-	-	12	25	12
1810	-	195	-	-	10	-	-	-	-	-	-	-	-	-
1811	7	133	47	20	-	-	-	-	-	1	49	-	-	-
1812	-	8	1	-	13	18	-	-	-	-	-	-	-	-
1813	-	-	17 $\frac{1}{2}$	-	-	-	-	10	-	-	-	-	-	-
1814	-	-	-	-	-	-	-	238	-	-	-	-	-	-
1815	-	507	-	-	-	-	-	74	-	9	-	48	38	46
1816	-	5	18 $\frac{1}{2}$	-	-	-	-	98	8	55	8	144	-	13
1817	15	8	8	29	-	-	-	-	-	-	-	-	-	-
1818	40	32	32	-	-	-	-	-	-	-	-	-	-	-
1819	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Port of Halifax.—Abstract of the Trade Inwards from the West Indies, &c.—*continued.*

Years.	Soap.	Pine Apples.	Turtle.	Fustic.	Ground Nuts.	Pickles.	Metal Ovens.	Corriage.	Turpentine.	Hats.	Lancewood Spars.	Beef and Pork
	Boxes.	Dozen.	No.	Tons.	Bags.	Cases.	No.	Coils.	Bls.	Cases.	No.	Barrels.
1809	—	500	21	19 $\frac{1}{2}$	24	54	38	—	—	—	—	—
1810	33	—	—	—	—	—	—	—	—	—	—	—
1811	44	—	—	—	—	—	—	—	—	—	—	—
1812	—	—	—	—	—	—	—	—	—	—	—	—
1813	—	—	—	—	—	—	—	—	—	—	—	—
1814	—	—	—	—	—	—	—	—	—	—	—	—
1815	—	550	—	—	1	—	—	—	100	—	29	—
1816	—	—	—	—	—	—	—	200	—	4	—	20
1817	—	759	26	—	—	—	—	—	—	—	—	—
1818	—	—	—	—	—	—	—	—	—	—	—	—
1819	—	—	—	—	—	—	—	—	—	—	—	—

Years.	Pense.	Clothing.	Butter.	Lemons.	Bread.	Roman Cement.	Cables.	Anchors.	Hemp Yarns.	Straw Hats.	Straw Platts.	Blocks.
	Tierces.	Bales.	Firkins.	Barrels.	Barrels.	Casks.	No.	No.	Nets.	Boxes.	No.	Hhds.
1809	—	—	—	—	—	—	—	—	—	—	—	—
1810	—	—	—	—	—	—	—	—	—	1	186	—
1811	—	—	—	—	—	—	—	—	—	—	—	—
1812	—	—	—	—	—	—	1	2	—	—	—	—
1813	—	—	—	—	—	—	—	—	15	—	—	—
1814	—	—	—	—	—	—	—	—	—	—	—	—
1815	—	—	—	—	—	—	—	—	—	—	—	—
1816	20	13	100	—	—	—	—	—	—	—	—	2
1817	—	—	—	75	1	120	—	—	—	—	—	—
1818	—	—	—	6	59	—	—	—	—	—	—	—
1819	—	—	—	—	—	—	—	—	—	—	—	—

Custom House, Halifax, March 1819.

E.

PORT OF HALIFAX, NOVA SCOTIA.

An ABSTRACT of the TRADE at this Port Outwards to the West Indies for the last Ten Years, ending the March 1, 1819.

Years.	No. of Vessels.	Tons.	Men.	Dry Fish.					Pickled Fish.			
				Casks.	Barrels.	Boxes.	Containing qtls.	Tierces.	Barrels.	Half barrels.	Kds.	
1809	141	14,026	865	9,119	4	2,120	78,412	—	42,189	2,763	16	
1810	116	12,622	696	10,566	—	2,190	80,515	263	35,555	2,374	57	
1811	122	13,554	809	9,787	—	1,541	75,827	75	30,061	1,924	—	
1812	81	11,183	633	7,780	—	1,130	57,432	619	21,474	—	—	
1813	134	18,361	1,034	11,628	—	1,054	88,598	409	31,008	1	—	
1814	179	25,867	1,398	12,739	—	2,862	111,990	37	39,832	911	19	
1815	145	19,373	1,018	14,149	—	862	117,652	4	33,321	1,112	—	
1816	137	16,602	908	14,957	—	875	99,768	—	23,618	758	—	
1817	158	18,886	1,042	14,759	—	1,418	108,066	143	29,347	1,078	61	
1818	170	19,325	1,100	15,568	—	1,718	116,474	42	24,538	792	—	
1819	31	3,187	188	1,978	105	143	15,719	—	3,848	239	64	

Year.	Fish Oil.		Beef and Pork.				Smoked Herrings.		Porter and Ale.		Wood Hoops.		Shingles.
	Casks.	Containing gallons.	Tierces.	Barrels.	Half brls.	Kds.	Barrels.	Boxes.	Hhds.	Casks.	M.	Bundles.	M.
1809	565	24,408	1,000	915	—	—	115 $\frac{1}{2}$	6,032	—	78	120	—	399
1810	277	10,497	35	658	—	—	437 $\frac{1}{2}$	5,628	21	—	169	—	307
1811	813	19,970	2,858	—	—	—	109	3,751	20	—	131 $\frac{1}{2}$	—	368
1812	721	25,724	308	95	1	—	31 $\frac{1}{2}$	3,766	—	6	53 $\frac{1}{2}$	—	398
1813	945 $\frac{1}{2}$	36,489	—	480	12	10	142 $\frac{1}{2}$	6,425	—	—	29 $\frac{1}{4}$	36	1,363 $\frac{1}{2}$
1814	885	31,833	34	518	8	—	354 $\frac{1}{2}$	7,747	7	20	—	7,808	1,221
1815	638	23,575	—	32	—	—	137	3,387	27	—	—	2,285	514 $\frac{1}{2}$
1816	474	16,765	—	41	1	—	78	1,845	68	—	—	2,114	545 $\frac{1}{4}$
1817	634	24,192	—	125	8	10	50	1,071	—	—	98 $\frac{3}{4}$	510	1,461 $\frac{1}{2}$
1818	1,211	39,694	10	129	—	20	—	—	—	—	92 $\frac{1}{2}$	774	1,437 $\frac{1}{2}$
1819	98	—	—	9	—	—	16	432	—	—	17	—	237 $\frac{3}{4}$

Port of Halifax.—Abstract of the Trade Outwards to the West Indies, &c.—*continued.*

Years.	Scented Soap and Perfumery.			Cheese.			Loaf Sugar.			Sweetmeats.			Geneva.	
	Bales.	Boxes.	Cases.	Trs. & Barrels.	Boxes.	Ham-pers.	Hhds.	Plgs.	Brls.	Boxes.	Jars.	Pps.	Cases.	Csks.
1809	-	-	-	-	-	-	-	-	-	-	-	-	-	2
1810	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1811	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1812	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1813	-	-	-	6	-	-	-	-	-	-	-	1	-	-
1814	3	5	2	3	15	23	5	1	-	7	1	2	1	-
1815	-	-	-	1	-	-	-	-	-	-	-	-	-	-
1816	-	-	-	-	-	-	-	-	2	46	-	-	-	-
1817	-	-	-	4	2	4	-	-	-	-	-	-	-	-
1818	-	-	-	-	-	-	-	-	23	-	-	-	-	-
1819	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Years.	Wines.				Leather.		Cane Knives.		Pease & Beans.		Raisins.	
	Pipes.	Hhds.	Casks.	Cases.	Bdls.	Sides.	Boxes.	Casks.	Tierces.	Barrels & Bags.	Casks & Barrels.	Kegs & Boxes.
1809	11	1	-	-	-	89	-	-	588	-	-	-
1810	5	6	76	-	-	203	-	-	21	-	140	226
1811	-	28	190	51	-	259	-	-	300	-	-	-
1812	-	270	595	-	17	-	-	-	10	23	-	-
1813	5	15	68	140	48	53	13	30	-	-	-	-
1814	11	21	12	32	-	-	-	-	-	-	150	570
1815	20	25	-	-	-	15	5	17	2	-	23	-
1816	-	-	-	-	-	-	-	-	-	-	-	-
1817	5	4	6	-	-	-	-	-	-	-	-	-
1818	-	8	20	292	-	-	-	-	-	136	-	-
1819	-	-	-	-	-	-	-	-	-	35	-	-

Years.	British Plantation Brown Sugar.		Brandy.		Hams.		Br. Plantation Rum.	Cordage.	Pitch, Tar, Rosin, and Turpentine.	Glassware.	Earthenware.	Suet.	Manufactured Tobacco.	Verdigrise.
	Hhds.	Barrels.	Pipes.	Barrels.	Brls.	No.								
1809	-	-	-	-	-	77	-	-	502	-	-	-	-	-
1810	-	-	-	-	-	-	-	-	108	-	-	-	-	-
1811	-	-	-	-	-	-	-	-	261	-	-	-	-	-
1812	-	-	66	-	-	20	-	-	1,066	-	-	-	-	-
1813	-	-	47½	-	9	60	-	4	1,619	-	-	-	-	-
1814	50	1	1	-	-	-	158	1	187	3	6	45	10	1
1815	-	-	1	-	-	-	-	-	492	-	-	-	-	-
1816	-	-	-	-	-	20	100	-	534	-	-	-	-	-
1817	-	26	-	-	-	-	101	-	485	1	2	-	-	-
1818	-	-	16	2	-	-	-	-	201	-	4	-	-	-
1819	-	-	-	-	-	-	-	-	147	-	-	-	35	-

Years.	Tin.	Tripe.	Cider.	Organs.	Capers.	Anchovies.	Sperm Oil.	Iron Hoops.	Varnish.	Pipe Clay.	Corks.	Grindstones.	Segars.
1809	-	-	-	-	-	-	-	-	-	-	-	-	-
1810	-	-	-	-	-	-	-	-	-	-	-	-	-
1811	-	-	-	-	-	-	-	-	-	-	-	-	-
1812	-	-	-	-	-	-	-	99	-	-	-	-	-
1813	-	1	20	-	93	125	15	-	4	6	10	60	43
1814	141	92	46	1	-	-	-	-	-	-	-	-	-
1815	-	-	-	-	-	-	-	-	-	-	-	-	-
1816	-	-	-	-	-	-	-	-	-	-	-	-	-
1817	-	-	-	-	-	-	-	16	-	-	-	30	-
1818	-	-	-	-	-	-	-	-	-	-	-	-	-
1819	-	-	-	-	-	-	-	-	-	-	-	-	-

Port of Halifax.—Abstract of the Trade Outwards to the West Indies, &c.—*continued.*

Years.	Honey.	Cannon	Coals.	Vinegar.	Olives.	Tobacco Stems.	Spirits of Turpentine.	Sugar Boilers.	Sheep and Calf Skins.	Chocolate.	Boat hook Poles.	Bill-hooks.	Almonds.	Oatmeal.
	Quarter Casks.	No.	Chln.	Casks.	Kegs & Cases.	Hhd.	Hhds.	No.	No.	Boxes.	No.	No.	Kegs.	Brls.
1809	-	-	40½	-	-	-	-	-	218	-	-	-	-	-
1810	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1811	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1812	-	-	-	1	22	2	12	86	-	-	-	-	100	-
1813	1	6	10	-	-	-	-	-	-	-	-	-	20	-
1814	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1815	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1816	-	-	50	-	-	-	-	-	-	18	116	1,600	-	-
1817	-	-	25	-	-	-	-	-	-	-	-	-	-	-
1818	-	-	-	-	10	-	-	-	-	6	-	-	-	-
1819	-	-	-	-	-	-	-	-	-	-	-	-	-	25

F.

PORT OF HALIFAX, NOVA SCOTIA.

AN ABSTRACT of the TRADE at this Port, Inwards, Coastways; viz., Canada, New Brunswick, and Newfoundland, for the last ten years ending December 31, 1818.

Years.	No. of Vessels.	Tons.	Men.	
1809	264	18,646	987	Memo.—The general articles of import in this period have been; viz.: From Canada, flour, grain, bread, beef, pork, butter and lard, soap and candles, staves, dry and pickled fish, and fish oil. From New Brunswick, lumber, flour, grain, bread, pitch, and tar, and occasionally other articles, legally imported. From Newfoundland, dry cod-fish, with a small proportion of pickled fish, and occasionally salt and wines, &c.
1810	270	17,746	912	
1811	251	17,227	940	
1812	119	15,514	684	
1813	114	10,129	487	
1814	218	21,803	1,028	
1815	156	13,011	670	
1816	208	16,943	830	
1817	183	13,204	700	
1818	124	9,125	464	

Custom House, Halifax, March 1819.

F.

PORT OF HALIFAX, NOVA SCOTIA.

AN ABSTRACT of the TRADE at this Port, Outwards, Coastways; viz., Canada, New Brunswick, and Newfoundland, for the last ten years ending December 31, 1818.

Years.	No. of Vessels.	Tons.	Men.	
1809	201	16,651	835	Memo.—The general articles of export have been; viz.: To Canada and New Brunswick, a variety of goods imported from Great Britain, prize goods and West India produce. To Newfoundland, flour, bread, pitch, and tar, lumber, West India produce, and sundry produce of this province.
1810	187	15,029	787	
1811	159	11,864	852	
1812	119	15,514	684	
1813	167	24,588	1,118	
1814	268	37,077	1,755	
1815	176	22,911	1,417	
1816	197	22,452	1,131	
1817	160	19,066	935	
1818	126	13,563	669	

Custom House, Halifax, March 1819.

G.

PORT OF HALIFAX, NOVA SCOTIA.

AN ACCOUNT of the quantity of COAL imported for the last ten years ending
December 31, 1818.

Years.	From whence, and Number of Chaldrons.					
	Great Britain	Chaldrons.	Sydney	Chaldrons.	Pictou	Chaldrons.
1809	-	203	-	4,026	-	Nil.
1810	-	393	-	3,928	-	-
1811	-	1,942	-	4,240	-	-
1812	-	474	-	4,126	-	-
1813	-	850	-	3,696	-	-
1814	-	435	-	4,098	-	-
1815	-	1,467	-	3,721	-	639
1816	-	2,176	-	3,693	-	845
1817	-	1,776	-	4,308	-	2,416
1818	-	2,152	-	3,708	-	2,562

Custom House, Halifax, March 1819.

G.

PORT OF HALIFAX, NOVA SCOTIA.

AN ACCOUNT of the quantity of SALT imported for the last ten years, ending
December 31, 1818.

Years.	From whence, and Number of Tons.							
	Great Britain	Tons.	The West Indies.	Tons.	The southern parts of Europe.	Tons.	New Brunswick and Newfoundland.	Tons.
1809	-	1,939	-	732	-	Nil.	-	Nil.
1810	-	2,963	-	634	-	104	-	165
1811	-	2,060	-	572	-	563	-	1,035
1812	-	3,403	-	237	-	1,980	-	292
1813	-	991	-	-	-	-	-	-
1814	-	2,513	-	157	-	319	-	159
1815	-	3,763	-	512	-	30	-	346
1816	-	4,101	-	412	-	795	-	645
1817	-	1,746	-	329	-	144	-	331
1818	-	5,411	-	935	-	46	-	386

Custom House, Halifax, March 1819.

APPENDIX No. 6.

[Enclosure in Viscount Falkland's Despatch, Nova Scotia, July 11, 1842, No. 90, Page 59.]

1840.

REPORT and CODE of REGULATIONS for PROVINCES of NEW BRUNSWICK, PRINCE EDWARD ISLAND, MAGDALEN ISLANDS, if approved of, or modified by the Home Government.

REPORT on the FISHERIES.

THE committee on the fisheries of Nova Scotia report that they have maturely considered the important subject referred to them, and endeavoured to procure such information as may tend to attract more attention to a branch of industry hitherto supinely suffered to languish, with a hope that energy, talent, and capital may be embarked to ameliorate the condition of a hardy and enterprising class of subjects, and to increase and sustain the great staple of this country, on which its commerce mainly rests for support. The inexhaustible mine of wealth provided by nature in the fishery, the national advantages arising from carrying it on vigorously, the benefit to all concerned that it should be conducted prosperously, caused the nations of Europe in the earliest ages to extend legislative protection and pecuniary aid to foster and cherish it. Among the most enterprising of the nations was Holland, whose Government made ordinances concerning the management of the great and small fishery—the whale, in the estimation of the Dutch, being the great—the herring and cod being the small fishery; and with such success did they prosecute these callings, that Amsterdam became first among modern cities in commerce, and the marine power of West Friezland disputed the dominion of the ocean with the nations of the world. Great Britain, from the reign of Edward the First, has by innumerable statutes encouraged, regulated, and protected her domestic and more remote fisheries, and perhaps may owe her exalted stand in the scale of nations and her maritime ascendancy, so long unquestioned, to the enlightened policy pursued by her statesmen to strengthen this grand prop of her commerce and navigation. Nor was France less solicitous to uphold the fishery trade than other branches tending to increase her maritime power. As long ago as the reign of Queen Anne the merchants of the Bay of Biscay conducted an extensive whale fishery, and since the treaty of Utrecht have increased in an enormous ratio their fishery to Newfoundland, and have become dangerous and powerful rivals of Great Britain therein.

Spain, viewing the rich harvests reaped by Holland, England, and France, was not backward, but asserted her claim to the right of a Newfoundland fishery, and maintained the same until the definitive treaty of 1763, by the 18th article of which that pretension is set at rest for ever.

