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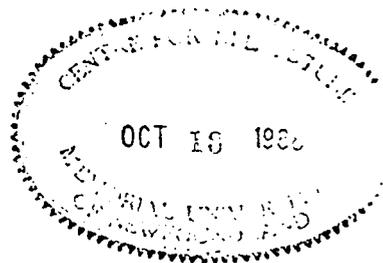
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CORRESPONDENCE

RESPECTING THE

NORTH AMERICAN FISHERIES.

(From 13th October to 31st December, 1870.)



*Colonial Office,
February, 1871.*

LONDON:

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FOR HER MAJESTY'S STATIONERY OFFICE.

—
1871.

SCHEDULE.

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CORRESPONDENCE

RESPECTING THE

NORTH AMERICAN FISHERIES.

Despatches from the Governor-General.

(Confidential.)

No. 1.

CANADA.

No. 1.

Sir John Young to the Earl of Kimberley.

Montreal, 12th October, 1870.

(Received 27th October, 1870.)

(Answered Confidential, 21st November, 1870, page 13.)

MY LORD,

With reference to my confidential despatch of 23rd September,* covering copy of a letter from Her Majesty's Minister at Washington on the subject of the interpretation of the Treaty of 1818, which I caused to be submitted in confidence to the Privy Council of the Dominion for their consideration :

* *Vide* Previous Paper dated January 1871. page 72.

2. I have now the honour to transmit the accompanying Minute, which the Privy Council have drawn up in reply to Sir Edward Thornton's communication.

10th October, 1870.

I have, &c.,

(Signed) JOHN YOUNG.

The Right Honourable the Earl of Kimberley,
&c. &c. &c.

Enclosure in No. 1.

Enclosure
in No. 1.

COPY of a REPORT of a COMMITTEE of the Honourable the PRIVY COUNCIL, approved by His Excellency the GOVERNOR-GENERAL in Council on the 10th October, 1870.

The Committee of the Privy Council have had under their consideration the confidential despatch to your Excellency from Sir Edward Thornton, Her Majesty's Minister in the United States of America, on the subject of the interpretation of the Treaty of 1818 between Great Britain and the United States; and they respectfully recommend that, while thanking Sir Edward Thornton for the information conveyed in his despatch, and assuring him that the arguments of Mr. Fish shall receive the early and careful consideration of the Canadian Government, your Excellency should acquaint him that, as a question has arisen as to the legal construction to be given to the Treaty of 1818, the Canadian Government think it desirable to confer with Her Majesty's Government on the important points at issue before giving your Excellency any advice on the subject of Sir Edward Thornton's despatch.

(Certified)

WM. H. LEE,
Clerk Privy Council, Canada.

No. 2.

No. 2.

Sir John Young to the Earl of Kimberley.

(No. 245.)

Montreal, 20th October, 1870.

(Received 2nd November, 1870.)

MY LORD,

I have the honour to enclose copy of a telegram which has been received by the Department of Marine and Fisheries, reporting the seizure of the United States fishing vessel *A. J. Franklin*.

17th October, 1870.

B

CANADA.

2. Copies of the depositions in this case will be forwarded as soon as received.
 3. I have transmitted a copy of the telegraphic message to Her Majesty's Minister at Washington.

The Right Honourable the Earl of Kimberley,
 &c. &c. &c.

(Signed) I have, &c.,
 JOHN YOUNG.

Enclosure
 in No. 2.

Enclosure in No. 2.

To F. W. WITCHER.

(By Telegram from Pictou, N.S.)

Ottawa, 17th October, 1870.

Seized American fishing schooner *A. J. Franklin*, Strait of Canso—Saturday—fishing within limits; Sea-Wolf Island; has fishing licence from their Customs; also from Custom-house, Prince Edward Island; caught her in the act. She is here. I leave for Halifax to-morrow morning train. See Blanchard.

(Signed) J. A. TORY.

No. 3.

No. 3.

Sir John Young to the Earl of Kimberley.

(No. 247).

Montreal, 21st October, 1870.

(Received 2nd November, 1870.)

MY LORD,

20th October,
 1870.

I have the honour to transmit herewith copy of a letter which I have addressed to Vice-Admiral Wellesley, forwarding a copy of an Order of the Privy Council of the Dominion, expressing their appreciation of his services in aiding the Government of Canada in the protection of the Fisheries.

(Signed) I have, &c.,
 JOHN YOUNG.

The Right Honourable the Earl of Kimberley,
 &c. &c. &c.

Enclosure
 in No. 3.

Enclosure in No. 3.

SIR J. YOUNG TO VICE-ADMIRAL WELLESLEY.

SIR,

Montreal, 21st October, 1870.

20th October,
 1870.

I have great pleasure in sending you, at the instance of the Privy Council of the Dominion, the enclosed Minute, which expresses their deep regret on your leaving the North American Station, and places on record their high appreciation of the admirable manner in which you have discharged the delicate and difficult duty of protecting the Canadian waters from the encroachments of foreign fishing vessels.

(Signed) I have, &c.,
 JOHN YOUNG.

Vice-Admiral G. G. Wellesley,
 &c. &c. &c.

COPY of a REPORT of a COMMITTEE of the Honourable the PRIVY COUNCIL, approved by His Excellency the GOVERNOR-GENERAL on the 20th day of October, 1870.

The Committee of Council having heard of the departure of His Excellency Vice-Admiral Wellesley, C.B., would fail in their duty to the country if they did not express to your Excellency the deep regret with which they learned that the Vice-Admiral had been recalled from the British North American Station, and place on record their high appreciation of the admirable manner in which he has aided the Government of Canada in protecting its waters from the encroachments of foreign fishing vessels.

The judicious manner in which that delicate and difficult duty has been discharged by Vice-Admiral Wellesley and the officers under his command has fully demonstrated the important fact that the measures taken by the Government of Canada, with the effective aid thus given by the Imperial Government, will secure to Her Majesty's subjects their admitted rights in British American waters, and that the same policy judiciously pursued will not only result in the efficient protection of the great body of British seamen engaged in prosecuting those Fisheries, but also promote, in no small degree, the great national interests connected therewith, and will be at the same time the best means of avoiding collision between the subjects of Her Majesty and the citizens of the United States.

The Committee desire especially to draw attention to the energetic but discreet manner in which Captain Hardinge, of H.M.S. *Valorous*, carried out the instructions of the Vice-Admiral, and the important services rendered by him in protecting the fishing grounds of the Dominion.

The Committee would request that your Excellency will be pleased to forward a copy of this Minute to His Excellency Vice-Admiral Wellesley, and also to the Right Honourable the Secretary of State for the Colonies for submission to the Lords of the Admiralty.

(Certified) WM. H. LEE,
Clerk Privy Council, Canada.

CANADA.

No. 4.

No. 4.

The Lord Lisgar to the Earl of Kimberley.

(No. 258.)

Government House, Ottawa, 8th November, 1870.

(Received 23rd November, 1870.)

MY LORD,

With reference to my Despatch (No. 245),* 20th October, transmitting copy of a telegram from the Department of the Minister of Marine and Fisheries, reporting the seizure of the United States fishing vessel *A. J. Franklin*, I have the honour to enclose copies of the depositions made by Captain Tory and crew of the Marine Police schooner *Ida E.* relating to the capture.

* Page 1.

I have, &c.,
(Signed) LISGAR.

The Right Honourable the Earl of Kimberley,
&c. &c. &c.

Enclosure in No. 4.

Enclosure in
No. 3.

PROVINCE of NOVA SCOTIA, County of PICTOU.

I, James A. Tory, Fishery Officer of the Dominion of Canada, and Commander of the Government schooner *Ida E.*, engaged in protecting the fisheries of said Dominion, make oath and saith as follows:—First, I say that on Friday, the seventh day of October instant, in the harbour of Port Hood, in the Island of Cape Breton, I boarded the American fishing schooner *A. J. Franklin*, of Gloucester, Massachusetts, John Nass, master, and while on board cautioned the said master against violating the laws respecting fisheries; and that on Tuesday, the eleventh day of October instant, at four o'clock in the morning, I, together with my crew, sailed on board of said schooner *Ida E.* from the harbour of Port Hood aforesaid, and proceeded to the north and eastward; that on or about the hour of ten o'clock on the morning of said day we were off Broad Cove, on the north-west coast of the said Island of Cape Breton, and perceiving a fleet of vessels, all of which were within three miles of the shore of Broad Cove aforesaid, apparently engaged fishing for mackerel; that we ran in close to said fleet, and when within half a mile or so from said fleet I hoisted the colours on board of said *Ida E.*, and fired a gun as a signal to any British vessel that might happen to be in said fleet to hoist their colours; that thereupon the said American schooner *A. J. Franklin*, which said *A. J. Franklin* was lying-to in said fleet with her jib down, and was obviously fish-

CANADA.

ing or preparing to fish, made sail and stood out from the shores of Broad Cove aforesaid, as if trying to get away from us and escape capture.

That thereupon this deponent caused a shot to be fired from said schooner *Ida E.* ahead of said schooner *A. J. Franklin*, and the latter immediately hove to, that I thereupon boarded said *A. J. Franklin*, in company with Thomas O'Connor, Thomas Matson, Daniel McVicer, Christopher Lepsitt, and Felix Campbell, being part of the crew of the said schooner *Ida E.*; that at the time of boarding the said *A. J. Franklin* the south side of Sea Wolf Island then bore from said *A. J. Franklin* east by north, and was less than two miles distant. Sight Point bore south-west by west, said last-named vessel then being about two miles and a half north by west half west from the shore of Marsh Point; that when I boarded said *A. J. Franklin* as aforesaid I found her mackerel or fishing lines coiled up on her rail, some of said lines being wet, and the water dripping from them, and the hooks attached to said lines being baited with fresh or new bait, and I also found fresh fish blood and fresh mackerel gills on the deck of said schooner *A. J. Franklin*. The deck, rail, and bulwarks of said schooner then presented the appearance of bait having been very recently thrown therefrom; that I thereupon accused the captain of said *A. J. Franklin* with having been fishing, which he denied, and referred me to the captain and crew of the British schooner *Adonis* for confirmation of his statement that he had not been fishing on that morning within three marine miles of the shore of Broad Cove aforesaid; that thereupon I left said *A. J. Franklin* in company with the boats' crew I had on board of her, and permitted the said *A. J. Franklin* to depart, having first warned the captain that if upon inquiry I discovered he had not told me the truth in respect to his not having been fishing on that morning within three marine miles of the shores of Broad Cove aforesaid, I would seize the said *A. J. Franklin* whenever and wherever I would find her within three miles of the coast or shores from which American fishermen were by the Treaty of 1818 excluded. That I afterwards, on personal inquiry of the crew of the said British vessel *Adonis*, was by them informed that they were not in company with said *A. J. Franklin* on the morning of the said eleventh day of October, and could not tell whether the said *A. J. Franklin* had been fishing on that morning or not; that I subsequently inquired of the crews of several British vessels comprising a part of the said fleet off Broad Cove aforesaid on the said morning, and was informed that the said *A. J. Franklin* was fishing within three miles of said shore of Broad Cove on the morning of said day, and on the evening of the day previous, being the tenth day of October instant, and that when the crew of the said schooner *A. J. Franklin* saw the *Ida E.* bearing down towards the fleet, they threw the fish on deck overboard; that on the fifteenth day of October instant, and after I had obtained the information last aforesaid, I boarded said schooner *A. J. Franklin* in the Strait of Canso, about a mile south of Port Mulgrave, and within two cables' length of the shore of the west side of the said Strait of Canso, and seized her, together with her tackle, apparel, boats, furniture, stores, and cargo, as well for an irregularity in her papers, which consisted in her having a clearance for the fisheries from the Port of Prince Edward Island, and also a fishing licence from the port of Gloucester aforesaid, and for having been fishing, preparing to fish, or having obviously fished on the morning of the said eleventh day of October, and on the evening of the tenth day of October instant, within three marine miles of the shores of Broad Cove aforesaid, contrary to Article One of the said Treaty; that I was informed by the captain of said *A. J. Franklin*, both before and after said seizure, that the said *A. J. Franklin* had on board of her one hundred and seventy barrels mackerel; that I conveyed said vessel to the Port of Pictou, and delivered her into the custody of the Collector of Customs for that port.

(Signed) JAMES A. TORY.

Sworn to at Pictou before me, this twenty-first day of October, in the year of our Lord One thousand eight hundred and seventy.

(Signed) DANIEL HOCKIN, J. P.

Province of Nova Scotia, Pictou.

We, Regis Raimond and Martin Sullivan, at present of Pictou, and being first and second mates of the Government schooner *Ida E.*, make oath and say that the statements contained in the annexed affidavit of James A. Tory, commander of the aforesaid schooner *Ida E.*, respecting the bearings and distances of the schooner *A. J. Franklin*, therein mentioned, when boarded off Broad Cove, are true in every particular; and that

while the said James A. Tory was on board the said *A. J. Franklin* we took the bearings from on board the schooner *Ida E.*, when immediately alongside of the aforesaid schooner *A. J. Franklin*.

CANADA.

(Signed) REGIS RAIMOND,
First Mate.
MARTIN SULLIVAN,
Second Mate.

The said Regis Raimond and Martin Sullivan were severally sworn to the truth of this affidavit at Pictou, in the County of Pictou, the twenty first day of October, A.D. 1870, before me,

(Signed) DANIEL HOCKIN, J. P.

Province of Nova Scotia, Pictou.

We, Thomas O'Connor, Thomas Matson, Daniel McVicer, Christopher Lepsitt, and Felix Campbell, at present of Pictou, in the province of Nova Scotia, being part of the crew of the Government schooner *Ida E.*, and the boats' crew that boarded the American fishing schooner *A. J. Franklin*, on the morning of the eleventh day of October instant, off Broad Cove, as detailed in an affidavit made by James A. Tory, commander of the aforesaid schooner *Ida E.*, on the twenty-first day of October instant, which is herunto annexed, severally make oath and say, as follows:—That we have heard read the said affidavit of James A. Tory, and that the same is true in substance and matter of fact, except the following, which we have no personal knowledge of, viz., the first warning in the harbour of Port Hood, and the bearings and distances of said *A. J. Franklin* when boarded off Broad Cove.

(Signed) THOMAS ^{his} + O'CONNOR.
^{mark}
THOMAS MATSON.
DANIEL McVICER.
CHRISTOPHER LEPSITT.
FELIX CAMPBELL.

The said Thomas O'Connor, Thomas Matson, Christopher Lepsitt, Daniel McVicer, and Felix Campbell, were severally sworn to the truth of this affidavit at Pictou, in the County of Pictou, the twenty-first day of October, A.D. 1870, before me, the said affidavit having been first read and explained.

(Signed) DANIEL HOCKIN, J. P.

No. 5.

No. 5.

The Lord Lisgar to the Earl of Kimberley.

(Confidential.)

Government House, Ottawa, 19th November, 1870.
(Received 8th December, 1870.)

MY LORD,

With reference to your Lordship's Confidential Despatch of the 12th October last,* requesting information respecting the exclusion of American fishermen from trading in the ports of British North America, I have the honour to transmit herewith copy of a Minute of the Privy Council of the Dominion, approving the report which the Minister of Marine and Fisheries has prepared on the subject.

* *Vide* Previous Paper, dated January 1871, page 91. 18th November, 1870.

The Right Honourable the Earl of Kimberley,
&c. &c. &c.

I have, &c.,
LISGAR.

Enclosure in No 5.

Enclosure in No. 5.

COPY of a REPORT of a COMMITTEE of the Honourable the PRIVY COUNCIL, approved by His Excellency the GOVERNOR-GENERAL, on the 18th day of November, 1870.

The Committee of Council have had under consideration the Confidential Despatch dated 12th October, 1870, from the Right Honourable the Secretary of State for the

CANADA.

Colonies, requesting information as to the practice which prevailed previous to the Reciprocity Treaty in regard to the exclusion of American fishermen from trading in the ports of British North America :

They have also had before them the annexed Report, dated 5th November instant, from the Honourable the Minister of Marine and Fisheries, to whom the above-mentioned Despatch was referred, and they respectfully submit their concurrence in the said Report, and advise that a copy thereof be transmitted by your Excellency to the Earl of Kimberley, for the information of Her Majesty's Government.

(Certified)

(Signed)

WM. H. LEE,
Clerk to the Privy Council.

(Confidential.)

REPORT on the Practice which prevailed previous to the Reciprocity Treaty, respecting United States Fishing Vessels trading in Provincial Ports, &c.

Department of Marine and Fisheries,
Ottawa, 5th November, 1870.

With reference to the Earl of Kimberley's Confidential Despatch of the 12th ultimo, requesting information as to what was the actual practice which prevailed previous to the Reciprocity Treaty between Great Britain and the United States, in regard to the exclusion of American fishermen from trading or effecting commercial operations in the ports of the different Provinces of British North America, the undersigned has the honour to state :

That the right to prevent American fishing vessels from resorting to Provincial bays and harbours, for purposes of trade, was actually asserted and carried out under the Imperial and Colonial Statutes, enacted to give effect to the provisions of the Treaty of 1818, anterior to the Reciprocity Treaty of 1854.

Between the years 1817 and 1854, several United States fishing vessels were detained and seized by Imperial and Colonial Officers for infractions of the Treaty, and violation of these Statutes. Many of them were condemned. Among the specific offences of fishing, for which numerous seizures and confiscations took place during this period, American fishing vessels were accosted and detained for the following reasons:—

1. Anchoring or hovering inshore during calm weather without any ostensible cause, having aboard ample supplies of wood and water ;
2. Lying at anchor and remaining inside of the bays to clean and pack fish ;
3. Purchasing and bartering bait ;
4. Selling goods and buying supplies ;
5. Landing and transshipping cargoes of fish.

The undersigned begs leave to refer, in the first place, to the Imperial Instructions under which, antecedent to the Convention of 1818, American fishing vessels were excluded from British bays and harbours in North America, conformable to the Treaty of 1783. The following Admiralty order for the governance of officers commanding vessels engaged in the protection of the fisheries and the prevention of illicit trade, signed by Rear-Admiral Milne, bears date the 12th of May, 1817:—

“ On your meeting with any foreign vessel, fishing, or at anchor, in any of the harbours or creeks in His Majesty's North American Provinces, or within our maritime jurisdiction, you will seize and send such vessel so trespassing to Halifax, for adjudication, unless it should clearly appear that they have been obliged to put in there in consequence of distress, acquainting me with the cause of such seizure, and every other particular, to enable me to give all information to the Lords Commissioners of the Admiralty.”

Under this instruction numbers of American fishing vessels were seized in Ragged Island Harbour, on the 8th of June, 1817, where they pretended to have sought helter. The seizures were objected to on behalf of the United States Government, on the ground that these vessels entered from a lawful and necessary motive: but on investigation, it was found that, as explained by His Majesty's Government, they were in the habit of occupying, and at the time of seizure, actually occupied this harbour without any legitimate excuse. The fishing schooners *Nabby* and *Washington* were seized in 1818, and condemned for being at anchor in, and hovering near, a settled British harbour. The *Java Independence*, *Magnolia*, and *Hart*, were detained and confiscated in 1839, for being in harbour without lawful cause, and cleaning fish on deck. In 1840, the fishing vessels *Papineau* and *Mary* were seized and sold for purchasing bait ashore.

The right of exclude American fishing vessels from the Provincial ports, bays, and

Vide Appendix IV., pp. 107-10, Nova Scotia Journals, 1853.

Vide British and Foreign State Papers, No 7, 1819-20, p. 139.

harbours, except in case of distress, was thus enforced just before the Convention, and some time after, for similarly resorting to British bays and harbours, except for the specified purposes arranged in the Treaty of 1818, to purchase wood and obtain water, and for shelter and repairs. This right was formally and continuously asserted throughout the intervening period to 1852, when the distinct offence of trading for supplies and transshipping fish cargoes became the subject of specific instructions. The Collectors of Customs at some of the ports of Nova Scotia having granted permits to authorise such transactions, the Provincial officers in command of the fisheries protection service asked for positive instructions. They were, therefore, instructed by the Government of Nova Scotia, that United States fishing vessels, with or without permits, could not legally land freight, or frequent such ports and harbours for any purposes whatever, not described in the Treaty. The following official direction, dated at Halifax, the 28th of August, 1852, is signed by the then Provincial Secretary, the Honourable Joseph Howe :

“No American fishing vessels are entitled to commercial privileges in Provincial ports, but are subject to forfeiture if found engaged in traffic. The Colonial Collectors have no authority to permit freight to be landed from such vessels, which, under the Convention, can only enter our ports for the purposes specified therein, and for no other.”

The question arose on the practice of taking on board articles necessary to fishing operations, landing fish for transshipment, and refitting in ports and harbours, at various places around the coast of Nova Scotia, and producing a written permission from some Customs Collector.

During the same year, Vice-Admiral Seymour applied to the Admiralty for special instructions as to the powers of naval officers to seize or interfere with United States fishing vessels resorting to ports or harbours for other than the purposes defined in the Convention. The matter was referred to the Law Advisers of the Crown. They pronounced the opinion that these officers were empowered under their instructions to “seize” American fishing vessels only for the offence of fishing within the prescribed limits, but the vessels might be warned off, and compelled to depart, and could be seized by such officers or others, if so authorized by Order in Council—the penalties or mode of procedure depending upon the local laws and regulations of each Colony. The legal opinion recited, adds that “independently of the express provisions of the statute,” vessels infringing these laws, by resorting to ports or harbours for other than the purposes specified by the Treaty, might be warned and compelled to depart by whatever force is reasonably necessary by persons authorized by the Colonial Governors, or the British Admiral.

The Imperial and Colonial Statutes now in force provide for regulations in pursuance of the Treaty to enforce the terms of the Convention; and instructions to Commanders of Marine Police Vessels, approved by orders in Council, are such existing “Regulations” provided for by the Statutes as are deemed “*necessary to prevent*” American fishermen from abusing “*in any other manner whatever*” (besides fishing) the privileges reserved to them by the Convention.

The foregoing references should suffice to establish that the restriction in question is neither novel, strained, nor vexatious.

The whole, nevertheless, respectfully submitted.

(Signed) P. MITCHELL,
Minister of Marine and Fisheries.

CANADA.

Vide Appendix IV., p. 141, Nova Scotia Journals, 1853.

Vide Appendix IV., pp. 138-9, Nova Scotia Journals, 1853.

Dated 25th September, 1852.

Appendix IV., pp. 139-41.

No. 6.

The Lord Lisgar to the Earl of Kimberley.

(No. 274.)

Government House, Ottawa, 24th November, 1870.

(Received, 8th December, 1870.)

(Answered, No. 314, 15th December, 1870, page 13.)

MY LORD,

With reference to previous correspondence on the subject of the protection of the Fisheries, I have the honour to transmit herewith copies of correspondence which has passed between Vice-Admiral Fanshawe and myself.

I have, &c.,
(Signed) LISGAR.

The Right Honourable the Earl of Kimberley,
&c. &c. &c.

No. 6.

Vice-Admiral Fanshawe, 17th October, 1870.

Sir John Young, 26th October, 1870.

Vice-Admiral Fanshawe, 15th November, 1870.

CANADA.

Enclosure 1
in No. 6.

Enclosure 1 in No. 6.

VICE-ADMIRAL FANSHAWE to the GOVERNOR-GENERAL.

SIR,

Royal Alfred, Halifax, 17th October, 1870.

I have the honour to enclose, for your Excellency's information, a copy of a letter from Lieutenant Basil Cochrane, commanding Her Majesty's gunboat *Britomart*, employed in the protection of the Fisheries in the Bay of Fundy.

2. It would appear, from paragraphs 4 and 5 of Lieutenant Cochrane's letter, that fishermen of 'the United States' are in the habit of resorting to Welchpool and St. Andrew's, in the Province of New Brunswick, in order to purchase salt; the Collectors of Customs at those places being unaware of the prohibition of that traffic contained in the 3rd Section of 59 Geo. III., cap. 38.

3. Lieutenant Cochrane also states, in paragraphs 6 and 7, that he had received local information that United States fishermen are in the habit of fishing on the coast during the winter months; and, in corroboration, he was informed by the Fishing Warder for the coast from Cape Lepreau to Letite, that he had seen as many as thirty American schooners, fishing close to the land last January.

4. Captain P. A. Scott, R.N., the officer in command of the cruisers employed by the Dominion of Canada, is expected here about the end of the present month, when I propose to confer with him on this subject.

I have, &c.,

(Signed)

E. G. FANSHAWE,

Vice-Admiral.

Governor-General the Right Honourable
Sir John Young, Bart., G.C.B., G.C.M.G.,
&c. &c. &c.

 LIEUTENANT COCHRANE to VICE-ADMIRAL WELLESLEY.

FISHING REPORT No. 7.

H.M.'s gunboat *Britomart*, at Flags Cove, Grand Manan,
30th September, 1870.

SIR,

I have the honour to report that I left Seal Cove, Grand Manan, on the 23rd instant, and proceeded to Long Island Bay, coming to at the anchorage inside Long Island.

2. I found most of the fishermen at the north end of Grand Manan engaged with the Weir fishing, the herring, I am informed, being more plentiful than for many years past, so much so that the greater part of the smoke houses are already filled, and the herring that are taken now are being converted into oil and manure.

3. I left Long Island Bay on Sunday the 25th, and proceeded to Welchpool, Campobello.

4. I find that American fishing vessels are in the constant habit of coming to Welchpool for salt. Mr. Farmer, the Collector of Customs, called on me and asked my opinion as to whether that was against the law. I read to him the 3rd Section of 59 Geo. III., cap. 38, which article he had not before seen.

5. I proceeded on Tuesday the 27th to St. Andrew's, and found that that also was a place of call for the American fishermen to purchase salt. Mr. Gove, the collector at St. Andrew's, informed me the Custom House Officers had no orders against allowing American fishing vessels to come in for salt, or stores of any description whatever.

6. I left St. Andrew's on the 28th, and proceeded through Letite Passage to L'Etang Harbour. I found at L'Etang the only time the fishermen complained of the Americans was in the winter, from end of December to beginning of March.

7. I proceeded on the 29th to Beaver Harbour, when I communicated with Mr. Best, the Fishing Warder for the coast from Cape Lepreau to Letite Passage, who gave much the same information as he had received at L'Etang, adding that he had seen as many as thirty American schooners fishing close to the land last January.

8. I left Beaver Harbour the same day, and arrived in this cove yesterday evening.

9. I purpose proceeding next to Westport, Bryer's Island, and to Cape Sable, and

then returning to the southern head of Grand Manan, and will call at Welchpool, Campobello, about the 12th October.

CANADA.

I have, &c.
(Signed) BASIL E. COCHRANE,
Lieutenant and Commander.

Vice-Admiral George G. Wellesley, G.B.,
Commander-in-Chief.
&c. &c. &c.

Enclosure 2 in No. 6.

Enclosure 2
in No. 6.

SIR JOHN YOUNG to VICE-ADMIRAL FANSHAWE.

SIR, Government House, Ottawa, October 26th, 1870.

I have the honour to acknowledge the receipt of your letter of the 17th instant, enclosing copy of a letter from Lieutenant B. Cochrane, commanding Her Majesty's gunboat *Britomart*, employed in the protection of the Fisheries.

I have caused a copy of your letter and enclosure to be sent to the Privy Council of the Dominion for consideration, and to Her Majesty's Minister at Washington for his information.

I have, &c.,
(Signed) JOHN YOUNG.

Vice-Admiral E. G. Fawshawe,
&c. &c. &c.

Enclosure 3 in No. 6.

Enclosure 3
in No. 6.

VICE-ADMIRAL FANSHAWE to the GOVERNOR-GENERAL.

SIR, *Royal Alfred*, Halifax, 15th November, 1870.

With reference to my letter of the 17th October, and Your Excellency's reply thereto, I beg to forward herewith an extract from a letter from Commander Bateman, of H.M.'s ship *Royalist*, on the same subject as referred to in my former letter.

2. I also enclose extracts from a letter addressed to me by Commander Knowles of H.M.'s ship *Lapwing*, in which he states some difficulties that the Collectors of Customs at Port Hood and the Gut of Canso had mentioned to him, in enforcing their authority.

3. Since forwarding my letter of the 17th October to Your Excellency, I have received a communication from the Lords Commissioners of the Admiralty, in which they are requested by the Colonial Office to call my attention to the following passage in Mr. Cardwell's letter to the Admiralty of 12th April, 1866: "Her Majesty's Government do not desire that the prohibition to enter British bays should be generally insisted on, except when there is reason to apprehend some substantial invasion of British rights."

And I am informed that "the transshipment of fish and obtaining supplies by American fishing vessels cannot be registered as a substantial invasion of British rights, such as is contemplated by those instructions, and unless there is some further ground for interference than the Convention of 1818, and the consequent enactment of 59 Geo. III. c. 38 (Imperial) and 6 Vic. c. 14 (Prince Edward Island) United States fishermen are not to be prevented from entering British bays for such purposes."

I have, &c.
(Signed) E. G. FANSHAWE,
Vice-Admiral.

His Excellency the Right Honourable
Sir J. Young, Bart., G.C.B., G.C.M.G.

EXTRACT FROM A LETTER from Commander Richard S. Bateman, H.M.S. *Royalist*, to Vice-Admiral E. G. Fanshawe, Commander-in-Chief (No. 9), of 1st November, 1870:

4. I would mention that the Collector of Customs at the places I have been at informed me that they had no instructions to prevent American fishing vessels from being supplied with ice, bait, &c.; and I have heard that vessels ordered out of

CANADA.

harbours by me had returned after my departure, and taken in the articles which I had forbidden them from receiving.

EXTRACT FROM A LETTER from Commander Knowles, of H.M.S. *Lapwing* (No. 10A), dated 7th November, 1870, addressed to Vice-Admiral Fanshawe, Commander-in-Chief.

PORT HOOD.

2. The inshore fishing in the vicinity of the port has by all accounts been greatly above the average, the mackerel coming in through the Gut of Canso about the commencement of June, when there was an immense catch in this harbour; they then went northward towards East Point and off Sea Wolf Island and Cheticau.

The herring fishery here has been excellent: the summer herrings came in in July, the fall herrings for three nights in September, and I believe that as much as ten thousand barrels were caught off Henry Island, and outside Smith's Island.

The cod fishery here has not been remarkable.

This port seems to be a great harbour of refuge for the American schooners, about fifty of them were frequently at anchor at a time, and previous to the Treaty large supplies were obtained from the storekeepers on shore, but owing to the constant presence of a man-of-war, the traders now derive but little, if any profit.

The general feeling here is that the abrogation of the license system and stringent manner in which the laws have been enforced have had the effect of greatly improving the catch of the inshore and coast fishermen.

EXTRACT FROM A LETTER from Commander Knowles, H.M.S. *Lapwing*, (No. 10A), dated 7th November, 1870, addressed to Vice-Admiral Fanshawe, Commander-in-Chief.

GUT OF CANSO.

5. This high-road to the fishing grounds seems to have been very much overlooked: there is scarcely ever a man-of-war there, except when passing through, and the Collectors of Customs find it impossible to enforce their authority, having no force to assist them; the sympathies of the inhabitants are entirely with the Americans, as the schooners are principally manned by men who are natives of the Strait of Canso; the storekeepers and traders derive large profits from their intercourse with the crews.

No. 7.

No. 7.

The Lord Lisgar to the Earl of Kimberley.

(No. 292.)

Government House, Ottawa,
December 15th, 1870.

(Received 29th December, 1870.)

MY LORD,

14th December, 1870.

With reference to my Secret Despatch of the 4th November last on the subject of the Fisheries, I have the honour to enclose a revised list of vessels seized by Imperial and Canadian police cruisers for violation of the Fishery and Revenue laws during the past season.

Full particulars of each case will be sent to your Lordship when the legal proceedings shall have closed.

I have, &c.,
(Signed) LISGAR.

The Right Hon. the Earl of Kimberley,
&c. &c. &c.

REVISED SCHEDULE of VESSELS seized by Imperial and Canadian Cruisers for violation of the FISHERY and REVENUE LAWS during the current Season to date, 14th December, 1870.

Name of Vessel.	Tonnage.	Name of Master or Owner.	Place of Ownership.	Date of Seizure.	Place of Seizure and distance of locality from Shore.	Whether hovering, at anchor, or trailing, actively fishing, having fished, or preparing to fish.	When and how tried, and with what result, and if defended by Counsel.	By whom seizure was made.	Remarks.
Wampatuck	Tons. 40	Mr. Goodwin	Plymouth, U.S.	27th June, 1870	About 1½ miles from the shore, off the north shore of Aspy Bay, N.S.	Actively fishing, the men on board in the act of hauling in their lines	Condemned by Vice-Admiralty Court at Halifax	James A. Tory, schooner Ida E.	
J. H. Nickerson	70	Mr. McDonald	Salem, Mass., U.S.	30th June, 1870	Within three cables' length from shore, on E. side of Bay of Ingouish, N.S., and immediately inside of Ingouish Island	At anchor preparing to fish, and a quantity of fresh caught herring in the hold; taken on the spot, having been previously warned off	Vice-Admiralty Court, Halifax; still pending; counsel retained in defence	James A. Tory, schooner Ida E.	
Minnie		Mr. Campbell	Halifax, N.S.	28th July, 1870	Aspy Bay, N.S.	Smuggling	Do.	James A. Tory, schooner Ida E.	
Lettie	57	Owner, Mr. McGowan; Master, Mr. Beeman	Prince Edward Island	18th August, 1870	Half a mile off the light inside Gaspé Harbour, Province of Quebec	Fishing seven days in Gaspé Harbour, and preparing to fish at time of seizure	In course of litigation in Courts of New Brunswick	H. E. Petts, schooner Elba G. McLean	So named on Register, but the ship's articles give the names J. C. Hall, Owner, and William Hearn, Master. Also violation of 103rd section of the Merchant Shipping Act.
Lizzie A. Tarr	63	Messrs. Tarr, Brothers	Gloucester, Mass., U.S.	27th August, 1870	St. Margaret's Bay, N. S. of St. Lawrence, Province of Quebec, 350 yards from shore	At anchor, lines set, on which were six halibut	Tried at Quebec in Vice-Admiralty Court, condemned and sold	N. Lavoie, schooner La Chaudienne	
A. H. Wanson	63	Mr. Webber	Gloucester, Mass., U.S.	3rd September, 1870	Less than two miles S. of Seawolf Island, and within 3 miles of shore of Cape Breton, N.S.	Throwing out bait, and crew casting their fishing lines	Vice-Admiralty Court, Halifax; still pending; counsel retained in defence	J. C. E. Carmichael, schooner Sweepstake	
H. B. Lewis	31	Mr. Watson	Halifax, N.S.	17th September, 1870	Under Henry Island, near Port Hood, N.S.	Smuggling	Do.	J. C. E. Carmichael, schooner Sweepstake	

REVISED SCHEDULE, &c.—*continued.*

Name of Vessel.	Tonnage.	Name of Master or Owner.	Place of Ownership.	Date of Seizure.	Place of seizure and distance of locality from shore.	Whether hovering, at anchor, or trading, actively fishing, having fished, or preparing to fish.	When and how tried, and with what result, and if defended by Counsel.	By whom seizure was made.	Remarks.
A. J. Franklin		Mr. Niass . . .	Gloucester, Mass., U.S.	15th October, 1870	Within two miles of shore, at Broad Cove, Cape Breton, N.S.	Having fished in the Cove, and actually found with mackerel wet and dripping, and hooks baited with fresh bait; also fresh fish, blood, and mackerel offals on deck	Vice-Admiralty Court, Halifax; still pending	James A. Tory, schooner Ida E.	
Granada . . .		..	Provincetown, Mass., U.S.	25th October, 1870	..	Smuggling	Taken to Halifax for adjudication; still in process	James A. Tory, schooner Ida E.	
Romp . . .		Mr. Oliver . . .	Eastport, Maine, U.S.	8th November, 1870	Back Bay, Oliver's Wharf, Co. Charlottte, N.H.	Having fished at three islands; Grand Manan	In course of litigation in Courts of New Brunswick	Albert Betts, schooner Water Lily	
White Fawn . . .	64	Mr. Marshall . .	Gloucester, Mass., U.S.	25th November, 1870	Head Harbour, Campo Bello	Preparing to fish at Head Harbour, Campo Bello	Taken to St. John for adjudication	Albert Betts, schooner Water Lily	
S. G. Marshall		..	..	..	..	..	..	H.M.S. Valorous	This department is without any official information from the Admiral in command or the seizing officers regarding these cases; but gathers from the public newspapers that such seizures were made by the Imperial vessels named.
Albert . . .		..	..	..	..	..	..	H.M.S. Valorous	
Clara F. Friend		..	..	..	..	..	..	H.M.S. Plover	

Department of Marine and Fisheries (Fisheries Branch),
Ottawa, 14th December, 1870.

W. F. WHITCHER,
For the Minister of Marine and Fisheries.

Despatches from the Secretary of State.

No. 1.

No. 1.

The Earl of Kimberley to the Lord Lisgar.

(Confidential.)

MY LORD, Downing Street, 14th November, 1870.

I have the honour to transmit to you, for your confidential information, a copy of a Despatch received through the Foreign Office from Her Majesty's Minister at Washington, in reference to the Report of the Canadian Privy Council of the 10th of October, a copy of which accompanied your confidential Despatch of the 12th ultimo,* relating to the exclusion of American fishing-vessels from Canadian ports.

I enclose a copy of a letter which I have caused to be addressed to the Foreign Office, in reference to a remark contained in Sir E. Thornton's Despatch.

I have, &c.,
(Signed) KIMBERLEY.

To The Lord Lisgar,
&c. &c.

Sir E. Thornton to Earl Granville, 17th October, 1870. No. 413.
* Page 1. Vide Enclosure to Foreign Office Letter of November 1st, 1870, page 34. Col. Off. to For. Off. 14th November, 1870, page 40.

No. 2.

No. 2.

The Earl of Kimberley to the Lord Lisgar.

(Confidential.)

MY LORD, Downing Street, 21st November, 1870.

I have the honour to acknowledge the receipt of your Confidential Despatch of the 12th of October,* enclosing a copy of a Minute of the Canadian Privy Council, relating to the interpretation of the Treaty of 1818 on points connected with the Fisheries.

I think it right that your Government should be apprised confidentially, that Sir E. Thornton has been cautioned against admitting Mr. Fish's interpretation of the Treaty of 1818, as regards the exclusion of United States vessels from Canadian ports.

I have also learnt from the Foreign Office that Lord Granville has communicated to Sir E. Thornton a copy of the letter from this Department of the 14th instant, which accompanied my Confidential Despatch to you of that date.†

I have, &c.,
(Signed) KIMBERLEY.

To The Lord Lisgar,
&c. &c.

* Page 1.

† Above.

No. 3.

No. 3.

(No. 314.) *The Earl of Kimberley to the Lord Lisgar.*

MY LORD, Downing Street, 15th December, 1870.

I have the honour to acknowledge the receipt of your Despatch (No. 274)* of the 24th of November, enclosing copies of a correspondence which had passed between Vice-Admiral Fanshawe and yourself on matters connected with the Canadian Fisheries.

I have, &c.,
(Signed) KIMBERLEY.

To The Lord Lisgar,
&c. &c.

* Page 7.

CANADA.

No. 4.

No. 4.

The Earl of Kimberley to the Lord Lisgar.

(Confidential.)

MY LORD,

Downing Street, 15th December, 1870.

* *Vide* Previous Paper, dated January, 1871, page 92.
 † *Vide* Enclosure to Admiralty Letter of 2nd December, 1870, page 15.

With reference to my Despatch (No. 265)* of the 12th October last, relating to the Canadian Fisheries, I have the honour to transmit to you, for your information, a copy of a Despatch † received, through the Admiralty, from Vice-Admiral Fanshawe, containing his opinion on the question, whether the admission of United States vessels to Canadian ports, for purposes other than those specified in the Treaty of 1818, renders it practically difficult to enforce the law against fishing in British waters.

The enclosures to Admiral Fanshawe's Despatch are not forwarded, as they are already in your possession, copies of them having been transmitted to me in your Despatch (No. 274) ‡ of the 24th November.

I have, &c.,
 (Signed) KIMBERLEY.

The Lord Lisgar,
 &c. &c.

‡ Page 7.

No. 5.

No. 5.

The Earl of Kimberley to the Lord Lisgar.

(No. 318.)

MY LORD,

Downing Street, 22nd December, 1870.

* *Vide* Previous Paper, dated January 1871, page 92, No. 15.

23rd Nov. 1870 (P. E. I.), page 33.

With reference to my Despatch (No. 265)* of the 12th of October, relating to the Fisheries, I have the honour to transmit to you, for your information, the enclosed copy of a Despatch received from the Lieutenant-Governor of Prince Edward Island, reporting the steps which he has taken to give effect to the decision arrived at by Her Majesty's Government with regard to the admission of the United States fishing vessels to British ports, for the purpose of obtaining supplies and of transshipping fish.

I have conveyed to the Lieutenant-Governor my approval of the course he adopted.

I have, &c.
 (Signed) KIMBERLEY.

The Lord Lisgar.
 &c. &c.

CORRESPONDENCE

BETWEEN

The Colonial Office and the Admiralty.

No. 1.

The Admiralty to the Colonial Office.

No. 1.

SIR,

Admiralty, 2nd November, 1870.

I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of the Secretary of State for the Colonies, the enclosed copies of a Despatch (No. 4) of the 10th ultimo, and its enclosures, from the Vice-Admiral commanding on the North American station, in regard to the capture of the American schooners *Foam* and *C. F. Friend*, for fishing in British waters, in contravention of the Convention of 1818.

10th October.
1870.I am, &c.,
(Signed) THOS. WOLLEY.

The Under Secretary of State for the Colonies.

(No. 4.)

Enclosure in No. 1.

Enclosure
in No. 1.

SIR,

Royal Alfred, Halifax, 10th October, 1870.

I have the honour to forward herewith, for the information of the Lords Commissioners of the Admiralty, copies of letters from Captain Hardinge, of the *Valorous*, dated 3rd September, and from Commander Poland, of the *Plover*, dated 2nd October, reporting the captains of the American schooners *Foam* and *C. F. Friend*, by their respective ships, for fishing in British waters, in contravention of the Convention of 1818.

2. Both these vessels have been placed before the Prize Court, and I shall report the proceedings with reference to them as soon as possible,

I am, &c.,
(Signed) E. G. FANSHAWE,
Vice-Admiral.

The Secretary of the Admiralty.

(No. 56.)

SIR,

H.M.S. *Valorous*, Charlotte Town, 3rd Sept., 1870.

I have the honour, in accordance with your instructions, to report specially the circumstances under which the schooner *Foam* was seized.

The charges against her in order to put her into Court are herewith annexed.

Yesterday evening, late, the officer of the guard from the *Dart* brought to my notice that a schooner, said to be owned by Mr. J. C. Hall, had arrived, sailing under English colours. I at once took the responsibility of clearing up that question, and placed an officer on board through the night, relieved at intervals.

Before the boarding officer had boarded, the vessel had made fast to the wharf, and the captain had gone ashore; there was therefore no access to the ship's papers till the morning.

The register was then found not to agree with the statement; and when it was stated that one McGowan, a clerk in the house of J. C. Hall, was the owner, and Mr. Hall, of the firm of Hall and Meyrick, the agent.

On the Articles various erasures appeared in a different coloured ink, without being initialed.

CANADA.

The tonnage described as 29 tons appeared erroneous. She was remeasured according to the rule laid down in the 22nd clause of the Merchant Shipping Act, and found to be about 35 tons.

Attached to her documents was a receipt for her having paid dues for 40 tons.

With an excess of tonnage of 30 tons she is required by clause 25 of the Merchant Shipping Act to have her tonnage and registry numbers carved on the main beams which is not there; neither the name of the owner nor that of the master were on the register.

The latter was put on in a form of certificate by the Collector of Customs dated this day; whereas the master, in his deposition before me on oath, averred that he had commanded her for ten weeks.

The vessel is a fishing vessel, and the master has admitted on oath that he has fished within the limits.

No bill of sale was forthcoming, although promised by Mr. Hall, but he stated that Mr. McGowan was absent.

As I felt morally sure that the putting her in a penniless youth's name, the employé of a foreigner, was a mere subterfuge to evade the Statute, I seized her on the plea of not having a British character, and unduly assuming the same.

The other counts, excepting that as to tonnage, are merely to swell the indictment.

I regret having had again to act in this manner, but these two cases, with that of the *Lettie*, prove that this place is the root of the evil which, if unchecked, would alter the character of British shipping in this part of the world, and quite cripple the cruisers employed on the Fisheries by occupying them with irregular vessels instead of protecting the Fisheries.

Vice-Admiral Wellesley, C.B.
&c. &c. &c.

I have, &c.
(Signed) E. HARDINGE, Captain.

I request that you will, on receipt of this, cause proceedings to be instituted on behalf of the officers and crew of H. M. S. *Valorous* against the schooner *Foam*, captured on the 3rd of September, 1870, on the grounds of:

1. "Unduly assuming a British character" in contravention of clause 103, 17 & 18 Vict. c. 104.

2. That the tonnage of the aforesaid schooner is in excess of 29 tons, which is falsely stated on her register to be her actual tonnage.

3. That the number denoting the register tonnage, and the number of her certificate of registry, is not deeply carved or otherwise permanently marked on her main beam, as required by clause 25, 17 & 18 Vict. c. 104.

4. That the name of the ship and of the port to which she belongs is not painted on her stern, as required by clause 34, sect. 1, 17 & 18 Vict. c. 104.

5. Having fished within the prohibited limits in contravention of 59 Geo. III., c. 38, ship being of a foreign character.

This 3rd day of September, 1870,

(Signed) E. HARDINGE,
Captain H.M.S. *Valorous*.

To the Queen's Proctor, or any other Proctor
practising in Vice-Admiralty Court
of Charlottetown, Prince Edward Island.

(No. 43.)

SIR,

H.M.S. *Plover*, Charlottetown,
Prince Edward Island, 2nd October, 1870.

I have the honour to inform you that on the afternoon of Friday, the 30th of September, I observed several American schooners fishing in the midst of about fifty English vessels about a mile from the land off Long Point, on the north shore of Prince Edward Island. I captured two of them; one the *Gettysburg*, of Gloucester, I released with a warning, as I did not actually see the fish caught by her crew, although her master acknowledged having fished; the other, the *Clara F. Friend*, of Gloucester, Massachusetts, U.S., master, Thomas Grady, I detained, and towed here for adjudication.

The position of this ship by-cross bearings when I started in chase was a little under

two miles from the land, and the *Clara F. Friend* was quite a mile inside of us; and I captured her about three quarters of a mile from the land.

CANADA.

Vice-Admiral Wellesley, C.B.

I have, &c.
(Signed) J. A. POLAND,
Commander.

No. 2.

No. 2.

The Admiralty to the Colonial Office.

SIR,

Admiralty, 2nd November, 1870.

I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of the Secretary of State for the Colonies, the enclosed extracts from a Despatch, No. 14, of the 21st ultimo, from the Admiral commanding on the North American Station, in regard to the movements of Her Majesty's ships employed in the protection of Canadian Fisheries.

The Under-Secretary of State
for the Colonies.

I am, &c.,
(Signed) THOS. WOLLEY.

Enclosure in No. 2.

Enclosure
in No. 2.

EXTRACT from a LETTER of VICE-ADMIRAL FANSHAWE, dated *Royal Alfred*, at Halifax, 21st October, 1870 (No. 14).

Niobe. Senior officer Newfoundland, in charge of the French Fisheries, was at St. John's on the 7th instant. Commander Pasley reports his intention of visiting Conception Bay to inquire into alleged destruction of property on the French shore by fishermen from Labrador.

Britomart, *Royalist*, *Lapwing*, *Plover*, *Cherub*, *Sphinx*, have cruised upon the Canadian coasts, for the protection of those fisheries from American intruders, on the respective stations assigned to them by my predecessor.

From their reports, I learn that the fishing for this season has, in a great measure, ceased, and that the foreign vessels have nearly all left the vicinity of the fishing grounds.

I have already recalled the cruiser *Royalist* from the East Coast of Cape Breton, and one of those (*Cherub*) stationed on the coast of Prince Edward Island.

The others will be ordered here as soon as I find that their services are no longer required at the fisheries.

No. 3.

No. 3.

The Colonial Office to the Admiralty.

SIR,

Downing Street, 10th November 1870.

I am directed by the Earl of Kimberley to transmit to you, for the information of the Lords Commissioners of the Admiralty, a copy of a Despatch from the Governor-General of Canada, forwarding a copy of a letter which he had addressed to Vice-Admiral Wellesley, concerning an order of the Privy Council of the Dominion, expressing their appreciation of his services in aiding the Government of Canada in the protection of the fisheries. The services of Captain Hardinge, of the *Valorous*, are likewise specifically mentioned.

No. 247.
21st October,
1870, page 2.

The Secretary to the Admiralty.

I am, &c.,
(Signed) H. T. HOLLAND.

No. 4.

No. 4.

The Admiralty to the Colonial Office.

SIR,

Admiralty, 2nd December, 1870.

With reference to your letter of the 13th October last,* containing the views of the Secretary of State for the Colonies, as to the legality of the American schooner *Clara B. Chapman* having transhipped fish and shipped provisions in Charlotte Town Harbour, I am commanded by my Lords Commissioners of the Admiralty to transmit

* *Vide* Pre-
vious Paper,
dated January,
1871, page 142.

CANADA.

to you, for the information of the Earl of Kimberley, the enclosed copies of a Despatch, No. 41, from Vice-Admiral Fanshawe, dated 16th November, and its enclosures, containing remarks on the question raised in the last paragraph of your letter, as to whether the admission of United States vessels for similar purposes within the limits of British jurisdiction renders it difficult to enforce the law against fishing in British waters.

The Under-Secretary of State
for the Colonies.

I am, &c.,
(Signed)

THOS. WOLLEY.

Enclosures
in No. 4.

Enclosure in No. 4.

(No. 41.)

SIR,

Royal Alfred, Halifax, 16th November, 1870.

I have the honour to acknowledge the receipt of your letter of the 15th ultimo, No. 20 M., transmitting, by command of the Lords Commissioners of the Admiralty, for my information and guidance, a copy of a letter from the Colonial Office, dated 13th October, containing the views of the Secretary of State as to the legality of the proceedings of the American schooner *Clara B. Chapman*, in transshipping fish and shipping provisions in Charlotte Town Harbour, which proceedings were not, in Earl Kimberley's opinion, a substantial invasion of British rights.

2. In compliance with the directions contained in the second paragraph of your letter, that I should report my opinion on the point raised in the last paragraph of the Colonial Office letter, as to whether the admission of United States vessels for the above purposes within the limits of British jurisdiction renders it difficult to enforce the law against fishing in British waters, I beg to offer the following remarks:

I. The admission to trade and transship fish of United States vessels which illegally fish in British waters affords them the means of disposing of the fish they have already taken, and receiving supplies in return. By thus affording facilities to those who are bent on breaking the law against fishing in British waters, the difficulty of enforcing the law is increased.

II. But the increase of difficulty thus caused appears to have been partial since the restrictions of the Convention of 1818 have been in some degree enforced; because, though isolated cases have occurred in which trading has been stopped by the Imperial and the Dominion vessels, yet, as the interests of the Colonial traders are involved in the trade, and the local officers have not, in some cases, apparently felt themselves authorized to interfere, and in other cases have not the means to enforce their authority, no such general or effectual check to the trade has been produced as would, on its removal, materially affect the difficulty of enforcing the law against illegal fishing.

III. I enclose a copy of a report from Lieutenant Basil Cochrane, commanding H.M. gunboat *Britomart*, and the correspondence resulting from it; and also an extract from the Fishery Report just received from Commander Knowles, of the *Lapwing*, on the "Gut of Canso," which illustrates the above remark as regards the Collectors of Customs at those places.

IV. I also enclose another extract from Commander Knowles' Fishery Report, on "Port Hood," which port, from its being the sole harbour in the neighbourhood, conveniently situated for the resort of American fishermen, collects them more to a focus than is the case at other fishing stations. Here, the law against trading having been effectually enforced, the catch of the coast fishermen is believed to have been greatly improved; though with serious detriment to the general trade of the place.

I have, &c.,
(Signed) E. G. FANSHAWE,
Vice-Admiral.

The Secretary of the Admiralty.

[NOTE.—These sub-enclosures are already printed as enclosures in Lord Lisgar's Despatch, No. 274, of 24th November, 1870, page 7.]

Letter from Lieut. Cochrane to Vice-Admiral Wellesley, C.B., dated H.M.G.B. *Britomart*, at Flag's Cove, Grand Manan Island, 30th Sept., 1870.

Letter from Vice-Admiral Fanshawe to the Rt. Hon. Sir J. Young, dated *Royal Alfred*, at Halifax, 17th October, 1870.

Letter from Sir J. Young to Vice-Admiral Fanshawe, dated Ottawa, Canada, 26th October, 1870.

Extract from a letter from Commander Knowles, H.M.S. *Lapwing*, to Vice-Admiral Fanshawe, Commander-in-Chief, dated 7th November, 1870. No. 10A.

Extract from a letter from Commander Knowles, H.M.S. *Lapwing*, to Vice-Admiral Fanshawe, Commander-in-Chief, dated 7th November, 1870. No. 10A.

CANADA.

No. 5.

No. 5.

The Admiralty to the Colonial Office.

SIR,

Admiralty, 23rd December, 1870.

I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of the Secretary of State for the Colonies, the enclosed copy of a Despatch, No. 55, and its enclosures, from the Vice-Admiral in command on the North American Station, containing a General Report on the Protection of Canadian Fisheries, for the year 1870.

I am, &c.

(Signed)

VERNON LUSHINGTON.

The Under-Secretary of State
for the Colonies,
&c. &c. &c.

Enclosures in No. 5.

Enclosures
in No. 5.

PROTECTION OF CANADIAN FISHERIES.—GENERAL REPORT FOR 1870.

(No. 55.)

SIR,

Royal Alfred, Halifax, 22nd November, 1870.