The United States, when colonies, enjoyed all the privileges of and prosecuted the fisheries in common with British subjects, and after the declaration of independence at the peace of 1783 by treaty obtained the right “to take fish on the grand bank and all other banks of Newfoundland in the Gulf of St. Lawrence, and all other places in the sea where the inhabitants of both countries had been used to fish before, and the liberty to fish on such part of the coast of Newfoundland as British fishermen used (but not to dry or cure fish there), and on the coasts, bays, and creeks of all other British dominions in America,” and to dry and cure fish in any unsettled bays, harbours, and creeks of Nova Scotia, Magdalen Islands, and Labrador; but as soon as they were inhabited that liberty was to cease, unless continued by agreement with the inhabitants. This establishment, or rather concession, of a right of fishing in the waters of this province, is restricted by the convention of 1818, by which the United States renounced for ever the liberty of fishing within three marine miles of any other parts of the British coasts of America, of curing or drying fish thereon, except as previously mentioned and stipulated in said treaty, and fully reported to this House in 1837.

The British North American provinces now enjoy the privileges of the great nation to which they belong, and which ought to excite and animate their people to make the utmost advancement in this inestimable branch of traffic, especially as they have not only a natural right, but a right recognized by treaties and secured by law to fish on their own coasts, and an equal right to hinder and prevent all other nations from doing so, with the above exceptions.

The Dutch by wholesome ordinances and severe penalties regulated the taking, dressing, pickling, inspection, and sale of the product of the small fishery; while Great Britain, France, and America encouraged by munificent bounties the prosecution of this trade. In such estimation did the French hold this pursuit as tributary to national aggrandizement and commercial power, that they obtained leave from Great Britain to fish at Newfoundland upon paying a duty of five per cent., until by the treaty of Utrecht they ceded Placentia and other places in Newfoundland, obtained Cape Breton, on which they immediately expended enormous sums of money in fortifications, for the avowed purpose of protecting their people in the prosecution of the cod fishery; and at the conquest of Canada, so sedulously had the French availed themselves of the maiden fishery on the shores of that island, that the export from Louisbourg alone exceeded 1,000,000*l.* annually, and had the same policy been pursued by Great Britain the dangerous rivalry of other

nations would have been crushed, and her dominion of the ocean secured, had the fortifications of Louisbourg been preserved, and the terms of the treaty enforced, so as to prevent St. Pierre and Miquelon becoming strongholds for the French, they might have been easily restrained from violations of existing treaties, and been kept within the limits assigned to them by law. Since the peace the French have cherished their fisheries by annual bounties to the amount of 60,000*l.*, and although now reduced the sum is still large. The committee feel, however, that the interruption the people of this province experience is not so much to be attributed to the subjects of His Christian Majesty as to the citizens of the neighbouring republic. It may here be observed, that the interruption of Britons on their fishing grounds has been occasioned by concession or supine neglect. The famous Edgar with a fleet vindicated his dominion to the adjacent seas; Alfred was supreme governor of the ocean surrounding the British shore; in the reigns of the Edwards foreigners craved liberty to fish; Henry of France petitioned Edward the Third for the like purpose, and paid tribute; the Hollanders durst not cast a net until licence was obtained; and Spain paid tribute to Mary to fish on the coast of Ireland. These licences or indulgences to foreigners, dangerous, because giving strength to their marine, and enabling them to question the supremacy of England, were soon ripened into customs, and those customs asserted to be law, until, in the reigns of James and Charles, the Netherlands and Holland declared against the King's right of dominion of British seas. Subsequent events led to treaties at various periods, and France, as before stated, has the right of fishing on the shores of Newfoundland, and the Americans a similar and more extensive right, and have become rivals in the fishery, by the consent of Great Britain, without obtaining any adequate concession in our favour; and it is owing to the fishery that these nations have already dared to contend for the mastery of the sea, and at a future period may do so with more success, unless the sceptre of our great empire is extended to protect their hardy sons in this perilous occupation. To British subjects certain exclusive privileges are insured by the convention of 1818, and it is our duty to have the meaning of that convention clearly understood and distinctly defined. The foreign commerce of the lower provinces mainly depends on this staple, which cannot be exhausted; and as capital is embarked, and the wealth of this mine more extensively developed, so will the provinces rise in importance and national grandeur. Providence has stored our waters with the most valuable species of fish. Ought we to remain supine and indifferent to the bounties of that Providence, or ought we by wise legislation and general policy induce an extension of that branch of industry, and by firm constitutional protection secure to our people their inherent rights? I answer in the words of an old writer on the subject: "It is not only a duty we owe to the Supreme Being not to despise his gifts, but it is a duty we owe to our country for its natural security, for that depends upon a navy. No nation can have a navy where there is not a fund of business to breed and employ seamen without any expense to the public, except when actually employed in the service of the public. A fleet depends upon navigation, navigation upon trade, and trade upon home manufactures and fishery." But it is said we are colonists, and require no navy. It is true we may not, in a national point of view, for years to come; but the geographical position of Nova Scotia on the continent of America, its almost insular form, indicates that in future years she will be to that continent what the British isles are to Europe. With a healthy climate,—extensive seaboard, indented with bays and harbours swarming with fish, and affording unequalled facilities for commerce,—abounding in mineral resources, just expanding, and rendered available by the application of science and capital,—inhabited by an intelligent people, alive to their rights,—she cannot fail to exercise in time a powerful sway in the destinies of America; and it is now, when the violation of our reserved and inherent privileges is in its infancy, that a tame submission will be improved into custom, and custom be considered law, and that which is exclusively ours will be enjoyed in common as the fisheries of Britain and Newfoundland; and the rivalry which now drives our fishermen from the banks where the fleets of France and America resort will soon dispute (if they have not already done so) our dominion over the waters of our own bays and harbours. Let us turn to an account of this traffic, and see whether it be worth a struggle or worth encouragement.

The small fisheries of these colonies of greatest importance, for we shall not speak of the whale fishery in this report, are the cod, mackerel, herring, and salmon; and, as has been before stated, they may be rendered a never-failing source of wealth, and nothing but unwarrantable neglect can impair them. Indeed, if the whole population of the lower provinces for centuries to come were engaged as fishers the stock would not be exhausted; and if the cod fish of the ocean were all destroyed, except two males and two females in any one season, there would be as many the next as there were the preceding, for naturalists, having viewed the melt of a cod fish, found such numbers of animalcules that there were at least 10,000 in the bulk of a grain of sand, and therefore that there are more animalcules in the melt of a cod fish than there are inhabitants alive on the face of the earth at any one time. They compute that 100 make the diameter of an inch, so that in an inch is contained 1,000,000 of such particles of sand, and as the melt of a cod fish averages 15 cubical inches, there must be 15,000,000 of quantities as big as a grain of sand. Now, if each of these quantities contain 10,000 animalcules, the wonderful result produces 15,000,000. The increase of herring, and their habits, are not less extraordinary.

At stated periods of the year incredible shoals of this species of fish are seen coming from the north. Whence they come, or where they breed and increase, is known little of. That they are innumerable in quantity is undoubted; nor do they return to the place whence they came, to breed a further supply for the next season. On the contrary, they come from home, wherever that may be, swelling with prolific spawn, in which every fish is said to produce 10,000 others. They come up, says a writer, on the breadth of the sea, and the bulk of the shoal, take it in gross, is greater than the whole land of Great Britain and Ireland. When their surprising body meets with an interruption from the situation of the Island of Great Britain and other islands in those Northern seas, they swarm round the shores of the British isles for a time, until, running south, they again meet their species, and at the close of the season pass the British Channel, and are seen no more. Another division, coming from the same quarter, strikes the coast of North America, though not in the same quantities, linger on the shores of the provinces, and extend as far south as Carolina. These doubtless are a part of that mighty shoal which at their first coming by the coast of Greenland keep to America on the north-west side. They are found in numbers on the Labrador, and steering south, meet with interruption by Newfoundland, pass through the straits of Belle Isle, swarm the Gulf of St. Lawrence, filling its every bay and inlet, and the shores of the Magdalen Islands sparkle with this finny tribe. Here, as in the British seas, they come big with young, and cast their spawn, seen by naturalists clinging like beads to the kelps and eel grass, and in a fortnight or three weeks the young fry strike to the deep, leaving no trace of their rapid and fructifying progress. They are pursued and devoured by the more ravenous and larger fish, such as the porpoise, dog fish, and divers other sea monsters, with which the northern seas abound.

The salmon fishery of this province, once of great value, but from neglect and want of suitable regulations rapidly dwindling, requires also a reference to the nature of that species of fish. It inhabits the European coasts from Spitzbergen to France, but is never seen in the Mediterranean. On the western shores of the Atlantic it is found from Greenland to the Hudson, and never further south. A cold climate and clear water are congenial to its constitution. When the ice melts, salmon enter the mouths of rivers, and almost always of those which gave them birth. They swim in immense bodies near the surface. They are timid, easily frightened, and on such occasions return to the sea. They penetrate far into the interior, surmounting rapids and cascades, and deposit their spawn in the lakes, &c. at the sources of rivers. When the young are about a foot in length they descend to the ocean, and the ensuing summer follow after the old, which have ascended to spawn, and are then about eighteen inches long. At two years old the salmon weighs from six to eight pounds; and at five or six years attains the weight of ten or twelve pounds. Wise rules for the protection of this fishery still retains it among the most important of the north of Europe; whilst a contrary system has destroyed the fishery to the southward of Maine. Formerly New York was supplied from the Connecticut River; but the erection of mills, mill-dams, and other obstructions have reduced the fish, or rather destroyed the supply, by turning the old salmon back to the sea, where their seed is cast in unproductive waters. The salmon at full size in the northern seas weighs 170 pounds. They live on insects, small fish, and worms; deposit their eggs in holes made in the sand; and are a prey of seals, porpoises, and other large fish.

The mackerel inhabits the northern temperate zone; and as the herrings appear in the north, and steer a southerly course, so, on the contrary, the mackerel appear in the south and seek the north, probably to meet the herring, on which they feed. They increase in size, plumpness, and delicacy as they proceed north. They seldom exceed two pounds in weight. The male or milter is generally preferred, but the roes of the females are much esteemed as caviare. To examine, and indeed to eat this fish, it must be taken newly. Keeping a few hours renders it comparatively flabby and insipid. In salting or pickling, therefore, the processes should be commenced as soon as possible after they are caught. They are voracious, and particularly attracted by any brilliant object, as scarlet cloth. They are extremely fond of herrings, and attack them with fierceness. They are said even to seize upon a human body alive. The female is very prolific, and deposits her eggs among the rocks. In the spring these fish are nearly blind, in consequence of a film that grows over their eyes, and separates towards summer. From the preceding concise view of the habits of these fish, it would appear that they depend on each other. The clearness of our waters, the number of our rivers and lakes, make this province the favourite resort of salmon; and as the native river is sought, of course obstructions are prejudicial if not destructive to that fishery. Alive to the national advantages and pecuniary benefits to be derived from fisheries, the citizens of the United States, from the landing of the pilgrims, encouraged and fostered them. In 1624 fishing companies were formed in New England, and, with various success, prosecuted their calling, and by their industry furnished valuable exports to the West Indies and Europe; the principal ports to which shipments were made being Biscay, Cadiz, and Lisbon. The peace which terminated the revolutionary war afforded fresh inducement to speculate in this trade. Government granted bounties, new fishing grounds were discovered and explored, and so rapid was the increase of that branch of marine that in 1807 the United States had upwards of 600 vessels and 9,000 men employed therein; and the European war operated to make them fishermen for the world. The returns were enormous for the investments; in most instances realizing 50% and in many 100% per cent. profit. The annual

supply of fish was from 1803 to 1808 from 700,000 to 800,000 quintals. The war with Great Britain in 1812 checked the career of the republic. The more valuable class of vessels were dismantled, and those which ventured to follow their avocations were either driven from their fishing ground or captured by British cruizers. Thus their whole fishery was restricted to market boats in the immediate vicinity of ports which afforded them opportunities of escape. At the close of the war the fishery of that nation revived, the grand bank, Labrador, and other fishing grounds appeared replenished, and the enterprise of the merchants stimulated the people to exertion; so that in 1815 about 8,000 tons of shipping were engaged therein, which increased in 1816 to nearly 18,000 tons, and in 1834 the registered tonnage of fishing vessels in the United States was upwards of 52,000 in the cod and 60,000 in the mackerel fishery, making an aggregate of 113,000 tons; and at present the tonnage employed equals 130,000. The opening of the Erie and other canals and railroads, affording easy, expeditious, and cheap transport to the interior, has created markets in the bosom of that country which their fishermen can scarcely supply, thereby leaving to others in a great measure, the supply of foreign countries. The Governments of France, Holland, and the United States have always encouraged the fisheries by pecuniary aid in the shape of bounties; and although England has now abandoned that policy, it would be well to consider how far the claims of that class for fostering protection by the Colonial Government is judicious. Whilst the Americans under such system have advanced with rapid strides to commercial importance, this mine,—this inexhaustible source of wealth,—remains comparatively unproductive to the lower provinces. Whilst the committee cannot conceal that a long peace, improvement in the moral habits of the people, competition in trade and increase of population, have advanced the fishery of the provinces, and added to their products, they cannot refrain from expressing an opinion that the operative fishermen are, generally speaking, poor and neglected; and therefore when they can find other employment are apt to turn from one of drudgery and hardship. Notwithstanding these many disadvantages, the official returns create bright anticipations of the future, and furnish a proof, that while individuals suffer the nation may thrive, and whilst the operative may be depressed the merchant may grow rich; for, taking the average of the years 1805, 1806, and 1807, Nova Scotia exported 81,191 quintals dried fish, 43,299 barrels of pickled fish, 10,410 boxes of smoked fish, besides 652 smoked fish, such as salmon; in 1815, 1816, and 1817, 152,698 quintals of dried fish, 40,205 barrels and 170 keks of pickled fish, 5,675 boxes of smoked fish, 379 smoked fish. In 1837 Nova Scotia exported 427,140 quintals of dry fish, 64,803 barrels pickled fish; in 1838, 434,309 quintals dry fish, and 94,855 barrels pickled fish. In 1837 Halifax exported of the above quantity of dry fish 190,486 quintals, pickled fish 28,646 barrels; in 1838, dry fish, 201,826 quintals, pickled fish, 43,438 barrels; in 1839, dry fish, 251,092 quintals, pickled 51,035 barrels; while the custom-house returns from Arichat and Sydney in the island of Cape Breton show the exportation 41,328 quintals dry fish, 10,794 barrels pickled fish, 270 casks of oil; and the following quantities are fair estimates of the catch in other parts of Cape Breton where no customs officers are stationed: Strait of Canso, 2,500; Port Hood, 500; Mabou, 2,000; Marguerite, 5,000; Cheticamp, 8,000; Bay St. Lawrence, 3,000; Cape North, 4,000; Inganiche and Lowpoint, 8,000; Bras d'Or, 3,000; Mainadieu, 4,000; Louisburg 5,000; L'Ardoise, 6,000; making 51,000, clearly evincing that this valuable branch of industry, under every disadvantage, is furnishing an export equal to a million annually; while the internal consumption of the province, with a population exceeding 200,000 (many, from pious feelings, and more from choice or necessity, making this an article of food), may be fairly estimated at 300,000 quintals. Having shown the value and state of our fishery, and that, if encouraged by wise legislation, and protection of the labouring classes engaged therein, that it may be made productive of wealth to the merchant and power to the provinces, let us turn to the United States fishery, and pause to inquire what equivalent has been given for the privileges ceded to them by the convention of 1818. At that period Great Britain had abrogated all treaties with that country. War, declared against her at a time when she was defending free institutions and struggling to preserve the liberty of man, annulled all existing compacts, and surely the conduct of that nation entitled its people to no favourable consideration or renewal of negotiations; and yet, as if a fatality seized the enlightened statesmen of the day, the privileges of fishery have been restored, as a matter of no moment, by each successive treaty, and now those privileges are enlarged and extended by the daring conduct of the people of that nation, which must be checked and curbed, or these provinces will be deprived of one of its staple exports. The treaty of 1818 yields to American citizens a certain right of fishery on the coasts of Newfoundland, in consideration of which the United States renounced for ever the liberty of fishing within three marine miles of any other part of the British coasts of America, or of curing or drying on them; but American fishermen were to be permitted to enter bays or harbours on the prohibited coasts for shelter, repairing damages, and purchasing wood and obtaining water, and for no other purpose whatever, subject to restrictions necessary to prevent abuses. By the 59 Geo. 3. Cap. 38., which passed 14th June 1819, it is enacted, that it shall not be lawful for any persons, not being natural-born subjects of his Majesty, in any ship, vessel, or boat other than such as shall be navigated according to the laws of the United Kingdom of Great Britain and Ireland, to

fish for, or to take, dry, or cure any fish of any kind whatever within three marine miles of any coasts, bays, creeks, or harbours whatever in any part of His Majesty's dominions in America not included within the limits specified and described in the first article of the said convention and in the said Act recited; and that if any such foreign ship, vessel, or boat, or any persons on board thereof, shall be found fishing, or to have been fishing or preparing to fish, within such distance of such coasts, bays, creeks, or harbours within such parts of His Majesty's dominions in America out of the said limits as aforesaid, all such ships, vessels, and boats, together with their cargoes, and all guns, ammunition, tackle, apparel, furniture, and stores, shall be forfeited. And by a Statute of this province, the Sixth of William the Fourth, Cap. 8., which passed 12th March 1836, it is enacted, that like forfeiture shall follow on similar violation of the terms of the convention. The letter and spirit of the above treaty, and the laws framed thereon, close the harbours, bays, and inlets of this province against foreign tonnage engaged in the fisheries, except for shelter, to purchase wood and obtain water, which latter privilege is granted to inhabitants of the United States only subject to such restrictions as may be necessary to prevent abuse thereof. The committee think that colonists have been too long supine and spiritless in asserting the true construction of such treaty, while the citizens of the republic are arrogating to themselves rights never contemplated, are firmly encroaching on our reserved fishing grounds, and by custom endeavouring to render legal acts which the most hardy would not have ventured to assert at the time such convention was concluded. The committee therefore assert the true meaning of said convention, and the construction which ought to be put upon it by the provinces, is, that the prescribed distance of three marine miles is to be measured from the headlands, and not from the indents of the shores of these provinces; that the Strait of Canso cannot be passed by fishing vessels without approaching within the waters reserved for the exclusive use of British subjects; that the right of fishery at the Magdalene Islands is confined to the shores only, and does not authorize those foreign fishermen to land thereon; that the right to enter the bays or harbours of these provinces (except as permitted by such treaty) only attaches in cases of distress, or to purchase wood and to obtain water after the usual stock for the voyage of such fishing craft has been exhausted or destroyed.