The fishing season on the Canadian coasts having drawn to a close, I beg to forward herewith the reports, in original, from the several officers in command of the ships employed on this service

In forwarding these reports, I beg leave to offer the following observations :

2. As stated in my answer (letter No. 41 of the 16th inst.) to the specific question put to me in their Lordships' letter of the 15th October (No. 20 M), I believe that no great diminution in the difficulty of enforcing the law against illegal fishing was caused by such additional stringency as could be applied to the prohibition of trade after the withholding of the licences. Consequently no material increase in the difficulty will ensue from the relaxation recently enjoined by the Government.

3. The strong interest that both the resident British traders and the United States fishermen have in maintaining this trade, would in my opinion render its suppression extremely difficult, even were it thought judicious to continue the attempt; whilst the combination between these two bodies to evade British law, and the sympathies arising therefrom, must be very undesirable.

4. But though the effect of the prohibition to trade in checking illegal fishing has been feeble, the irritation produced by it in the United States appears to have been relatively great. It must, however, be evident that the number of the United States fishermen who frequent the Fisheries is too large, and their determination to trespass upon Colonial Coast Fisheries too general, to admit of the law being maintained without the adoption of vigorous measures.

5. I am of opinion that the three objects of—

1st. Protection to the Colonial Fisheries;

2nd. Unrestricted commerce for the Colonial traders;

3rd. Avoidance of all reasonable ground of irritation in the United States—may best be accomplished by an adequate Colonial Preventive Force, systematically organized, in which the stationary civil officers and the commanders of the vessels should be furnished with sufficient powers, and with well-defined instructions.

This would certainly involve a considerable extension of the Colonial means now employed, and a corresponding increase of expense; but I apprehend that the latter would be more than compensated by efficient protection to the Colonial fishermen on their own grounds, and by unrestricted liberty of commerce to the traders.

6. I think also that proceedings at law would be more simple and more readily

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brought to a termination, where the captor was a Colonial officer, acting under Colonial law.

7. The presence of ships of war is necessary so long as ships of war of the United States are stationed off the coasts; and they are always useful as auxiliaries when so employed; but they are not suited for the general requirements of the preventative service, which should mainly be carried on by vessels similar in appearance and rig to the fishing vessels.

I have, &c.
(Signed) E. FANSHAWE,
Vice-Admiral.

The Secretary of the Admiralty.

P.S. A copy of this letter and the enclosed reports will be forwarded to the Governor-General of Canada; and another, with such of the reports as relate to Prince Edward Island, to the Governor of that colony.

SCHEDULE OF ENCLOSURES in Vice-Admiral Fanshawe's letter to the Secretary of the Admiralty.

No. 55 of 1870.

GENERAL REPORTS ON CANADIAN FISHERIES.

	1870.	From	To	Subject.
1.	18 Nov.	Britomart	Comm.-in-Chief.	Stations 1 and 2 (Bay of Fundy).
2.	19 ,,	Cherub	,,	Station 2 (East Coast, Bay of Fundy), and 5 (Prince Edward Island).
3.	1 ,,	Royalist	,,	Station 3 (East Coast, Cape Breton).
4.	7 ,,	Lapwing	,,	Station 4 (West Coast, Cape Breton.)
5.	28 July.	Philomel	,,	Stations 4 and 5 (North Coast, Prince Edward Island).
6.	18 Nov.	Plover .	,,	Station, No. 5.
7.	17 Sept.	Valorous	,,	Station, No. 6 (North Coast, New Brunswick).
8.	15 Nov.	Sphinx .	,,	Station, No. 6.

REPORT ON THE FISHERIES ON NOS. 1 AND 2 STATIONS, BAY OF FUNDY.

H.M.G.B. *Britomart*, at Halifax,
18th November, 1870.

SIR,

I have the honour to report that I arrived in the Bay of Fundy on 27th July, with orders to relieve H.M.S. *Plover*, and take charge of Fishing Station No 1.

Before leaving St. John, N.B., on 1st August, I received further orders to relieve the *Cherub*, and take charge of her Station (Fishing Station No 2) as well.

2. At that time the only fishing that required looking after was the Mackerel Fishery in St. Mary Bay, N.S.

The mackerel generally strike up the Bay about the middle of August, but this year they were a fortnight earlier than usual. Vessels from all parts of New Brunswick and Nova Scotia were engaged in the Fishery. At the beginning of August there were a few Americans in the Bay; they left immediately they received information there was a man-of-war cruising. The inhabitants on the Nova Scotia Coast, from St. Mary Bay to Cape Sable, I believe, prefer the Americans coming in, as they are in the habit of selling their stores, bait, and ice, and gave them every information as to my movements. The fishermen, very few of whom actually belong to that part of the coast, dislike the Americans fishing. With a man-of-war in the Bay of Fundy, occasionally looking in to St. Mary Bay, it is not worth an American vessel's while running the risk of fishing there—St. Mary Bay being little over six miles broad in any part, which, of course, greatly increases the danger of being taken. They also, in the months of August and September, have got good mackerel fishing on their own coast, off Mount Desert, their principal difficulty being want of bait, which they try to obtain at Grand Manan.

The mackerel fishing is all over about the middle of September. The take this season was only fair, the fish not biting well, though they were very plentiful.

3. The mackerel fishing being over, nearly all the fishing on Station No. 2 (Nova Scotia Coast) is much beyond the three-mile limit, principally on the banks off Cape Sable, and Seal Island. for cod and halibut. It is carried on all the winter.

The Americans keep their fish in ice, which they purchase, along with all other stores, at Nova Scotia ports, principally Stoddart Cove (Flag Harbour) and Yarmouth.

A preventive force on shore would be much more effectual than a man-of-war for stopping this infringement of the Treaty.

4. In the months of August and September the principal fishing on Station No. 1 is for herring on the "Ripplings" off Grand Manan, beyond the three-mile limit. The only inshore fishing being carried on by small boats for cod, pollock, and haddock.

5. Between Campobella and Deer Island the American and New Brunswick boats all fish together, and are perfectly good friends. Small boats also cross over from Eastport and Quebec to the northern head of Grand Manan, and fish along with the Grand Manan boats. There are never more than two or three men in a boat.

This would be very difficult to stop entirely, the people on the boundary having the same names, and being so intermarried, and, of course, the boats carry no papers. A system of numbering all British boats was attempted, but did not succeed, the Americans immediately copying the numbers. The herring fishing in the Ripplings was good, the cod and pollock fishing below average.

6. The strict preservation of the spawning ground at the southern head of Grand Manan is most important; it is well looked after by Mr. McLaughlin, the Fishery Warden at the Southern Head. I called in several times during the close season, from July to 15th October, and never found a vessel fishing. Mr. McLaughlin informed me he had never had so little trouble before to keep the spawning ground clear, and attributed it to the knowledge the Americans had there was a man-of-war cruising in the Bay.

The good effects of this preservation have been most apparent this year. The Weir fishing at Grand Manan has been improving for some time; and this season many of the Weirs were fishing so well the owners could not get boats or men enough to take nearly all the fish out. Mr. Ingwell, who owns the establishment at Long Island, Grand Manan, has filled his smoking-houses, containing 6000 boxes, by the middle of September, and after that time was converting the herrings into oil and manure. This, I was informed, was quite a new source of profit at Grand Manan. The herrings are crushed to get the oil, the remainder is manure, worth at Boston \$14 a ton, on the spot \$10. On Mr. Ingwell's premises twenty-seven barrels of oil had been made by his men in the week ending 24th September.

It takes two hogsheads of herrings to make a barrel of oil. Four barrels of herrings giving to the hogshead, and twenty-five boxes to the barrel; and about five hogsheads, or 500 boxes, to a ton of manure. At Woodward's Cove, also, on the eastern side of Grand Manan, 120 barrels of oil had been made that same week. The oil is valuable for leather and machinery.

The manure is equal to guano. At Whitehead Island, the south-eastern island off Grand Manan, they put up last year 190,000 boxes of herrings, and were expecting to exceed that quantity this season. The other establishments were doing equally well.

The Weir season commences about the end of August, and continues till the end of December.

I found many of the inhabitants very anxious to have an inspector appointed, who could brand the herrings, and whose mark would be known and trusted. They thought that if that were done Grand Manan herrings would soon fetch as high a price as the celebrated "Digby Chicks." At present they fetch little over half.

7. On the 15th October the close season at the Southern Head being at an end, a large number of vessels collect about Seal Cove for the herring fishing. There were between forty and fifty schooners there when I left on 2nd November. At that time there were no Americans there; these, I heard, had been fishing from these islands, but left when they found a man-of-war had arrived. There were many vessels lately turned over from the American flag, and owned at Eastport and Quebec. They mostly said they belonged to Deer Island, and all had British registers. From St. Andrew's, N.B., I found our own fishermen disliked these vessels very much.

The very few days the weather had been fine enough to set the nets, the fishing had been exceedingly good, both in Seal Cove and off Three Islands. Three years ago not a herring used to be caught off the latter place.

The fishing continues at the Southern Head till about Christmas. The herrings then, after a short stay at the Northern Head, strike the coast of North Brunswick and L'Etang Harbour, the fishing lasting there till March.

8. I found there was very little fishing on the coast between L'Etang and Lepreau in

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the summer and autumn. At Beaver Harbour, about the largest settlement on that coast, they only put up about 2000 boxes of herrings. Their chief dependence is the fishing in winter. They have been in the habit of selling frozen herrings to the Americans, who came there in large schooners of 80 and 100 tons to purchase them, paying for them in cash. Wherever I went I found the people most anxious to know whether the Americans were still going to be allowed to come and purchase the frozen herrings, if they were not they had no other market for them, and the duty was so heavy they could not afford to take them into American ports themselves. At the same time, they wished to have the Americans prevented from fishing on their coasts. Mr. Best, the Fishing Warden at Beaver Harbour, New Brunswick, informed me he often saw twenty or thirty American vessels fishing; but he has no boat at his disposal, or any means of preventing it, though he occasionally has been able to seize their nets, when set very close to shore.

Suggestions for the Improvement and better Protection of the Herring Fishery at Grand Manan.

9. In conclusion, I would respectfully suggest that Mr. McLaughlin should be allowed a boat and crew. At present he is dependent on a volunteer crew, and has often difficulty in getting one, especially in rough weather; therefore, he cannot always prevent the infringement of the Fishery Acts, such as setting nets on Sunday, &c.

I should also suggest that his authority should be extended to "Three Islands," to prevent illegal fishing. There is nobody at present in charge there. The Americans, knowing this, make it a place of resort.

I think if these steps were taken, together with the occasional visit of a man-of-war, the important herring fishery at the Southern Head of Grand Manan would be effectually prevented.

10. I think it would be most advantageous to Grand Manan if an Inspector of Fish were appointed to brand the boxes and barrels officially. He also might have charge of the Weirs, and enforce the local laws. At present many of the Weirs are much too close together, especially between Whithead and Cheyne Islands, clearly against sections 3 and 4 of the "Fishery Regulations respecting Fishing in the Rivers and Streams of the County of Charlotte, New Brunswick."

11. In accordance with Article 5 of the Fishery Instructions, I beg to enclose the Pilotage Report of the Navigating Officer.

I have, &c.,
(Signed) BASIL COCHRANE,
Lieutenant-Commander.

Vice-Admiral Edward G. Fanshawe,
Commander-in-Chief.

REPORT ON FISHERIES NOS. 2 AND 5 FOR THE SEASON OF 1870.

H.M. gunboat *Cherub* at Halifax,
19th November, 1870.

SIR,

I have the honour to submit my report on Fisheries Nos. 2 and 5 for the past season.

During the time I had charge of No. 2 Station the principal fishing was for cod, halibut, and haddock, and generally took place on the ledges outside the three-mile limit.

Very few vessels were employed on this coast until July, when the mackerel appeared in St. Mary's Bay, and a large number of schooners assembled.

Early in April herrings are caught in Annapolis Basin. Our fishermen complain that the Americans enter the basin and set their nets, there being no man-of-war at that time of year to prevent them.

I left the station in the beginning of August, and proceeded to No. 5 station under the orders of Commander Poland of H.M.S. *Plover*.

The fishing on this coast was almost exclusively for mackerel, and was much visited by the Americans. The fish have been plentiful and large, but the frequent gales have greatly interfered with the autumn fishing.

The Canadian Government appears to have adopted the best method of enforcing the law.

A few schooners chartered for the season and attached to ships on the Fisheries; would materially assist in protecting them.

The Collectors of Customs should be called upon to exert themselves in repressing the *illegal* practice of supplying provisions, fishing outfits, bait, &c., to the Americans; and be desired to apply to the naval commander for assistance if required. I beg respectfully to suggest that a vessel possessing greater steam power than this gunboat be employed on No. 5 Station in the autumn, as the northerly gales get up very suddenly with a heavy sea, causing an on-shore current (as mentioned in the Sailing Directions), which render it necessary to gain an offing on the smallest appearance of bad weather to avoid getting on a lee shore.

Vice-Admiral E. G. Fanshawe.
&c., &c., &c.

(Signed)

I have, &c.,
NOEL S. F. DIGBY,
Lieut. and Commander.

REPORT ON FISHING STATION No. 3, EAST COAST OF CAPE BRETON.

(No. 9.)

SIR,

H.M.S. *Royalist*, Halifax, 1st November, 1870.

In compliance with directions contained in Article 3 of my Fishery Instructions, I have the honour to report my experiences of the Fishing season of 1870 on Station No. 3, East Coast of Cape Breton.

1. The spring mackerel catch was below the average, and bait was very scarce.
2. The autumn mackerel strike was good, and the fish in good condition. Large quantities were caught by small boats close to the shore, and in the bays and harbours.
3. The presence of a man-of-war on the coast has a very wholesome effect in frightening off the Americans, who would otherwise encroach and put into harbour for supplies, which they are not permitted to get; but the vessels best suited for capturing the encroachers are the Dominion schooners, which are very similar in appearance to the American fishing vessels, and consequently deceive them as to their character.
4. I would mention that the Collectors of Customs at the places I have been at informed me that they had no instructions to prevent American fishing vessels from being supplied with ice, bait, &c.; and I heard that vessels ordered out of harbours by me had returned after my departure, and taken in the articles which I had forbidden them from receiving.
5. I beg leave to enclose a Report by the Navigating Lieutenant on the Navigation and Pilotage of the station.

Vice-Admiral E. G. Fanshawe.
&c., &c., &c.

(Signed)

I have, &c.,
RICHARD S. BATEMAN,
Commander.

ANNUAL REPORT ON FISHERY STATION No. 4.

(No. 10A.)

SIR,

H.M.S. *Lapwing*, Halifax, N.S. 7th November, 1870.

In compliance with Article No. 3 of the Fishery Instructions, I have the honour to make the following report on the state of the Fisheries on No. 4 Station, comprising the West Coast of Cape Breton and East Coast of Prince Edward Island.

THE EAST COAST OF PRINCE EDWARD ISLAND.

1. The fishing on this part of the station did not come much under my notice, as it was confined almost exclusively to East Point, about eight to thirteen miles off shore, which was beyond the limits of my station.

PORT HOOD.

2. The inshore fishing in the vicinity of this port has, by all accounts, been greatly above the average, the mackerel coming in through the Gut of Canso about the commencement of June, when there was an immense catch in this harbour; they then went northward towards East Point and off Sea Wolf Island and Chetican.

The herring fishery here has been excellent; the summer herrings came in in July, the fall herrings for three nights in September, and I believe that as much as 10,000 barrels were caught off Henry Island, and outside Smith's Island.

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The cod fishery here has not been remarkable. This port seems to be a great harbour of refuge for the American schooners; about fifty of them were frequently at anchor at a time, and previous to the Treaty large supplies were obtained from the storekeepers on shore; but owing to the constant presence of a man-of-war the traders now derive but little, if any, profit.

The general feeling here is that the abrogation of the license system and stringent manner in which the laws have been enforced, have had the effect of greatly improving the catch of the inshore and coast fishermen.

SEA WOLF ISLAND.

3. The best fishing ground in this neighbourhood is off the east end of the island and off Broad Cove, where a portion of the American fleet fished for a few days during the month of September; but this locality is but little frequented.

I may here add, that a company (Grange, Connor, and Co.), have an establishment on the island for curing mackerel; on the same principle the salmon are cured during their season in the Margaree River. The company obtain their fish from inshore fishermen.

CHETICAN.

4. The principal fishing ground for mackerel in this neighbourhood appears to be off Friar Head; but very few American vessels have been seen here this season, and the catch has been very limited. There is a large establishment on this island for curing cod-fish (owned by a Jersey company, Philip Robin and Co.), which are very plentiful on the banks off the island. The mackerel begin here in August, and go north at the end of October.

In spring there are a few herrings here, but no "fall herrings;" the cod is the staple of export.

GUT OF CANSO.

5. This high road to the fishing grounds seems to have been very much overlooked. There is scarcely ever a man-of-war there except when passing through, and the collectors of customs find it impossible to enforce their authority, having no force to assist them. The sympathies of the inhabitants are entirely with the Americans, as the schooners are principally manned by men who are natives of the Strait of Canso. The storekeepers and traders derive a large profit from their intercourse with the crews.

GENERAL REMARKS.

6. Remarking generally on the means adopted for the more effectual protection of the fisheries, I would beg to submit that in my opinion an increased number of Dominion schooners, rigged and equipped in all respects similar to the fishing vessels, and attached as tenders to a stationary man-of-war in one of the principal ports in the bay, would be least expensive, and would carry out in a more effectual manner the ideas of the Government for the suppression of the encroachments of the American fishermen.

I consider also that it is most important that all vessels employed in the fishing trade should be compelled not only to show, but to hoist their colours when in the presence of a man-of-war, as great difficulty is experienced among a large fleet in distinguishing American from the Colonial vessels.

The bait with which the Americans are supplied is far superior to any which can be procured in this country, to which may be attributed in a great measure the success of the Americans previously to the recent restrictions; although even now the local fishermen complain that they have no chance while an American schooner is fishing near them.

In conclusion, I would point out that the collector of customs at my head-quarters at Port Hood has complained to me, that as he has no boat or men at his disposal, he is utterly unable to enforce his authority. This would appear to be a matter of great importance to the local interests of the port.

I have, &c.,

[(Signed)

CHARLES G. F. KNOWLES,

Commander

Vice-Admiral Fanshawe,

&c. &c. &c.

REPORT ON FISHERIES called for by ARTICLE 3 of FISHERY INSTRUCTIONS.

(No. 5.)

SIR,

H.M.S. *Philomet*, at Halifax, N.S., 28th July, 1870.

1. In accordance with Article 3, Fishery Instructions, I beg to report on the Stations Nos. 4 and 5. Owing to the short time I was employed on the fisheries, from June 27th to July 21st, and the fact that the fishing on the station I was employed on does not commence till the end of June or beginning of July, I have but little to communicate.

2. From information received at the Magdalen Islands, I was given to understand that the herring fishery had been a failure; owing to the quantity of ice at that place the vessels could not reach there in time, and by the time the vessels reached there the herrings had gone.

3. The mackerel fishing had commenced off the coast of Prince Edward Island about the 15th of July, and schooners were arriving constantly from the Gut of Canso, as we found when off Surveyor Point, near East Point.

4. With regard to the best means to be adopted for protection of the fisheries, I would suggest that cruisers should cruise at night-time, without lights, within the three-mile boundary. They would then be able to make seizures of interlopers and foreigners; for nothing but vigorous measures and constant seizures will ever deter the Americans from fishing.

In the day-time a chance of seizure is almost hopeless, as the vessels hover within the boundary with the main-sheet aft, head-sails down, head to wind; but on a cruiser being seen, they immediately hoist their head-sails, and get on to a debatable position; but at night-time, by putting out all lights, they might be easily detected fishing, and consequently seized; and such a course alone must be adopted to effectually protect the fisheries. Subjoined is a list of vessels boarded, and the Navigating Officer's Report on the Pilotage.

I have, &c.,
(Signed) DOUGLAS WALKER,
Commander.

Vice-Admiral Wellesley, C.B.,
Commander-in-Chief.

H.M.S. "PHILOMEL."

LIST OF VESSELS BOARDED ON FISHERY STATIONS Nos. 4 and 5, between 27th of June and 21st of July, 1870.

Date.	Where Boarded.	Name of Vessel.	Under what Colours.	Owner.	Master.	Port belonging.	For what Purposes Boarded.	Remarks.
June 30, 1870	At sea	Foam	British	S. C. Hall	Wm. Lord	Charlottetown	General Information	Amberst Island.
July 15, 1870	At sea, off East Point	Saint Mary	"	Samuel Lawrence	Moses Clason	Margaree	"	Two or three American schooners seen steering westward.
July 17, 1870	At sea, off Point Sur	Ramouet	"	—	—	Halifax	—	Spoken.
"	"	Roza	"	—	—	Arichat	—	"
"	"	Ocean Ranger	American	—	—	Gloucester	—	"
"	"	River Queen	"	—	—	"	—	"
"	"	Chapetueso	French	Marchaun	Edwards	St. Peter's	—	Several Americans and French steering to northward.
"	"	Becheto	"	—	Merrie	Becheto	—	
July 20	"	M. C. McLean	British American	J. Forrester J. Dawson & Co.	J. Livesay	Hawkesbury, Gloucester.	General Information	

(Signed) DOUGLAS WALKER,
Commander.

FINAL FISHING REPORT, STATION No. 5.

(No. 50.)
SIR,

H.M.S. *Plover*, at Charlottetown, P.E.I.,
18th November, 1870.

The fishing on this station (No. 5) is almost entirely for mackerel, and is carried on near the shore on the north and east coasts of this island, according to the direction and strength of the wind, but chiefly between East and Long Points; the fishermen also much frequent the neighbourhood of North Point early in the season. The fishing grounds extend to as much as fifteen miles from the shore at times, especially after blowing weather, and the fish sometimes close in to within a mile, when the wind is light.

2. The schooners can only fish when the wind is off shore, in order that they may have room to drift and have smooth water.

3. The American vessels began to make their appearance the first week in August, and then increased to above a hundred about the middle of September, after which they decreased until the middle of October, when they had nearly all left. The catch this year is reported to have been one of the worst for many years, although a few of the schooners were tolerably successful, but they were the exception.

4. With regard to the encroachments of the United States fishing vessels, it seems to me impossible to prevent it with Her Majesty's cruisers alone, as they being in general the only square-rigged and large vessels on the coast, can be distinguished miles off, and the foreigners have ample warning to get well off shore before the cruiser can approach near to them. If a schooner similar to the fishing ones was attached as tender to each ship, and was to cruise with the fishing fleets, it would, I think, effectually put a stop to illegal fishing. These schooners could be armed with a boat's gun, and manned and provisioned as an ordinary boat from the ship to which they were attached.

5. The Canadian Government might be induced to furnish these vessels if Her Majesty's Government did not think fit to purchase them. They should be furnished with a few empty fish barrels on deck, and made to look as much like an ordinary fishing vessel as possible. Every facility is given in the ports of this island to foreigners for obtaining and replenishing their stock of stores and necessaries for fishing.

6. This, if the Treaty is intended to be strictly enforced, should not be allowed, as if it is wished to drive the United States fishermen from these waters, they will then be obliged to return home for supplies. Cod fishing is carried on to a slight extent, but only in deep water, and entirely by English vessels.

7. I made one capture during the season, the *Clara Friend*, of Gloucester, Massachusetts. I took her within a mile of the shore, where she was fishing with two or three other Americans in the midst of a large fleet of schooners.

8. The *Cherub* gunboat was placed for some time under my orders on this station, and was principally employed about Cascumpique and North Point. I beg to bring to your notice the ready and efficient manner in which Lieutenant Digby invariably carried out my orders.

9. The United States men-of-war *Frolic*, *Leipsic*, and *Guard* were employed on this station during this season, and I have much pleasure in stating that a mutual very good feeling was established between us, and their presence tended much to check irregularities on the part of their fishermen. There was little or no fishing on Station No. 4 whilst under my charge.

10. I beg to suggest that copies of the reports should be furnished to Commanders on taking charge of the stations, in order that they may have advantage of their predecessor's experience.

11. I do not agree with Captain Walker's suggestion of "night cruising without lights," as the fish do not bite beyond an hour after sunset, and the fishermen nearly always anchor at night, besides there would be a considerable bill for damages should a vessel be run down, the cruiser having no lights up.

P.S.—I beg to enclose a list of vessels boarded.

I have, &c.,

Vice-Admiral Edward G. Fanshawe,
Commander-in-Chief.

(Signed)

JAMES A. POLAND,
Commander.

H.M.S. "Plover," }
 Charlottetown, P. E. I., }
 October 21, 1870. }
 LIST OF FISHING VESSELS BOARDED ON FISHERY STATIONS Nos. 4 and 5, between the 25th of July, 1870,
 and the 21st of October, 1870.

Where Boarded.	Date.	Name of Vessel.	Under what Colours.	Owner.	Master.	Port Belonging.	For what purpose Boarded.	Remarks.
East Point of Prince Edward Island	1870 July 26	Three Brothers	English	McDonald	McDonald	Ragget Island, N. S.	To obtain information.	
" "	" 26	Lark	"	Abriel	Abriel	Halifax	"	"
" "	" 26	Catherine	"	Gerrid	Gerrid	"	"	"
" "	" 26	Gipsy Lass	"	McDonald	McDonald	Liverpool, N. S.	"	"
" "	" 26	Le Justine	French	Justine	Justine	St. Pierre Island	To warn not to fish within prescribed limits.	
" "	" 26	Clapeletse	"	Cherrie	Cherrie	"	"	"
" "	" 31	Arrow	English	McDonald	McDonald	Georgetown	For information.	
" "	" 31	Safe Guide	"	Prowell	Prowell	Shelbourne	"	"
Off Tracadie	August 2	Martha Pike	American	Buritt	Howard	Newbery, Mass.	At anchor within three miles of land	In for shelter.
" "	" 2	Palm	"	Ireland	Tobin	Newbery	"	"
" "	" 2	William Parsons	"	Parsons	McMillan	Gloucester	"	"
" "	" 2	British Eagle	English	Cook	Collins	Cape Canso	For information	"
" "	" 2	Elizabeth Ann	"	Hall	Bears	Charlottetown	"	"
Off Richmond	" 3	T. W. Read	American	Steinson	Steinson	Ewans Island	At anchor within three miles	"
" "	" 3	Sancie Known	"	Parsons	Parsons	Booth Bay	"	"
" "	" 3	Gerty Lewis	"	Hodgton	Sweet	"	In Richmond Harbour	In for repairs.
Richmond	" 5	Foam	English	Hall	Lord	Charlottetown	For information.	"
North Cape	" 5	Collector	American	Webb	Robins	Deer Island	At anchor three miles off the land.	"
" "	" 6	Clara F. Friend	"	Chas Friend	Thos. Grady	Gloucester	Shipping fish barrels.	In for water.
Cacumpique	" 6	Ohio	"	Delaine	Delaine	Verona	At anchor in harbour	"
" "	" 10	Union	English	Mitchell	Mitchell	Halifax	For information.	"
Long Point	" 11	Marie Louise	American	Sayward	Hamilton	Gloucester	At anchor in the harbour	In for water.
Chetican	" 11	Lively Yankee	"	"	Hurst	"	"	"
" "	" 14	Laura Maugen	"	Geo. Marsh	Wm. Collins	"	At anchor in Georgetown Har- bour	"
Georgetown	" 14	Island Queen	"	Jno. Collins	"	Booth Bay	"	"
" "	" 14	Annie Sargent	"	Kemball	Sweet	Booth Bay	"	"
" "	" 14	Ohio	"	Delaine	Delaine	Verona, Mass.	"	In for repairs.
" "	" 15	Freedom	English	Webb	Christolen	Harbour Bouche	For information.	"
Cape George	" 16	Carry S. Dagle	American	Wm. Parsons	Chas. Dagle	Gloucester	At anchor off Port Hood	In for water.
Port Hood	" 16	William Parsons	"	Wm. Parsons	McMillan	"	"	In for shelter.
" "	" 16	Geo. F. McLellan	"	Geo. Kenno	Wm. Keane	Bremen, Me.	"	In for wood.
" "	" 16	Amos Cutter	"	Dodd & Tar	Grenlif	Gloucester	"	In for shelter.