This is the true interpretation of the convention, and the inhabitants of the lower provinces ought to be unanimous in adhering to it, as in many instances citizens of the United States resort to force and acts of spoliation on our unprotected fishermen, as the accompanying depositions fully prove.

The committee therefore recommend that three armed cutters should be employed from the first day of April to the middle of November, under the command of suitable persons, with a competent force for the protection of the fishery and revenue of this province; one to cruize in the Bay of Fundy, one from Cape Sable to Chedabucto Bay; and a third in the Gulf of St. Lawrence, and on the coast of Cape Breton.

That an address to Her Majesty should be adopted, praying Her Majesty to extend the regulations now in force in this province by Order in Council to the Canadas, Magdalen and Prince Edward Islands, and the province of New Brunswick, with additional regulations, giving power to the respective admiralty courts to take cognizance of all seizures, whether made within the respective provinces or not. And lastly, the committee think that encouragement should be given by legislative enactments or otherwise to the operative class of fishermen, by enabling them to obtain provisions and all materials requisite for the successful pursuit of their calling at the cheapest rate, and thus induce them to prosecute with spirit and energy a branch of traffic which gives employment to thousands of all ages and sexes.

JAMES B. UNIACKE, Chairman.

JOHN MORTON.

HERBERT HUNTINGTON.

(Copy.)

PROVINCE OF NOVA SCOTIA, HALIFAX, SS.

William Fader of Chester in the county of Lunenburg in the province of Nova Scotia, mariner, and owner of the schooner called "Roxana," of the port of Halifax in said province, maketh oath and saith, that in or about the month of April now last past this deponent and one Daniel Gallagher of Ketch Harbour in the county of Halifax aforesaid entered into a certain agreement to conduct and carry on the fishery for the season, whereby deponent on his part undertook to employ his said vessel in that capacity, and the said Daniel Gallagher on his part undertook to furnish the said vessel with a seine, and deponent and the said Gallagher were to have an equal share or portion of the catch of fish for the season.

That in pursuance of the said agreement deponent left Ketch Harbour aforesaid on or about the 23d day of June last, having on board his said vessel four men and one boy, and arrived on the fishing ground in the Labrador about the 26th day of July, where they found American vessels fishing to the number of two hundred and fifty or thereabouts.

That this deponent with his said vessel and crew fished backward and forward between the Harbour of Bras d'Or and Nancy Blanc, from the said 26th day of July

to the 3d day of September. That during that time deponent was treated by many of the American fishermen in the most outrageous and piratical manner, by plundering him of his property by an overpowering force, against the entreaties and expostulations of deponent, and then threatening him with personal violence.

That as soon as deponent and his crew had their seine ready to haul, a number of boats belonging to some of the American vessels would surround the seine, and with force and violence compel deponent and his men to abandon the hope of getting any fish; and deponent upon several such occasions would have willingly given them the fish, provided they would not destroy or take his seine from him altogether.

That among the persons who committed these outrages upon deponent's property he can clearly identify the persons herein-after named, and the vessels they commanded, and their places of residence respectively; that is to say, the schooner Gull of Cobasset, of which Samuel Eldridge was master; the schooner Bannister of Mount Desert, of which E. Smith was master; brig Providence of Providence, of which ——— Baxter was master; schooner Young James of Mount Desert, of which N. Brown was master.

That upon one occasion, after deponent was forcibly driven from his seine, he asked Captain E. Smith, of the schooner Bannister, for his share of the fish, and was told by that person that he was not entitled to any, and added that he would be damned if deponent should have any of the fish. That upon other occasions they would come to deponent, and offer to dress the fish for him upon the halves. To this deponent frequently consented, in the hope of being allowed to take his share of the fish out of the seine in common with the others, but that upon the fish being all ready dressed they refused to give deponent any of them; and when he attempted to remonstrate with them for their base conduct, was informed that he was not entitled to any other fish, and that they would give him "Hell" from Boston, and other such like expressions.

That while deponent remained on the fishing ground, he, with his crew, hauled about 1,200 barrels of herrings, and at the lowest calculation the American fishermen, forcibly and by violence, took from them to the number of 800 barrels out of the 1,200.

And this deponent further saith, that during the time he was on the fishing ground he did not enter into any traffic or barter with any of the American vessels or citizens, and that he was at considerable expense in fitting up his said vessel, and that his summer's labour is lost in consequence of being robbed of the fish by the said fishermen, as before stated; that the loss of the fish taken he considers, at the lowest calculation, to be worth 200%, exclusive of the wear and tear of his vessel and other expenses.

(Signed) WILLIAM FADER.

Sworn at Halifax, this 18th day of
October, A.D. 1839, before me,
G. N. RUSSELL, J. P.

William Doyle of Ketch Harbour, and Samuel Gray of Sambro, in the county of Halifax and province aforesaid, fishermen, severally make oath and say, that in the month of June last they accompanied William Fader in the schooner Roxana, bound on a fishing voyage to the Labrador, as two of the crew. That they have heard read the affidavit of the said William Fader, setting forth the violence and outrages threatened against himself personally, and the taking of his property by force, by the American fishermen, as in the said affidavit is set forth, and that the matters and statements and charges in the said affidavit are just and true.

(Signed) WILLIAM DOYLE
SAMUEL GRAY.

Sworn at Halifax, this 18th day of
October, A.D. 1839, before me,
(Signed) G. N. RUSSELL, J. P.

INVERNESS, S.S.

Personally appeared before me, the undersigned, one of Her Majesty's justices of the peace in and for the county of Inverness, William Watts of Port Hood in the said county, yeoman, who, being duly sworn on the Holy Evangelists of Almighty God, deposeth and saith, that he has been in the habit of fishing from and out of the harbour of Port Hood for several years past. That vessels belonging to the United States of America, to the number of from 100 to 150, visit the said harbour annually, and catch fish in large quantities within the limits prescribed by the treaty (that is, within three miles of the shores of th's county). That very many of them fish within half a mile, and some have fished at the entrance of the harbour's mouth. That the people belonging to these vessels are in the habit of coming on shore in great numbers, drinking and otherwise idly spending their time, to the very great annoyance of the inhabitants; and that frequent riots and disturbances take place between them and some of the lower orders of society, which it is out of the power of the magistrates of the county to suppress.

WILLIAM WATTS jun.

Before me, this 18th March 1840,
JOHN L. TREMAIN, J. P.

We, whose names are hereunto subscribed, do certify that the above affidavit of William Watts is in every particular perfectly correct, and are willing to attest thereto if necessary.

GEO. C. LAWRENCE, High Sheriff.
JOHN L. TREMAIN, J. P.
ALLAN M. DONALD, Merchant.
THOMAS D. DE ST. CROIX, Merchan

RULES and REGULATIONS relating to the FISHERIES, and for the PREVENTION of ILLICIT TRADE in Her Majesty's Dominions in AMERICA.

WHEREAS by the convention made between His late Majesty King Geo. 3. and the United States, signed at London on the 20th day of October 1818, and the statute made and passed in the Parliament of Great Britain in the 59th year of the reign of His late Majesty George the third, all foreign ships, vessels, or boats, or any ship, vessel, or boat other than such as shall be navigated according to the laws of the United Kingdom of Great Britain and Ireland, found fishing or to have been fishing or preparing to fish within certain distances of any coasts, bays, creeks, or harbours whatever in any part of Her Majesty's dominions in America not included within the limits specified in the first article of the said convention, are liable to seizure: And whereas the United States did by the said convention renounce for ever any liberty enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the bays, coasts, creeks, or harbours of His Britannic Majesty's dominions in America not included within the above-mentioned limits: Provided, however, that the American fishermen should be admitted to enter such bays or harbours for the purpose of shelter, and of repairing damages therein, of purchasing wood and of obtaining water, and for no other purpose whatever, but under such restrictions as might be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges thereby reserved to them: And whereas no rules or regulations have been made for such purpose, and the interests of the inhabitants of Her Majesty's dominions in America are materially impaired: And whereas the said Act does not designate the persons who are to make such seizure as aforesaid, and it frequently happens that persons found within the distances of the coasts aforesaid, infringing the articles of the convention aforesaid and the enactment of the statute aforesaid, on being taken possession of profess to have come within said limits for the purpose of shelter and repairing damages therein, or to purchase wood and obtain water, by which the law is evaded, and the vessels and cargoes escape confiscation, although the cargoes may be evidently intended to be smuggled into Her Majesty's dominions in America, and the fishery carried on contrary to said convention and statute:

Authority of naval officers.

I. It is therefore ordered by Her Majesty, by and with the advice of Her Majesty's Privy Council, that from and after the passing of this Order in Council it shall be lawful for any officer of Her Majesty's navy or customs, or officers of impost and excise, or any sheriff, justice of the peace, or magistrate throughout Her Majesty's dominions in America, and also for any person holding a commission granted for that purpose by the Captain-General and Governor-in-Chief of Her Majesty's colonies and possessions in North America, or by any Lieutenant Governor or person administering the government of any or either of such possessions, to go on board of any ship, vessel, or boat within any port, bay, creek, or harbour of any of Her Majesty's dominions in British North America whatsoever, and also to go on board any ship, vessel, or boat hovering within three marine miles of any of the coasts, bays, creeks, or harbours of any such British possession whatsoever, and in either case freely to stay on board such ship, vessel, or boat as long as she shall remain within such port or distance; and if any such ship, vessel, or boat be laden in whole or in part with merchandize, and be employed for purposes other than the fishery, and be bound elsewhere, and shall continue so hovering for the space of twenty-four hours after the master shall have been required to depart, it shall be lawful for any of the above enumerated officers or persons to bring such ship, vessel or boat, into port, and to search and to examine her cargo (and to examine the master on oath touching the cargo and voyage), and if there be any goods on board prohibited to be imported into this province or any such British possession, or liable to any duties, whether colonial or imperial, upon due importation into any such possession, such ship, vessel, or boat, and the cargo laden on board thereof, shall be forfeited; but if the said ship, vessel, or boat shall be foreign, and not navigated according to the laws of Great Britain and Ireland, and shall have been found fishing or preparing to fish, or to have been fishing, within such distance of such coasts, bays, creeks, or harbours of any one of Her Majesty's said dominions in America, such ship, vessel, or boat, and their respective cargoes, shall be forfeited.

May demand questions.

II. And it is further ordered by Her Majesty, by and with the advice aforesaid, that it shall and may be lawful for the officer or person by whom any such ship, vessel, or boat shall have been boarded, as in the preceding clause is directed, to put to the master or person in command thereof all such questions as such officer or person shall deem proper to demand of him, touching the cargo and voyage of such ship, vessel, or boat

so boarded, and whether there be any goods laden on board thereof prohibited to be imported into any such British possession, or liable to any duties upon due importation into such possession, and whether the said ship be foreign, and how and where owned, and whether the same ship, vessel, or boat hath at any time been fishing or preparing to fish, or fishing, within such distances as aforesaid, and also upon any other point material in order to the enforcement of this order in council; and if the master or person in command shall not truly answer the questions which shall be demanded of him in such examination, or shall oppose or resist the search or examination of her cargo, or resist or refuse to proceed into port, if required thereto, for such examinations or search, he shall forfeit the sum of one hundred pounds.

Penalty of 100*l.* for refusing to answer questions, resisting search, &c.

III. And it is further ordered by Her Majesty, by and with the advice aforesaid, that all goods, ships, vessels, and boats liable to forfeiture under this order in council shall and may be seized and secured by any officer of Her Majesty's navy, or officer of Her Majesty's customs, officer of impost and excise, sheriffs, justices of the peace, magistrates, or other person holding such commission as aforesaid; and every person who shall in any way oppose, molest, or obstruct any officer of the navy or customs, officer of impost and excise, sheriff, magistrate, justice of the peace, or other person so commissioned and employed as aforesaid, in the exercise of his office, or shall in any way oppose, molest, or obstruct any person acting in aid or assistance of such officer of the navy, customs, officer of impost and excise, sheriff, magistrate, justice of the peace, or other person so commissioned and employed as aforesaid, shall for every such offence forfeit the sum of two hundred pounds.

Penalty for opposing officers.

IV. And it is further ordered by Her Majesty, by and with the advice aforesaid, that all goods, ships, vessels, and boats which shall be seized as being liable to forfeiture under this order in council, shall, at the discretion of the person, be taken forthwith and delivered into the custody of the principal officer of the customs at any port in any one of Her Majesty's North American possessions as aforesaid where some one of Her Majesty's courts of vice-admiralty hath jurisdiction; and such customs shall secure and keep the same in such manner as other vessels and goods seized are directed by the commissioners of the customs to be secured.

Officers of customs to take charge of seizures.

V. And it is further ordered by Her Majesty, by and with the advice aforesaid, that all goods, ships, vessels, boats, or other thing which shall have been under this order in council condemned as forfeited shall, under the direction of the principal officer of the customs or excise where such seizures shall have been secured, or as may be directed by the court in which the same shall have been condemned, be sold by public auction to the best bidder, and the produce of such sale shall be applied as follows; that is to say, the amount chargeable for the safe keeping, bringing into port, and custody of said goods, ship, vessel, boat, or other thing so seized as aforesaid shall be first deducted and paid, and the residue divided into two equal moieties, one of which shall be paid to the officer or other person or persons legally seizing the same, without deduction, and the other moiety to the Government, and paid into the treasury of this province, all costs incurred having been first deducted therefrom: Provided always, that it shall be lawful for the commissioners of the revenue to direct that any of such things shall be destroyed or reserved for the public service.

The produce of the sale to be divided between the seizer and the province. the costs being deducted from the latter.

VI. And it is further ordered, by and with the advice aforesaid, that all penalties and forfeitures which may be hereafter incurred under this order in council for the violation of these rules and regulations, shall and may be prosecuted, sued for, and recovered in any court of vice-admiralty having jurisdiction in any of Her Majesty's provinces, or in any part of Her Majesty's dominions in North America.

VII. And it is further ordered by Her Majesty, by and with the advice aforesaid, that if any goods, or any ship, vessel, or boat, shall be seized or forfeited for the violation of these rules and regulations, it shall be lawful for the judge of any court having jurisdiction to try and determine such seizures, with the consent of the person seizing the same, to order the delivery thereof, on security by bond, with two sufficient sureties, to be first approved by such seizing officer or person, to answer double the value of the same in case of condemnation, and such bond shall be taken to the use of Her Majesty, in the name of the collector of the customs in the province into which the goods, or ship, vessel, or boat may be brought, and such bond shall be delivered to and kept in custody of such collector; and in case the goods, or the ship, vessel, or boat, shall be condemned, the value thereof shall be paid into the hands of such collector, who shall cancel such bond, and distribute the money paid in such manner as above directed.

VIII. And it is further ordered by Her Majesty, and with the advice aforesaid, that after any ship, vessel, or boat, or the cargo thereof, or other goods, shall have been seized and brought into port under this order in council, the seizer, or some other person present at the seizure, shall be authorized, if he think fit, to detain and bring, as soon as possibly may be, two or three or more persons of the principal of the company or crew (whereof the master or mate, as the seizer thinks proper, to be always one,) of the ship, vessel, or boat seized, or the person or persons in possession of the goods seized, before the judge of the vice-admiralty court in the province or possession whereto such seizure shall have been brought, or his surrogate, or before such as shall be lawfully commissioned in that behalf, then and there to be sworn and examined upon such interrogatories as the said court shall appoint to be administered on such occasions, or

The seizer authorized to bring two or three of the persons on board the vessel seized before the judge of the vice-admiralty court or his surrogate, and to deliver to him the papers found on board.

as shall tend to the discovery of the truth concerning all such things and matters as it may be necessary to prove in respect of the prosecution to be instituted with regard to such seizure, or any forfeiture incurred by violation of this order in council; and that the said seisor or prosecutor shall at the time he produces such persons to be examined be further obliged to bring and deliver into the hands of the judge of the vice-admiralty court, or his surrogate, before whom such prosecution is designed to be had, or others commissioned as aforesaid, all such ship's papers, documents, and other writings as shall be delivered up or found on board the ship, vessel, or boat, or with the goods seized, the seisor, or some person present at the seizure, who saw the said papers and writing delivered up, or otherwise found at the time of the seizure, making oath that such papers and writings are brought in and delivered as they were received and taken, without any fraud, addition, subduction, or embezzlement, or otherwise to account for the same upon oath to the satisfaction of the court.

Seisor to defray cost of subsistence of such persons.

Provided always, that in every such case of the detention of any persons for examination as aforesaid, a reasonable sum of money be paid or tendered by the seisor to each person detained after coming into port, to defray the expense of the subsistence of such person during such detention, the amount of which subsistence the judge of the court is to decide, and allow on taxation.

Extends these rules, if not embodied in the rules and laws of Nova Scotia, to all the British North American provinces.

IX. And it is further ordered, by and with the advice aforesaid, that all of these rules and regulations which are not embodied in the rules and regulations and laws of Nova Scotia relating to the fisheries, and to the prevention of illicit trade in the province of Nova Scotia and the coasts and harbours thereof, shall extend to and over and comprehend the said province, as well as all other parts of Her Majesty's North American dominions, wherein by treaty the subjects of foreign countries are not permitted to trade or carry on the fishery.

By whom suits are to be prosecuted.

X. And it is further ordered, by and with the advice aforesaid, that no suit shall be commenced for the recovery of any penalty or forfeiture under this order in council, except in the name of Her Majesty, and shall be prosecuted by Her Majesty's advocate or attorney general, or in his absence by the solicitor general for the province where such suits shall be commenced; and if any question shall arise whether any person is an officer of the customs, excise, sheriff, or magistrate, or other person authorized to seize as aforesaid, viva voce evidence may be given of such fact, and shall be deemed legal and sufficient evidence.

Proof of illegality of seizure.

XI. And it is further ordered, by and with the advice aforesaid, that if any goods, ship, vessel, or boat shall be seized for any cause of forfeiture under this order in council, and any dispute shall arise whether the same have been lawfully seized, the proof touching the illegality thereof shall lie on the owner or claimant of such goods, ship, vessel, or boat, and not on the officer or person who shall seize and stop the same.

Claim to property seized.

XII. And it is further ordered, by and with the advice aforesaid, that no claim to any thing seized under this Act, and returned into Her Majesty's Court of vice-admiralty for adjudication, shall be admitted unless such claim be entered in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing be made by the owner or by his attorney or agent by whom such claim shall be entered, to the best of his knowledge and belief; and every person making a false oath thereto shall be deemed guilty of a misdemeanor, and shall be liable to the pains and penalties to which persons are liable for a misdemeanor within the province or possession where the seizure shall be prosecuted.

Claimants to give security.

XIII. And it is further ordered, by and with the advice aforesaid, that no person shall be admitted to enter a claim to anything seized in pursuance of these rules and regulations, and prosecuted within any one of Her Majesty's dominions in America, until sufficient security shall have been given in the court where such seizure is prosecuted, in a penalty not exceeding sixty pounds, to answer and pay the costs occasioned by such claim; and in default of giving such security such things shall be adjudged to be forfeited, and shall be condemned.

One month's notice of action.

XIV. And it is further ordered, by and with the advice aforesaid, that no writ shall be sued out against nor a copy of any process served upon an officer of the navy, customs, excise, sheriff, magistrate, justice of the peace, or other person authorized to seize as aforesaid, for anything done in the exercise of his office, until one calendar month after notice in writing shall have been delivered to him or left at his usual place of abode by the attorney or agent of the party who intends to sue out such writ or process, in which notice shall be clearly and explicitly contained the cause of action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent, and no evidence of the cause of such action shall be produced except of such as shall be contained in such notice; and no verdict shall be given for the plaintiff unless he shall prove on the trial that such notice was given, and in default of such the defendant shall receive in such action a verdict and costs, or judgment of nonsuit shall be awarded against the plaintiff, as the court shall direct.

Time limited within which the actions should be brought.

XV. And it is further ordered, by and with the advice aforesaid, That every such action shall be brought within three calendar months after the cause thereof occurred; and shall be laid and tried in some court of record in that part of Her Majesty's dominions in America whereto the vessel or thing seized was brought to be secured, and the defendant may plead the general issue, and give the special matter in evidence; and if

the plaintiff shall become nonsuited, or shall discontinue the action, or if, upon a verdict or demurrer, judgment shall be given against the plaintiff, the defendant shall receive treble costs, and have such remedy for the same as any defendant can have in other cases where costs are given by law. Complainant, if non-suited, or discontinues the action, to pay treble costs.

XVI. And it is further ordered, by and with the advice aforesaid, that in case any information or suit shall be brought to trial on account of any seizure made under these orders in council, and a verdict shall be found for the claimants thereof, and the judge or court before whom the cause shall have been tried shall certify on the record that there was probable cause for seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment, or other suit or prosecution on account of such seizure; and if any action, indictment, or other suit or prosecution shall be brought to trial against any person on account of such seizure, wherein a verdict shall be given against the defendant, the plaintiff, besides the thing seized, or the value thereof, shall be entitled to no more than two-pence damages, nor to any costs of suit; nor shall the defendant in such prosecution be fined more than one shilling. Verdicts in favour of claimants.

XVII. And it is further ordered, by and with the advice aforesaid, that it shall be lawful for any such officer of the navy, customs, excise, or sheriff, or magistrate, justice of the peace, or other person authorized to seize as aforesaid, within one calendar month after such notice, to tender amends to the party complaining or his agent, and plead such tender in bar to any action, together with other pleas; and if the jury shall find the amends sufficient they shall give a verdict for the defendant; and in such case, or in case the plaintiff shall become nonsuit or shall discontinue his action, or judgment shall be given for the defendant upon demurrer, then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only: provided always, that it shall be lawful for such defendant, by leave of the court where such action shall be brought, at any time before or after issue joined, to pay money into court as in other actions. Amends may be tendered to claimants.

XVIII. And it is further ordered, by and with the advice aforesaid, that in any such action, if the judge or court before whom such action shall be tried shall certify upon the record that the defendant or defendants in such action acted upon probable cause, then the plaintiff in such action shall not be entitled to more than two-pence damages, nor to any costs of suit. Justifications of seizing officers.

XIX. And it is further ordered, by and with the advice aforesaid, that all actions or suits for the recovery of any of the penalties or forfeitures imposed by this order in council may be commenced or prosecuted at any time within three years after the offence committed by reason whereof such penalty or forfeiture shall be incurred, any law, usage, or custom to the contrary notwithstanding. Recovery of penalties within a year.

XX. And it is further ordered, by and with the advice aforesaid, that no appeal shall be prosecuted from any decree or sentence of any of Her Majesty's courts within Her Majesty's dominions in America, touching any penalty or forfeiture imposed by these rules and regulations, unless the inhibition shall be applied for and decreed within twelve months from the time when such decree or sentence was pronounced. Appeals.

XXI. And it is further ordered, by and with the advice aforesaid, that every ship, vessel, or boat condemned or forfeited for the breach or violation of this order in council, in any of Her Majesty's courts of vice-admiralty in North America, shall be deemed and considered as standing in the same condition as vessels condemned in a court of vice-admiralty as prize of war, and shall be registered in like manner as vessels so condemned may be registered. Vessels condemned as forfeited may be registered.

XXII. And it is further ordered, by and with the advice aforesaid, that each and every of the courts of vice-admiralty in Her Majesty's North American colonies and possessions, established or to be established, shall have, possess, and enjoy, and is hereby declared to be invested with full right, power, and authority to take cognizance of, and judicially to proceed in, and to hear and determine, all and all manner of action and actions, suits, trespasses, mariners' wages, shares in fishing voyages whatsoever, contracts, grants, agreements, covenants, disputes, ships let to hire or freight, freight money, charter parties, controversies, and other causes of action whatsoever, howsoever and wheresoever arising, which respectively have at any time heretofore happened or arisen, or hereafter can happen or arise, in respect of any matter, dealing, trespass, cause, or thing whatsoever connected with or arising out of dealings, services, agreements, or transactions in anywise relating to the British fisheries in North America or elsewhere, so as the ship or vessel, or the fish or oil, or produce of animals living in the sea, or the masters of the vessels engaged in such fishing, or the owners thereof, be brought or do come within the jurisdiction and local limits of any such court of vice-admiralty, and whether such contracts or agreements were made on shore or otherwise; and in every such suit brought before any such court of vice-admiralty such court shall proceed as near as may be in conformity with the regulations established for the practice of such court. Courts of vice admiralty in the North American colonies to proceed by these regulations.

REPORT referring to Captain Milne's Report, and showing state of Fishery of Nova Scotia.

PROVINCE OF NOVA SCOTIA.

REPORT of the COMMITTEE on the FISHERIES.

In the House of Assembly, March 31, 1841.

THE committee on the deep sea Fisheries of Nova Scotia report that they have given the fullest consideration to the important subject referred to them, and are gratified at being able to state, that this branch of industry, notwithstanding the many obstacles which are cast in the way of the industrious class engaged in it, continues to prosper, but not with that vigour which ought to characterize this principal export of the colony.

The frequent appeals of the Legislature of Nova Scotia to the Home Government, for protection against the encroachment of foreigners, to ensure to the inhabitants of this country the full enjoyment of their reserved rights of fishery, your committee hope have been partly instrumental in calling forth a spirit of inquiry on this subject of such momentous importance to the lower provinces, and the report of Captain Milne of Her Majesty's ship *Crocodile*, relative to the fisheries of Newfoundland, and which is herewith submitted to the House, shows that the intercourse with foreigners injures our fishery on those grounds, and clearly points to some of the means by which such abuses may be redressed, the existence of which is so prejudicial to the true interests of those pursuing that avocation. Captain Milne considers the naval force employed for the protection of our fisheries too limited to ensure a vigilant and effective superintendence; and there is one paragraph of his report worthy of perusal by all interested, and which is marked by the frankness which characterizes that gentleman, and which your committee hopes will rouse the attention of Government to furnish a remedy. "As only *one* vessel is employed on the Newfoundland fisheries, it must be obvious on consideration that so vast a range of coast as there is included within its limits, extending around the island of Newfoundland along the south shore of Labrador, from sixty-four degrees west longitude to the straits of Belle Isle, and from thence indefinitely to the northward, cannot possibly be efficiently controlled or even visited by Her Majesty's ship employed on that service." This has been the cause, in a great measure, of the boldness of foreigners in transgressing the conventional limits on our shores; it has not been a want of energy on the part of Her Majesty's ships of war, but the inability to discharge the onerous duty imposed on their commanders, for unless the protection is ample, the oppressed fears to complain, lest he may be visited with the wrath of the accused when no friendly power is near to guard him, and by degrees he becomes a participator in the illicit conduct of those very people who are doing him and his country the greatest injury. By the same report it appears that illicit trade prevails between the French islands and Newfoundland; the fishermen of the latter exchanging bait for spirits and other merchandize, which is consumed without contribution to the revenue; a traffic demoralizing to those engaged in it and destructive to the fishery, by converting the British fisherman into a supplier of an article indispensable to the foreigner, and thus enabling him to prosecute with greater success the more profitable fishery, while his dupe remains supinely on shore, satisfied with the reward for which he rashly barter his birthright. This evil your committee knows exists in our more immediate fisheries and it is difficult to eradicate it; the foreigner must have bait, if restricted to the limits prescribed he cannot obtain it, or conduct successfully his voyage. Hence a disproportioned price is offered, and the temptation to the poor man is irresistible; perhaps the dissemination of that knowledge which convinces the intelligent of the prejudicial tendency of such trade, is likely to prove the most permanent and effectual check. "I have also," says Captain Milne, "been made acquainted that smuggling to a very considerable extent is carried on along the south shore at Labrador by American vessels resorting to that coast for the fishery. This illegal trade consists of provisions brought from the United States in a greater quantity than is sufficient for their own consumption during the season, and therewith, secretly carrying on illicit trade in every port and river on the above shore; nor do I see any means by which so extensive an evil to the British merchant and to the colonies can be possibly suppressed, unless by the interference of the Home Government." To aid in breaking up this system he recommends employment by the colonies of small fast-sailing vessels, which can approach these violators of the law with greater facility, and follow them into shoal water, or chase them on the seas; and in confirmation of that gallant officer's views, your committee have satisfaction in reporting, that such has been the result of employing similar craft by this colony for that service; but it is in vain to attempt the total suppression of such destructive and contaminating intercourse, without the vigorous interposition of the Home Government, for whilst this colony has established cutters to protect the fisheries, the adjoining provinces appear indifferent to this great object, as far as your committee can gain information, and on their shores and in their waters, when driven from ours, the foreign fisherman violates existing treaties with impunity. To the Home Government your committee, concurring with the writer of the report, turns for redress, with the full conviction that when rightly informed that Government will extend its protection to the British subject, however remote his residence or humble his occupation. Your committee further report, that the export of fish from Nova Scotia, by the official returns made under order of this House in the year ending the 5th January last, amounts to 327,026 quintals of dry fish, 71,676

barrels and 1,137 tierces and 3,643 kits of pickled fish, 27,755 boxes of smoked fish, 2,553 barrels and 4,661 casks of oil, and 17,735 seal skins and 2 casks of seal skins, the value of which exceeds 500,000*l.*, and the taking of which employed upwards of 60,000 tons of shipping. The committee regret that there is no mode of ascertaining the number of persons actually engaged in the fishery, and in curing and packing such a valuable export, but annex a statistical table showing the ports to which shipments have taken place, whence it appears that this commodity is a valuable staple of the province, and the chief support of our foreign commerce. The committee suggest that some means should be adopted to procure accurate accounts of the numbers engaged in that pursuit, for when they reflect that the above quantity has been exported, and no account furnished of the home consumption, which is at least equal, and when compared with the fishery of the United States it becomes apparent that these fisheries are of incalculable national benefit, and ought to be fostered in every manner by the Legislature.

The committee have procured a statistical table showing the extent of the fishing interest in Massachusetts, the state principally engaged in this branch of commerce, whence it appears, that for the year ending 1st April 1837 (since which no authentic report appears to have been made) the catch was 510,554 quintals of codfish, valued at \$1,569,517, and 234,059 barrels of mackerel, valued at \$1,639,042, employing 1,290 vessels and 11,146 hands; and this business is increasing yearly, being cherished by the Government as tending to advance the commerce of the republic, and to furnish seamen for its defence, while the British fisheries receive no pecuniary encouragement, but little protection, and are left entirely to individual enterprise, subject to fluctuation, and deprived by the local legislature of obtaining provisions and supplies duty free, a boon intended by the Imperial Government.

The committee conceive it their duty again to press on the consideration of the House the advantages of extending a fostering hand towards a class of subjects having just and strong claims for legislative protection. They exceed 10,000 in number; their employment strengthens manly vigour; the mine of wealth in which they labour is inexhaustible, it lies contiguous to their home; for 450 miles of ocean, which laves the rugged shores of Newfoundland, is the favourite resort of the cod, and the clear waters of the lower provinces the favoured habitation of mackerel and herring; it affords a nursery for seamen, without whom these provinces can never be elevated to national importance. Nova Scotia, with her tributary isles, must use the ocean for her highway, and she cannot maintain her right to traverse its waters unless her sons are trained to a profession which enables them to combat with the elements, and renders them conversant with the dangers of the deep.

Your committee further report, that the encroachment of American citizens on the reserved fishing grounds of the province continues, although partially checked by the exertions of those in command of the revenue cutters. The system of fishing adopted by them at the Magdalen Islands, unless suppressed, will, as has already been reported to this House, destroy the fishery altogether. The herring quit the arctic regions, resort to and swarm in those waters. This migration is for the purpose of spawning, as after this process is completed they quit the temperate latitudes and repair to the north; the spawn, after being discharged by the parent fish, floats on the waves for a portion of the spring, and in the beginning of summer the small fry are seen in myriads. The fish taken in the early part of the season are pregnant with eggs,—a destructive cause of diminution; but the Americans land on those islands, and add to this seine fishing, by which the fructifying spawn and small fry are destroyed, while yet too weak to descend to the deep, or to escape the voracity of the tribes of the ocean.

Your committee further report that foreign vessels engaged in the bank fishery resort to those islands and the shores of the Gulf to procure bait; they dig clams, and sweep seines in those waters, in violation of the terms of the treaty, to the prejudice of the inhabitants, and, as has been shown, to the injury of the fishery. That they will continue to do so is manifest, for they cannot obtain bait with equal facility elsewhere; and therefore they recommend that an address should be transmitted to Her Majesty on this subject, humbly praying Her Majesty to pass rules and regulations for the fishery in those waters, or to place those islands under the government of some of the lower provinces interested in the protection of the fishery, so that such encroachments may be repelled, and the destructive system of fishery be prohibited.

The committee further report that the demand for pickled fish, particularly mackerel, increases beyond the supply produced by shore fishing; and that great benefit would result by inducing many of those engaged in the coasting trade to return to the occupation they have been trained to, and therefore recommend that a tonnage duty should be allowed on all vessels employed in catching mackerel in deep water; thus offering competition to the Americans in the fishery, and producing a force to aid in checking their lawless practices on our shores.

The committee have examined the accounts of expense of revenue cutters for the last year, and find them correct.

The John and Louisa Wallace cost	-	-	-	£692	4	10½
The Rival	-	-	-	617	19	4
The Victory	-	-	-	767	12	9

500*l.* was voted for the support of each, and the deficiency to be provided is, 681*l.* 15*s.* 6*d.*

The accounts are herewith returned, numbered 1, 2, 3, and 4; also, an account of the seizures and vessels detained by said cutters, numbered 5, 6, and 7, by which it appears that 28 vessels have been seized for violation of the fishery regulations, and for illicit trade, of which number 11 fishing vessels of the United States have been condemned in the Court of Vice Admiralty of Nova Scotia, and the rest restored on payment of penalties. Extensive seizures of goods have also been made in consequence of the detention of the *Glory* at Arichal, a proportion of which, together with one moiety of the above seizures, after deducting the expenses of condemnation, remains to the credit of this branch of service. They therefore recommend a continuation of those vessels for another year, being quite satisfied that much good has and will continue to result from their employment.