List of Fishing Vessels Boarded on Fishing Stations Nos. 4 and 5.—(continued.)

Where Boarded.	Date.	Name of Vessel.	Under what Colours.	Owner.	Master.	Port Belonging.	For what purpose Boarded.	Remarks.
Fort Hood ..	1870	Zoo Kohita ..	American	Freeman Brad	Francis Read	Booth Bay ..	At anchor off Port Hood ..	Shelter and water.
" "	Aug. 16	Joseph O. ..	"	Proctor ..	Daniels ..	Gloucester ..	" "	In for water.
Wolf Island ..	" 17	Electric ..	English ..	Whiteman ..	Philips ..	Cape Panso ..	" "	" "
" "	" 17	Harriet Tanager	American	David Loan ..	Ryn ..	Gloucester ..	For information.	In for shelter.
Georgetown ..	" 21	Island Queen ..	"	Pense ..	Donton ..	Booth Bay ..	At anchor inside Wolf Island ..	" "
" "	" 21	Allen Louis ..	"	Lewis ..	Lewis ..	" "	At anchor in Georgetown Har-	In for shelter and water.
" "	" 21	Waterfall ..	"	Cameron ..	Achad ..	South Port, Me.	" "	In for water.
" "	" 21	Amos Cutter ..	"	Dodd & Tar ..	Grenlif ..	Gloucester ..	" "	" "
" "	" 21	W. H. Raymond	"	Dennis & Cloyer	" "	" "	" "	In for shelter.
" "	" 21	Morning Star ..	"	Crawford ..	Brophy ..	Easton Me.	" "	In for water.
" "	" 21	Vinilia ..	"	" "	Eden ..	" "	" "	" "
Off Colville River	" 24	Ocean Ranger ..	"	Wm. Parsons	Thos. Parsons	Gloucester ..	At anchor off Colville River ..	" "
" "	" 24	Annie Freeman	"	McKean ..	Bower ..	Booth Bay ..	" "	" "
Georgetown ..	" 29	Energy ..	"	Chas. Fauchant	Welch ..	Gloucester ..	At anchor in Georgetown Har-	" "
" "	" 29	Amateur ..	English ..	McDonald	Grenlif ..	Georgetown ..	" "	For information.
" "	Sept. 3	Harry Bluff ..	American	Brown ..	Phillips ..	Salem, Mas.	" "	For water.
" "	" 3	Little Ilughy ..	English ..	Tushey ..	Ennis ..	Antigonish, N. S.	" "	For information.
" "	" 5	James Tar ..	American	Dodd & Tar ..	Kennie ..	Gloucester ..	" "	For shelter.
" "	" 5	J. W. Broad ..	"	Ed. Burham	Howard ..	Newbury ..	" "	For repairs.
" "	" 5	Wildfire ..	"	Bense ..	Bense ..	Gloucester ..	" "	For shelter.
" "	" 5	Willie Baker ..	"	Purse ..	Purse ..	" "	" "	" "
" "	" 5	Setagara ..	"	Friend ..	Bayant ..	" "	" "	" "
" "	" 5	Willie Pugh ..	"	Jno. Clarke	Morrison	" "	" "	" "
Off East Point	" 6	Willie Raymond	"	Dennis ..	Grenlif ..	" "	At anchor off East Point ..	" "
" "	" 6	Lalakerbo ..	"	" "	Smith ..	" "	" "	" "
" "	" 14	River Dale ..	"	Maddox ..	Murphy ..	" "	" "	" "
Georgetown ..	" 14	Jas. E. Tar ..	"	Dodd & Tar	Kennie ..	" "	At anchor in Georgetown Har-	For shelter and repair.
" "	" 14	Right Bow ..	"	Pattingill ..	Osborne ..	Salem ..	" "	" "
" "	" 14	Sea Queen ..	"	Layton ..	Morss ..	Gloucester ..	" "	" "
" "	" 14	Lay A. Dodd	"	" "	Malada ..	" "	" "	" "
" "	" 14	Colonel Cork	"	" "	Bears ..	" "	" "	" "
" "	" 14	Restless ..	"	Clark ..	Bailey ..	" "	" "	For shelter.
" "	" 14	Isaac Rich ..	"	Walen ..	Bayant ..	" "	" "	" "
" "	" 14	Martha Pike ..	"	Burrill ..	Howard ..	Salem ..	" "	" "
" "	" 14	Artic ..	English ..	Hodges ..	Ildges ..	Newbury ..	" "	" "
" "	" 14	Mad Waska ..	"	Tupper ..	Tupper ..	Forbay, W. S.	" "	For information.
Richmond ..	" 17	" "	"	" "	" "	Gloucester ..	" "	For shelter.

List of Fishing Vessels Boarded on Fishing Stations Nos. 4 and 5.—(continued.)

Where Boarded.	Date.	Name of Vessel.	Under what Colours.	Owner.	Master.	Port Belonging.	For what purpose Boarded.	Remarks.
Richmond	1870 Sept. 17	Chas. Helwitt	..	Tupper ..	Coes ..	Gloucester ..	At anchor in Richmond Bay ..	For Shelter
"	"	Chas. Haskell	..	Saml. Haskell	Davis ..	"	"	"
"	"	Farmor Son	..	S. S. Day ..	Hilt ..	"	"	"
"	"	J. J. Bower	..	Denison ..	Gitchill ..	"	"	"
"	"	Newanley	..	W. H. Friend	W. Laurance	"	"	"
"	"	Juno	..	Hardy ..	Bryant ..	Ragged Island ..	At single anchor in Richmond Bay	For information.
"	"	A. P. Dennis	..	Cunningham	Johnson ..	Gloucester ..	"	For shelter.
"	"	Wascomada	..	T. T. Tupper	T. T. Tupper	"	"	"
"	"	Ripple	..	R. Lindsay	T. Haslar	Lunenburg, U. S.	"	For information.
"	"	Thos. Filch	..	Long ..	Hamilton	Connecticut, "	"	For shelter.
"	"	Oetavia	..	Owens ..	Patterson	Georgetown	"	For information.
"	"	Shoo Fly	..	Ogclar ..	Ogclar ..	Medway, U. S.	"	"
"	"	Lucella Curtis	..	Braw & Bro.	McPherson	Gloucester ..	"	For shelter.
"	"	Sea Queen	..	Leighton ..	B. Nass ..	"	"	"
Georgetown	"	Busy William	..	Zinc ..	Zinc ..	Mahon Bay, U. S.	At anchor off Georgetown	For information.
"	"	Isaac Rich	..	Warden ..	Bryant ..	Salem	"	In for water.
"	"	American Eagle	..	Hamilton	Stapleton	"	"	"
"	"	Toxinity	..	Braw & Co.	Powers	Gloucester ..	"	In for shelter and repairs.
"	"	Joseph Allan	..	Maddox ..	McLean ..	"	"	"
"	"	Waterfall	..	Cameron ..	Orchard ..	South Port, Me.	"	"
"	"	Tinilia	..	Crawford ..	Eden ..	Castine, Me.	At anchor, Georgetown	In for shelter.
"	"	Ocean Ranger	..	Parsons ..	Parsons ..	Gloucester ..	At anchor off Souris	In for provisions.
"	"	Gettysburgh	..	Pool ..	Stewart]	"	"	In for shelter.
"	"	Margaret	..	Parkins ..	Fanau ..	"	"	"
"	"	Sargent S. Way	..	Haely ..	Day ..	"	"	"
"	"	Wildfire	..	Barse ..	Tham ..	"	"	"
"	"	Harriet Tamantha	..	Low ..	Ryan ..	"	"	"
"	"	Energy	..	Parks ..	Welsh ..	"	"	"
"	"	A. Pauchard	..	Pauchard	Belanger	Amerst. Mag. Island	For information.	"
"	"	Safe Guide	..	Prowell ..	Prowell ..	Shelbourne	"	"
Off Long Point	"	Clara F. Friend	..	Chas. Friend	Thos. Grady	Gloucester ..	Fishing within the boundary ..	Detained.
"	"	Gettysburgh	..	Pool ..	Stewart	"	"	Released.
Georgetown	Oct. 16	Safe Guide	..	Prowell ..	Prowell ..	Shelbourne	For information.	"
"	"	Reports all American Vessels, with exception of a few seen fishing off Cape Breton, left station.	..	Reports all American Vessels, with exception of a few seen fishing off Cape Breton, left station.	Reports all American Vessels, with exception of a few seen fishing off Cape Breton, left station.	Gloucester ..	At anchor, Georgetown.	"
"	"	Chas. Helwitt	..	Chas. Helwitt	Coes ..	Gloucester ..	At anchor, Georgetown.	"
"	"	Just leaving for United States, reports nearly all American Vessels gone.	..	Just leaving for United States, reports nearly all American Vessels gone.	Just leaving for United States, reports nearly all American Vessels gone.	Gloucester ..	At anchor, Georgetown.	"

(Signed)

JAMES A. POLAND, Commander.

(No. 63.) REPORT ON FISHERIES—FISHING STATION No. 6.

SIR,

H.M.S. *Valorous*, Halifax, 17th September, 1870.

Agreeably to Article 3 of your Instructions, dated 3rd May last, I have the honour to make the following report:

Owing to the seizure of the schooner *S. G. Marshall*, on the 31st July, the ship has been much detained at Charlottetown in prosecuting her to condemnation.

In consequence of the evidence obtained of various vessels in the employ of, and belonging to, Mr. J. C. Hall, an American citizen, doing business in Charlottetown, being *illegally* registered, and *wearing English colours*, to enable them to prosecute the inshore fishery, my attention has been greatly given to the detection of these irregular vessels.

The presence of a ship of war at Charlottetown I consider would be of great assistance in exercising supervision, and checking those frauds on the Statutes.

This port being on no fishing station is rarely visited, and in consequence the officials to whom it was my duty to apply were unable to render me the assistance I required.

In exercising a supervision over the shipping here, which is much wanted, owing to the class of persons who form the Customs authorities, and who here are appointed solely from political reasons, the irregular vessels would in time be suppressed.

It must be remembered that these irregularly-owned vessels are fitted out to obtain their cargoes in a short space of time, e.g., the *S. G. Marshall* had on board two seines—one of 200 fathoms long and 18 feet deep, the other 100 fathoms in length and 12 feet in depth. The cost of the first one was about £400, the smaller one about £200.

In addition she had four boats.

In evidence, the master stated that if he had remained where he was taken he would have filled his vessel in forty-eight hours.

With regard to the Fishery on No. 6 Station I have, owing to the limited space of time actively employed, but little to record.

The cod fishery was a good average catch from the Bay of Chaleur along the coast to Peter Point.

The mackerel fishery was hardly an average, if the American fishermen are to be believed.

The English vessels made good catches off Bathurst and other places close to the shore where the fish schooled.

By this I do not mean it to be inferred that the American fishermen do not fish inside the limit and share in all the advantages of the in-shore fishing.

I have seen as many as thirteen vessels at one moment fishing close in-shore, but of course the whole were outside the limit before they could be approached.

The inhabitants of Port Daniel complained that prior to this season the Americans were in the habit of hauling their seines in the bay, greatly to the loss and impoverishment of the inhabitants.

The inhabitants of Gaspé Basin and the neighbourhood complained of the behaviour of an American, Mr. Ebenezer Marshall, of the schooner *S. T. Marshall*, last year. They stated that he hauled his large seines on Sandy Beach, forming the harbour, and had brought to land large numbers of young cod-fish which, were useless to him.

The spot always had been a favoured breeding place for the cod, and they feared that its character would be totally changed and great loss to them ensue if that practice was pursued.

They also stated that they feared the mackerel would avoid the bay for a season if the seining was persisted in.

With regard to the best method of protecting the fisheries during the ensuing season, I beg to make this suggestion:

That in the Gulf of St. Lawrence the Stations 4, 5 and 6 be placed under a Senior Officer, so that any one of the cruisers under the altered system might be able to refer any question or difficulty to him. The Senior Officer would then be able to clear up questions and explain matters of a delicate character on the spot.

He also would be able to relieve the cruiser in the event of a capture having been made by her, by receiving the necessary witnesses on board instead of the capturing ship being kept off her station for a length of time.

CANADA.

The fact of being able to communicate on the spot with a superior immediately engaged in the same duty would naturally strengthen the position of those engaged in an arduous duty of this character for the first time, and lessen the isolation now experienced.

In my opinion, it requires a personal acquaintance with those engaged in the fisheries, and also a knowledge of the class of officials met with, to be able to detect the subterfuges to which they have recourse in order to gain their ends.

With respect to the Dominion cruisers and their fitness for the duty required of them, I am prompted to make the following remarks :

Of those which I have fallen in with, the *Ella T. Maclean* draws too much water to be a serviceable cruiser.

The *England* is too indifferent a sailor to be of much service.

I observe that I have omitted to mention that the master of the *S. T. Marshall* last year—and complained of to me—is the same Ebenezer Marshall in command of her when captured.

Vice-Admiral G. Wellesley, C.B.,
&c. &c. &c.

I have, &c.,
(Signed) E. HARDINGE,
Captain.

REPORT ON THE FISHERIES STATION No. 6, NORTH COAST OF NEW BRUNSWICK.

(No. 17.)

SIR,

H.M.S. *Sphinx*, Halifax, 15th November, 1870.

With reference to Article 3 of the Fishery Instructions, I have to inform you that the most plentiful sorts of fish on the western coast of the Gulf of St. Lawrence are salmon, cod, ling, mackerel, and herring; and the best baits that are used for catching them are small kinds of fish, which are easily obtained by dragging those parts of rivers which become small pools at low water.

Salmon, cod, and ling are found at the mouths of rivers where these boats are, and in about the same proportion of number. Mackerel and herring naturally come into shallow water at certain seasons to spawn, and are then in the best condition for human food; but they can be enticed, and very easily if along a bank, to more than three miles from the coast, and then caught there by a vessel standing out to sea and throwing overboard large quantities of bait as she goes along.

These fish are cured and packed on board the fishing vessels directly they are caught, it being necessary to do so in order to preserve them. As the nearest principal markets for the sale of fish are New York and Boston, and as there is a tax in the United States on fish landed from British vessels, but none from American, and as fish are more plentiful near the coast, it follows that the fishing business on this coast is most profitable when it can be carried on close to the shore and under American colours. Also, as fishing is apparently most profitable under American colours, and there is an American law which prevents a British-built ship from ever being able to sail under American colours, it follows that the shipbuilders in the United States have a better market for their fishing schooners than the British. On the other hand, it is a disadvantage to the United States Government for vessels to fish under their flag, for they lose the tax which they would get were the fish to be landed at their seaports from British vessels instead of American.

The residents about the west coast of the Gulf of St. Lawrence have informed me that their in-shore fishing this season has been good, and that they attribute this in a great measure to the American fishing schooners having been kept off the coast. Large numbers of these schooners have been fishing in the Gulf of St. Lawrence this year, and have been frequently seen doing so within three miles of the coast, notwithstanding the precautions that have been taken to prevent them. These fishing schooners generally go about in fleets, and their crews are made up of a mixture of all nations, with but a few *bonâ-fide* Americans among them. These men received no wages but a certain share of the proceeds of the sale of the fish caught during the season.

I think that the most effectual plan which could be adopted in the ensuing year for the protection of Canadian Fisheries would be, to put up a telegraph wire along the coast, with a station at every post-office, and to station small steam schooners as follows :

The one at Shippegan should be of such light draught of water, as to be able to pass through Shippegan Gully.

One between Cape Rosier and Cape Despair head-quarters at Porce.

One between Cape Despair and the river Bonaventure head-quarters, Port Danvill.

One between Bathurst and Pœmouche Gully head-quarters, Shippegar.

One between Pœmouche Gully and Richibucto Head head-quarters, off Portage Island.

One between Richibucto Head and Pictou; and North Point, Prince Edward Island, and Charlottetown head-quarters, Egmont Bay.

Also a man-of-war for the whole coast, with head-quarters either at Gaspé, Charlottetown, or Pictou; these being almost the only safe anchorages where a large vessel can lie in bad weather.

The places that I have suggested as head-quarters for the small vessels are those to which the American schooners generally go with the plea of seeking for shelter from bad weather, and where bait can be purchased and cargoes transshipped. Vessels thus stationed could be summoned by telegraph to any part of the coast where foreign vessels might be seen fishing. If a man-of-war be employed next year for the protection of Canadian Fisheries, I recommend that it should be commanded by an officer in whose judgment and discretion sufficient confidence can be placed, as neither to be obliged to restrict him to the limited speed of five knots per hour, nor to the limited period of forty-eight hours at anchor; for these fishing schooners sail very fast, and he would probably find that the only way of detecting them in the act of fishing within three miles of the coast would be by coming up to them about daylight, as suddenly and as rapidly as he possibly could. And if they should see a man-of-war at anchor at any place they might want to go to, they could easily avoid her by standing out to sea for forty-eight hours and afterwards returning. I also think, that if a telegraph were put up along the coast, it would be preferable for the vessels employed for the protection of the fisheries to remain at anchor as near a telegraph station as possible, ready to start off as fast as possible to any place they might be summoned to, than to cruise about at sea under sail.

It would be, in my opinion, of great assistance to the officers in command of vessels employed in the protection of the fisheries, if they were furnished with the names of all vessels that cleared the Customs, of the various ports of the Dominion of Canada and Prince Edward Island, and if the following laws were to be passed and enforced:

1st. That no vessel should be allowed to leave a British port without an ensign flying.

2nd. That no person in Canada should be allowed either to sell bait to, or in any way assist to procure it for, any person connected with a foreign fishing vessel.

3rd. That all small vessels and fishing boats supposed to carry an ensign should be obliged to have both on their sails and bows a mark that would render their ownership and nationality to be easily distinguished; for I think it quite possible that a foreign vessel, after cleared out for trading purposes, and having attached to her a large number of boats and men, might anchor off the Canadian coast, and without actually fishing herself, employ her boats and men in doing so, if proper precautions are not taken in time to prevent it.

I also think that it would be an assistance to navigators if, for the future, in placing buoys to mark narrow channels into harbours, black and red buoys were to be placed on the right side going into harbour, and white and chequered buoys on the left.

I herewith enclose the Navigating Lieutenant's Report in compliance with Article 5 of the Fishery Instructions.

I have, &c.,
(Signed) H. B. PHILLIMORE, Captain.

To Vice-Admiral Fanshawe,
Commander-in-Chief,
Halifax.

CANADA.

CORRESPONDENCE

BETWEEN

The Colonial Office and the Foreign Office.

No. 1.

No. 1.

The Foreign Office to the Colonial Office.

(Confidential.)

SIR,

Foreign Office, 1st November, 1870.

* *Vide Previous Paper,*
dated January
1870, page 201.
No. 413.

With reference to Mr. Otway's letter of the 29th of September,* I am directed by Earl Granville to transmit to you, to be laid before the Earl of Kimberley, copies of a Despatch, and of its enclosures from Her Majesty's Minister at Washington, respecting the Canadian Fisheries question.

The Under-Secretary of State,
Colonial Office.

I am, &c.,
(Signed) E. HAMMOND.

Enclosure in
No. 1.

Enclosure in No. 1.

(No. 413.)

MY LORD,

Washington, 17th October, 1870.

No. 70,
11th October.

With reference to my confidential Despatch, No. 374, of the 12th ult., I have the honour to enclose copy of a Despatch which I have received from the Governor-General of Canada, in reply to mine of the 12th ult., in which His Excellency encloses copy of a Minute received from the Privy Council of Canada, on the subject of the interpretation of the Treaty of 1818, relative to the right of American fishing vessels to enter the commercial ports of that country, in which it is stated that the arguments made use of by Mr. Fish will be carefully considered, but that the Canadian Government deem it desirable to consult with Her Majesty's Government upon the question at issue.

I have confidentially communicated the substance of the Minute to Mr. Fish, who, however, I regret to find does not seem disposed to admit of any delay or even discussion upon the subject, but states in pretty plain terms that American citizens have already during the fishing season now ending suffered such serious losses from the proceedings of the Canadian Authorities, that the United States will be under the necessity of retaliating upon Canada by withdrawing the privilege now enjoyed of transporting goods in bond from Portland through the United States to the Canadian frontier.

Whether Mr. Fish really means what he says, or is merely parading a menace for the purpose of influencing the decision of the Canadian Government with regard to the question at issue, it is difficult to discover. There is no doubt, however, that the American fishermen are returning from their labours, having had but scanty success and in very bad humour. They have long been accustomed, by means of the Reciprocity Treaty, and subsequently by the system of licences, to the enjoyment of the valuable in-shore fisheries, and to the unlimited use of the Canadian ports. Even the taking out of licences was not very rigorously enforced, and many vessels enjoyed equal privileges with the Canadians themselves without even the formality of a licence, besides the advantage of sending the result of their labours to the United States markets duty free. They have now been excluded the three-mile limit as far as the Treaty of 1818 justifies their exclusion, and are prevented by the interpretation of that Treaty, with regard to their entry into the commercial ports of Canada for the purpose of transshipping fish, &c., from securing from the deep-sea fisheries that profit which they could otherwise count upon with certainty, both from the quantity of fish and its immunity from the payment of duty.

They complain, too, that notwithstanding the instructions given to cruisers to make

no captures unless vessels are found within the prohibited three miles and in the act of fishing, many of them have been seized although they were not fishing; that the evidence of the crews of the captured vessels has been allowed no weight, whilst the vessels have been condemned on that of interested captors; and that, contrary to the principles and spirit of English and American jurisprudence, those accused of violations of the law have been made to bear the burthen of proving their innocence.

However unfounded and unjust these complaints may be, there is no doubt of the influence which the American fishermen exercise in the New England states, which is even more powerful at a time when elections for Congress are in progress, as is the case just now; and I cannot doubt that during the next session of Congress many violent speeches will be made upon the subject and retaliatory measures proposed; and it is not impossible that, by way of anticipating such proposals, Government may decide upon taking steps which will tend to increase the irritation already existing between Canada and the United States, and to delay the amicable arrangement of the troublesome questions arising out of the fisheries.

CANADA.

The Earl Granville, K.G.

I have, &c.,
(Signed) E. THORNTON.

(No. 70.)

SIR,

Montreal, Canada, October 11th, 1870.

With reference to your confidential Despatch of September 12th (No. 45), on the subject of the interpretation of the Treaty of 1818, which I submitted in confidence to the Privy Council of the Dominion, I have now the honour to enclose a copy of a Minute which I have received in reply to your communication.

Sir E. Thornton, K.C.B.

I have, &c.,
(Signed) JOHN YOUNG.

COPY of a REPORT of a Committee of the Honourable the PRIVY COUNCIL, approved by His Excellency the GOVERNOR-GENERAL, on the 10th day of October, 1870.

The Committee of the Privy Council have had under their consideration a confidential Despatch to Your Excellency from Sir E. Thornton, Her Majesty's Minister in the United States of America, on the subject of the interpretation of the Treaty of 1818 between Great Britain and the United States, and they respectfully recommend that, whilst thanking Sir E. Thornton for the information conveyed in his Despatch, and assuring him that the arguments of Mr. Fish shall receive the early and careful consideration of the Canadian Government, Your Excellency should acquaint him that as a question has arisen as to the legal construction to be given to the Treaty of 1818, the Canadian Government think it desirable to confer with Her Majesty's Government on the important points at issue before giving Your Excellency any advice on the subject of Sir E. Thornton's Despatch.

[Certified]

(Signed) W. H. LEE,
Clerk Privy Council, Canada.

No. 2.

No. 2.

The Colonial Office to the Foreign Office.

SIR,

Downing Street, 7th November, 1870.

I am directed by the Earl of Kimberley to transmit to you, for the information of Earl Granville, a copy of a Despatch from the Governor of Canada, reporting the seizure of the United States fishing vessel *A. J. Franklin*.

No. 245, 20th
Oct., 1870,
page 1.

The Right Hon. E. Hammond.

I am, &c.,
(Signed) H. T. HOLLAND.

CANADA.

No. 3.

No. 3.

The Colonial Office to the Foreign Office.

SIR,

Downing Street, 8th November, 1870.

Vide Enclosure to Admiralty Letter of 2nd November, 1870, page 15.

I am directed by the Earl of Kimberley to transmit to you, to be laid before Earl Granville, a copy of a Despatch with enclosures received through the Admiralty from the Vice-Admiral commanding on the North American station, reporting the seizure of the two United States schooners the *Foam* and the *Clara F. Friend*.

The Right Honourable E. Hammond.
&c. &c.

I am, &c.,
(Signed) H. T. HOLLAND.

No. 4.

No. 4.

The Foreign Office to the Colonial Office.

SIR,

Foreign Office, 11th November, 1870.

* *Vide Previous Paper, dated January 1870, page 202.*

No. 424,
24th October, 1870.

With reference to your letter of the 1st ultimo,* I am directed by Earl Granville to transmit to you, to be laid before the Earl of Kimberley, the accompanying copies of a Despatch from Sir E. Thornton and its enclosure, respecting the proposed Canadian Fishery Commission.

The Under-Secretary of State,
Colonial Office.

I am, &c.,
(Signed) ODO RUSSELL.

Enclosure in No. 4.

Enclosure
in No. 4.

(No. 424.)

MY LORD,

Washington, 24th October, 1870.

With reference to your Lordship's Despatch (No. 94) of the 8th inst., I have the honour to enclose copy of a letter which I have addressed to Sir John Young, informing His Excellency that your Lordship had instructed me to communicate with him before making any application to the Government of the United States relative to the appointment of a joint commission, with the object of inquiring what ought to be the geographical limits of the exclusive fisheries of the British North American Colonies.

The Earl Granville, K.G.

I have, &c.,
(Signed) E. THORNTON.

(No. 49.)

SIR,

Washington, 20th October, 1870.

I have the honour to inform your Excellency that I received last night a Despatch from Earl Granville, enclosing copy of a Despatch addressed to you by Lord Kimberley under date of* , transmitting to you copy of a memorandum which has also been forwarded to me on the subject of the appointment of a commission with the object of inquiring what ought to be the geographical limits of the exclusive fisheries of the British North American Colonies.

In compliance with Lord Kimberley's wishes, Earl Granville has instructed me to communicate with your Excellency before bringing the matter referred to in the memorandum under the consideration of the Government of the United States.

I shall therefore have much pleasure in receiving from your Excellency any observations which you may wish to make upon the subject before proceeding to carry out Lord Granville's instructions.

His Excellency the Right Honourable
Sir John Young, Bart.

I have, &c.,
(Signed) E. THORNTON.

* Actually dated 10th October, 1870, sent to For. Off., considered privately in September.

No. 5.

The Foreign Office to the Colonial Office.

CANADA.

No. 5.

SIR,

Foreign Office, 11th November, 1870.

I am directed by Earl Granville to transmit to you, to be laid before the Earl of Kimberley, the accompanying copies of a Despatch from Sir E. Thornton, and its enclosures, respecting the Canadian fisheries.

No. 427,
24th October,
1870.

The Under-Secretary of State,
Colonial Office.

I am, &c.,
(Signed) ODO RUSSELL.

(No. 427.)

Enclosures in No. 5.

MY LORD,

Enclosure
in No. 5.

Washington, 24th October, 1870.

I have the honour to enclose a printed copy of the substance of a speech recently made by General Benjamin F. Butler, at Salem, in Massachusetts, in which he comments in pretty severe terms upon the action of the Canadian Government, with reference to the United States fishermen who pursue their calling in the seas adjacent to the Canadian coast.

General Butler does not very clearly lay down the particular grievances of which the fishermen think they have to complain; but, as a remedy for whatever they may be, he recommends two modes of treating the matter: one, that the fishermen should take the law into their own hands; and the other, that the United States should have no farther intercourse with Canada.

Made on the eve of the elections in Massachusetts, General Butler's speech is of course principally for electioneering purposes; but I presume that it will be followed by similar declamations during the approaching session of Congress.

The same newspaper, which thus publishes an extract from General Butler's speech, has a leading article, a copy of which I also enclose, which, although it stigmatises the conduct of the authorities of the Dominion as unfriendly, deprecates the affair being considered a *casus belli*.

The Earl Granville, K.G.

I have, &c.,
(Signed) E. THORNTON.

WASHINGTON "DAILY REPUBLICAN," 21st October, 1870.

"FISH OR NO FISH?"

"BEN. BUTLER'S LAST SPEECH TO HIS CONSTITUENTS.

"He Denounces the Canadians for Seizing Our Fishing Boats, and Recommends the
"Men of Salem to Fight for their Rights.

"We announced in yesterday's issue the re-nomination of Benjamin Butler for Congress, and that he had made a speech to the Convention. To-day we have received a copy of the General's remarks, and we extract from them the following, embracing the spice and force of his address.

"After his nomination he was called before the Convention, and after making some reference to his past course and triumphs, he said:

"I have been enabled in some slight degree to sustain the great, the one great interest of this district—the fishing interest—which is now being threatened by Canada; and perhaps you will pardon me if I refer to this more at length for a moment, for I find the matter is not very clearly understood.

"When the Revolutionary War ended, the question came up, "What shall be the rights of the new nation—the United States—in the fisheries which they have for some time enjoyed in common with the inhabitants of Canada?" General Adams then said, and he repeated it in 1812, that he would rather continue the war than give up the right to the fisheries; and it was agreed then that we should have the right of fisheries, and we enjoyed that free right down to the war of 1812. When that war was ended no reference was made in the treaty to the fisheries, and of course we stuck to our rights until we were interfered with in 1818. An agreement was then made giving Great Britain jurisdiction within three miles of the land: and the reason why this distance was taken into the international law was that it was supposed to be beyond reach of all guns; and so it was in that day, that

CANADA.

“land being the common and ordinary line of jurisdiction such as we claim ourselves. It was established by Great Britain in 1818 that we should not fish within three miles of the shore, bays, and gulfs of the provinces; but the difficulty was that they did not define where that three miles should be drawn, and long afterward a pretension was set up by the Canadian authorities that the line should be run from headland to headland, enclosing the bays, which means that they undertook to shut up several harbours of refuge where we should have been more than three miles from the actual shore land.

“Well, before 1845 there was a seizure and confiscation of our vessels for fishing in Canadian waters. Then came the Reciprocity Treaty, which gave the Canadians an advantage over our own fishermen, and in one year Great Britain imported into our country 4,000,000 of fish. Nor was the treaty of reciprocity a fair one in other respects, because Canada agreed that there should be reciprocal duties, and that there should be higher and other duties paid by us than by inhabitants of Great Britain on importations into Canada. But she afterwards altered her laws, and required that duties should be calculated upon the amount of transportation, which was a very unjust proceeding. What is to be done with England? Great Britain schemed in this; she favoured the South during the war, and hoped by annoying us in Canada at the same time to close us between two belligerent powers; but she failed in her scheme in the South. It remains for us to say whether she shall not fail in her scheme in the North also. Law after law has been passed, Act after Act enacted by the Canadian Government to interfere with our fishermen, to deprive them of supplies, of the benefit of a refuge in storms, and within a few years vessels belonging to this district and to the State of Massachusetts have been seized for no other reason than for buying provisions in a British port.

“Great Britain, professing to be our friend, that fitted out the *Alabama* and other cruisers, and allowed them to prey upon our commerce, to-day refuses to allow a fisherman to enter her harbours, and yet she calls herself a friendly nation! I shall continue to vote against any renewal of the Reciprocity Treaty. I am not for renewing the Reciprocity Treaty. If Canada wants the advantage of our trade, of our commerce, of our lands, of our interest, and of our prosperity, let her become a part of us. [Applause.] We grant no marriage privilege until after the marriage rites have taken place. [Applause.] To-day we are in that difficulty as regards the prosperity of this district. These six vessels which have been seized belong to this district, and two others belonging in different parts of the State, which, with the necessary costs and damage, represent more than \$100,000. This question, therefore, becomes a very grave one, and the Administration have in some cases undertaken active measures in behalf of property seized. Immediately upon the first seizure information came to me in a form I could not very well use. I put the subject before the House of Representatives, and a resolution was unanimously passed, calling upon the Government to take most active and stringent measures to prevent the occurrence of such outrages.

“The Government, which could not treat with Canada, that being a subject Power, immediately called upon the British Minister for explanation. The British Minister then made known the ground of complaint to the Imperial Government at home, and the Imperial Government inquires of the matter of Canada, and the Canadian Authorities sent back word to the Imperial Government, and that goes to the Imperial Minister. This has to be done in every case, and it will take months and months for any case to get settled. The Canadian Government denies that any wrong has been done, and so the question of course remains open for investigation. But the chief difficulty is that, in the meantime, our vessels are being seized, and our business is being interfered with. I have seen the President of the United States on this subject during his present visit to New England, and he has given me an assurance that everything that can possibly be done shall be done to avoid fresh difficulties, and to settle the existing ones. Great Britain claims she has a right to do as she has done.

“THE PROBLEM SOLVED.

“There seems to be but two solutions to this matter—one, that we take the matter in our own hands and defend ourselves. This is very easily done, and a single shot fired in answer to the British gun calling our vessels to heave to will bring the matter to the crisis. If we should get hold of one of those British cutters, and bring her into a United States port, and try the men for piracy, for their actions have been nothing less, perhaps the diplomats would fly a little faster. [Applause.] There is another remedy

“open to us. Looking at the question irrespective of the question of legal right, these acts of the Canadian Government are annoying acts, and unfriendly acts. Suppose, for a moment, that they are in the right; then, if they are taking advantage of their legal rights only, their acts are unfriendly and unneighbourly. If an individual, who is your neighbour, and whose farm and premises adjoin your house, and if, on the extreme verge of his land he builds a high fence, shutting out the light from your window, he may have a right to do it, and if he did it for the purpose of obscuring your light, what would you do with him? You cannot sue him. What is your remedy? Why, you would consider him to be a bad neighbour, and you would have no further intercourse with him.

“So with Great Britain. This is not an act of war on her part unless she chooses to make it so; and if she does, why, then, so be it. Let us say to her, we will have non-intercourse so long as the Alabama claims are unsettled. We can afford to wait, and she will be the loser. I have given you this sketch of the latter. It is a matter of very grave moment to us and to the country at large; but let me assure you that the Administration is doing everything that it can to settle the matter.”

WASHINGTON “DAILY REPUBLICAN,” 21ST OCTOBER, 1870.

“BEN. BUTLER ON THE WAR PATH.

“Ben. Butler is sure to be a member of the next House. As announced in our despatches yesterday, he has been nominated once more without opposition, he has made his opening speech, declaring his new platform, and he has struck a key which has found a hearty response among his constituents. He has done everything with a skill and forethought which seem to leave no doubt of his triumphant success.

“It was getting stupidly dull down in Butler’s district, and the great master of artful dodging found it necessary to do something that would stir up his constituents. To use a term familiar to newspaper men, he went into the sensation business. Finance and tariff, reconstruction and African emancipation were worn out in this district, so Ben. jumped right into the fishery business, and by two or three magnificent twists and turns of his oratorical wand transformed his apathetic supporters into most enthusiastic and excited admirers and listeners.

“We publish in another column that part of Ben. Butler’s last speech which bears on the fisheries question. It is interesting, spicy, bold and original, like the man himself. It is unscrupulous, too, like the great Butler, for he hesitates not to counsel his constituents to take the law into their own hands, and precipitate a war between the United States and the Dominion. This is all about a few fish, which Ben says his constituents have a right to catch within the bays of the British Provinces outside of three miles from the provincial shores. The Salem fishermen believe they have this right, and they seem to be sound in their faith. At all events, until very lately they enjoyed the right in common with the “Kanucks” unmolested.

“The Dominion authorities in excluding our citizens undoubtedly have shown a very unfriendly disposition, whether they are strictly in the right or not. It is not the style of conduct that close neighbours should practise. But, at the same time, is it worth while to make this a *casus belli*? Is Mr. Butler, who is influenced in his present course solely by a desire to ensure his own election at any cost, to be allowed to embroil us with Great Britain about this petty fishery question, which, after all, may be settled very quietly, and to the entire satisfaction of the Salem folks?

“If we are not very much mistaken, negotiations are now in progress looking to an amicable arrangement. Secretary Fish and Minister Thornton have been considering the question calmly and dispassionately, without any political purposes to serve, and we are of the opinion that it may be left to them without endangering American honour or Massachusetts interests.

“How comes it that Mr. Butler is so particularly fierce at this particular time, when his election is so close? Why didn’t he stir the thing up with *vim* some time ago, when there was just as much cause for complaint as now?

“We hope Mr. Butler will be sent back here in triumph to enliven the weary debates of Congress by his original bellicose and irrepressible eloquence, but we don’t want the luxury at the cost of a tussle by land and sea with old England. It is our opinion, and we believe the bulk of Americans concur, that if we can’t afford to enforce our bill of damages in the Alabama claims matter, certainly we ought not to square off at Great Britain about a few boat loads of fish.”

CORRESPONDENCE RESPECTING THE

CANADA.

No. 6.

No. 6.

The Colonial Office to the Foreign Office.

(Confidential.)

SIR,

Downing Street, 11th November, 1870.

I am directed by the Earl of Kimberley to transmit to you, to be laid before Earl Granville, a copy of a Despatch from the Governor-General of Canada communicating a copy of a Minute of the Privy Council respecting the interpretation of the Treaty of 1818 on points connected with the Fisheries. The Minute of Council is not sent, as it is the same as that forwarded to Lord Granville by Sir E. Thornton in his Despatch of the 17th ult., No. 413.*

Confidential
12th October,
1870, page 1.

* *Vide* En-
closure in
Foreign Office
of 1st Novem-
ber, 1870,
page 34.

Lord Kimberley proposes to inform the Governor-General, in answer to his Despatch and for the confidential information of his Ministers, that Sir E. Thornton has been cautioned against admitting Mr. Fish's interpretation of the Treaty as regards the exclusion of United States vessels from Canadian ports.

His Lordship presumes that Sir E. Thornton has received this caution in pursuance of the suggestion contained in the letter from this Office of the 18th of October.†

† *Vide* Pre-
vious Paper,
dated January
1871, page 204.

I am, &c.,

(Signed) FRÉDERIC ROGERS.

The Right Hon. E. Hammond.

No. 7.

No. 7.

The Colonial Office to the Foreign Office.

(Confidential.)

SIR,

Downing Street, 14th November, 1870.

I am directed by the Earl of Kimberley to acknowledge the receipt of your letter of the 1st instant,* enclosing a copy of a Despatch from Sir E. Thornton relating to the Canadian Fisheries.

* Page 34.

Sir E. Thornton observes, that American fishing vessels have been excluded from the three-mile limit as far as the Treaty of 1818 justifies their exclusion. He is of course aware that though these vessels have been recently denied certain privileges which they formerly enjoyed within three miles of shore, they have, on the other hand, been allowed to fish beyond those limits in British bays and harbours, and within three miles of the mouths of those bays and harbours in waters from which, on the construction of the Treaty which has always been maintained by England, the Canadians might rightfully have excluded them.

I am, &c.,

The Right Hon. E. Hammond.

(Signed) H. T. HOLLAND.

No. 8.

No. 8.

The Foreign Office to the Colonial Office.

SIR,

Foreign Office, 18th November, 1870.

In reply to your letter of the 11th instant,* I am directed by Earl Granville to request that you will state to the Earl of Kimberley that his Lordship concurs in the answer proposed to be returned to the Despatch from the Governor-General of Canada respecting the interpretation of the Treaty of 1818.

* Above.

I am to add, that Sir E. Thornton was cautioned not to admit the interpretation put on the Treaty by Mr. Fish, as suggested in your former letter, by a telegram from this Office, on the 24th of October, and that a copy of your confidential letter of the 14th instant on the subject will be forwarded to him by to-morrow's mail.

I am, &c.,

The Under-Secretary of State,
Colonial Office,

(Signed) E. HAMMOND.

CANADA.

No. 9.

No. 9.

The Foreign Office to the Colonial Office.

SIR,

Foreign Office, 18th November, 1870.

I am directed by Earl Granville to transmit to you, to be laid before the Earl of Kimberley, the accompanying copy of a Despatch from Sir Edward Thornton, and its enclosure, respecting the Canadian Fisheries.

No. 443.

The Under-Secretary of State,
Colonial Office.

I am, &c.,
(Signed) E. HAMMOND.

Enclosure in No. 9.

Enclosure
in No. 9.

(No. 443.)

MY LORD,

Washington, 1st November, 1870.

I have the honour to enclose a printed copy of a Petition to Congress which has been published in one of this morning's newspapers, and which has lately been circulated for signature through the New England States.

The petition sets forth the grievances which American fishermen conceive that they have a right to complain of, with respect to the conduct of the Canadian Authorities and of the Commanders of the vessels employed in the protection of the Canadian Fisheries. The Petition also recommends that certain measures should be adopted by the United States in retaliation for the treatment against which complaints are put forward.

The newspaper publishes at the same time and immediately following the petition an article from the Toronto "Globe," thus appearing to intimate that it does not entirely support the statements and proposals made in the petition.

The Earl Granville, K.G.,
&c. &c. &c.

I have, &c.,
(Signed) E. THORNTON.

"THE FISHERY TROUBLES—PETITION FOR NON-INTERCOURSE WITH CANADA—INDEMNITY
" DEMANDED FOR CAPTURED VESSELS.

" A petition, the full text of which we give below, has lately been circulated for signature round all the towns and villages in New England :

" ' To the Honourable Senate and House of Representatives in Congress assembled : This
" ' memorial respectfully represents that, owing to the coercive principle adopted by the
" ' Dominion of Canada, whereby the Treaty of 1818 is made the basis of arbitrary laws
" ' and regulations, the fishing interests of the United States being the most vulnerable
" ' point, have been subjected to outrage, directed with a view to accomplish the following
" ' results: To obtain satisfaction for alleged Fenian raids. To force the United States
" ' to renew the Reciprocity Treaty. To drive American fishermen from their waters,
" ' thereby reducing the number of fishing vessels, weakening the marine power of the
" ' United States, and making a monopoly of the fishing business in the hands of the
" ' Canadians to supply our markets.

" ' To this end they have captured American fishing vessels, broken up their voyages,
" ' and confiscated their fares. They have declared absolute non-intercourse with the
" ' fishermen of the United States, refusing the right to buy stores or supplies at any of
" ' their ports—driving them from their harbours where they had sought shelter—refusing
" ' the landing or bonding of American fish or mackerel for export to the United States.
" ' They have seized mackerel saved from vessels wrecked on their coast, refused supplies
" ' to disabled vessels, and harassed the fishermen in a manner peculiar to British
" ' authority. Your Memorialists would therefore pray that a Non-Intercourse Act be
" ' passed, similar in its effects to that of Canada, whereby the same treatment may be
" ' applied to all vessels hailing from the British Provinces, as that suffered by American
" ' fishermen. Also for an Act prohibiting the importation of English or Canadian fish
" ' or mackerel, so long as American vessels are prohibited from taking fish or mackerel
" ' in so-called British waters. Also, that transportation in bond of merchandise for
" ' Canada through American territory be prohibited until Canada ports are opened for
" ' transportation in bond of American fish, mackerel, or other merchandise to and from
" ' the United States. Also, that the United States demand full and complete indemnity

CANADA.

“ for vessels and cargoes captured, and for all detentions and outrages committed on
“ fishing vessels and their crews by British armed vessels;”

“ The foregoing is thus commented upon by the Toronto ‘Globe’ of the 28th instant :
“ The conduct of Canadians is denounced as “arbitrary,” simply because it was thought
“ better to reserve Canadian mackerel for Canadian fishermen, and because American
“ vessels found poaching in Canadian waters have been seized and confiscated. A boy
“ might as well complain of a baker not allowing him to help himself to his buns
“ without the requisite preliminary of paying; or a sturdy beggar might think it hard
“ that he should not be allowed by a farmer to take as many apples as he pleased and
“ sell them, when the farmer preferred to sell them himself, or give them to his
“ children. The most sensible of American journals have frankly acknowledged that
“ it was perfectly absurd for Americans to claim the right of fishing as they liked in
“ Canadian waters, and that if Canadian authorities chose to be hard upon those who
“ did, it could not be helped. Their great protection against Canadian insolence is to
“ keep out of Canadian waters. It seems that their “little game” has been so inter-
“ fered with during the past months that nothing will satisfy the fishermen of New
“ England but absolute non-intercourse between them and Canada. Very well, so be it.
“ But that will neither increase the amount of fish caught by the Americans nor
“ supply more fully the demands for such brain-producing material on the part of
“ American consumers.”

No. 10.

No. 10.

The Colonial Office to the Foreign Office.

SIR,

Downing Street, 28th November, 1870.

* Page 35.

No. 258,
28th November.
Page 3.

With reference to my letter of the 7th* instant, I am directed by the Earl of
Kimberley to transmit to you to be laid before Earl Granville, a copy of a further
Despatch from the Governor-General of Canada, enclosing copies of the depositions
made in the case of the seizure of the United States fishing vessel, *A. J. Franklin*.

I am, &c.,

(Signed) H. T. HOLLAND.

The Under Secretary of State,
Foreign Office.

No. 11.

No. 11.

The Colonial Office to the Foreign Office.

SIR,

Downing Street, 17th December, 1870.

Gov. Conf.
19th Novem-
ber, 1870,
page 5.

With reference to previous correspondence respecting the Canadian fisheries, I
am directed by the Earl of Kimberley to transmit to you, to be laid before Earl Gran-
ville, a copy of a Despatch from the Governor-General of Canada, forwarding, with
other documents, a Report prepared by the Canadian Minister of Marine and Fisheries,
respecting the practice prevailing before the Reciprocity Treaty with regard to the
exclusion of American fishing vessels from trading in the ports of British North
America.

I am, &c.,

The Right Honourable E. Hammond.

(Signed) H. T. HOLLAND.

No. 12.

No. 12.

The Foreign Office to the Colonial Office.

SIR,

Foreign Office, 22nd December, 1870.

No. 491.

With reference to your letter of the 17th instant, I am directed by Earl
Granville to transmit to you, to be laid before the Earl of Kimberley, copies of a
Despatch from Sir E. Thornton, and its enclosure, respecting the Canadian fisheries.

I have, &c.,

(Signed) E. HAMMOND.

The Under Secretary of State,
Colonial Office.

Enclosure in No. 12.

CANADA.
Enclosure
in No. 12.(No. 491.)
MY LORD,

Washington, 5th December, 1870.

I lately received from Lord Lisgar a Report drawn up by Mr. W. F. Whitcher, Commissioner of Fisheries of Canada, on the Fishery Articles of Treaties between Great Britain and the United States. In this Report Mr. Whitcher states with truth, as far as most of the States of this country are concerned, that "within certain limits, all fishery privileges are held for the exclusive benefit of citizens of the State. The limits which constitute State Piscary are the same as laid down by the Law of Nations. And three marine miles in cases of bays and arms of the sea, and even oyster-beds outside, are measured from headland to headland."

Though these statements are generally true as far as I have yet been able to discover from a cursory examination of the State Laws, there appears to be an exception in the State of Massachusetts, of which one of the laws has a sentence in these words:

"When an inlet or arm of the sea does not exceed two marine leagues in width between its headlands, a straight line drawn from one headland to the other is equivalent to the shore line."

Massachusetts does not appear to claim jurisdiction beyond a marine league from this line, and could not therefore assert it in either Massachusetts Bay or Cape Cod Bay.

I have the honour to enclose copy of a letter upon this subject which I have addressed to His Excellency the Governor-General of Canada.

I have, &c.,
(Signed) EDWARD THORNTON.

The Earl Granville, K.G.

(No. 56.)
MY LORD,

Washington, 2nd December, 1870.

With reference to Mr. Whitcher's Report, enclosed in your Excellency's Despatch, No. 87, of the 10th ultimo, I have the honour to observe that he is quite right in his statements relative to the exclusive right generally claimed by the respective States of this country to the Fisheries adjacent to their coasts and in their bays, even though the mouths of the bays be of great width, as is the case with Chesapeake and Delaware Bays, in which the States of Virginia, Maryland, and Delaware exercise exclusive State authority over the whole of those bays.

But this does not appear to be the case with regard to the State of Massachusetts, for the words (Part I., tit. I., cap. I., sec. 1) of the Revised Laws of that State are as follows:

"The territorial limits of this commonwealth extend one marine league from its scashore at low water-mark. When an inlet or arm of the sea does not exceed two marine leagues in width between its headlands, a straight line drawn from one headland to the other is equivalent to the shore line."

I can hardly suppose, therefore, that the State claims maritime jurisdiction over Massachusetts, or even Cape Cod Bay, except within the marine league.

As a great many, therefore, of the American fishermen frequenting the seas adjacent to Canada come from that State, they might have a claim to a liberal interpretation of the Treaty of 1818 with regard to Canadian bays, if indeed it be true that the State does not claim exclusive jurisdiction over the whole of Massachusetts Bay. Upon this point Mr. Whitcher may have better information than I am possessed of, in which case I should be glad to be made acquainted with it.

I have, &c.,
(Signed) EDWARD THORNTON.

His Excellency the Lord Lisgar, G.C.B., G.C.M.G.,
&c. &c. &c.

No. 13.

The Foreign Office to the Colonial Office.

No. 13.

SIR,

Foreign Office, 26th December, 1870.

I am directed by Earl Granville to transmit to you, to be laid before the Earl of Kimberley, a copy of a Despatch from Sir E. Thornton, inclosing a copy of General Butler's lecture on the relations between the United States and Great Britain.

I have, &c.,
E. HAMMOND.

The Under Secretary of State,
Colonial Office.

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Enclosure
in No. 11.

(No. 476.)

Enclosure in No. 13.

MY LORD,

Washington, 28th November, 1870.

I have the honour to enclose three printed copies from different newspapers of the substance of a lecture delivered by General B. F. Butler, at Boston, on the 25th instant. It relates chiefly to the relations between the United States and Great Britain, and its language is of that violent nature for which he is notorious.

With regard to the *Alabama* claims, the General urges that England should be called upon to give compensation, and that in case of refusal the United States should break off all intercourse with her, both diplomatic and commercial. He does not recommend that a compensation in money should be demanded, but considers that if England were to consent to give up all connection with her possessions on this continent, such action on her part might be accepted as a proper reparation.

General Butler likewise makes grave charges against the Canadian and Her Majesty's authorities as to the treatment of American fishermen in the seas adjacent to Canada and in the harbours and ports. He insists that unless the rights of the United States are ensured by diplomatic means, a collision is inevitable.

The arguments used by General Butler in the above-mentioned lecture have been generally disapproved of by the press of the United States. I cannot doubt, however, that they will be repeated by him on the meeting of Congress, and I much fear that that body, without caring to look into the merits of the question, will request the President to find some means of retaliating upon Canada for what General Butler is pleased to consider her unneighbourly conduct.

The Earl Granville, K.G.,
&c. &c. &c.

I have, &c.,
(Signed) EDWARD THORNTON.

“NEW YORK HERALD,” THURSDAY, 24th NOVEMBER, 1870.

“The American Republic.—General Butler on the Situation.—Review of Parties and Political Questions.—The *Alabama* Dispute and the Fishery Troubles.—Our Remedy Non-Intercourse.—England should withdraw her Power from the West Indies and the Canadas.—An Ocean-Bound Republic the only Surety for Peace.—The great Provocations and Temptations to a War with England.—‘Lead us not into Temptation.’”

“Boston, November 23, 1870.

“General Butler, the original and irrepressible, has finally given the public his views upon the *Alabama* claims, and what he regards as the injustice of the British Government towards the American fishermen. Some days since the New York ‘Tribune’ published what purported to be his opinions on this important question, but, as is well known, the whole story was only a fabrication, and when General Butler was invited to deliver his views before an audience here, he took occasion to allude to the account of a bogus interview, as follows:—‘I confess to some embarrassment, because a publication, purporting to express, in the form of a reported conversation, my views upon these questions of the *Alabama* claims and the Fishery troubles now pending between England and this country, has been very extensively circulated. I need hardly say to gentlemen of your discrimination that that publication was wholly unauthorized by myself, and I have no knowledge who was the author. If that publication had been authorized, and were correct in all respects, I could hardly conceive that any one would have a desire to hear from me further upon these topics, and especially the language attributed to me. While many of the ideas are those that I have sometimes expressed in private talk with my friends, the publication is evidently the production of some person who, hearing of such conversation, has undertaken to give to the public, to my injury, as much of it as he could remember according to his comprehension.’ Having thus, as a preliminary proceeding, branded as false the alleged interview between himself and a ‘Tribune’ writer, General Butler soon began to interest his audience with the narrative which they were so anxious to hear. The spacious hall was filled to its full capacity, and upon the platform were many leading citizens and Republican politicians from all sections of the State. The General did not wait for an introduction to his listeners, but stepped promptly and squarely forward, announced himself pleased to meet so many old friends face to face, then declared what he might say were but the opinions of one man, and that one man

“ was responsible for those opinions. This characteristic preface won the warm applause of the audience, and when it subsided, General Butler went on as follows :

“ General Butler commenced his lecture by stating that, by the results of the war, all party distinctions and party catchwords had been abrogated, save the single dogma, still adhered to by the Democratic party, as to the rights of the States as corporations in contradistinction to the rights of the Federal Union as a national government; that the mission of the Republican party at home was ended; that, as a party, no peculiarity of doctrine was left to it for its future aspirations upon which to rally its partisans, and that its mission at home had ended save to garner the gleanings of its great past; that the Democracy had dwindled into an opposition only, while the shibboleth of Republicanism was that the government should not pass into the hands of its enemies.

“ GRANT'S ADMINISTRATION STRONGER THAN ANY SINCE JACKSON.