The committee do not report favourably to the petition of Daniel Gallagher; they sympathize with those who have sustained heavy losses during the gales of last autumn, amounting, as your committee are fully convinced, to upwards of 20,000*l*, but cannot urge upon this House the granting of any money, as it would establish a precedent sanctioning applications for all private losses, and occasion a perversion of the provincial revenue.

The committee recommend that Her Majesty's Government should be urged to make orders, rules, and regulations for the proper government of the fisheries of the British North American provinces, particularly at the Magdalen Islands; that the existing treaties, and the rights of the inhabitants of the provinces under them, should be more distinctly defined; that his Excellency the Lieutenant Governor should be authorized to obtain the opinion of Her Majesty's law officers of the Crown in England on a case stated, raising all the necessary questions as to the right of fishery which the people of these colonies possess; that those rights should then be protected by the Government, which can only be accomplished by the use of steam boats, or such vessels as can approach the violators of the treaties at all times.

That the revenue cutters should cruise on the same grounds as last year, and the masters be instructed to make seizures in the Gut of Canso and Bay of Fundy; that a formal adjudication may be made as to the right of fishing vessels to pass through the former, or take fish in the headlands of the latter, your committee being convinced that strenuous exertions should be made at this crisis to repel encroachments on the reserved fishery of the Lower Provinces, and to awaken the people to their rights and the vital importance of this subject, so that in any future adjustment of the momentous causes of dissatisfaction now open between Great Britain and the adjoining republic no concessions may be made to sanction further participation in this inexhaustible mine of wealth, the products of which expand our commerce over the broad surface of the world, give employment to thousands of every age and sex, foster a class of intelligent and brave men, who in peace are the chief stay of commerce and in war a formidable force to combat the enemy on the ocean which laves our almost insular shores.

Committee room March 28, 1841.

JAMES B. UNIACKE, Chairman.
W. F. DESBARRES.
R. CLEMENTS.
PETER SPEARWATER.
JOHN J. MARSHALL.

Port of Halifax, Nova Scotia.

MEMORANDUM of the Quantity of Fish, Fish Oil, and Seal Skins exported from this Province in the Year ended January 5, 1841.

To where.	Fish.					Oil.		Seal Skins.	
	Dry.	Pickled.			Smoked.	Casks.	Barrels.	No.	Casks.
	Quintels.	Tierces.	Barrels.	Kits.	Boxes.	Casks.	Barrels.	No.	Casks.
Great Britain -	.56	-	140	2	119	2,019	150	-	2
British N. A. Colonies	12,555	-	11,262	-	14,250	665	356	-	-
British West Indies -	232,541	888	38,393	3,113	11,547	972	1,999	-	-
United States -	-	249	13,182	218	1,637	-	-	17,557	-
Foreign West Indies -	14,065	-	1,001	45	62	45	24	-	-
Brazils -	17,963	-	-	-	-	-	-	-	-
Mauritius -	274	-	108	49	-	-	-	-	-
Africa -	42	-	27	216	140	-	-	-	-
Foreign Europe -	5,335	-	-	-	-	-	-	-	-
Western Islands -	288	-	1	-	-	-	24	-	-
From Cape Breton -	44,807	-	7,562	-	-	960	-	178	-
Total -	327,026	1,137	71,676	3,643	27,755	4,661	2,553	17,735	2

Extent of the Fishing Interest in Massachusetts.

STATEMENT, compiled from the Statistical Tables published by Order of the Legislature of Massachusetts, indicating the Extent of the Fishing Interest of the Commonwealth, for the Year ending April 1, 1837. The Whale Fishery not included.

Vessels employed in the cod and mackerel fishery	- - -	1,290
Tonnage of the same	- - -	76,089
Number of quintals of codfish caught	- - -	510,554
Value of the same	- - -	\$ 1,569,517
Number of barrels of mackerel caught	- - -	234,059
Value of the same	- - -	\$ 1,639,042
Number of bushels of salt used in cod and mackerel fishery	-	837,141
Hands employed	- - -	11,146
Capital invested	- - -	\$ 2,683,176

Received and adopted.

In the House of Assembly, April 8, 1841.

RESOLVED, that his Excellency the Lieutenant-Governor be respectfully requested to call the attention of Her Majesty's Government to the report adopted by this House on the subject of the fisheries, and to urge Her Majesty's Government to give effect to the suggestions therein contained.

(Signed) JOHN WHIDDEN,
Clerk.

APPENDIX No. 7.

[Enclosed in Sir E. HEAD'S Despatch (97.) 4 April 1849. Page 123.]

REPORT on the FISHERIES of the GULF OF ST. LAWRENCE, by M. H. PERLEY Esq., Her Majesty's Emigration Officer at St. John, New Brunswick.

Government Emigration Office, Saint John, New Brunswick,
March 5, 1849.

SIR,

THE instructions of the provincial secretary, dated 26th October, 1846, with reference to certain inquiries to be prosecuted by me, in connexion with the survey by Her Majesty's Government of a line for a trunk railway from Halifax to Quebec, directed me to ascertain what encouragement the proposed trunk line, or its branches, would give to the fisheries, and the facilities for prosecuting them in the Gulf of Saint Lawrence, and on the coast of Labrador; and I was also directed to furnish some account of the description and value of the sea and river fisheries in the several counties which might be traversed by the trunk line of railway, or any of its principal branches.

The Commissioners for the survey of the proposed trunk line having presented their report, and pointed out a very favourable route for the construction of this great national railway along the eastern shores of New Brunswick, bordering on the Gulf of Saint Lawrence, and the route for a very important branch of such trunk line from Shediac to Saint John having been surveyed during the past season, I am now enabled to submit the annexed report on the fisheries of the Gulf of Saint Lawrence.

This report is presented with great deference, and with the hope that it will be viewed, not as furnishing full and perfect information, but simply as stating certain facts which may serve as the basis for more extensive inquiry.

I have, &c.

M. H. PERLEY,

H. M. Emigration Officer.

The Hon. John R. Partelow,
Provincial Secretary, &c. &c. &c.

REPORT.

There is probably no part of the world in which such extensive and valuable fisheries are to be found as within the Gulf of Saint Lawrence. Nature has bountifully provided within its waters the utmost abundance of those fishes which are of the greatest importance to man, as affording not only nutritious and wholesome food, but also the means of profitable employment.

These fisheries may be prosecuted as well in the open waters of the gulf as within every bay, harbour, creek, cove, and inlet in connexion with it. Whether on the bleak and sterile coast of Labrador, or on the western coasts of Newfoundland and Cape Breton, or along the eastern shores of Nova Scotia and New Brunswick, or within the Bay of Chaleur, or around Prince Edward Island, Anticosti, or the Magdalen Islands, the fisherman may pursue his labours with nearly equal chances of success, and the full prospect of securing an ample reward for his toil.

With such valuable and unlimited fisheries in close proximity to these colonies, and as it may be said at the very doors of the inhabitants, it is no less strange than true, that they are prosecuted to the greatest extent, and with most profit, by citizens of France and of the United States.

The French exercise an almost exclusive right of fishing upon the western coast of Newfoundland, the fertility and great mineral wealth of which have only recently become known, and are not yet fully appreciated.

From seven hundred to eight hundred sail of American fishing vessels enter the Gulf of Saint Lawrence annually; and scattering over the whole of its wide extent, with little heed of the limits to which they are restricted by treaty, pursue their business unmolested, and but rarely leave their stations without full and valuable fares.

The Jersey merchants also prosecute these fisheries with great zeal and assiduity, and, as it is believed, with much profit. They have permanent establishments and fishing stations in Gaspé, Labrador, and Newfoundland, and two or more establishments in New Brunswick; but they by no means confine themselves to any particular locality. They employ upwards of one hundred vessels almost exclusively in carrying the rich products of the deep to various foreign markets, besides the smaller craft required upon the coast. Two of the leading Jersey firms, Messieurs Robin and Company, and Nicolle Brothers, are supposed respectively to afford employment, directly or indirectly, to nearly one thousand persons.

The inhabitants of those shores of Cape Breton and Nova Scotia which are within the gulf, pursue the fisheries in their immediate neighbourhood to a moderate extent; and a few of their vessels visit the Magdalen Islands and the Labrador coast during the season. The people of Prince Edward Island, who are favourably placed for securing a goodly portion of the riches of the sea, make still more limited efforts; but their efforts can scarcely be described as more limited or more feeble than those of the people of New Brunswick, who dwell upon its shores from Bay Verte to the western extremity of the Bay of Chaleur, those shores commanding as great an extent and variety of fishing ground, and as abundant supplies of valuable fish of every description, as can be found in any other part of the unrivalled Gulf of Saint Lawrence, while they possess equal and perhaps superior facilities for prosecuting its fisheries both extensively and profitably.

The most valuable fisheries of the gulf are those for herring, cod, and mackarel. But before entering upon the question of their encouragement and extension, by increased facilities of communication, it will be proper to give some description of each. With this view they will be taken up in the order of the fishing season; after which, the secondary fisheries of the gulf will be briefly noticed.

THE HERRING.

The common herring (*clupea harengus*) appears in the Gulf of Saint Lawrence at the end of April or early in May, and the fishing continues until about 10th June, when they retire to deep water, having deposited their spawn. These "spring herring," as they are termed, are taken in "set nets" along the whole eastern shore of New Brunswick, around Miscou Island, and within the Bay of Chaleur. Being caught while in the very act of spawning, they are then thin and poor, of little value as an article of food, whether fresh or salted. They generally reappear about the 20th August, and remain in shore for a month; they are then fat and in good condition, furnishing excellent food, and a valuable commodity for export. It is admitted, that when first caught, these "fall herrings" are fully equal in every respect to the best Scotch herrings; and if they were cured in the Dutch manner, this fishery, from the increased price and demand, would become one of the most important and valuable fisheries of the gulf.

The herring is the animal delicacy of Holland, and there enjoys a very different reputation from that of the common salt herring of Britain or America; yet the fish of both Holland and Britain are the same, being caught on the same fishing grounds, and those of North America are in no respect inferior.

The Dutch mode of curing herrings is thus described by Mr. Chambers in his "Tour in Holland in 1838." "Immediately on being caught, the herrings are *bled, gutted, cleaned, salted, and barrelled*. The bleeding is effected by cutting them across the back of the neck, and then hanging them up for a few seconds by the tail. By being thus relieved of the blood, the fish retain a certain sweetness of flavour, and delicacy of flesh, which *unbled herrings cannot possibly possess*. The rapidity of the process of curing, must likewise aid in preserving the native delicacy of the animal, for the herring lies salted in the barrel in a very few minutes after it has been swimming in the water. I was assured that the superiority of the Dutch herrings is solely ascribable to this mode of curing."

The greater mercantile value of the Dutch herrings on the continent of Europe being found to arise solely from this mode of curing, the Commissioners of the British fisheries (in Scotland) were induced to devote great attention to it, and to urge its general adoption by every means in their power. Their officers and inspectors were directed to brand every barrel of herring cured according to the Dutch mode, with the figure of the crown. In their official report for 1844 the Commissioners state that, "the unprecedented demand from the Continent for crown brand herrings, is a sufficient proof of

“ the care with which the integrity of the brand is preserved, as well as of the high value which is set upon it in all the continental markets. It was the strong conviction impressed upon the minds of the Commissioners of the vital importance of preserving the integrity of the brand which compelled them to exercise the painful duty of dismissing from the service one of the Board's oldest officers. As he had branded a cargo of herrings, which afterwards went to Hamburg, where they were complained of as having been found unworthy of the brand, the Board dispatched the general inspector of the east coast to that place, in order that he might rigidly examine the contents of all the barrels; and on receiving an unfavourable report as to the result of his investigation, the officer was immediately dismissed. The effect of this prompt measure has been to raise the character of the brand even higher in the estimation of the foreign fish merchants, to whom the circumstances were generally known. It is by the preservation of the purity of the official brand that the produce of the British herring fishery is to be upheld in character abroad, and the demand for it largely extended in foreign markets.”

As a proof of the gradually increasing confidence which the Crown brand received on the continent, the Commissioners furnish a statement of the number of barrels exported to the continent during the preceding seven years, commencing with 57,388 barrels in 1837, and annually increasing to 181,853 barrels in 1843.

The Commissioners further say, “ An extensive export merchant has given it as his opinion, that if great care shall be continued in the selection, cure, and official inspection of the fish, the continent of Europe would consume more British herrings than are now caught in our fisheries. Although they have to contend with all the disadvantages of a duty levied on them of 10s. per barrel, British herrings are now brought into competition with Belgian fish in their own markets, and are annually diminishing the sale of Dutch herrings, by furnishing part of the supplies in markets formerly entirely dependent on them. By this means their price has been so reduced, that the number of ‘busses’ fitted out for the deep-sea herring fishery has been already considerably diminished.”

In their report for 1845 the Commissioners say, “ The increasing demand for British herrings of late years in Germany arises from their moderate price, their careful selection, their superior cure and quality, and, above all, from the security which dealers have in the official brands. The general stipulation between sellers and buyers is, to deliver and receive “Crown” and “full” branded herrings; and Mr. Miller, the inspector of the east coast, states, in a report made to the Board of the information gathered by him during a short tour of inquiry made by order of the Commissioners, that he has the authority of a firm at Stettin for stating that they sold about 40,000 barrels of Crown and full branded herrings last year, which were everywhere received without objection. The inspector found British herrings at Berlin, Wittemberg, Leipsic, Frankfort, Cologne, and Brussels, and he saw several parcels in transit for more distant parts; the barrels were all Crown and full branded, and the fish were in fine condition, all well meriting the official brand, and much approved by every one. He frequently inquired for Dutch herrings, and was uniformly shown British herrings as Dutch; and when he stated to the vendors that they were British, they always insisted that they were Dutch, and they sold them as Dutch. So general is the use of British herrings on the continent, that at Embden, where a few years ago fifty vessels were annually fitted out for the fishery, and a bounty of about 50*l.* paid to each, the number of vessels was reduced to twelve, notwithstanding the continuation of that bounty. The inspector general learned from the British consul at Frankfort that the navigation of the Rhine to Mayence or Frankfort has not been attempted by vessels laden with British herrings, in consequence of the jealousy of the Dutch, who throw insuperable obstacles in the way. Those herrings which have been sent thither were transhipped at Rotterdam, when the charges levied in Holland proved to be almost prohibitory. But as the prospect has arisen of immediate transport by a canal connecting the Maine with the Danube, the catholic countries of Bavaria, Hungary, and Austria may be expected to afford new markets for our herrings, when the navigation of the Rhine may be attempted, or when the railway from Antwerp to Cologne may be employed.”

These extracts from official reports of the highest character, show most clearly the increased value which the Dutch mode of curing gives to British herrings; while the careful inspection, and the rigid measures adopted to preserve the integrity of the official brand, indicate in the strongest manner the necessity for a similar inspection in New Brunswick. At present, from the entire absence of both skill and care, one of the most prolific and most valuable fisheries of the gulf is rendered of the least value, and there is a complete waste of the bounties of Providence. Herrings are taken in the largest quantities at a season when they are almost unfit to be eaten, because they are then caught with the greatest ease and at least expense, and thousands of barrels are found of so little worth that they are used to manure the land, or are left to rot upon the beaches.

In the autumn, when the herrings are in fine condition, they are taken during a few weeks only, because our fishermen are quite ignorant of the proper mode of curing to render them of value, and are not aware of the manner of using drift nets in deep water,

which is so successfully practised by the herring fishers of Loch Fyne and other noted stations in Scotland. By a similar manner of fishing our fishermen could continue to catch herrings until the latest period of the fishing season, and those taken last would be found of the finest quality. The mode of fishing by drift nets is thus described by Mr. Yarrell, in his admirable work on British fishes :—

“ The net is suspended by its upper edge from the drift rope by various shorter and smaller ropes called buoy ropes ; and considerable practical skill is required in the arrangement, that the net may hang with the meshes square, smooth, and even in the water, and at the proper depth ; for, according to the wind, tide, situation of their food, and other causes, the herrings swim at various distances below the surface.”

“ The size of the boat depends on the distance from shore at which the fishery is carried on ; but whether in deep or in shallow water the nets are only in actual use during the night. It is found that the fish strike the nets in much greater numbers when it is dark than while it is light, the darkest nights, therefore, and those in which the surface of the water is ruffled by a breeze, are considered the most favourable. It is supposed that nets stretched in the daytime alarm the fish, and cause them to quit the place where that practice is followed ; it is therefore strictly forbidden.”

Many thousands of barrels of the inferior “ spring herring ” are taken at the Magdalen Islands every season, at the period when they approach the shores of those islands to deposit their spawn. They are then very poor, and as but little care is taken in curing them they often prove unfit for human food. They are caught in large seines, which require fifteen or twenty and sometimes forty men to manage them ; and they are capable of enclosing and bringing to the shore from 200 to 1,000 barrels at a single haul. When taken from these seines, it is the common practice to put them in the holds of the vessels, without washing, bleeding, or divesting them of their offal. They are salted “ in bulk,” as it is termed, and so they remain until the vessel arrives at the port whence she sailed, whether in the colonies or in the United States. They are then taken out, and packed in barrels, sweltering in all their impurity ; but whole cargoes frequently prove worthless as food, and are then used for dressing grass land.

The number of barrels of herrings exported from the several ports in the counties of Restigouche, Gloucester, Northumberland, and Kent, during the last eight years, is thus stated :—

Ports.	1841.	1842.	1843.	1844.	1845.	1846.	1847.	1848.	Totals.
Restigouche -	13	—	—	—	41	—	75	—	129
Bathurst -	—	—	—	20	52	—	—	280	352
Caraquet -	26	87	16	50	110	437	396	28	1,150
Miramichi -	140	346	219	1,080	3,732	1,192	1,189	—	7,898
Richibucto -	—	—	100	—	49	120	93	48	410
Totals -	179	433	335	1,150	3,984	1,749	1,753	356	9,939

A large proportion of the herrings exported from Miramichi are of the description best known as the Gasperaux or Alewife (*clupea vernalis*), which leave the sea, and ascend most of the rivers of the gulf to spawn. They are a thin dry fish, much inferior to the sea herring when salted. They find a market in the West Indies, as from their leanness they are less liable to spoil in a hot climate than the fat herring.

From the preceding table it appears clearly, that beyond furnishing some portion of the food of the inhabitants of the northern counties of New Brunswick, the magnificent and unlimited herring fishery of the Gulf of Saint Lawrence and Bay of Chaleur barely furnishes a sufficient quantity for export to prevent herrings being altogether omitted from the returns.

Of all the fisheries of the Gulf of Saint Lawrence, none could be increased to a greater extent or would furnish a more valuable export than the herring fishery, if placed under judicious regulations, and conducted with greater skill and care. The manner of taking herrings by drift-nets in deep water requires to be generally known and adopted. At present these excellent and truly valuable fish, which exist in the gulf in myriads during the latter part of the season, when they are in the finest condition, are only caught in sufficient quantities to furnish bait for cod.

The Dutch mode of curing also requires to be introduced, in order that the full flavour and fine quality of the fish may be preserved. If cured according to this approved mode, and properly packed in barrels of hard wood bearing an official brand (on which full reliance could be placed), to denote the quality of the fish within, the herrings of the Gulf of Saint Lawrence would find a ready market throughout the whole extent of Canada, and would find their way by inland navigation and the great lakes to the most western States of the Union, where there exists a large and constantly increasing demand. To other parts of the United States and to foreign ports elsewhere,

they might be profitably exported if they could reach Saint John at all seasons at a moderate charge.

The herring fishery of the gulf would be more benefited than any other by the construction of railways, and the increased facilities for communication which they would afford. No other description of fish would probably furnish so large an amount of railway traffic; as, if once properly established, this fishery, which can now be scarcely said to exist, might be prosecuted to an almost unlimited extent.

THE COD.

This fishery commences from the 1st to the 10th June, and continues until the end of November. It may be prosecuted in every part of the Gulf of Saint Lawrence to a greater or less extent. The principal fish caught differs but little from the *gadus morrhua* of Linnæus, or ash-coloured cod. There are besides two varieties, known as *gadus rupestris*, the rock cod, and *gadus arenosus*, the shoal cod.

Near the shores of New Brunswick, the best fishing grounds, or rather those most frequented, are from Point Escuminac to Miscou, and thence along the Bay of Chaleur to the Restigouche.

The inhabitants of the county of Gloucester prosecute the shore fishery to a greater extent than any others on the New Brunswick coast. Their principal stations are Miscou, Shippegan, Caraquet, and Grand Aunce. They go out in boats, from one to fifteen miles from the land, in the morning, and when at the longer distance do not return until the evening of the following day. The boats are undecked, and measure from twenty to twenty-six feet keel. They have two fore-and-aft sails, and a jib. Each boat is managed by two men, and frequently there is with them a boy. Each man has two lines from thirty to forty-eight fathoms in length, and they are also furnished with mackerel lines, spare leads, and hooks. The boat has oars, an anchor and rope, compass, and small oven for cooking. The cost is about 18*l.* for each boat, with complete outfit. The fishermen generally build their own boats during the winter. The keel is of birch, the timbers of cedar, and the planks of pine or cedar. A boat will last from six to eight years, and so will the sails also, with care.

The quintal, by which cod are always sold, is 112 lb. of dry fish. It is considered a good day's fishing at Miscou for one of these boats to take ten quintals of fish, which they frequently do. When first caught, 112 of the small fish and thirty of the large size are reckoned to the quintal.

Nearly all the fishermen of Shippegan and the Bay of Chaleur split, salt, and cure their own fish. When they do not, 282 lbs. of green fish, salted and drained, are given to curer to return 112 lb. of merchantable dry fish.

The boats as they return from the fishing banks run alongside a stage built over the water upon which the fish are thrown out. The first man that handles the fish cuts its throat with a single stroke of his knife, and slides it along a sort of table to another, who whips off the head, and drops it, with the entrails, through a hole in the table into the water underneath, retaining only the liver, which is thrown into a tierce to make oil. The next man splits the fish, and takes out the backbone. On the manner in which these operations are performed the quality of the fish for market in a great degree depends. They are then washed and rubbed with salt, in which they remain for six or eight days; then, being again well washed, they are placed in what is called a "horse-pile," to drain. After draining twenty-four hours, they are spread out to dry on long narrow wicker frames or stages, set up on purpose, called "flakes." They require to be frequently turned to prevent their being "sun-burnt" or "salt-burnt," and they cure in about three weeks. It is not well to cure them too fast. They are best when dried moderately.

After the fish are sufficiently cured they are collected and laid in small circles with the tails outwards; these circles are continually built upon, each row being larger than the one below it, until the pile is about three feet high, when the circles begin to diminish so as to form a conical roof, this is covered with birch bark, and stones are placed upon it. The piles are thus rendered impervious to the heaviest rains; and in this position the fish are left to season before being packed for exportation.

The Bay of Chaleur cod are more prized in South America, and will at all times sell there more readily, and at higher prices, than any other. They are beautifully white, and being very dry can better withstand the effects of a hot climate and long voyage than a more moist fish. The peculiarity of their being smaller than cod caught elsewhere is also of great importance as regards the South American market, for which they are packed in tubs of a peculiar shape called "drums," and into which they are closely pressed by means of a powerful screw.

The usual baits for cod on the New Brunswick coast and in the Bay of Chaleur, are capelin, in the early part of the season, and afterwards herrings and mackerel; when no other bait can be had, clams are used.

The capelin (*salmo groenlandicus*) is a beautiful little fish, from four to seven inches in length; the under jaw longer than the upper, the colour of the back greenish, the under surface of the body silvery. They usually appear about Miscou and in the Bay of Chaleur early in May, but sometimes not until near the end of that month. The cod

fishery does not fairly commence until the arrival of the capelin, which continue near the shores until the end of July.

There has been great complaint of late years in the upper part of the Bay of Chaleur of the falling off in the cod fishery, which is said to be every year decreasing. At Carleton, Maria, New Richmond, and other places on the Gaspé shore, the fishing establishments are deserted and going to ruin. At these places there was formerly an abundant supply of fish; but the inhabitants now barely catch enough for their own winter store.

This decrease is also felt on the New Brunswick shore. The settlement of Petit Rocher sends out about fifty boats only, which average a catch of fifty quintals each during the season. The Pockshaw coast sends out a few boats, but they only fish occasionally. The Caraqueet and Shippegan boats, further down the bay, take more than 100 quintals each during the season, which are of better quality than those taken off Petit Rocher. The decline of the cod fishery in the upper part of the bay is attributed to the wanton destruction of the proper and natural food of the cod, herring and capelin, which are taken in immense quantities, not for immediate eating, or for curing, or for bait, but for manuring the land!

In a representation made to the Canadian Legislature by a fisherman of Gaspé, it is stated that this fisherman has seen 500 barrels of capelin taken in one tide expressly for manure; and that he has also seen 1,000 barrels of herrings caught at one time, and not taken away, but left to rot upon the beach!

It has been remarked, in the Bay of Chaleur, that owing to this waste of the smaller fish the cod fishery recedes as agriculture advances. The lazy farmer, who thinks he can increase the fertility of his land by a single sweep of his seine, does so at the expense of the fisheries, although a bountiful Providence has furnished the shores with inexhaustible quantities of kelp, and sea-weed, and other valuable manures, which really enrich the soil, while it is admitted that the use of fish greatly deteriorates it.

The Legislature of Canada has been strongly urged to make it a misdemeanor, punishable by fine and imprisonment, for any person to use either herring or capelin as manure; and such a measure would seem to be highly desirable in New Brunswick. To be effective there should be similar regulations on both sides of the Bay of Chaleur.

The deep-sea fishery for cod is not prosecuted to any great extent in the gulf by the people of New Brunswick. A few schooners proceed from the fishing stations in the county of Gloucester, already mentioned, to the Bradelle Bank, about fifty miles from Miscou. In the summer of 1839 H.M.S. *Champion*, in sailing from the East Cape of Prince Edward Island to the Bay of Chaleur (crossing the Bradelle Bank), passed through a fleet of 600 to 700 sail of American fishing schooners, all engaged in cod fishing.

The vessels of Gaspé frequently resort to Anticosti, off the eastern end of which island cod are often taken in great abundance and of good quality.

The excellent fishery on the Labrador coast is prosecuted almost wholly by the Americans, and by vessels from Newfoundland, Canada, and Nova Scotia. The vessels usually employed are schooners of seventy or eighty tons burden, and they arrive on the coast about the end of May. Every part of the coast is frequented by fishing vessels during the season, from Mount Joli, at the southern boundary of Labrador, to the northern extremity of the Straits of Belleisle. On reaching the coast the vessel enters some snug harbour, where she is moored, and there remains quietly at anchor until a full fare, or the departure of the fish, requires the master to seek another inlet, or return home.

The fishery is carried on entirely in boats, and the number found most useful is one for every thirty tons of the vessel. There are two men to each boat. If fish are in plenty, and not too distant from the vessel, they are expected in good weather to get two loads each day. The return of the boats with fish is the signal for the dressing crew, who remain on board to commence their operations. If it is intended that the vessel shall remain on the coast until the fish are ready for market, they are taken on shore as caught, and there dressed, salted, and dried, before being put on board the vessel. But it is the more common practice, especially with vessels from the United States, to salt the fish on board, and take their cargoes home in a green state, drying them after arrival.

The vessels from Nova Scotia and Canada in general carry their cargoes home in a green state.

About 300 schooners from Newfoundland resort to the Labrador coast every season, during which they usually make two voyages. When they first return from the coast they take home a cargo of dry fish; but on the second return voyage a considerable proportion of the fish is in a "green" or pickled state, and is dried at Newfoundland.

The Labrador coast is indented every where with excellent harbours, which have been frequented for a very long period. From the security of these harbours, and the general certainty of an ample supply of fish, this coast is preferred by many fishermen to any other fishing station within the gulf.

The average produce of this fishery may be estimated at ten quintals of dry fish to every ton of the vessels employed; but the masters of the American schooners are dissatisfied when they fail to catch twelve or thirteen quintals per ton. The baits are principally the capelin and the herring, both of which abound on that coast. The herrings taken at Labrador in the latter part of the season are considered very fine, yet they are not caught as a chief object of pursuit, but merely as an adjunct to the cod fishery.

The quantity of dried cod exported from New Brunswick ports on the Gulf of Saint Lawrence, during the last eight years, is thus stated in quintals :—

PORTS.	1841.	1842.	1843.	1844.	1845.	1846.	1847.	1848.	Totals.
Dalhousie -	—	—	500	—	—	—	—	—	500
Bathurst -	—	50	—	—	—	—	—	1,091	1,141
Caraquet -	7,770	9,638	8,670	8,841	7,456	11,673	8,672	14,678	77,398
Miramichi -	—	486	300	150	70	272	1,398	298	2,974
Richibucto -	—	—	—	40	—	25	270	—	335
Totals -	7,770	10,174	9,470	9,031	7,526	11,970	10,340	16,167	82,348

From this return it appears, that the export of dried cod from the northern ports of New Brunswick is chiefly from Caraquet. This export is made almost wholly by the Jersey houses of Robin and Co., and Le Boutillier, brothers, of Paspébiac in Gaspé, and Alexandre and Co. of Shippegan, to Brazil, Spain, Portugal, Sicily, and the Italian States. The export of cod from the Gulf of Saint Lawrence to foreign markets is a branch of business which the merchants of New Brunswick have yet to learn.

The quantity of dried cod exported to foreign countries from the district of Gaspé during the past year (1848) is thus stated from official returns :—

Gaspé Basin	-	-	41,269 quintals.
New Carlisle	-	-	46,523 do.

Total - 87,792 quintals.

The whole quantity of dried cod exported from New Brunswick during the last eight years is exceeded by the quantity exported from Gaspé during the year 1848 only by 5,444 quintals.

There is reason to believe that a considerable proportion of the cod exported from New Carlisle is caught on the south side of the Bay of Chaleur and about Miscou, the fishing grounds being better near the New Brunswick shores than on the Gaspé side of the bay,

The quantity of dried cod exported from Newfoundland in 1845 was 1,000,333 quintals, of which one-sixth was the produce of the fishery on the Labrador coast.

The whole line of the New Brunswick coast from Bay Verte to Escuminac, around the Bay of Miramichi, and thence along the shores from Tabusintac to Shippegan and Miscou, offers the greatest facility for prosecuting either the in-shore, deep-sea, or Labrador cod fishery. There are numerous harbours, creeks, coves, lagoons, and inlets on this line of coast well sheltered, with sufficient water for boats and vessels of every size and description. The beaches are admirable for drying fish, and there is abundance of wood at hand for the construction of stages and "fish-flakes." The soil too is generally excellent, and owing to the flatness of the coast the shore is everywhere easy of approach. For the establishment of fishing stations by merchants of capital and skill, or the organization of fishing colonies on an extensive scale, this coast offers rare advantages.

The Bay of Chaleur likewise possesses many advantages for the prosecution of the fisheries. The whole bay may be considered one great harbour, as throughout its entire breadth and extent there is not a single rock, reef, or shoal. During the summer it literally swarms with fish of every description known on the the shores of British North America; and its ancient Indian name of "Ecketaun Nemaachi" the sea of fish, well denotes its character.

The facilities for shipbuilding are very great on the New Brunswick side of this bay. The timber is of excellent quality, and noted for its durability, more especially the larch, which is accounted equal to any in the world. Mr. McGregor, M.P. for Glasgow, late secretary to the Board of Trade, in one of his official reports to that Board says, "The larch-built vessels of the Bay of Chaleur are remarkably durable. A vessel belonging to Robin and Co., which I saw at Paspébiac in 1824, I went on board of again in 1839, in the port of Messina, where she was then discharging a cargo of dry cod-fish to feed the Sicilians. This vessel then more than thirty years old was perfectly sound."

The "bultow" mode of fishing for cod, introduced by the French at Newfoundland, and now being adopted by the English residents there, might very probably be followed with advantage by the fishermen dwelling on the New Brunswick coast.

The "bultow" is described as a long line, with hooks fastened along its whole length, at regular distances, by shorter and smaller cords called *snoods*, which are six feet long, and are placed on the long line twelve feet apart, to prevent the hooks becoming entangled. Near the hooks these shorter lines or *snoods* are formed of separate threads, loosely fastened together, to guard against the teeth of the fish. Buoys, buoy ropes, and anchors or grappels are fixed to each end of the line; and the lines are always laid, or, as it is termed, "shot" across the tide; for if the tide runs upon the end of the line, the hooks will become entangled, and the fishing will be wholly lost. These "set-lines" have been some time in use on the coast of Cornwall in England, and the mode is there called "bulter" fishing. A gentleman connected with the British Fishery Board

has suggested an improvement, in fixing a small piece of cork within about twelve inches of the hook, which will suspend and float the bait, when it will be more readily seen by the fish. If a bait rests upon the ground it is sometimes covered with sea-weed, and often devoured by star-fish, crabs, and echini.

In a petition from the inhabitants of Bryant's Cove in Newfoundland to the Legislature of that colony in 1846 it is stated, that the "bultow" mode of fishing had been introduced in that vicinity in the previous year, at first by a single line or "fleet" as it is termed of one hundred hooks; and this proved so successful that before the end of the season seventy-five fleets were used, some of them three hundred fathoms long. The petitioners represent that the set-line or "bultow" is the best mode of fishing ever introduced in those waters, as being less expensive in outfit, and in keeping boats in repair. They state that a set-line will last three years, and with care even longer, that the total expense of fitting one out with a gross of hooks is only fifty shillings, and that it is not moved during the season, nor taken up, except for overhauling and baiting, until the fish move out into deep water in the autumn. The petitioners add, that the fish taken by the "bultow" were larger than those taken by the hand line, as also superior in quality; and that it was a common thing during the preceding season for one and a half quintals of fish to be taken off a gross of hooks in overhauling the line of a morning. It appears that the lines are overhauled, and fresh baits placed on the hooks morning and evening; and it is set forth as an advantage of the "bultow," that if the fisherman leaves it properly baited in the morning, it is fishing for him while he is at work in his garden; whereas by the other mode if he was not on the ground he could not expect fish. The petition then proceeds thus: "Your petitioners therefore pray your honourable House to cause the following rules, or something like them, to pass into law. As like all new inventions the set-line or 'bultow' has to struggle against many hindrances from ignorance, and bigotry to the old method, yet, as your petitioners have endeavoured to show, the 'bultow' has proved itself what may be fully termed 'the Poor Man's Friend.'"

The rules which the petitioners pray may become law are simply that the fishing grounds may be divided into two parts, one for the "bultow," and one for hand-line fishermen; that the "bultows" shall always be set parallel with each other, that they may not get foul, and may take up as little room as possible; and lastly, that a person conversant with this mode of fishing may be appointed to enforce these rules, and to instruct those who are not acquainted with the method, in the proper manner of fitting out and setting the "bultow." The petitioners conclude by stating their belief that if their suggestions are carried out the boats now used in the shore fishery will in three years give place to the "bultow" throughout Newfoundland, as they have already done in Bryant's Cove.