“ Herein—he continued—lies the secret of that admirable vitality of the Republican party which has become the wonder of the politician and the dread of the democracy. This determination of all true men, shown in every canvass, expressed by every ballot, has enabled the Republican party, after ten consecutive years of administration, after three times electing its President notwithstanding the apostasy of one, in spite of the many corruptions that necessarily creep into a party so long holding power, to do, as it is now doing, what no other administration has been able to do since. Jackson—elect to the first House of Representatives, chosen after the inauguration of its President, a majority of nearly two-thirds. Save in the case of Lincoln only, in 1862, when the war united all parties at the North, and the whole South had thrown itself off, who was enabled to carry a small majority, this has not been done since Jackson. Every other President but Grant has found an opposition Speaker in his first House of Representatives. Even Pierce, who carried the whole country save five States, is not an exception.

“ BOTH PARTIES DIVIDED UPON THE TARIFF.

“ Upon the tariff some are for protection *per se*, and some are free-traders, while perhaps the major part, learning from experience that indirect taxation is most easily borne by the people and most easily enforced by government, and believing that the necessities of the country to meet the required large expenditures of administration and the interest upon the public debt—a legacy of the war—have made a need for tariff to raise revenue sufficient for a basis to all necessary incidental protection to American industries, have adopted for their policy such a revenue tariff, with incidental protection, with the largest possible free list. Like differences upon a tariff policy disturb the peace of the Democracy. The farmer of the North-west believes there ought to be protection for his wool. The Kentuckian asks it for his hemp, and the Louisianian for his sugar. So by no means are our opponents united upon revenue measures.

“ REPUBLICAN DIFFERENCES UPON FINANCE AND CURRENCY.

“ Upon measures of finance and the character of our currency similar differences divide the adherents of each party. Many good and earnest Republicans believe that the present currency furnished by the national banks is the best that the world ever saw, and that the prosperity, if not the safety, of the country is bound up in the sustenance of those institutions and the money they issue. Some also believe that the wealth loaned the Government during the war, although the lender took advantage of the then depressed state of the nation's credit to make the best bargain he could and to loan his money at fifty per cent. or less of the obligation in coin, should never be made subject to taxation for any purpose whatever, and should be paid in gold at its full face, irrespective of the terms of the law which created the debt. Others are equally certain that paper money issued by corporations for their own gain and profit is the dearest and worst currency with which a nation can be cursed, and, in the language of Webster, that of all institutions ever devised by men to make the rich richer and the poor poorer, and to till the rich man's field by the sweat of the poor man's brow, the banking system which issues as money an irredeemable currency bears the palm. Some believe that the burdens of taxation upon invested capital should be equal, whether the investment is in commerce, in manufactures, in agriculture, or in national securities, and see no reason why more than two thousand millions of the most productive wealth of the country should be substantially exempted

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“ from the public burdens, and especially the taxation of the nation, which gives the
 “ only value to that class of capital. Some of these last also believe that the notes of
 “ the nation issued without cost or interest is a better currency than the note of any
 “ corporation issued for profit to the corporators can be. And they further believe that
 “ it is right of the Government, if it is deemed politic, to pay its debts in exact accord-
 “ ance with the provisions of the laws creating them. And they know if any preference
 “ is to be given to any class of the Government creditors, by provisions for payment in
 “ coin, it should be to those debts of high honour due to the soldiers who fought in the
 “ trenches of Vicksburg, Petersburg, and on the fields of Gettysburg and the heights of
 “ Lookout Mountain, and to the mothers, widows, and orphans in their promised
 “ pensions, the price of a husband's and father's life, blood, and limb.

“ An attempt was made two years ago to read out of the Republican party those who
 “ held such belief, irrespective of their record of services to the country, or their fidelity
 “ upon those other great and vital questions of freedom and loyalty to the Government,
 “ which were the very essence of its existence. That attempt, however, was soon found
 “ to be utterly futile in the West, and the only case in which it was tried in the East
 “ resulted in so miserable a failure, so disastrous to those who undertook it, that the
 “ experiment will hardly be repeated. The division in sentiment in both parties upon
 “ finance is still more curiously shown in what may be properly denominated the only
 “ administration measure of finance—that is, the taxation of the people for the
 “ immediate payment of the public debt. In his last annual report, the Secretary of
 “ the Treasury, speaking as the organ of the Administration, fully recommended
 “ Congress to sustain the then rate of taxation, in order to a speedy payment of the
 “ public debt. The Administration seemed to intrench itself as in its stronghold in this,
 “ its great finance measure; yet we see a Republican Congress, not without division in
 “ the Republican party, aided largely by Democratic votes, reducing both direct and
 “ indirect taxation of the people more than \$80,000,000 at a single session, thus
 “ depriving the Treasury in a very large degree—nearly fifty per cent.—of the means
 “ to carry out its own recommendations. Perhaps upon no measure was there a greater
 “ departure from the recommendation of the Administration by Congress than upon this.
 “ The Secretary of the Treasury made the ultimatum of his administration the immediate
 “ payment of the public debt, which could only be done by keeping up the high rates
 “ of taxation imposed by the necessities of the war; and if economy in expenditures, if
 “ vigour in the collection of the revenue, if studious, energetic employment of all its
 “ products in cancelling the national obligations be evidence of the wisdom of a policy,
 “ certainly the highest praise is to be bestowed upon our honoured fellow citizen, the
 “ Secretary of the Treasury. Assuming the desirableness of his end, with scrupulous
 “ honesty and integrity of purpose, he has adopted every means to that consummation.

“ ANNEXATION OF ST. DOMINGO.

“ Upon another set of great public measures a still more curious division and exchange
 “ of party ideas takes place. Heretofore it has been the boast of the Democratic party
 “ that they desired to extend the boundaries of the country, or, in the catch-word of the
 “ day, ‘the area of freedom,’ by acquisition of territory. Now we see a Republican
 “ administration, with wise prescience of the interest of the nation, seeking to annex
 “ St. Domingo, sustained by a majority of a Republican Senate, and by a majority of a
 “ Republican House, and the whole Democratic vote solidly against receiving into the
 “ Union the best and most desirable acquisition that has ever offered an extension of our
 “ empire. Upon the annexation of St. Domingo one would have thought no patriot
 “ would have doubted the wise foresight of the President in eagerly pursuing this
 “ acquisition. The outermost island of the Antilles, with the best harbour and most
 “ easily defended as a naval station of any on the continent, safe and salubrious at all
 “ seasons of the year at Samana Bay, a well-fortified naval station and coal depôt of the
 “ United States established there would render all the naval stations of Great Britain,
 “ or other foreign powers in the West Indies, untenable and useless. Whoever desires
 “ this continent shall be ruled by Americans, and that all foreign powers shall retire
 “ therefrom, will agree with the President in his desire to have St. Domingo, the priceless
 “ jewel of the sea, the possession of which insures Cuba as our own. That adminis-
 “ tration measure failed by a union of a minority of the Republicans with the solid
 “ Democratic vote; yet the acquisition of Cuba, a less fertile and less commanding
 “ island of the Antilles, at the cost of unnumbered millions, has been the subject of
 “ advocatory resolutions, time out of mind, in Democratic conventions, equalled in
 “ number only by the repetition of the resolutions of 1798.

" AMERICAN COMMERCE.

" We also see a like division in each party upon the question of the re-establishment of American commerce, crippled and almost destroyed by the hostile acts of Great Britain during the rebellion, most vividly illustrated at the breaking out of the war between Prussia and France, when the President, as an administration measure, by a formal message recommended that our merchants have liberty to purchase the iron steamships of the belligerents which might be otherwise locked up by blockade in their ports to be navigated under our flag, thus give employment to our sailors, and to cheapen the transportation of our exports. We then saw the singular spectacle in Congress of leading Democrats, one, an old Whig abolitionist, representing the Democracy of New York city striking hands with the Republican tariff men of Maine and Pennsylvania, as well in the Senate as in the House, to talk against time so that the waning hours of the session might expire, to prevent the passage of a Republican administration measure to relieve American commerce. Thus we have seen that upon quite every issue that once divided the two great parties, either differences exist among their partisans or that each party has substantially changed its ground, one upholding that which the other formerly denied, the other denying that which it had asserted.

" ENGLAND AND THE ALABAMA QUESTION.

" We have also seen that the Republican party has adjusted all the questions raised by the war, so far as they affect the internal polity of the government, and so far as itself is concerned. There now remains to it only to adjust the great international and foreign questions that were evolved by our late terrible civil contest. And as we have reconstructed the States lately destroyed by the rebellion, so we should reconstruct our commerce, likewise destroyed in the same war. As we have adjusted the claims of our citizens for damages done in the war by our own Government, so far as we have thought them just and equitable and not tainted with rebellion, so we should now adjust the claims of our citizens and the claims of our nation upon those nations who took advantage of our crippled condition to show a hostile spirit; followed by unfriendly acts. The chief offender against the national dignity and honour in this regard is the Government of Great Britain. True, imperial France was quite as early in the recognition of the belligerent rights of the rebels, quite as unfriendly in its spirit—in its attack upon the neighbouring republic of Mexico; but in the latter it failed to do us any injury, and the former was followed by no act of which we could justly complain. No rebel cruiser was fitted out or entertained and refitted in any French port. No pirate was let loose by Napoleon to prey upon our commerce. Upon what are popularly known as the *Alabama* claims I entertain some views of the grounds upon which they may rest different from those usually put forth as the basis of our grievances. I do not now, nor should I ever, propose to argue the question whether England was too early or sufficiently late in her recognition of the belligerent rights of the South. I hold, with the President, that the question of time for recognizing the belligerency of contending parties is one to be settled by each nation for itself, and no other nation has any proper ground for complaint of that determination. Nor do I care to examine whether the *Alabama* and *Shenandoah* might or might not have been kept in port by more vigilance or increased activity of the British law officers, or by more stringent municipal laws. Admit, for the sake of the argument, that in that regard Great Britain did each act in conformity with the laws of nations. Yet it will not be denied that afterwards the *Alabama* and *Shenandoah* were received in British ports, their officers fêted, toasted and dined, and the vessels refitted, provisioned and supplied with the necessary means of continuing their warfare upon our commerce, which was clearly a violation of international laws. Nor will it be denied that the Government of England was bitterly hostile to the Union during the whole prosecution of the war, and was only restrained by her fears of the results, and not by love of the United States, from actively taking sides in that contest by acknowledging the Confederacy. No man can doubt that her Government heartily desired that her only successful commercial rival should be crushed. Nor can we look upon the consolidation of her provinces upon the north of us into a new nation called a Dominion, from which unchecked raids were made upon our defenceless borders while the war was raging, as other than a hostile movement, designed to cripple us, in case the South should be successful, by creating an unfriendly nation on the north of us, to be in accord with a hostile nation on the south. By the valour of our soldiers and the

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“ patriotism of our people, under the providence of God, the British Government was
 “ disappointed in its dearest wishes, and failed of its most cherished desires.

“ ENGLAND DESTROYED OUR COMMERCE AND PROLONGED THE WAR.

“ The effect of what was done and omitted to be done by Great Britain, that as a
 “ friendly nation she ought to have done, is that our commerce has been substantially
 “ swept from the seas : we had only thousands of tons at the close of the war where we
 “ had millions of tons at the beginning. No man, even now, can cross the Atlantic
 “ Ocean in a sea-going steamer flying the American flag. Another effect of the position of
 “ the British Government towards the South by giving false hopes to the Confederacy
 “ was to prolong the war, at the expense of millions upon millions of treasure and
 “ thousands upon thousands of lives. And yet we are far into the sixth year since the
 “ war was ended, without being nearer—not to say to a reparation for these wrongs—
 “ even to a practical consideration of the questions involved than we were at the day of
 “ the surrender of Lee. The Republican party is the dominant party of the country, and
 “ must remain so for the next three years at least. Upon it and upon its administration
 “ devolve the duty and the burden of bringing to a conclusion all these questions and
 “ obtaining the needed reparation, indemnification, and apology for our wrongs. Delays
 “ aid not their solution, but rather add to their complications. Time can never
 “ obliterate the deep sense of injury this nation entertains of the action of Great Britain
 “ during our war. Years only intensify its bitterness. The gaping wounds in our
 “ national honour never will close up by lapse of years. They must always remain
 “ green, open, sore, until healed by the potent salve of ample reparation and indemni-
 “ fication. True, it is urged by some, not too far-sighted or discriminating people,
 “ principally newspaper writers, that we should delay settlement of our claims until
 “ England gets into a war and then let loose other *Alabamas*, other *Shenandoahs*, and
 “ other *Floridas* from our ports, in the interest of the belligerent nation with which she
 “ should be at war, to prey upon her commerce, especially to make the pretext of war
 “ between herself and either of her dependencies, to have our own citizens fit out our
 “ ships as cruisers under some apocryphal flag, and thus to avenge our wrongs. The
 “ statesmanship of those who advocate such a course would seem to be this—We com-
 “ plain of her wrongs, and we propose to make those right by doing other like wrongs
 “ to be inflicted in safety when our enemy is crippled. Is this statesmanship? Is it
 “ magnanimous? Is such redress bold—is it manly? Nay, is it not sneakingly cowardly?

“ LET US DEMAND OUR RIGHTS, AND MAINTAIN THAT DEMAND.

“ Let us rather stand up in the manly strength of our nationhood, and fearlessly,
 “ boldly claim the rights which belong to us, insist upon their being respected, and that
 “ all questions between us and Great Britain be adjusted at once and for ever, so as to
 “ take away all cause of unfriendliness between two powerful nations of the earth. Let
 “ us say to Great Britain, ‘ Thus much we are wronged ; thus much we require to
 “ ‘ satisfy the nation’s honour and the nation’s loss, and for that wrong and that loss
 “ ‘ thus much we must have, because it is our right and because we are able to maintain
 “ ‘ our right.’ Judge ye between the two proposed modes of adjusting the Alabama
 “ claims. I say that her Government was hostile, and her hostility was harmful to the
 “ United States, and was so intended. We claim reparation for that harm done by
 “ this hostility. The question is, how are we to enforce our rights? By declaring
 “ war? By no means. The United States will never lightly declare war. We are not
 “ a war-making Government; we are only a war-carrying-on Government when war is
 “ made upon us. I would apply the same doctrine to nations that I would to individuals
 “ under like circumstances. If my neighbour takes advantage of the fact that his line
 “ lies close under my windows to build a high fence to shut out the light and air from
 “ my dwelling, in order to show his hostility to myself and family, do I stop to inquire
 “ whether he has put that fence one inch over or one inch within the line which
 “ divides his land from mine? If he has put it one inch over I may sue him in the
 “ courts of law. But there are no courts of law to adjust disputes between nations. If
 “ he has put it one inch on his own land to gratify his ill-will and injure me what is
 “ my remedy? Simply to declare him a bad neighbour, and that I will have nothing
 “ to do with him in the future save to get him out of my neighbourhood if I can,
 “ and as soon as I can, either by causing him to move or by removing myself.

" THE REMEDY—NON-INTERCOURSE.

" So would I do with England. If she will not make reparation for the wrongs done
 " us during the war by her hostility, not by simply making good the millions that our
 " merchants lost, but by making good all that the nation has lost, I would treat her as
 " I should my vicious neighbour, who gave vent to his enmity by darkening my
 " windows—declare that I would have nothing to do with her, that I would neither
 " buy nor sell with her, or after due notice hold diplomatic or commercial relations
 " with her henceforth until full reparation is made. Complete, thorough and stringent
 " non-intercourse is the remedy. That is not war. That is not a *casus belli* under any
 " suggestion of the law of nations. We have the undisputed right to trade with whom
 " we please, or to refuse to trade with whom we please.

" ENGLAND DARE NOT TREAT US AS SHE DID CHINA.

" True, Great Britain, when the government of China refused to have its subjects
 " poisoned by English opium, sent a fleet and forced the opium down the throat of the
 " Chinese at the mouth of her cannon; but what publicist ever dreamed that that was
 " done under any provision of international law, but only an exhibition of force?
 " Besides, China had not been admitted into the family of nations. When the United
 " States decides not to buy British goods until she settles the *Alabama* claims, I am
 " willing to see Great Britain if she thinks best send her fleets to our ports to force us
 " to take her manufactures of iron and wool.

" We know how to conduct a defensive war, whether by sea or land. I do not deem
 " it either unmanly or unfair to say to England that she shall have none of our cotton
 " or breadstuffs until this question is settled, although such deprivation to Manchester,
 " Birmingham and Bradford might work a revolution in her government in six months.
 " Nor would it be more unmanly or unfair to declare such non-intercourse, because now
 " is our opportunity, insomuch as Prussia and France will be ready, in recovering from
 " their exhaustion, to take from us all the surplus that we have both of cotton and food
 " for export, even if they become sellers of the first to England. Nor is it our fault if
 " England's delays in doing us justice have postponed our demand for it till her
 " complications with Russia have substantially put her at our mercy. The saving to
 " the country by non-importation of British goods—the impetus given to our manu-
 " factories—the protection thus afforded to American industry, would very soon
 " quite make good to us all that we have lost in money by the *Alabama* outrages. The
 " United States government ought to assume and pay all that there is of ascertained loss
 " to the individual citizens because of these claims, and then add the amounts so paid to
 " its own great claim to be adjusted by Great Britain as a whole.

" THE DUE REPARATION.

" For, after all, the great injury and wrong is not one to be compensated in money.
 " The better reparation to this nation would be for England to remove all opportunity
 " or cause of collision between the two countries in the future. But those must always
 " exist so long as England has a government under her control, and for the acts of
 " which she is responsible, stretching from ocean to ocean, across our northern border,
 " and for many hundred miles intervening between us and our newly acquired territory
 " Alaska, and while she holds her naval stations and depots at Jamaica, Nassau and the
 " Bermudas, from which our commerce and our coast can be menaced in any future war
 " on this side the Atlantic. Therefore would I suggest that that which would best
 " satisfy the people—that which would best meet the exigencies of the occasion, and
 " that which England could part with herself in most honour, by showing a desire to
 " take away all ground of possible unfriendly relations in the future—would be that
 " she should withdraw her power from this Continent. I do not ask her to give us
 " Canada and her provinces. I should be willing to assume all the *Alabama* claims and
 " settle all possible differences between the two nations to-morrow if Great Britain will
 " leave the Western Continent. Simply divorce herself from them and permit her
 " provinces of Canada, Nova Scotia, New Brunswick, Prince Edward Island, Newfound-
 " land and British Columbia each to settle for itself by the action of its own people
 " what shall be its future. I am asked, will the provinces vote for annexation to this
 " country? I am willing to take the risk that men and countries will act for their own
 " best interests.

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“ It would be more economical for the United States to pay the *Alabama* claims, whatever they may be, in money five times over, than to allow the present commercial and political relations of Canada, with all the losses, expenses, and complications to remain open for a single year, to say nothing of the cost to us of the suppression of the raids of our irrepressible Fenian brethren, which seem likely to be periodically repeated, at least until Ireland is free.

“ THE DANGERS OF WAR FROM OUR FISHERY COLLISIONS.

“ But there are other and more difficult complications arising daily which demand, in the interest of peace between the two nations, the immediate settlement of the *Alabama* claims, in a manner which shall take away all possibility of future entanglements. For the purpose of forcing a reciprocity treaty upon the United States, the Canadian government has been for the past two years renewing its pretensions to the exclusive right of the fisheries in the great bays and estuaries along shores adjoining the British provinces—pretensions which are only to be examined to be found unjust; pretensions under which they have seized a number of vessels belonging to the United States upon the flimsiest pretences, broken up the voyages, turned loose the crews, who are part owners, and subjected the owners to the hardship of defending their claims to their own property before a British Vice-Admiralty Court, only to find their vessels, if they succeed, returned to them stripped of their lines, cordage, and running rigging; allowed to go to waste while in the hands of the court; with their cargoes perished, the voyage broken up, and the means of continuing it carried off without any responsibility for the loss. Canada claims to enact laws providing for the seizure and confiscation of our vessels if they fish within the lines which her laws prescribe, and also if found taking shelter for more than twenty-four hours in her bays and harbours, whatever the inclemency of the weather, or even if buying provisions or supplies therein with which to fish anywhere upon the broad expanse of the ocean. This condition of conflicting rights and claims cannot long rest without collisions which will severely endanger the peace of the nations. American seamen are not too patient of wrongs from that Power which impressed their fathers and searched their ships on the high seas till we went to war for sailors' rights.

“ Nor is this interest an inconsiderable one. Massachusetts alone sends more than fifteen hundred sail of vessels on to the northern fishing grounds at different seasons every year. It is evident that these seizures and condemnations cannot continue. Our fishermen will not long submit to be seized by the Canadian revenue cutters without defending themselves. A collision is inevitable if there is no other way in which our rights of fishing can be protected. If the government is powerless to preserve our rights through its diplomacy, a collision is desirable, because then this series of injuries will be terminated in a manner that will astonish diplomacy.

“ AN OCEAN-BOUND REPUBLIC THE ONLY SURETY FOR PEACE.

“ Therefore urging the settlement of the *Alabama* claims in the manner I have suggested, by withdrawing British power from the continent and giving us an ocean-bound republic, is in the interest of peace and not in the interest of war. No statesman, no patriot can desire war. Nay, no partisan can desire war as a means of sustaining his party. War is by far too terrible to be lightly levied, or until all other means have failed. We, as a nation, unhappily now know what war is, its effects, its sequences and its consequences. It is, therefore, the duty of the patriot and the statesman to provide for a permanent and honourable peace, and to see to it that all causes that may provoke war are removed. Therefore it is the duty of the administration and the republican party, as the governing power of this country, to bring at once, and at all hazards, these *Alabama* claims and our fishing troubles to an honourable adjustment—such an adjustment as will be sustained by the country and give assurance that no causes of serious difference between us and England can arise in the future. Such an adjustment will commend the administration of General Grant, with redoubled force, to the people and win him new laurels in peace to entwine in the chaplet with those won in the war. It is said by certain timid anglophobists that a peremptory demand upon England to do what we believe of right ought to be done, to be followed, if refused, by a declaration of non-intercourse on our part, will bring on war by England in preference to an honourable adjustment. As the action I have proposed to be taken is fully within every rule of international law, such result ought

“ not to follow, and cannot follow, unless England chooses to add violence to her
 “ hostility and injustice towards us. Much more stern measures than I have suggested
 “ have been taken by nations in pursuit of their just rights and not been held to be
 “ causes of war.

“ THE DIPLOMACY OF CROMWELL AND JACKSON.

“ Reprisals and embargoes, it is agreed by all writers on international law, are not
 “ *casus belli*. Oh! for an hour of the diplomacy of the ablest ruler England ever had
 “ to maintain her national reputation, the stern old puritan, Cromwell, when he sent
 “ the Quaker merchant, whose ship had been unjustly seized by a French man-of-war,
 “ to Cardinal Mazarin, the Prime Minister of Louis XIV., for redress of his grievance,
 “ and told him to wait three days only for an answer. No answer being given in the
 “ prescribed time Cromwell seized a number of French vessels, sufficient to pay the
 “ Quaker's claim, sold them and made good the wrong from the proceeds, notifying the
 “ King of France that the residue of the price of the vessels was at his service. Yet no
 “ war ensued, says a French writer, because an act of justice was done, although violently
 “ done. Or, if you desire a later example, let me recall to your memories Jackson's
 “ message to Congress in 1834, when the French Chamber of Deputies had neglected to
 “ vote appropriations to pay claims to our citizens which were acknowledged to be due.
 “ He said :

“ ‘ I recommend that a law be passed authorizing reprisals upon French property in
 “ ‘ case provision shall not be made for the payment of the debt at the approaching
 “ ‘ session of the French Chambers. Such a measure ought not to be considered by
 “ ‘ France as a menace. Her pride and power are too well known to expect anything
 “ ‘ from her fears, and preclude the necessity of a declaration that nothing partaking of
 “ ‘ the character of intimidation is intended by us. She ought to look upon it as the
 “ ‘ evidence only of an inflexible determination on the part of the United States to insist
 “ ‘ on their rights.’ ”

“ ENGLAND SHOULD HERSELF MAKE OFFERS OF CONCESSION AND APOLOGY.

“ ‘ Mere money, without other reparation, will never satisfy the wounded honour of
 “ ‘ this country. We must have for our satisfaction something more of concession and
 “ ‘ apology ; and it is for Great Britain to say in what form that will be easiest to her-
 “ ‘ self. I can have no doubt but that her withdrawal from the continent will satisfy our
 “ ‘ people, although it is only the anticipation of an event which must happen in few, very
 “ ‘ few years, but an hour of a nation's life. If England refuses this, let her say what
 “ ‘ reparation she will offer to us, the injured party. If nothing, then let all intercourse
 “ ‘ between the two countries cease. This, our alternative, non-intercourse, I do not con-
 “ ‘ ceal, either from myself or from you, although not a justifiable cause of war, would,
 “ ‘ unless it led to a settlement of the difficulty, probably result in a declaration of war
 “ ‘ by Great Britain. If so, be it so. And in that case again I would say, in the language
 “ ‘ of Jackson to France :

“ ‘ If she (Great Britain) makes that occasion for hostilities against the United States
 “ ‘ she but adds violence to injustice, and could not fail to expose herself to the just cen-
 “ ‘ sure of civilized nations and the retributive judgments of Heaven.’ ”

“ WORSE THAN WAR.

“ I have said, and I repeat again and again, I would not declare war ; it is the last
 “ and worst remedy for grievances ; but yet there are other alternatives more terrible to
 “ a nation than war—loss of honour, loss of rights, loss of self-respect. I would do
 “ everything, yield everything, accept anything, consistent with patriotism, justice, and
 “ the dignity of the nation, to adjust peaceably and for ever these momentous questions,
 “ claims and assertions of international rights between this country and England. But
 “ more we cannot yield or accept ; and if the dread alternative is forced upon us of an
 “ appeal to arms because of unrequited indignities, injuries and wrongs, then, as a Repub-
 “ lican, as an American, I cannot fail to observe the great temptation that this nation
 “ has for a war with Great Britain.”

CANADA.

" THE GREAT PROVOCATIONS TO A WAR WITH ENGLAND.

" Let me say nothing now of the keen sense of wrong and injury inflicted. Let me say nothing of the rising gorge at the thought that England took advantage of our crippled condition to do those things to our hurt which she would not have dared otherwise to do. Let me say nothing now of the fact what she did was done to crush a hated commercial rival. Let me say nothing of the fact that she hoped by her course to demonstrate to mankind that the great experiment of freedom to all, now being wrought out by this American Government, was a failure, and thus, in the interest of despotism, to crush out all hope of republican liberty throughout the world. Let me say nothing of the fact that her hostile acts were done in the interest of a confederacy whose corner stone was slavery, and whose object was to perpetuate that slave power which the greed of British merchants and slave traders had fastened on our country in its infancy."

" THE GREAT TEMPTATIONS TO MAKE WAR WITH ENGLAND.

" But I do remember and cannot forget that we have sixteen hundred thousand naturalized Irishmen in this country, every one eager to avenge the wrongs done his motherland, the green isle of the ocean, by British tyranny, which drove him from her soil. I cannot but remember that they require no urging to join our armies in a war with their oppressors, but are prevented by the repressive hand of our government, in the interest of peace and in sacred regard for our treaties of amity, from making war on their own account, and that if we did not hinder them they would take Canada by contract in sixty days.