For the deep-sea fishery the "bultow" is of great length. The French fishing vessels chiefly anchor on the grand bank of Newfoundland, in about forty-five fathoms water, veer out one hundred fathoms of cable, and prepare to catch cod with two lines, each 3,000 fathoms in length. The snoods are arranged as previously described, and the hooks being baited, the lines are neatly coiled in half bushel baskets, clear for running out. The baskets are placed in two strong-built lug-sail boats, and at three o'clock in the afternoon both make sail together, at right angles from the vessel, on opposite sides. When the lines are run out straight they are sunk to within five feet of the bottom. At daybreak next morning the boats proceed to trip the sinkers at the extremities of the lines, and while the crew of each boat are hauling in line, and unhooking fish, the men on board heave in the other end of the lines with a winch. In this way four hundred of the large bank cod are commonly taken of a night. The fish are cleaned and salted on board, and stowed in the hold in bulk; the livers are boiled to oil, which is put in large casks secured on deck. The French vessels engaged in this fishery are from 150 to 300 tons burden. They arrive on the grand bank early in June, and on the average complete their cargoes in three months. In fine weather the largest class of vessels frequently run out three or four "bultows" in different directions from the ship, and thus fish 10,000 fathoms of line or more at one time, with a proportionate number of hooks.

Should this mode of fishing be approved, measures might be devised for promoting its adoption near the shores of New Brunswick.

If circumstances should arise to induce the prosecution of the cod fisheries of the Gulf of Saint Lawrence on a more extensive scale, some regulations will be necessary for an efficient inspection of dried fish intended for exportation to foreign markets, in order to give a character to the commodity, and prevent carelessness in curing. On this point the Commissioners of the British Fisheries, in their report for 1844, say, "It is very gratifying to observe that there is a gradual increase in the annual export of dried cod to Spain, where a most extensive market for the consumption of this description of fish may be fairly looked for in the course of some years. This can only be obtained by unremitting care on the part of the Board's officers in their inspection and punching of the fish, the Spaniards being very particular in regard to the excellence of the article they purchase. The Commissioners have judged it right to order an improvement in the form of the official punch used for stamping the dried cod and ling, and instead of that lately used, which cut a square figure out of the tail of the fish, for which some private marks used by curers were liable to be mistaken, they have adopted a crown, which is less liable to be imitated."

Besides cod there are several species of fish of the same genus caught in the gulf, in the prosecution of the cod fishery. These are, the haddock (*gadus aeglefinus*), the pollack (*gadus pollachius*), the hake (*gadus merluccius*), and the torsk or tusk (*gadus brosme*). These fish are cured in the same manner as cod, to which, however, they are inferior. They are known commercially as "scale fish," and on the average they sell at about two thirds the price of cod.

A larger description of pollack is also taken in the gulf, known as *gadus carbonarius*, the "sey fish" of Norway, or "coal fish," as it is frequently called, from its black colour. This fish is said to yield elsewhere *ichthyocolla* or isingloss. It is much more elegantly shaped than the common pollack, and sometimes weighs twenty pounds or even more. Sir Richard Bonnycastle, in his work on Newfoundland, says, the best specimens he ever saw of this fish were taken in the Bay of Chaleur.

The cod-fishers in the gulf often take the large flatfish known as the halibut (*hippoglossus vulgaris*) or *fletan* of Cuvier, which sometimes attains the weight of 300 lbs. The flesh, though white and firm, is dry, and the muscular fibre coarse. These fish are cut in slices, and pickled in barrels, in which state they sell at half the price of the best herrings.

THE MACKEREL.

The common mackerel (*scomber scombrus*) abounds in the Gulf of Saint Lawrence, and is one of the chief objects of pursuit with the numerous fleets of American fishing vessels which are to be found yearly in every part of the gulf. The Americans begin fishing for mackerel in the gulf on the first of July, and finish at the end of September; but the resident fishermen might begin this fishing earlier, and continue it until the very close of the season.

Mr. MacGregor describes the mackerel of the gulf as being of much finer flavour than those caught on the shores of Europe.

It has been generally supposed that the mackerel was a fish of passage, performing certain periodical migrations; making long voyages from south to north at one season of the year, and the reverse at another; but the error of this opinion is now generally admitted. It is known with certainty that mackerel remain near the coast of England at all times, as they have been taken there in every month of the year. Mr. Yarrell, whose work on British fishes is of the highest authority, is of opinion that the mackerel is not a migratory fish. He says, "The law of nature which obliges mackerel and others to visit the shallow waters of the shores at a particular season appears to be one of those wise and bountiful provisions of the Creator by which not only is the species perpetuated with the greatest certainty, but a large portion of the parent animals are thus brought within the reach of man, who but for the action of this law would be deprived of many of those species most valuable to him as food. For the mackerel, dispersed over the immense surface of the deep, no effective fishery could be carried on; but approaching the shore as they do from all directions, and roving along the coast in immense shoals, millions are caught, which yet form but a very small portion compared with the myriads that escape."

Although mackerel are found in vast shoals along the whole eastern coast of New Brunswick and within the bay of Chaleur, yet the quantity taken by resident fishermen is so very limited as not to furnish a sufficient supply for home consumption, and few indeed for export.

The ports of the province within the gulf exported the under-mentioned quantities of mackerel in barrels during the last eight years:—

Ports.	1841.	1842.	1843.	1844.	1845.	1846.	1847.	1848.	Total.
Dalhousie	—	—	—	—	—	—	—	—	—
Bathurst	—	—	—	—	—	33	—	4	37
Caraquet	—	—	—	—	—	256	99	25	380
Miramichi	—	—	—	—	—	145	47	—	192
Richibucto	—	—	—	—	—	—	—	—	—
Totals	—	—	—	—	—	434	146	29	609

This is a most "beggarly account" of a fishery, which ought to be in this province one of the most extensive and most lucrative. The export of 29 barrels only in the year 1848 is perfectly surprising, when it is considered that the season was one in which the mackerel fishery was more than usually successful. In August last the waters of the straits of Northumberland, from Shediac to Prince Edward Island, were perfectly alive with mackerel. Off Point Escuminac the American fishermen caught them with such rapidity and in such quantities that they were unable to clean and salt the fish as fast as they were caught; and it was reported on the coast that they had sent on shore, and engaged some of the settlers at high wages, to go off to the vessels, and assist in these necessary operations.

Monsieur Leon Robicheaux, an intelligent native fisherman resident on Shippegan Island, from whom the writer obtained valuable information as to the fisheries, stated that although mackerel were always plentiful during the season near Shippegan and

Miscou yet the resident fishermen were too idle to take them. He added, that they only caught a few as bait for cod, or as matter of sport, when sailing to or from their stations for cod fishing.

The American vessels which prosecute mackerel fishing near the shores of New Brunswick are fitted out in Maine and Massachusetts. They have two long voyages to make in going to and returning from their fishing ground, yet they find it profitable. If it be profitable to them, how much more so could it be made by resident fishermen, who were spared the expense of costly vessels and outfits, high wages and long voyages.

The mode of fishing pursued by the American mackerel fishers who frequent the gulf is that with the line, called "trailing." When a "schull" is met with, the vessel, generally of sixty or eighty tons burden, is put under easy sail, a smart breeze (thence called a mackerel breeze) being considered most favourable. It is stated by Mr. Sabine of Eastport, who is good authority, that he has known a crew of ten men, when fishing in the Bay of Chaleur, catch in one day ninety packed or "dressed" barrels of mackerel, which could not contain less than 12,000 fish.

If no fish are in sight, the American mackerel fisher on reaching some old resort furls all the sails of his vessel, except the mainsail, brings his "craft" to the wind, and commences throwing over bait to attract the fish to the surface of the water. The bait is usually small mackerel, or salted herrings cut in pieces by a machine called a "bait mill." This consists of an oblong wooden box, standing on one end, containing a roller armed with knives which is turned by a crank on the outside. It cuts up bait very expeditiously. If the fisherman succeeds, the mackerel then seem willing to show how fast they can be caught, and the fishing goes on until the approach of night, or the sudden disappearance of the remnant of the "schull" puts an end to it. The fish are then dressed, and thrown into casks of water, to rid them of blood. To ensure sound and sweet mackerel it is indispensable that the blood and impurities should be thoroughly removed before salting; that the salt should be of the best quality, free from lime or other injurious substances; and that the barrels should in all cases be tight enough to retain the pickle.

In those harbours of Nova Scotia which are within the Strait of Canso mackerel of late years have been taken in seines capable of enclosing and securing 800 barrels, and in these seines 400 and even 600 barrels have been taken at a single sweep. The "drift net" is also used, but as it is believed that this mode of fishing is not so well understood on the coast of Nova Scotia as on that of England, the manner of fishing near the latter with the "drift net," as described by Mr. Yarrel, is given in preference:—

"The most common mode of fishing for mackerel, and the way in which the greatest numbers are taken, is by drift nets. The drift net is twenty feet deep by 120 feet long, well corked at the top, but without lead at the bottom. They are made of small fine twine, which is tanned of a reddish-brown colour to preserve it from the action of the salt water, and it is thereby rendered much more durable. The size of the mesh is about two and a half inches or rather larger. Twelve, fifteen, and sometimes eighteen of these nets are attached lengthways by tying along a thick rope, called the drift rope, and the ends of each net to each other. When arranged for depositing in the sea a large buoy attached to the end of the drift rope is thrown overboard, the vessel is put before the wind, and as she sails along, the rope, with the nets thus attached, is passed over the stern into the water till the whole of the nets are thus thrown out. The nets thus deposited hang suspended in the water perpendicularly twenty feet deep from the drift rope, and extending from three quarters of a mile to a mile, or even a mile and a half, depending on the number of nets belonging to the party or company engaged in fishing together. When the whole of the nets are thus handed out, the drift rope is shifted from the stern to the bow of the vessel, and she rides by it as at anchor. The benefit gained by the boats hanging at the end of the drift rope is that the net is kept strained in a straight line which, without this pull upon it, would not be the case. The nets are 'shot' in the evening, and sometimes hauled once during the night; at others allowed to remain in the water all night. The fish roving in the dark through the water hang in the meshes of the net, which are large enough to admit them beyond the gill-covers and pectoral fins, but not large enough to allow the thickest part of the body to pass through. In the morning early preparations are made for hauling the nets. A capstan on the deck is manned, about which two turns of the drift rope are taken, one man stands forward to untie the upper edge of each net from the drift rope which is called casting off the lashings, others haul in the net with the fish caught, to which one side of the vessel is devoted, the other side is occupied by the drift rope, which is wound in by the men at the capstan."

The following is a statement of the number of barrels of mackerel inspected in Massachusetts in each year, from 1831 to 1845 inclusive:—

1831	-	-	383,559	1839	-	-	73,018
1832	-	-	212,452	1840	-	-	50,992
1833	-	-	212,946	1841	-	-	55,537
1834	-	-	252,884	1842	-	-	75,543
1835	-	-	194,450	1843	-	-	64,451
1836	-	-	176,931	1844	-	-	
1837	-	-	138,157	1845	-	-	86,628
1838	-	-	108,538				

It does not appear what proportions of these large quantities of mackerel were caught in British waters, but it must have been a very considerable share if an opinion may be formed from the numerous fishing vessels of Massachusetts seen on the coast of Nova Scotia and within the Gulf of Saint Lawrence. The falling off in the mackerel fishery of Massachusetts, apparent by the foregoing statement, is believed to be in consequence of the decrease of the fishery on the American coast, and this diminution in the supply has enabled the Nova Scotians to export large quantities to the United States markets at fair prices.

From all that has been stated it must be considered settled that the mackerel fishery, as a branch of business, cannot be said to exist in New Brunswick, although the eastern shores of the province and the whole Bay of Chaleur offer the greatest facilities and the most abundant supply of fish.

It is highly desirable that something should be done to encourage and promote this fishery, which evidently offers such ample reward to the energy, enterprise, and industry of the people.

THE SALMON.

Of those rivers of New Brunswick which flow into the Gulf of Saint Lawrence the two largest, the Miramichi and the Restigouche, furnish the greatest supply of this well-known and delicious fish, but all the smaller rivers also furnish salmon in greater or less numbers. There are also various bays, beaches, islands, and points of land along the coast where salmon are intercepted by nets while seeking the rivers in which they were spawned, and to which salmon always return.

The salmon of the Gulf are noted for their fine flavour; they are precisely similar to the *Salmo Salar* of Europe.

The quantities of salmon in the rivers Restigouche and Miramichi, at the first settlement of the country, were perfectly prodigious; and although many are yet taken annually, the supply diminishes from year to year. And this is not surprising, when it is considered that many of the streams formerly frequented by salmon are now completely shut against them by mill-dams without "fishways," or those openings which the British Fishery Reports designate as "Migration Passes;" that in the branches of the large rivers, as also in the smaller rivers, nets are too often placed completely across the stream from bank to bank, which take every fish that attempts to pass—that "close time" in many of the rivers is scarcely if at all regarded—and that, besides the improper use of nets at all seasons, fish of all sizes are destroyed by hundreds in the very act of spawning, by torchlight and spears, at a time when they are quite unfit for human food.

The quantities of pickled salmon in barrels exported from the northern ports of New Brunswick during the last eight years are as follows:—

Ports.	1841.	1842.	1843.	1844.	1845.	1846.	1847.	1848.	Totals.
Dalhousie	138	273	552	591	565	766	643	381	3,909
Bathurst	32	161	250	126	134	216	190	156	1,265
Caraquet	11	20	13	5	—	—	—	3	52
Miramichi	1,614	2,295	1,093	1,616	1,836	146	1,531	1,571	11,702
Richibucto	20	—	107	137	77	78	61	—	480
Totals	1,815	2,749	2,015	2,475	2,612	1,206	2,425	2,111	17,408

Since the establishment of regular steamers from the port of Saint John to Boston large quantities of fresh salmon, packed in ice, have been exported, and the commodity has greatly increased in value. If facilities of communication were created by railway, the fresh salmon of the Gulf could also be sent abroad in ice, and their value when first caught would be three or four times as great as at present.

The exceeding value of the salmon fisheries of Ireland and Scotland cause great attention to be paid by the British Fishery Boards to the enforcement of most stringent regulations for their preservation and increase. With reference to the preservation of salmon, the inspectors of the Irish fisheries reported to the Board, in 1846, as follows:—"In illustration of the benefits of a steady perseverance in a proper system we may allude to the Foyle, where the produce has been raised from an average of 43 tons previous to 1823 to a steady produce of nearly 200 tons, including the stake weirs in the estuary, and very nearly to 300 tons, as we believe, in the year 1842." The inspectors also mention the case of the small river of Newport, County Mayo, which was formerly exempt from "close season." In three years, after the parliamentary regulations were introduced and enforced, the produce of this river was raised from half a ton, or, at the utmost, a ton every season, to eight tons of salmon, and three tons of white trout, for the season ending the third year.

The preservation and maintenance of the salmon fisheries of New Brunswick generally is a subject well worthy of earnest attention. To prevent the destruction of the fish during the spawning season, and by improper modes of fishing, as also to provide for the passage of the fish up those streams which they have formerly frequented, but from which

they are now excluded by mill-dams, some further enactments are absolutely necessary, and more efficient means are required for enforcing the provisions of the law. The most valuable river fishery of the province is in a fair way of being rendered valueless or wholly destroyed, and as the rivers are the natural nurseries of the salmon the fishery on the coast will of course be destroyed also.

Large quantities of salmon are caught every season on the Labrador Coast in stake-nets placed at the mouths of rivers, which empty into bays and harbours; these are split and salted in large tubs, and afterwards repacked in tierces of 200 lbs. each. A number of vessels from Newfoundland and Canada are engaged annually in this fishery; but the American fishing vessels pursue it with great vigour and assiduity, and it is reported that of late years they have found it very profitable.

The quantity of pickled salmon exported from Newfoundland in 1845 was 3,545 tierces, one half of which was the produce of the salmon fishery on the coast of Labrador.

THE WHALE.

The extent to which the whale fishery is carried on within the Gulf of Saint Lawrence by vessels from Newfoundland is very little known, nor is its value appreciated. The Jersey houses who have fishing establishments in Gaspé also fit out vessels for this fishery, which cruise about Anticosti and the northern shore of the Saint Lawrence. Mr. M'Gregor, in an official report to the Board of Trade, thus describes this fishery:—"The whales caught within the Gulf of Saint Lawrence are those called 'humpbacks,' which yield on an average about three tons of oil; some have been taken seventy feet long, which produced eight tons. The mode of taking them is somewhat different from that followed by the Greenland fishers; and the Gaspé fishermen first acquired an acquaintance with it from the people of Nantucket. An active man, accustomed to boats and schooners, may become fully acquainted with everything connected with this fishery in one season. The vessels best adapted for this purpose are schooners of from seventy to eighty tons burden, manned with a crew of eight men, including the master. Each schooner requires two boats, about twenty feet long, built narrow and sharp, and with pink sterns; and 220 fathoms of line are necessary in each boat, with spare harpoons and lances. The men row towards the whale, and when they are very near use paddles which make less noise than oars. Whales are sometimes taken in fifteen minutes after they are struck with the harpoon. The Gaspé fishermen never go out in quest of them until some of the smaller ones, which enter the bay about the beginning of June, appear; these swim too fast to be easily harpooned, and are not besides worth the trouble. The large whales are taken off the entrance of Gaspé Bay on each side of the island of Anticosti, and up the river Saint Lawrence as far as Bic."