" I cannot but recall the truth that our Southern brethren, many of the best and bravest among them, who fought against the government, with a vain attempt to rid themselves of the glorious memory of its history, are impatiently longing to fight once more under the starry folds of the old flag. Give the privilege to the brave sons of the South to defend their country again in a foreign war, and especially one with Great Britain—not loved by them any more than by us—and it would bring us all together again, uniting us with one flag, one country, and one destiny. In so much is this reunion the hope of the patriot that one feels almost to doubt whether to achieve it would not be worth all the loss of blood and treasure in such a war. Again, let me not forget that it would be a war upon the ocean—never an expensive one—and where the most brilliant laurels of American arms have been won. And I cannot fail to perceive that the saving of money by the non-importation of British goods, and the stimulus given to American production, would quite equal all the expenditures of the war. I can never forget that in such a war we have no commerce to lose. Quite all our ships are gone already because of the warlike acts of England's cruisers, which we have so long suffered in insulted silence, although we know that we can sweep the sails of her commerce from the ocean. As a republican and a partisan I cannot but remember that whenever a country is engaged in a foreign war the administration of the government is always sustained by the patriotism of the people. Never would that be so signally demonstrated as in a defensive war with England, brought on by the republican administration, in a firm, manly, and strenuous endeavour to enforce the rights of our injured and despoiled citizens, to avenge our insulted honour, and to maintain our fishermen in those rights now taken from them by England's wrongs, which their fathers won for England and themselves with their own right arms. As a party man I do not fail to remember that of the twenty odd hundred thousand votes of the democratic party now in opposition, twelve hundred thousand at least are naturalized Irishmen, who would stand side by side with a republican administration in a war with England—Ireland's oppressor for nearly a thousand years, and would vote as they fought.

" As a politician I have an incentive to such a war, as its result would be the perpetuation of the republican party in power for more than a generation. If, therefore, when we ask for our just rights and indemnification for our losses through her acts, England should incline to offer us, instead thereof, such a war as I have sketched, with such causes, with such hopes, with such results, and such memories, ought not every patriotic American to address to Her Majesty's government a portion of the prayer which we were taught in childhood every day to say to our Maker—so much more beautiful and appropriate in the original than as translated by English bishops—'Suffer us not to fall into temptation?'"

PRINCE EDWARD ISLAND.

Despatches from the Governor.

No. 1.

Lieutenant-Governor Robinson to the Earl of Kimberley.

PRINCE
EDWARD
ISLAND.

No. 1.

(No. 15.)

Government House, 23rd November, 1870.

(Received 14th December, 1870.)

MY LORD,

(Answered (No. 39), 17th December, 1870, page 57.)

I have the honour to acknowledge the receipt of your Lordship's Despatch No. 32* of the 20th ultimo, informing me that the transshipment of fish and obtaining supplies by the United States fishing vessels in the ports of this Colony cannot be regarded as a substantial invasion of British rights; and I beg to report that the Custom House authorities have been instructed that they are not, until further orders, to prevent United States fishermen from entering the bays of Prince Edward Island for such purposes.

* Vide Previous Paper, dated January 1871, page 230.

2. I have caused the United States Consul at this port to be informed of the footing on which this question now stands, though the suspension of the prohibition is of no immediate practical importance, the fishing for this season being at an end.

3. A copy of the notice, which was published in the Government "Gazette" on receipt of your Lordship's Despatch, is herewith enclosed.

4. The Colonists are not a little gratified at the result of the appeal made by the late Government to the Secretary of State. Trade suffered severely in consequence of the action which Government felt called upon to take in August last, and the people look forward with satisfaction to re-opening their ports next summer to their remunerative and welcome visitors.

5. I wish to add, however, with reference to the last paragraph of your Lordship's Despatch, that my Government will not be found disposed to act otherwise than in unison with Her Majesty's Government and the Government of the Dominion in any steps which it may be necessary to take hereafter "for the more effectual prevention of encroachment on the Colonial Fisheries by foreign vessels.

I have, &c.,

(Signed)

WILLIAM ROBINSON,

Lieutenant-Governor.

The Right Hon. the Earl of Kimberley,
&c. &c. &c.

Enclosure in No. 1.

Enclosure in
No. 1.

NOTICE.

His Honour the Lieutenant-Governor in Council has been pleased to cancel the Instructions issued to Custom House officers, on the 23rd of August, 1870, respecting the practice of admitting United States fishing vessels to entry in the ports of Prince Edward Island; and to direct that such vessels shall be permitted to enter, transship their cargoes of fish, and obtain supplies in the ports of this Colony as aforesaid, from this date, and until further orders.

Executive Council Chamber,
November 17th, 1870.

CHARLES DESBRISAY, C.E.C.

PRINCE
EDWARD
ISLAND.

No. 2.

No. 2.

Lieutenant-Governor Robinson to the Earl of Kimberley.

(No. 16.)

MY LORD,

Government House, 25th November, 1870.

I have the honour to inform your Lordship that the United States schooner, *Clara F. Friend*, lately seized by H.M. ship *Plover* for a breach of the Fishery Laws, and up to yesterday in the custody of the Marshal of the Vice-Admiralty Court, undergoing trial, was last night boarded by the owner, Mr. Charles Friend, and an armed crew of sixteen persons, who, having overpowered the men in charge, made sail on the vessel, and took her out of port; at daylight this morning she was well clear of the harbour.

2. Having no means at my disposal of recapturing or even sending in pursuit of the schooner, I instantly telegraphed to the Admiral at Halifax, and to the captain of H.M. ship *Plover*, who left this yesterday morning, to two of the places at which I think he is likely to call in the course of the day; but I fear there is little chance of their being able to intercept the schooner before she gets into the open sea outside the Gut of Canso.

3. I enclose copies of the above telegrams. I also submit a copy of a letter which I simultaneously addressed to the United States Consul at this port, as well as the deposition of one of the men overpowered by the boarding crew.

4. The *Clara F. Friend* was seized by H.M. ship *Plover*, while fishing within the three-mile limit, and the evidence was so strong against her that she would unquestionably have been condemned. Evidently her owner was of this opinion also.

5. I will at once inform Her Majesty's Minister at Washington of the particulars of this daring transaction, and suggest to him the propriety of laying the matter before the American Government, with a view to a return of the vessel if carried to an American port.

I have, &c.,
(Signed) WILLIAM ROBINSON,
Lieutenant-Governor.

P.S. Since writing the above, I have received from the United States Consul the communication of which I enclose a copy. Your Lordship will observe with pleasure that General Scammon condemns the transaction, and has lost no time in telegraphing the particulars of it to his Government.

W. R.

The Right Honourable the Earl of Kimberley.
&c. &c. &c.

LIEUTENANT-GOVERNOR TO ADMIRAL FANSHAWE.

(Telegram.)

Charlottetown, 25th November, 1870.

Plover left yesterday, and last night prize schooner *Clara F. Friend* was stolen from her moorings. She will probably make for Gut of Canso. We have nothing here to send after her, and she will probably escape unless you can intercept her from Halifax. I have telegraphed *Plover* to Canso and Pictou. Wind westerly and light.

(Signed) WILLIAM ROBINSON,
Lieutenant-Governor.

LIEUTENANT-GOVERNOR TO CAPTAIN POLAND, H.M. Ship *Plover*, PICTOU.

(Telegram.)

Charlottetown, 25th November, 1870.

The *Clara F. Friend* was stolen from this harbour this morning about daylight. No means at disposal of Government here to recapture her. Wind westerly and light.

(Signed) WILLIAM ROBINSON,
Lieutenant-Governor.

Prince Edward Island, }
Queen's County, To wit. } Court of Vice-Admiralty.

Michael Furnis, of Charlottetown, in Prince Edward Island, carpenter, maketh oath and saith:

That he was on Thursday, the 24th day of November instant, employed by Alfred Hinde Yates, Esquire, Marshal of the Court of Vice-Admiralty for Prince Edward

Island, to guard and protect the American fishing schooner *Clara F. Friend*, then lying in the harbour of Charlottetown aforesaid, a prize, in the custody of the Marshal of the said Vice-Admiralty Court. That on the night of the said 24th day of November instant, at about half-past 11 o'clock P.M., this deponent then being below in the cabin of the said schooner, and off watch, was called on deck by his comrade, John Thomas, who was then on watch; that on coming on deck this deponent observed a boat, with a crew of between fifteen and seventeen men on board, alongside of the said schooner, on the starboard side of the fore-rigging. Deponent then went to the rail, and asked the men in the boat who they were, when one of them asked if they were far from Southport; deponent replied that they were a long way to leeward of Southport. One of the men in the said boat then said that they would go on board for a drink of water; deponent replied, that he would not allow them on board. A man in the boat insisted that they would go on board; some of them then attempted to board the said schooner, when this deponent, being at the time armed with a rifle with a fixed bayonet, pointed the bayonet at one of the crew; the men in the boat then rushed on board the said schooner; this deponent then unfixing his bayonet. Two of the men from the boat then rushed at him, and took away his rifle. Deponent then went below into the cabin. Among the men who boarded the said schooner this deponent recognised Thomas Grady, who was master of the said schooner at the time of her capture, as deponent is informed, and believes, John Howe, late one of the crew of the said schooner, and Michael McCarty, also one of the crew. That while deponent was in the cabin, a man (whom deponent was informed, and believes, was the owner of the said schooner) came below, and stated to deponent and his comrade, the said John Thomas, that they need not be alarmed, that they would not be hurt, that if deponent, and the said John Thomas would go along with them he would look after them; he also stated that he had been waiting in Charlottetown for three weeks, waiting for the damned cutter (meaning H.M.S. *Plover*) to leave. And this deponent further saith: that the said Thomas Grady, together with the men who so boarded the said schooner, got the said schooner under weigh, and proceeded under sail out of the harbour of Charlottetown aforesaid; and when about three miles outside the said harbour, this deponent, together with the said John Thomas, and one James Stewart, who was on board the said schooner when she was so boarded, were put into a boat with four oars, and cast adrift from the said schooner, the said schooner proceeding on her way to sea. That this deponent, with his comrades, arrived at the entrance of the harbour of Charlottetown about half-past 3 o'clock A.M. of Friday, the 25th day of November instant, and immediately proceeded to Charlottetown.

his
(Signed) MICHAEL × FURNIS.
mark.

Sworn to before me, at my chambers, in Charlottetown, in Prince Edward Island, this 25th day of November, A.D. 1870.

The above Affidavit having been first truly read over to the said Michael Furnis, who appeared to understand the same, and who made his mark thereto in my presence.

(Signed) R. HODGSON.
Judge of Vice-Admiralty Court of Prince
Edward Island.

I do hereby certify that the name "R. Hodgson," with the addition, "Judge of Vice-Admiralty Court of Prince Edward Island," to the Jurat of the Affidavit on the other side written, is of the proper hand-writing of Sir Robert Hodgson, Knight, Judge of the Vice-Admiralty Court of Prince Edward Island aforesaid; and that full faith and credit is due, and ought to be given, to all his acts and attestations in his aforesaid capacity. In testimony whereof I have hereunto subscribed my name, and set hereto the Great Seal of Prince Edward Island, this 25th day of November, A.D. 1870.

WILLIAM ROBINSON,
Lieutenant-Governor of Prince Edward Island.

L. S.

PRINCE
EDWARD
ISLAND.

LIEUTENANT-GOVERNOR ROBINSON to GENERAL E. P. SCAMMON.

SIR,

Government House, 25th November, 1870.

I have the honour to inform you, that the United States schooner *Clara F. Friend*, lately seized by H.M.S. *Plover*, for a breach of the Fishery laws, and up to yesterday in the custody of the Marshal of the Vice-Admiralty Court, was, last night, boarded by the owner and an armed crew of sixteen persons, who, having overpowered the men in charge of the schooner, made sail on the vessel and took her out of port.

2. I have no means at my disposal of recapturing the vessel, but I have telegraphed particulars of the transaction to the Admiral at Halifax and to the Commander of the *Plover* at Pictou, in the hope that they may be able to intercept the schooner before she gets through the Gut of Canso.

3. I feel sure that you will lose no time in telegraphing such information to your Government as will cause the *Clara F. Friend* to be seized and detained at the first port in the United States at which she may call, in the event of her eluding our cruisers in the Gut of Canso.

I have, &c.,

(Signed)

WILLIAM ROBINSON,

Lieutenant-Governor.

General E. P. Scammon,
United States Consul, Charlottetown.

GENERAL E. P. SCAMMON to his Honour the LIEUTENANT-GOVERNOR of Prince Edward Island.

United States Consulate at Prince Edward Island,
Charlottetown, 25th November, 1870.

SIR,

I have the honour to acknowledge the receipt of your Honour's communication of this morning in reference to the forcible seizure of an American vessel, in custody of officials of Her Majesty's Government in this colony.

I enclose a copy of my telegram to the Secretary of State at Washington.

How such an act, equivalent to piracy by our own statutes, could have been perpetrated by sane men I cannot understand.

I have, &c.,

(Signed)

E. P. SCAMMON, Consul.

The Lieutenant-Governor of
Prince Edward Island.

(Telegram.)

United States Consulate at Prince Edward Island,
Charlottetown, 25th November, 1870.

American fishing schooner *Clara F. Friend*, of Gloucester, M., legitimately seized by H.M.S. *Plover*, for violation of Fishery Laws, and lying in this port, was boarded by her owner and crew of sixteen armed men last night—her guard put on shore on an island outside the harbour, and the vessel taken off.

E. P. SCAMMON, Consul.

Hon. Secretary of State,
Washington, D. C. U. S. A.

No. 3.

No. 3.

Lieutenant-Governor Robinson to the Earl of Kimberley.

(No. 17.)

MY LORD,

Halifax, 28th November, 1870.

(Received 14th December, 1870.)

* Page 54.

Referring to my Despatch, No 16,* of the 25th instant, I have now the honour to inform your Lordship that the prize schooner *Clara F. Friend* has been recaptured by H.M.S. *Plover*, and taken back to Charlottetown, Prince Edward Island.

2. I received the following telegram from the captain of the *Plover* on Saturday morning at Pictou:

“Thanks for telegram. Prize recaptured. Written to you at Halifax.”

And in a private letter, which I received from Captain Poland at this place yesterday, he says:

"I received your telegram about noon yesterday off Port Hawkesbury, and immediately anchored at Port Mulgrave, on the Nova Scotia shore, close in behind a high point of land, to await the schooner in case she should be reckless enough to come this way. Just before it was quite dark I caught sight of him going down midstream at a great pace, and at once weighed and gave chase and captured him in less than an hour. The master and about half the crew bolted on shore in the boat, the owner and three or four of the men were taken in the schooner. I am on my return to Charlottetown, which port I shall reach on Sunday."

3. I am greatly pleased that the affair has turned out as it has. The recapture of the prize will save the delay and inconvenience of having to await the redelivery of the vessel and crew from the United States.

I have, &c.,
(Signed) WILLIAM ROBINSON,
Lieutenant-Governor.

The Right Hon. the Earl of Kimberley,
&c. &c. &c.

Despatch from the Secretary of State.

No. 1.

No. 1.

The Earl of Kimberley to Lieutenant-Governor Robinson.

(No. 39.)

SIR,

Downing Street, 17th December, 1870.

I have the honour to acknowledge the receipt of your Despatch, No. 15,* of the 23rd of November, reporting the steps which you have taken to give effect to the decision adopted by Her Majesty's Government with regard to the admission of United States fishing vessels to British ports for the purpose of obtaining supplies and transshipping fish.

* Page 53.

I approve of the course you have adopted, and notice with satisfaction the assurance contained in your despatch that the Government of Prince Edward Island will not be found disposed to act otherwise than in unison with Her Majesty's Government and the Government of the Dominion in any steps which it may be necessary to take hereafter for the more effectual prevention of encroachments on the Colonial Fisheries by foreign vessels.

The Lieutenant-Governor,
Prince Edward Island.

I have, &c.,
(Signed) KIMBERLEY.

PRINCE
EDWARD
ISLAND.

CORRESPONDENCE

BETWEEN

The Colonial Office and the Foreign Office.

No. 1.

No. 1.

The Foreign Office to the Colonial Office.

SIR,

Downing Street, 17th December, 1870.

With reference to my letter of the 8th of November,* enclosing a copy of a letter from the Admiralty reporting the seizure of the United States fishing schooners *Foam* and *Clara F. Friend*, I am directed by the Earl of Kimberley to transmit to you, to be laid before Earl Granville, copies of two despatches from the Lieutenant-Governor of Prince Edward Island reporting the circumstances under which the latter of these vessels was, whilst in the custody of the Marshal of the Vice-Admiralty Court at Prince Edward Island, seized by some of her former crew and taken out of port, and subsequently recaptured by H.M.S. *Plover*, off the coast of Nova Scotia.

Lord Kimberley proposes, with the concurrence of Lord Granville, to convey to the Lieutenant-Governor of Prince Edward Island the expression of his approval of the steps taken by him on this occasion.

Copies of these papers have been communicated to the Admiralty.

I have, &c.

The Right Hon. E. Hammond.

(Signed) H. T. HOLLAND.

No. 2.

No. 2.

The Foreign Office to the Colonial Office.

SIR,

Downing Street, 19th December, 1870.

With reference to my letter of the 10th of October,* relating to the North American Fisheries, I am directed by the Earl of Kimberley to transmit to you, for the information of Earl Granville, the enclosed copy of a despatch from the Lieutenant-Governor of Prince Edward Island respecting the steps which he has taken to give effect to the decision arrived at by Her Majesty's Government with regard to the admission of United States fishing vessels to British ports for the purpose of obtaining supplies and of transshipping fish.

Lord Kimberley has approved the course taken by the Lieutenant-Governor.

I have, &c.,

The Right Hon. E. Hammond.

(Signed) H. T. HOLLAND.

No. 3.

No. 3.

The Foreign Office to the Colonial Office.

SIR,

Foreign Office, 27th December, 1870.

In reply to your letter of the 17th instant,* I am directed by Earl Granville to request that you will state to the Earl of Kimberley that his Lordship concurs in the proposed approval of the proceedings of the Lieutenant-Governor of Prince Edward Island in regard to the recapture of the *Clara F. Friend* by Her Majesty's ship *Plover*.

I have, &c.,

The Under Secretary of State,
Colonial Office.

(Signed) E. HAMMOND.

* Vide Canadian portion (Foreign Office Correspondence), page 36.

No. 16, 25th November, 1870, page 54.

No. 17, 28th November, 1870, page 56.

* Vide Previous Paper, dated January 1871, page 204.

No. 15, 23rd November, 1870, page 53.

* Above.

CORRESPONDENCE

BETWEEN

The Colonial Office and the Admiralty.

No. 1.

No. 1.

The Colonial Office to the Admiralty.

SIR,

Downing Street, 17th December, 1870.

With reference to your letter of the 2nd ultimo,* forwarding a copy of a despatch from the Vice-Admiral commanding on the North American Station reporting the seizure of the United States fishing schooners *Foam* and the *Clara F. Friend*, I am directed by the Earl of Kimberley to transmit to you, for the information of the Lords Commissioners of the Admiralty, copies of two despatches from the Lieutenant-Governor of Prince Edward Island reporting the circumstances under which the latter of these vessels was, whilst in the custody of the Marshal of the Vice-Admiralty Court, seized by some of her former crew and taken out of port, and subsequently recaptured by H.M.S. *Plover* off the coast of Nova Scotia.

* Page 15,
in Canadian
portion.No. 16, 25th
November,
1870, page 54.No. 17, 28th
November,
1870, page 56.

Copies of these papers have been communicated to the Foreign Office.

I am, &c.,

(Signed)

H. T. HOLLAND.

The Secretary to the Admiralty.

No. 2.

No. 2¹*The Admiralty to the Colonial Office.*

SIR,

Admiralty, 28th December, 1870.

With reference to former correspondence relative to the capture of the United States schooner *Clara F. Friend*, by H.M.S. *Plover*, I am commanded by my Lords Commissioners of the Admiralty to request that you will acquaint the Earl of Kimberley that their Lordships have received information that the vessel was condemned, on 12th instant, in the Vice-Admiralty Court at Charlottetown, Prince Edward Island, and ordered to be sold on the 19th instant.

A similar communication has been made to the Foreign Office.

I am, &c.,

(Signed)

THOS. WOLLEY.

Sir F. Rogers, Bart.,
Colonial Office.

NEWFOUND-
LAND.

NEWFOUNDLAND.

Despatch from the Governor.

Governor Hill to the Earl of Kimberley.

(No. 85.)

Government House, Newfoundland,
26th November, 1870.
(Received 27th December, 1870.)

MY LORD,

24th October,
1870.

I have the honour to transmit, for your Lordship's information, Captain Pasley's Report on the Fisheries of this island and Labrador for the year 1870.

2. The Fisheries of Newfoundland were productive; but on the Coast of Labrador the fishing during the first year has been a failure, principally caused by the ice and the boisterous severe season.

3. Many fishermen and their families depending on the Labrador fishing may, I fear, suffer deprivation and want during this winter; but the local government are doing what they can for their relief by finding employment for them on the public roads, that they may be enabled to support their families, if inclined to work, and thus help themselves; but the Newfoundlander, whilst he freely exposes his life to danger on the sea in all seasons and evinces great industry as a fisherman, any other labour appears to be distasteful to him.

4. It is during the winter or idle period of the year the merchants are so apprehensive of violence and plundering on the part of those men who may have been unsuccessful during the previous fishing season, and more particularly are they alarmed just now, the troops having been removed; but I trust the winter may pass without any disturbance or rioting, as the Government will do all in their power to ensure peace and order.

I have, &c.,

The Right Hon. the Earl of Kimberley,
&c. &c. &c.

STEPHEN J. HILL.

FORWARDING REPORT ON THE NEWFOUNDLAND AND LABRADOR FISHERIES.

H.M.S. *Niobe*, at St. John's, 24th October, 1870.

(Received 24th October, 1870.)

SIR,

I beg to forward herewith, for your Excellency's information, a report on the Newfoundland and Labrador Fisheries for this year.

I have, &c.,

To His Excellency Colonel Stephen (Signed)
J. Hill, C.B., Governor of Newfoundland.

RUSSELL S. PASLEY,
Commander.

REPORT ON THE NEWFOUNDLAND AND LABRADOR FISHERIES.

NEWFOUNDLAND COAST.

On visiting first the South Shore of Newfoundland, in the month of June, I found the fish very late in striking in on the coast, consequently could only form an idea of what the catch might be by the end of the season; I was informed though, by the majority of the fishermen, that a good season was anticipated, as the catch, though at that time small, consisted of large fish in good condition.

The weather, also, on the banks having been so bad as to cause the French fishing to

be almost a failure, and as they had had many losses in May, both of vessels, boats, and men, the Newfoundland men were in hopes of a larger number of fish striking in for the coast.

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LAND.

Again, the Newfoundland fishermen had not sold so much bait from the coast to the French, as they generally do.

There were some complaints of distress on the South Shore, but not more than is usually to be found among these improvident people, who, when they do have a good season, spend all their earnings at once, without thinking of putting any by in case of a bad season the following year.

On the West Coast the fishing had been a great success for the French, and also for the few Newfoundlanders that were allowed the privilege of fishing.

In the Straits of Belle Isle, particularly on the Labrador Coast, from Red Bay Westward to Bonne Esperance, the season had been better than remembered for twenty-four years; this I attribute in a great measure to the fish remaining in the narrow part of the Straits, unable to go to the Northward owing to the great quantity of ice packed off the Labrador Coast, in the vicinity of Battle Harbour, and North and East of that place.

The weather, both on the South and West Shore, had been far better than last year, though there has been much fog; the absence of ice on the coast has allowed the fish to strike in. The Straits of Belle Isle were impassable, however, till the 25th of June.

On my return to St. John's after the first cruise round the island, I found that anticipations of a good catch on the South Shore had been realized.

The French fishing on the East Coast has been bad, owing to ice coming in on the coast after the fishing had commenced, compelling the fishermen to do nothing but wait till it went off, which did not take place till the latter end of June.

During my first cruise, on visiting ports in the Straits of Belle Isle, in the vicinity of Forteau, thirteen French schooners were found trespassing west of that place, and were ordered off by Lieutenant Hughes, according to my instructions, after taking their names, which I reported by letter to Commodore Mer, French senior officer on the Fisheries, on my arrival at Croc.

LABRADOR COAST.

Though being prepared, on leaving St. John's in September, to receive bad accounts of the Labrador catch, I did not anticipate finding, as I did, almost a perfect failure on most parts of the coast; thereby great distress may be expected during the winter at St. John's amongst these fishermen.

As an instance of the bad season at Greedy Island, usually one of the most successful stations, Messrs. King and Larmour could only pay their men for four quintals each, about 56s. currency, when it is considered that 30 quintals is the lowest a man can earn to clear himself of his outfit.

This failure is owing to the succession of North and N.E. gales, and great quantities of ice on the coast, Hopedale not being open till the 27th of July, and closed in again on the 17th August.

Mr. Norman, of Indian Harbour, had a boat waiting off Hopedale for some days after the 25th August, but being unable to get into the harbour, returned on the 20th September.

Some fishermen did well in the vicinity of Mannock's Island, owing to a gap forming in the ice, allowing the fish to strike in, and those men who were on the spot making a good catch. The price of fish is low this year on the Labrador, the merchants not giving more than 16s. currency.

The seal fishery in the spring was good on the average, the steamers from St. John's and Harbour Grace having realised large profits.

ST. PIERRE.—I arrived here on the 20th of May (not having seen any vessels on the banks, owing to thick weather), and found the harbour full. I was informed by Captain Mer that the French fishing had been bad owing to the weather, they having experienced eight losses during the first fourteen days of May.

The town of St. Pierre appears to be thriving; the Governor has established a charity-school for girls, the children of poor fishermen, on the Islands of St. Pierre and Miquelon, under direction of the Sisters of Mercy of the Convent.

There are 36 at present in the institution, but they will have more as soon as the house can be enlarged. The girls are taught principally needle-work, cooking, and domestic arrangements.

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LAND.

The convent is particularly well kept.

The Governor has also put up public baths, which the population can use, hot or cold, at 6*d.* a bath.

The anchorage for large ships is bad.

TREPASSEY, June 9th.—The fishing had not commenced, the caplin only just coming in, so rendered it impossible to say what the catch would be. The population had not altered since last year; the place still thriving.

ST. MARY'S, June 13th.—Found the fishing had just commenced (though the cod had not struck into the bay), several boats going out with cod seines as we anchored. Very favourable reports were made regarding the size of the fish off Cape St. Mary's, but that is not unusual, it being a noted place for large cod.

I did not hear of any complaints, with the exception of a few patients for the doctor, one at Holyrood Pond, a young woman suffering from acute rheumatism, and living in a hovel barely ten feet square.

I called on Mr. Murphy, the magistrate, who was too unwell to see me.

The bottom of the harbour is covered in a most wonderful manner with flat fish, the water being very clear, and being able to see the bottom in 15 or 18 feet of water, these fish may be seen literally covering the ground, and from two to three deep.

The fishermen won't eat them, and characterised our men as cannibals for so doing, though the officers and myself found, that although inferior to cod, they were palatable and wholesome.

The inhabitants of St. Mary's are a very large race of men, few of them being under 5 feet 10 inches in height. The population is about 2000, Roman Catholics.

During a thick fog fifty fishing vessels arrived, leaving the next morning for the Cape.

Some fishermen do well by fishing on Holyrood Pond during the winter.

PLACENTIA, June 16th.—A very clean, tidy place, but the tide running very strong into the harbour, causes a nasty sea for boats on the bar. The fishing had been good up to date.

31 large boats,	5 men,	averaging	60 quintals.
25	" 4 "	"	40 "
20 punts	" 2 "	"	22 "

Whilst here I observed a boat-load of very large cod, mother fish, landed, and on inquiry found they had been caught with the bultow. Remonstrating with the fishermen about the use of the bultow, I was told, "We know it does harm, but other people use it; we do too." Several millions of fish must have been prevented from being spawned by that one take.

BURIN, June 18th.—I found this place looking well. The population about the same as last year, 1500.

The fishing up to date had not been very good, I heard the same complaint about the bultow, and, owing to a conversation with a Mr. Berteau, and also some of the fishermen, think it would be advisable if the Newfoundland government would make fishing by bultow illegal for at least 3 years, to try if the absence of them would increase the number of fish on the coast.

I visited the Light-house, and found everything nice and clean; this light is sometimes seen from Cape St. Mary's, a distance of 35*l.*

GREAT ST. LAWRENCE, June 20th.—About 600 inhabitants, of whom 500 are Roman Catholics, the rest Protestants.

Father Kinsella is the priest, but there is no Protestant clergyman, the service generally being read by the schoolmaster.

Had a complaint from a Protestant fisherman named David Pike, that the Roman Catholics intended to pull down a fishing stage he had built on the land-wash, in front of the Roman Catholic chapel, a road intervening between the land-wash and the Church field. Father Kinsella also requested me to order Pike to pull his stage down, on the plea the land-wash was Church property.

I wrote to His Excellency Governor Hill (posting the letter at St. Pierre), requesting him to send down a legal opinion as to who was entitled to the land-wash or fore-shore, giving Pike, at the same time, a notice to the effect, that whoever destroyed his property would be liable to be punished according to law.

The fishing had been very poor, as the men have only small boats, which they are unable to remain out fishing in, except in fine weather, and the weather at St. Lawrence this year has been bad.

There is no firm, each man fishing for himself to sell to collecting schooners.

LITTLE ST. LAWRENCE, June 21st.—The few inhabitants here had done pretty well in the salmon fishery, as the river was so low as to prevent the fish running up, and so were netted at the mouth. NEWFOUND-
LAND.

ST. PIERRE, June 23rd, on account of fog. Found H. I. M. S. *La Touche Triville*, arrived on account of yellow fever in the West Indies; lost two officers and three men.

Very few vessels in harbour.

HARBOUR BRETON, June 25th.—Mr. Gallop, the agent to Newman & Co., informed me the fishing had been rather above the average. The weather had evidently been moderate, as Mr. Gallop's garden was in a flourishing condition, much more forward than any at St. John's on our departure.

BURGEO ISLANDS, June 26th.—The cod fishing had been very poor up to date, the fish small; on leaving, observed a large number of boats fishing, and not appearing to catch any.

An American, by name Smalls, who has lived at Burgeo for 13 years, had done pretty well in salmon, caught between Barachois or Grandy's-brook, and the Islands. There are numerous islands. The place wants surveying badly.

The fishermen appear pretty well off, and there is grass enough on some of the Islands to keep cows and sheep.

The business of potting lobsters has been given up here, one Jersey house having removed, and, also, it was found it did not pay.

There has been extensive fires on the main land this spring, supposed to have originated with the Indians, who burn the woods, either for mischief or by carelessness.

No complaints.

LITTLE HARBOUR, LA POILE BAY, June 29th.—Messrs. Clermont, Renouf & Co. had done very well this year, having shipped off four cargoes, and the fifth loading on our arrival, having sent home about 250 tons, or 5000 quintals a cargo.

Found some distress here, the people on the North shore of the harbour living in wretched tumble-down huts.

On walking to Great Harbour, met a young woman named Eliza Hopworth, who informed me that she, her mother, and sister had to exist on £10 currency, a year, government relief, and had no opportunity of earning more.

Eliza Hopworth was suffering from a scrofulous disease of the bones of the leg, rendering her perfectly unable to work, the mother also feeble.

The father of this girl was in the employ of a fishing firm at Great Harbour, but on it being closed the whole family were left destitute, the father dying shortly after.

We rendered some little assistance in the shape of money, but as these cases of poverty are of such constant occurrence, it is difficult to tell who are the most deserving of relief.

GREAT HARBOUR, LA POILE.—Place deserted, with the exception of the Stipendiary Magistrate's house, and a few fishermen's stores, wharves, &c., appear in good repair.

SYDNEY, CAPE BRETON, July 1.—To coal.

ST. GEORGE'S BAY, July 8th.—The fishing had been very good, the trade is nearly all with Halifax.

Some fishermen were anxious to know how far the French had a right to fish on the coast; also, the old story of saying "herring" and "salmon" are not *fish*, and if the French could take the latter.

The population remains about the same, 1700. Mr. Lind, the Protestant clergyman, died last fall. People were quiet, and their gardens looked after in a most creditable manner.

I sent Lieutenant Jenkins to St. George's River, who found three nets illegally placed, and destroyed them. There were no owners to be seen.

This is a very common practice, but generally the fishermen, if they get warning of a ship coming, place their nets legally, and on the ship going, at once place them right across the river again. St. George's river abounds in trout.

BAY OF ISLANDS, YORK HARBOUR, July 11th.—There are no inhabitants at this harbour, but on visiting Wood Harbour, found a man named Lovell, who had burnt his house down by accident in the spring, and so was left nearly destitute; said he did not know where to look to buy food for the week.

On being asked "if he hadn't plenty of cod and lobsters," said "yes," but evidently did not consider those fit for food.

I directed him to go on board the ship, when a collection of sea boots, hats, flannel shirts, &c., was soon made for him.

A complaint was made by three brothers, Sheppard, that the French Commodore had ordered them away from Lake Harbour; I communicated with him on the subject.

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LAND.

PLEASANT COVE, HUMBER SOUND, July 12th.—There is a good anchorage off Mr. Petipas' premises, surveyed this year by Commodore Mer, of H.M.S. *Primaugurt*.

Mr. Petipas had done well with herrings last fall, but on account of the low market, had 1500 hogsheads waiting shipment. The population of the Sound is gradually increasing, though a large fire this year has burnt numbers out of house and home, including the Rev. Mr. Rule.

A complaint was made to me, stated to have been made to Captain Parish in 1868, viz. :—A Mr. Jeunix had stopped the wages of a man in his employ, who had stolen £5 13s. from a man named Shaw, and would pay Shaw the amount if any magistrate would authorise him.

As I received a letter from the Rev. Mr. Rule giving me the particulars, and the theft being perfectly clear, I authorized Mr. Jeunix to pay Shaw the sum. We had a very melancholy case of poverty at this place. Three women, Bridget, Mariah, and Mary Keogh, widows of three brothers who were drowned last winter at Bonne Bay, were left perfectly destitute.

The officers and men got up a subscription for them, amounting to £8 11s. 8d. together with some flour, pork, &c. They have been endeavouring to return to Carbonear, their original residence, but having no money no schooner would grant them a passage.

The money was divided as follows, according to the number of children :—

Bridget	£3 19 0
Mariah	3 6 0
Mary	1 6 8

The poorer fishermen of the Bay of Islands complain very much of the Americans not being allowed to come and fish in the bay, as they supply flour and other goods at a much cheaper rate than the Newfoundland merchants, viz. :—Flour at 32s. a barrel instead of 60s., which is what the poor fellows have to pay now.

I was informed that the brothers "Blake," who at present fish the Humber River with great success, intend to bar the same next season; this, as well as being illegal, will of course injure their own prospects materially.

COW BAY, July 13th.—There are eleven families in Small Harbour, who have done very well this year. No French have interfered with them at all.

PORT SAUNDERS, July 14th.—One French establishment of Keppel Island done well. Found here a small schooner belonging to Bonne Bay, which had filled in a week, off Bonne Esperance, 200 quintals, 5 men.

HAWKE'S HARBOUR, July 15th.—Visited a salmon river and found a weir across; no owner being on the spot, destroyed it thoroughly.

I partially destroyed this weir last year, and cautioned the owner not to erect it again. I was unable to find him this year. Some men from Codroy Island had done well up the river, trapping beaver, and salting salmon, which salmon they were taking down in bulk in a boat, to Codroy.

ST. MARGARET'S BAY, July 16th.—Jesse Humber came on board, and complained of the French not having allowed him to fish the Castor's river above Salt-water, and also that a man had fired at his store.

I wrote on this subject to Commodore Mer.

A firm named Stanbier & Co., from St. John's Island, have monopolized the fishing of this river. Humber has no salmon this season.

ANCHOR POINT, ST. BARBE'S BAY, July 10th.—Fishing had been very good. There had been several cases of low fever, one man, Grange, looked very bad.

FLOWER'S COVE, July 19th.—At the request of His Excellency Governor Hill, I visited this place with the intention of obtaining information and witnesses relative to a Frenchman named Garro, having shot a man called Furlong, with intent to kill; the latter not being in the vicinity, and there being no anchorage, I did not remain.

I subsequently heard that Furlong was at Loup Bay, about three miles from Forteau, at which place I remained eight days, during which time Furlong, who had been informed by the Rev. Mr. Dobie that the *Niobe* was at Forteau, never appeared on board to make his complaint, so I could take no steps against Garro, in fact it was difficult to find his whereabouts.

The fishing at Flower's Cove had been good, but there had been some low typhoid fever there; I saw one young girl recovering, but very weak, so I sent her some *extractum carnis*, and Port Wine.

FORTEAU, July 19th to 27th.—During which time the boats visited ports East and West.

The fishing had been better here than they had known it for twenty-four years, so

much so, that though there were still plenty of fish, the fishermen refused to go out to catch any more, as they said they had caught enough to keep them for the winter.

I had a complaint against a carpenter named _____ of the Jersey House, for striking the fishing captain, and also threatening his life; proved the striking but not the threatening, so fined him £2, which sum I forwarded to the Governor on my arrival at St. John's.

Lieutenant Hughes, in the cutter, returned on the 24th inst. with two French schooners he had found trespassing, and though warned off by him from Greenly Island, were discovered at Bonne Esperance two days later, he boarded nine schooners altogether, taking their names as under, all of which I reported to Commodore Mer.

After detaining the two which were brought in to Forteau two days, I released them, having noted on their certificates when and where they were seized.

The Church Schooner *Star*, with Bishop Kelly, arrived on the 21st.

Places visited by Lieutenant Hughes, July 19th to 24th.

BLANC SABLON.—Fishing very good, 4500 quintals, 20 boats.

WOODY ISLAND.—Fishing very good, 5000 quintals, 37 boats.

BRADORE.—Cod very good, seal poor, only 127 this year.

LEDGE'S ISLAND.—Fishing very good, till 10th inst.

BELLES AMOURS.—Fishing very good; a very nice, tidy place, the people being the most respectable I met last year.

MIDDLE BAY.—One man, who fishes at Belles Amours.

FIVE LEAGUES.—Four deserted houses.

PIGEON COVE, HOUSE ISLAND.—Salmon, 40 barrels.

SALMON BAY.—One family, caught 30 barrels.

At WOODY ISLAND a complaint was made that seven French vessels had been fishing at Greenly Island for some time, that they had been ordered to leave by the *Canadienne*, but the captain of that vessel had not remained to see his orders carried out.

Lieutenant Hughes boarded these vessels, who acknowledged to being there for the purpose of fishing, with two exceptions, who pretended they had come for salt, but fresh fish found in their holds rendered that a very lame excuse; he then ordered them off immediately.

At BELLES AMOURS, Lieutenant Hughes was informed that two of the French schooners had left Greenly Island so hurriedly that they left their boats behind them, but at the request of the master of the *Lion*, were allowed to remain till the boats were got off.

At FIVE LEAGUES HARBOUR, there were two French schooners fishing.

At BONNE ESPERANCE, SALMON COVE, a fisherman, named Dunn, made a complaint that on the 10th October, 1869, an American named Dodge, who fishes there, had taken a daughter of his away in the schooner in which he left for the United States. In retaliation, Dunn has seized one of Dodge's boats, but was advised by Mr. Hughes to return it.

On Lieutenant Hughes inquiring about the alleged depredations on Mr. Dodge's nets, his agent informed him that he imagined it must have occurred in the vicinity of Battle Harbour, but that Mr. Dodge had not been on the coast since October, 1869.

FIVE LEAGUES HARBOUR.—Mr. Hughes found two of the schooners he warned away from Greenly, seized them, and brought them to Forteau.

Names of schooners boarded by Lieutenant Hughes in the cutter.

Ranger, Rencontre, Saint Guad, Bonita, Espain, Lion, Economie, Dorothe, St. Marie.

WESTERN MODISTE, July 25.—Fishing good. Mr. Elworthy had not been fortunate at Rinware Brook, the salmon being scarce.

EASTERN MODISTE.—Catch very good, about 60 quintals per man.

RED BAY, July 26th.—The catch had been very good during the commencement of the season, but being rather eastward in the straits, the ice striking in had driven the fish back; Mr. Penny, however, anticipating a good season.

The flour that was purchased for the poor at this place, at St. John's, by H. M. S. *Sphinx*, was sent up last fall.

CHATEAU BAY, July 27th.—Henley Harbour, fishing very good, five families average about 50 quintals a man.

A Mr. Hunt had done well in salmon, seventy barrels, which he sends to America, but principally to New York; some of the, salmon he had must have weighed over 40 lbs., green; the large ones are packed in just the same sized barrels as the small, only doubled up.

ST. ANTHONY, July 30th.—Both French and English fishermen have done very badly this year, owing to the bad weather and cold season.

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LAND.

A complaint was brought by fishing captain Lambi, that one of his boats at anchor was damaged, and cable lost through the schooner *Pioneer*, Master, Isaac Flourance, running into it on the 4th July, while beating into the harbour.

Without waiting to see what damage was done, the schooner put to sea. Captain Lambi spoke to Mr. Maddox of Carbonear, the brother of the owner, but could get no satisfaction.

The damage is estimated at £20, but Lambi is willing to take £10. I did not see the schooner at Harbour Grace, so did not communicate with Messrs. Maddox, being in hopes of meeting her on the Labrador.

A man named Robert Simms was very anxious to free his conscience from the charge of retaining in his possession the sum of £18, belonging to his nephew, who was drowned last winter, by swearing before me that he had nothing in his possession belonging to his nephew. I therefore took his statement on oath, and gave him a copy; he appeared quite satisfied, though I informed him it was not the least use to him.

CROC, July 31st.—The French store-ship *Eurydice* here; received a letter from Commodore Mer, relative to some burning of fishing houses near Cape Rouge, and also a few trifling matters on the West Coast.

CAPE ROUGE, August 1st.—Visited Cape Rouge, and also the place where the depredations were committed (as mentioned by Captain Mer); found that two houses, and also part of the fishing stage had been burned by two men, named Frederick and John Butler, of Middle Bright, South Shore, Conception Bay, last October, on their return from the Labrador.

On these men being remonstrated with by some fellow fishermen there at the time, they replied, "We burn the houses for the sake of the nails;" this, of course, was a poor excuse, the damage being done purely from mischief.

The Frenchmen, on arriving on the coast this spring, finding these houses burnt, had to erect huts for themselves, thereby delaying their fishing, having to employ all their men to cut timber, &c.

I requested the proprietor, Mr. Pouliquan, to make an estimate of the damage done, and forward the same to Commodore Mer, at Croc, whom I hoped to meet in September; but owing to the war between Prussia and France, there were no French vessels at Croc on my arrival on the 10th September.

The fishing at Cape Rouge had been bad. I was asked by the guardian of the establishment at this place, Who had the right of fishing on Groais and Belle Island? they being ten miles off the coast; the French claim it, and prevent the English from fishing there.

I could not give a decisive answer, but intended to communicate with Commodore Mer, at Croc, which intention failed through his absence.

SHOE COVE, August 3rd.—Walked to La Scie harbour to inquire into a statement made to me by Commodore Mer, to the effect that an Englishman had built a house on French fishing ground, and had refused to go, but ascertained from French fishing captain Garri, that the Englishman had left last winter, after pulling his house down.

With regard to the complaint made to me last year by fishermen at Shoe Cove, to the effect that the French fishermen had, after taking shelter in Shoe Cove for stress of weather, robbed their nets on their return home,—I was informed by Captain Mer, and also by Garri himself, that the nets must have been destroyed by bad weather, as the only grounds of complaint were, that the French took part of an English net into La Scie, giving it up to the guardian, this portion of a net was found at sea by the Frenchmen soon after the gale.

I did not see the men this year, who brought the complaint; their names are Grey and Carey.

The fishing had been fair at this place, but the people are very neglectful of their stages, the stench from decayed cods' heads being so intolerable that, though pretty well used to the smell, I was very nearly ill; in any climate but this it would breed a pestilence. There is some cultivation here, potatoes growing very well; there are also a variety of trees, which renders the scenery more cheering than that of the everlasting spruce firs.

The road from La Scie to Shoe Cove is good.

TILT COVE, August 4th.—Messrs. Bennett and McKay had done well in copper this year. The place improving; a very good-sized church has been built by Messrs. Bennett and McKay, not quite finished, and though the exterior is not handsome, the interior bids fair to be so.

There is no fishing establishment here.

INDIAN BROOK, HALL'S BAY, August 4th.—The Indians carry on a trade here, taking

deer to Tilt Cove, Toulungurt, &c., in the season, also trapping bear, beaver, &c., during the winter. They also do well by acting as guides for people who go to the bay to shoot and fish; often military officers starting from that place, and crossing the island to Humber Sound.

The Indians are very tall men (Micmacs), some of those who were on board being from 6ft. 2in. to 6ft. 5in. in height.

HARBOUR GRACE, August 7th.—Trade was thriving at this place, but being early in the season the merchants had received no reliable reports of the Cod Fishery on the Labrador, their usual trade during the summer months.

Made inquiries respecting the Butlers, of Cape Rouge notoriety; found they were not expected till October 20th.

ST. JOHN'S, August 12th.

SYDNEY, C.B., August 17th.—To provision ship.

ST. JOHN'S, August 23rd.—To give ship's company leave, &c.

CROC, September 9th.—Came here to communicate with Commodore Mer, but found he had left for St. Pierre.

OCCASIONAL HARBOUR, September 11th.—The fishermen here had done well; in fact, it usually is a good ground, the average catch this year being about 30 quintals. During the three days I remained here, the weather was so bad no boat left the harbour, and a large iceberg was blown into the harbour and grounded about one mile inside the entrance.

INDIAN TICKLE, September 14th.—No vessel loaded as yet; fishing very bad; Mr. Hennerbury anticipated a serious loss: he was also unfortunate in the spring, seal fishing; having shot and killed a large number of the seals, the ice took off, and the steamers coming up from St. John's and Harbour Grace, were enabled to get to the ice, and so took Mr. Hennerbury's, and some other man's seals; Mr. Hennerbury and the other being unable to work up against the wind to their seals.

CURLEW HARBOUR, September 15th.—Only a few men making fish for sale to the establishments.

At GREADY ISLAND I put in for shelter, anticipating a gale.

CARTWRIGHT HARBOUR, SANDWICH BAY, September 17th.—Messrs. Hunt and Co. had failed in the cod fishery; and the salmon had been only fair, about 290 tierce salt, and 40,000 lbs. in tins. They had been obliged to send one vessel home empty, and the one loading while we were there will not have a full cargo.

INDIAN HARBOUR, HAMILTON INLET, September 19th.—Everything white with snow. Mr. Norman informed me the fishing had been very poor, having not had more than one-third of his usual catch.

I made inquiries relative to coals left here by H.M.S. *Gannet*, a report of which is made in my letter, in duplicate, of this date to the Commander-in-Chief.

GREADY HARBOUR, September 20th.—The fishing here had been a total failure, not one-third of a fair catch having been taken.

There was a quantity of ice in the harbour, being mostly parts of two large bergs that had grounded on the N.E. side of the island.

Messrs. King and Larmour had been obliged to send one vessel home unladen.

INDIAN TICKLE, September 22nd.—Remained here till the 24th, a strong blow from N.N.E.

MECKLENBURG HARBOUR, September 25th.—No fishing place.

Outside SOPHIA HARBOUR and MURRAY'S ANCHORAGE the fishing had been good. There were several schooners from the northward making fish which they had brought down green.

One vessel, the *Guide*, had 210 quintals among seven men, taken to the north of Cape Harrison.

DEER HARBOUR, September 26th.—There are no inhabitants here, though it is a very good harbour. Visited this place to inspect the grave of a man belonging to this ship who died there last year, found it in good order, repainted the headstone and railings. Abreast of the grave is a good anchorage.

BATTLE HARBOUR, September 28th.—Had bad accounts of the herring catch, and the cod had only paid fifteen quintals a man. Made inquiries relative to Mr. Dodge, an American, in compliance with Vice-Admiral George Wellesley's Memorandum of the 24th August, but could not hear that he had been on the coast this year.

On entering Battle Harbour, the entrance was so blocked up by herring nets, that, in spite of using the utmost precaution, stopping the screw when possible, unfortunately one was damaged; the owner afterwards came on board, and complained that two were

NEWFOUND- destroyed, and the damage done was 20*l.*; knowing this to be a false statement, and also
LAND. the nets being placed in the fairway, declined to pay anything.

There were only four schooners.

CHARLES HARBOUR, September 29th.—There were a few Newfoundland schooners here, and one trader from Halifax. The fishing had been bad.

St. ANTHONY'S, October 1st.—For shelter; found all the French fishing population gone after a very bad season.

CAPE ROEGE, October 3rd.—For the purpose of obtaining a deposition from the caretaker of the French fishing stages, relative to the destruction of property, the result of which I reported to his Excellency, Colonel Stephen J. Hill, C.B., in my letter of the 23rd instant.

This was the last port I visited prior to returning to St. John's, nearly all fishing, except the late cod, having ceased.

I may mention that I was unsuccessful in visiting as many rivers in this island as I wished, to prevent illegal netting, which, in some places, is carried on to a great extent, one river, as I was informed, Great Cordroy, being netted across for nearly nine miles up; owing to no harbour at the mouth, and bad weather, I was unable to go there.

With the exception of Castor's River, I had no complaint of French fishermen in the rivers.

The usual questions as to how far the French had a right to fish on the coast, and whether they were permitted to take salmon and herring, were frequently met with, it being difficult to persuade the Newfoundlanders that the term "fish" in French means all fish, they considering "cod" only as fish.

I was unfortunate on my cruise down the N.E. shore not to find the French senior officer, owing to war having occurred between France and Prussia, so was unable to settle some matters relative to the fishing of the two nationalities in person, particularly that relating to the Isles of Groais and Belle Isle, lat. 50° 45" N., long. 55° 30" W.

These being situated ten miles from the shore, the Newfoundlanders urge they are not French coast, and the Treaty states, "that the fishery assigned to the subjects of his most Christian Majesty, beginning at Cape St. John, passing to the North, and descending by the Western Coast of the Island of Newfoundland, shall extend to the place called Cape Ray, situated in 47° 50' latitude." The French claim and use these islands for fishing on.

In conclusion, I may state that, I heard fewer grievances from the Newfoundland men on the coast than usual, as they are beginning to understand the French have the right of the coast line according to Treaty, which right has always been to them considered as unfair, and want of proper notices, and also having been misinformed to the contrary by people who have misinterpreted the Treaty.

I have endeavoured to remedy this, both last year and the present one, by advice to the Newfoundland fishermen, and, in some cases, by written notices, intrusted to the guardians of the French property, in case of encroachments, to prevent any breach of the Treaty.

RUSSELL S. PASLEY,
Commander and Senior Naval Officer on the Fisheries.

Letter from the Admiralty.

SIR,

Admiralty, 23rd December, 1870.

I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of the Secretary of State for the Colonies, the enclosed copies of a Despatch, No. 56, of the 22nd November, and its enclosures, from the Vice-Admiral in command of the North American Station, containing a General Report on Newfoundland Fisheries for the year 1870.

I am, &c.,

VERNON LUSHINGTON.

The Under Secretary of State
for the Colonies.

NEWFOUNDLAND FISHERIES GENERAL REPORT FOR 1870.

(No. 56.)

SIR,

Royal Alfred, Halifax, 22nd November, 1870.

The fishing season on the coasts of Newfoundland and Labrador having drawn to a close, I beg to forward herewith the report of Commander Russell G. S. Pasley, of the *Niobe*, the officer who has been employed on this service during the past summer.

2. Though there have been hardly any complaints this year, yet the divergence of views of the colonists, who believe that the French have no right to the rivers at all, and the French, who believe that their rights to displace Englishmen extend up the rivers, appears to render compromise difficult.

3. The officer who may be employed on this service next year shall have orders to gain all possible information on the subject.

4. The difference referred to in the second paragraph of page 52 of the Report relates to the Isle of Gevais and Bell Island, on the N.E. coast, situated ten miles from the actual coast; but I am informed by Commander Pasley that the French ground their claims upon the fact that these islands lie within a straight line connecting Cape St. John and Cape Bould.

5. I also enclose Commander Pasley's reply to their Lordships' letter, No. 28 M, of 16th December, 1869.

6. A copy of this letter, and of Commander Pasley's Report (Enclosure No. 1), will be forwarded to the Governor of New Zealand.

have, &c.,

(Signed)

E. FANSHAWE,

Vice-Admiral.

The Secretary of the Admiralty.

Enclosure No. 1.

FORWARDING REPORT ON THE NEWFOUNDLAND AND LABRADOR FISHERIES.

SIR,

H.M.S. *Niobe*, at Halifax, 8th November, 1870.

I beg to forward herewith, for your information, a Report in duplicate on the Newfoundland and Labrador Fisheries for this year.

I have, &c.,

(Signed)

RUSSELL S. PASLEY,

Commander.

To Vice-Admiral E. G. Fanshawe,
Commander-in Chief.

Enclosure No. 2.

LIMIT OF RIVER FISHING BY THE FRENCH IN NEWFOUNDLAND.

SIR,

H.M.S. *Niobe*, Halifax, 18th November, 1870.

In compliance with Vice-Admiral Wellesley's orders, dated 6th May, 1870, relative to obtaining a definition of the limits of the French Fisheries in the rivers of Newfoundland:

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LAND.

2. I beg to report that I was unable to collect any information or opinion of any value, owing in a great measure to the French leaving the coast early on account of the war, and also I visited so few rivers where any person resided whom I could consult on the matter.

3. From previous experience on the coast I have an opinion that if the rivers including the embouchure or mouth where the tides flow, were not molested by the French, it would conduce in a great measure to establish harmony between the fishermen of the two nations.

Vice-Admiral E. G. Fanshawe,
Commander-in-Chief, N. America.

I have, &c.,
(Signed) RUSSELL S. PASLEY,
Commander.

Then follows the REPORT on the NEWFOUNDLAND and LABRADOR FISHERIES for 1870, which will be found printed at page 60.