Mr. Bouchette, in his work on Lower Canada, represents the whale fishery of the Gulf as meriting the attention of the legislature, and needing encouragement, by which, he says, the number of vessels employed would be considerably increased, and this important branch of business would be so effectually carried on by the hardy inhabitants of Gaspé as to compete in some degree, if not rival, that of the Americans, who were at the time Mr. Bouchette wrote almost in exclusive enjoyment of it, and carried on their enterprising fisheries in the very mouths of the bays and harbours of Lower Canada.

Sir Richard Bonnycastle, in his work entitled "Newfoundland in 1842," says: "The coast and gulf whale fishery is now being of much value to Newfoundland." Sir Richard states, that the vessels employed are large schooners, with crews of ten men each, and that the fishery is pursued during the whole of the summer months along the coast of Labrador, and in and through the straits of Belle Isle; and that whales of all sizes are taken from the smallest "finer" up to the largest *mysticetus*, or great common oil whale of the Northern Ocean, which occasionally visits these regions.

It is believed that hitherto no attempt has been made by the people of New Brunswick to enter into this whale fishery, and it would be a very proper subject for inquiry whether it might not be profitably conducted by New Brunswick vessels and the active and enterprising fishermen of the Bay of Chaleur, who are equally well placed for carrying it on as their hardy comrades on the Gaspé side of the bay.

THE SEAL.

As the capture of seals is always designated the "seal fishery," and as it is blended with the other pursuits of the fisherman, it may be proper to mention it here.

Five kinds of seals are said to be found in the Northern Ocean; they bring forth their young on the ice early in the spring, and they float down upon it from the Polar Seas to Labrador, the coast of Newfoundland, and the Gulf of Saint Lawrence. The two largest kinds are known as the harp seal (*phoca groenlandica*) and the hooded seal (*phoca leonina*). The other three varieties are known as the "square flipper," the "blue seal," and the "jar seal."

Large herds of these seals are found together upon the fields of floating ice, which, when so occupied, are called "seal meadows." The seal hunters endeavour to surprise them while sleeping on the ice, and when this occurs they despatch the young with bludgeons; the old ones, which will frequently turn and make resistance, they are obliged to shoot.

Sealing is carried on very extensively from Newfoundland in schooners of about eighty tons burthen, with crews of thirty men. It is attended with fearful dangers, yet the hardy seal hunter of Newfoundland eagerly courts the perilous adventure.

The following return of the numbers of seal skins exported from Newfoundland from 1838 to 1845 inclusive will furnish some idea of the value of the seal fishery to that colony:—

1838	-	-	375,361	1842	-	-	344,683
1839	-	-	437,501	1843	-	-	651,370
1840	-	-	631,385	1844	-	-	685,530
1841	-	-	417,115	1845	-	-	352,202

The outfit for the "seal fishery" from the various harbours of Newfoundland in the year 1847 was as follows:—

Vessels.	Tons.	Men.
321	29,800	9,751

Sealing among the ice is also prosecuted in early spring at the Magdalen Islands, and also on the Labrador coast by the people who remain there during the winter in charge of the fishing stations and the conduct of the fur trade. Seals are also caught at Labrador on the plan first adopted, by strong nets set across such narrow channels as they are in the habit of passing through.

Within a few years the "seal fishery" has been commenced at Cape Breton, encouraged by a small provincial bounty; it has been conducted in vessels not over forty tons burthen, with crews of eight men. In 1843 twenty-two vessels went to the ice from Cheticamp and Margaree, and returned with near 10,000 seals, which are stated to have amply requited those engaged in the adventure, as their outfit was on a very limited scale. In 1842 an enterprising merchant of Sydney fitted out a sealing vessel on the Newfoundland scale, which in the short space of three weeks cleared the round sum of 14,000*l.*; and this extraordinary success encouraged others to enter into the business.

As yet sealing is altogether unknown to the inhabitants of New Brunswick, although it is believed that the adventure might be made successfully by vessels departing from the north-eastern extremity of the province.

The harbour seal (*phoca vitulina*) is frequently seen along the coasts of New Brunswick during the summer season, and is believed not to be migratory. They are closely watched by the Micmac Indians, who often succeed in shooting them. The fur of these seals is sometimes very handsome, and the animal is always a rich prize to the poor Micmac.

SHELL FISH.

Under this head may be enumerated lobsters, oysters, clams, muscles, whelks, razor-fish, crabs, and shrimps, all of which are found in the gulf in the greatest abundance, and of excellent quality. Mr. M'Gregor states, that they are all equally delicious with those taken on English, Irish, Scotch, or Norwegian shores.

Lobsters are found everywhere on the coast, and in the Bay of Chaleur, in such extraordinary numbers that they are used by thousands to manure the land. At Shippegan and Caraquet carts are sometimes driven down to the beaches at low water, and readily filled with lobsters left in the shallow pools by the recession of the tide. Every potato field near the places mentioned is strewn with lobster shells, each potato hill being furnished with two and perhaps three lobsters.

Within a few years one establishment has been set up on Portage Island at the mouth of the Miramichi River, and another at the mouth of the Kouchibouguac River, for putting up lobsters in tin cases, hermetically sealed, for exportation. In 1845 no less than 13,000 cases of lobsters and salmon were thus put up at Portage Island. In 1847 nearly 10,000 cases of lobsters only, each case containing the choicest parts of two or three lobsters, and one and a half tons of fresh salmon, in 2 lb. and 4 lb. cases, were put up at Kouchibouguac. The preservation of lobsters in this manner need only be restricted by the demand, for the supply is almost unlimited.

The price paid for lobsters at the establishment on Portage Island, when the writer visited it, was two shillings and sixpence currency (two shillings sterling) per hundred. They were all taken in small hoop nets, chiefly by the Acadian French of the Neguac villages, who, at the price stated, could with reasonable diligence earn one pound each in the twenty-four hours; but as they are somewhat idle and easily contented, they would rarely exert themselves to earn more than ten shillings per day, which they could generally obtain by eight or ten hours attention to their hoop nets.

Oysters are found all along the New Brunswick coast from Baie Verte to Caraquet, but not within the bay of Chaleur. Those best known in this province for their fine quality are the oysters of Shediac, but the extensive beds which formerly existed there have been almost wholly destroyed by improper modes of fishing, an utter disregard of the spawning season, and the wanton destruction of the fish by throwing down shells upon the beds. It is a singular fact that ice will not form over an oyster bed unless the cold is very intense indeed, and when the bays are frozen over in the winter the oyster beds are easily discovered by the water above them remaining unfrozen, or, as the French residents say, *degèlé*. The oysters are then lifted upon the strong ice with rakes; the process

of freezing expands the fish and forces open the shells; the oyster is removed, and the shells are allowed to fall back into the water, where they tend to destroy the fishery.

Some oysters of very large size and good quality are found at Tabusintac, but those of the finest description are found on extensive beds in Shippegan Harbour, Saint Simon's Inlet, and Caraquet Bay, from which localities they are exported every season to Quebec. The number of bushels exported from the Port of Caraquet during the last eight years is as follows:—

1841	-	-	5,000		1845	-	-	2,010
1842	-	-	7,000		1846	-	-	1,915
1843	-	-	5,290		1847	-	-	425
1844	-	-	6,000		1848	-	-	5,432

Oysters are abundant at Cocagne, Buctouche, Richibucto, Burnt Church, and other places on the coast; but in general they are too far within the mouths of the fresh-water streams, and their quality is greatly inferior to those affected by sea-water only.

From the manner in which the oyster fishery of the Gulf shore is now being conducted, all the oysters of good quality will in a few years be quite destroyed. The preservation of this fishery is of considerable importance, and it might be affected as well by judicious regulations and restrictions, as by encouraging the formation of artificial beds, or "layings," in favourable situations. Several persons on the coast intimated to the writer their desire to form new and extensive beds in the sea-water, by removing oysters from the mixed water of the estuaries, where they are now almost worthless, if they could obtain an exclusive right to such beds when formed, and the necessary enactments to prevent their being plundered.

There are two varieties of the clam, distinguished as the "hard-shell," and the "soft-shell." They are eaten largely in spring, when they are in the best condition; and great quantities are used as bait for cod. Clams are much prized by persons residing at a distance from the sea coast, and they are frequently sent into the interior, where they meet a ready sale, as they can be sold at a very low price.

The razor fish derives its name from the shells being shaped very like the handle of a razor; the fish is well flavoured in the proper season, and not unlike the clam, though somewhat tougher.

Crabs of all sizes are to be had in abundance, but they are not often caught; neither are the shrimps, which are to be seen in endless quantities. At times, the waters of the Straits of Northumberland appear as if thickened with masses of shrimps moving about, their course being plainly indicated by the fish of all descriptions which follow in their wake, and feed upon them greedily.

RIVER FISHERIES.

The principal fisheries in those rivers of New Brunswick which flow into the gulf, in addition to the salmon fishery already mentioned, are those for gaspereaux, shad, basse, and trout. There are also smelts, eels, flounders, and a great variety of small fish.

The gaspereaux (*clupea vernalis*) has been noticed under the head of herring. This fish is found in almost every river, and the gaspereaux fishery has been considered of so much importance, that various Acts of the Assembly have from time to time been passed for its regulation and protection. But these laws have either been neglected, or not properly enforced, and this fishery is rapidly declining. Very slight obstructions suffice to prevent the gaspereaux from ascending streams to their old haunts; the dams for mills, or for driving timber, have shut them out in numerous instances from their best spawning grounds, and the greatest injury has in this way been inflicted on the fishery.

The shad (*clupea alosa*) of the Gulf are not taken in such numbers, nor are they of so fine a quality, as those caught in the Bay of Fundy; comparatively, they are dry and flavourless, owing, as is said, to the sandy character of the shores of the Gulf, which are supposed to furnish less of the peculiar food of the shad than the muddy rivers of the Bay of Fundy, where they are taken in such high perfection. This fishery has also been mentioned in several Acts of Assembly; but the habits and most usual resorts of the shad of the Gulf of Saint Lawrence have not been carefully observed. It is not improbable, therefore, that a better knowledge of the habits of the fish might lead to this fishery becoming more valuable.

The basse, or marine perch (*perca labrax*), swim in shoals along the coast, and frequently ascend the rivers to a considerable distance from the sea to deposit their spawn. They are taken of all sizes up to 20 lbs. weight, or even more; but those of 3 lbs. to 5 lbs. are considered the best flavoured. They are never salted, but always eaten while fresh. This fishery has also been attempted to be regulated and preserved by law, but evidently with very little success, as it is fast decreasing. Sad havoc is made among the basse in the winter season, when they lie in numerous shoals half torpid in shallow water. A large hole is cut in the ice above them, and they are lifted out with dip-nets; in this manner the basse fishery in some of the smaller rivers has been wholly destroyed.

There are two species of trout found in the greatest abundance in every river, stream, and brook which finds its way from the interior of New Brunswick to the Gulf of Saint Lawrence. Of these the salmon trout (*salmo trutta*) is of the largest size, and most valuable. The common trout (*salmo fario*) is taken in every possible variety everywhere.

The sea-trout seldom ascend the rivers far above the tideway; when they first enter the estuaries early in the season they are in the finest condition, and scarcely if at all inferior to salmon. They are frequently taken of the weight of 7 lbs., though the most usual weight is from 2 lbs. to 5 lbs. They are very abundant in June in the bays and harbours of Prince Edward Island. At the Magdalen Islands they are taken in nets; and being pickled in small casks and exported to the West Indies, if carefully cleaned, cured, and packed, they there bring a higher price than salmon.

In the tideway of the rivers flowing into the gulf these fine fish might be taken in sufficient quantities to form an article of traffic. They afford great sport to the fly-fisher, especially when they first enter the mixed water of the tideway in the smaller rivers.

The common trout (*salmo fario*) are also eagerly sought after by the disciples of Izaak Walton; and although destroyed in the most wanton and reckless manner by unthinking persons, they are still abundant. The destruction of these beautiful fish takes place by wholesale upon many rivers in the northern part of the province, and one of the modes practised is called "rolling for trout." When the streams are at their lowest stage in the summer season, a dam of logs, stones, and brush is roughly built at the lower end of some pool in which the fish have congregated. This "rolling dam" being constructed, the stream for some distance above the pool is beaten with poles, and the fish are driven down to the deepest water, out of which they are swept with a net. The writer was informed, that in this way 3,600 trout had been taken out of one pool at a single sweep of the net. In August last 1,300 large trout were thus taken out of one pool on the Scadouck river, while the writer was at Shediac. This practice is greatly to be deprecated, as, by destroying fish of all sizes, it completely breaks up the trout fishery on those rivers where it takes place.

The smelt (*salmo eperlanus*) is found in excessive abundance in all the rivers and streams flowing into the Gulf. In the latter part of winter, when they are in the best condition, they are taken through holes in the ice, and are at that season a very great delicacy; they are then frequently called "frost-fish." Immediately after the ice disappears, they rush in almost solid columns up the brooks and rivulets to spawn, and are then taken by cart-loads. This fishery, under proper management, might be made one of considerable profit, as the smelt is really delicious, and always highly esteemed.

Eels of large size and of fine quality are taken everywhere within the Gulf, and besides those consumed fresh they are pickled in considerable quantities, as well for home consumption as for exportation. Mr. Yarrell, in describing the eel, says, "They are in reality a valuable description of fish; they are very numerous, very prolific, and are found in almost every part of the world. They are in great esteem for the table, and the consumption in our large cities is very considerable."

In the calm and dark nights during August and September the largest eels are taken in great numbers by the Micmacs and Acadian French, in the estuaries and lagoons, by torch light, with the Indian spear. This mode of taking eels requires great quickness and dexterity, and a sharp eye. It is pursued with much spirit, as, besides the value of the eel, the mode of fishing is very exciting. In winter, eels bury themselves in the muddy parts of rivers, and their haunts, which are generally well known, are called "eel grounds." The mud is thoroughly probed with a five-pronged iron spear, affixed to a long handle, and used through a hole in the ice. When the eels are all taken out of that part within reach of the spear, a fresh hole is cut, and the fishing goes on again upon new ground.

If a market should be found for this description of fish, they could be furnished to an unlimited extent.

The common flounder (*pleuronectes flesus*) is found in such abundance in the Gulf, that it is used largely for manuring land. The writer has seen potatoes being planted in hills, when the only dressing consisted of fresh flounders, which were used with a lavish hand. They are seldom taken by the inhabitants of the Gulf shore, who can readily obtain so many other descriptions of fish of superior quality. The flounder is long lived out of the water, and bears land carriage better than most fish; there is no reason, therefore, why flounders should not become a valuable commodity.

That the varied, extensive, and most abundant fisheries of the Gulf of Saint Lawrence would be greatly influenced by the construction of a railway along the eastern coast of New Brunswick, there cannot be a reasonable doubt; but in all probability the proposed railway from Shediac to the harbour of St. John would affect those fisheries in an equal if not a greater degree.

The hardy and enterprising fishermen of the Bay of Fundy dread the long and dangerous voyage around the whole peninsula of Nova Scotia to the fishing grounds of the Gulf, a voyage which frequently lasts three weeks, and is deemed by underwriters equally hazardous with a voyage to Europe; but it is not alone the dangers of the voyage which deters them from the prosecution of these fisheries, it is the great loss of time they occasion, and the expense they create, as these render the adventure too often far from profitable.

A railway from Shediac to the port of Saint John, which is open at all seasons of the year, would enable the various products of the fisheries to reach a port of shipment in four hours, and the necessity for the long voyage around Nova Scotia would be wholly

obviated. The fishing vessels could winter at any of the ports on the Gulf shore which they found most convenient; their stores and outfit could be sent up by railway, and they would in such case enjoy the advantage of being on the fishing grounds at the earliest moment in the spring, and the fisherman could protract his labours until the winter had again fairly set in.

The fresh salmon packed in ice which were sent last season from Saint John to Boston by the steamers, owing to the facilities of transport in the United States, in two days after they left Saint John, appeared at table, in prime condition, at Albany, Buffalo, Niagara Falls, New York, and Philadelphia. If the salmon of the northern rivers could be transported by railway to Saint John, they would find a ready market in the numerous towns and villages of the United States, and the salmon fishery alone would prove a perfect mine of wealth to the northern part of the province.

The immense products which might be obtained by a vigorous prosecution of the fisheries for herring, cod, and mackerel, would not only furnish a fruitful source of profit to a railway, but they would afford such an amount of remunerative employment to all the productive classes as almost to defy calculation. They would enable the province to open up and prosecute a successful trade with several foreign countries, with which at present the merchants of New Brunswick have no connexion whatever. The farmer also would be greatly benefited by the extension of the fisheries in connexion with the railway, because he would not only find a more ready market for his surplus produce, but he would be furnished with wholesome and nutritious food at all seasons of the year, on the most reasonable terms.

Aided by railways, the fisheries of the Gulf of Saint Lawrence, now of so little importance, and such limited value, would take rank as one of the highest privileges of New Brunswick,—its unfailing source of wealth for ever hereafter. And while the efforts of the people were successfully directed toward securing these bounties of Providence, lavished with such unsparing hand, they would rejoice in the goodness of an all-wise Creator, and offer up humble but earnest thanks to Almighty God for his exceeding goodness and mercy towards his erring and sinful creatures.

M. H. PERLEY,

H. M. Emigration Officer.

Government Emigration Office, Saint John,
March 5, 1849.
