

APPENDIX No. 7.

FISHERIES.

No. 26.

*Government House, Halifax,
4th April, 1861.*

MY LORD DUKE,—

I have the honor to forward to your Lordship a joint Address which has been passed by both branches of the Legislature of this Province, praying that Her Majesty will be graciously pleased to invite the consideration of the governments of France and the United States to the mode of taking Codfish adopted by the fishermen of those countries.

It is, I believe, an undoubted fact that the Codfishery, a branch of industry which has always been considered of the greatest importance to these Colonies, has very materially deteriorated of late years, and it appears not improbable that this diminution may be caused by the practice of catching fish by set lines on the spawning banks.

I have, therefore, to request your Lordship to have the goodness to lay this address at the foot of the Throne, and I trust your Grace may be enabled to advise Her Majesty to take such steps as may be best calculated to bring about some arrangement to put a stop to the evil complained of, as any regulations which would have a tendency to improve the fisheries, cannot fail to be equally beneficial to all parties.

(Signed) I have, &c. MULGRAVE.

His Grace
THE DUKE OF NEWCASTLE, &c. &c. &c.

Nova Scotia.—No. 132.

Downing Street, 27th December, 1861.

MY LORD,—

I have the honor to acknowledge the receipt of your Lordship's despatch No. 26, of the 4th of April last, enclosing a joint Address to the Queen, from the Legislative Council and House of Assembly of Nova Scotia, praying that measures may be taken for the better preservation of the fisheries off the coasts of that and neighboring Provinces.

I have to acquaint your Lordship that the subject was mentioned to the Government of France with a view to the appointment, if they should concur, of a commission to investigate the causes of complaint, and to establish regulations for the prevention of the evils alleged to exist. The French

Government, however, declined to adopt this suggestion. They have expressed their opinion that it is more practical, and, therefore, preferable, to leave each Government to take such measures as they may judge most suitable for the preservation of the fisheries.

I have, &c.
(Signed) NEWCASTLE.

Lieutenant-Governor
The Right Honorable
THE EARL OF MULGRAVE, &c. &c. &c.

*Government House, Newfoundland,
26th December, 1861.*

MY LORD,—

Having directed the Attorney General, Mr. Hoyles, to endeavour to procure information on the subject of the complaints made by Nova Scotia fishermen against Newfoundland fishermen for cutting their nets and stealing their fish, I beg leave to enclose two documents from Mr. Hoyles on the subject, Captain Hamilton, of the "Hydra," having informed me that you were desirous to get the information as early as possible, as, in the absence of the Admiral, your Lordship intended to communicate with the authorities in England.

The Attorney General will, at the opening of the Session, bring in such an Act as he alludes to, but, to carry the law into effect will be impracticable unless we have some naval force or marine police to prevent the fishermen from committing aggressions on themselves, as well as on other fishermen enjoying the privilege of fishing on our coasts, more particularly on the extensive fishing grounds on the Coast of Labrador, entirely out of the reach of the Government here.

For the last three years, I have been urging on Her Majesty's Government that it would be impossible to keep the peace amongst these fishermen unless such a policy be adopted, and I trust that I shall soon see it carried into effect.

I have the honor to remain,
My Lord,
Your most obedient,
Humble Servant,
A. BANNERMAN, *Governor.*

Lieutenant Governor
The Right Honorable
THE EARL OF MULGRAVE, &c. &c. &c.

*Extract from a letter from I. L. McNeil, Carbonear, to H. W. Hoyles, dated
December 16th, 1861.*

I herewith beg to enclose the examination of three of the men against whom complaints were made by Nova Scotia fishermen, the parties examined were the only men who could be found here. Robert Birt is not known here; Edward Hickey lives in St. John's, and Patrick Doherty re-

mains at Labrador. The complainants have evidently got hold of wrong names. The parties examined admit the trespass took place, but will give no information that will shew who the offenders were. I have attended to this matter as soon as I could get hold of the men, who have been absent from here part of the time since their return from Labrador.

St. John's, December 19th, 1861.

SIR,—

In obedience to your Excellency's commands, on the 15th November last I transmitted to Mr. McNeil, the Stipendiary Magistrate at Carbonar, copies of the petition of William Martin and others to the Admiral on the station, in reference to the alleged interference of the Newfoundland fishermen with those of Nova Scotia, at the Labrador, during the summer of 1860, and of Captain Hamilton's communication to your Excellency on that subject, with directions to Mr. McNeil to bring before him those of the parties charged with this outrage, who are resident in Carbonar, and hear what they had to say in answer to this complaint, and I now beg to enclose Mr. McNeil's report, with a copy of the deposition made by such of the parties charged as were within his jurisdiction.

From these documents, your Excellency will perceive that, as might have been anticipated, the Carbonar men deny all participation in, and knowledge of, the act of which the Nova Scotia fishermen complain, and we are, therefore, unable, as the case at present stands, to do any thing further.

I hope, however, that this inquiry, which will, no doubt, become generally known amongst the fishermen, will have the effect of preventing such misconduct in future, by shewing that the attention of the Government has been directed to this subject, with a view to the detection and punishment of the offenders; but should it fail of this effect, as the taking of the herring under the circumstances narrated in the petition, was only a civil injury, for which an action for damages by the party injured would be a very insufficient remedy, it would be advisable to pass an Act specially for the prevention of such trespasses, in which case it would be necessary that a ship of war should be stationed on the Labrador during the fishery season, for the purpose of seeing that the provisions of the Act, which might be framed with a view to such an emergency, were carried into effect.

I have, &c.

H. W. HOYLES,
H. M. Attorney General.

His Excellency
SIR ALEXANDER BANNERMAN,
Governor, &c., &c., &c.

The examination of James Knox, John Bransfield, and Michael Sweeney, all of Carbonar, fishermen, taken upon oath before Israel L. McNeil, Esq., one of Her Majesty's Justices of the Peace for the Northern District of Newfoundland.

Who, being severally sworn, saith in reply to charges made against them by William Martin and others of Nova Scotia, of having taken forcible pos-

session of certain herrings enclosed in a seine by said Martin and others at Salt Ponds, Labrador, on the fifteenth day of August last past, which herrings were the lawful property of said William Martin, and others associated with him in the prosecution of his fishing voyage.

The above named James Knox, John Bransfield, and Michael Sweeney, solemnly declare that they had no hand, act or part, in taking herrings from William Martin aforesaid, or interfering with him in the prosecution of his fishing voyage at Salt Ponds, Labrador; and they further declare that Patrick Doherty and Patrick Sweeney were not at Murray's Harbour or Salt Ponds, Labrador, during the past season.

CAPT. JAMES KNOX,

JOHN BRANSFIELD,

his

MICHAEL \times SWEENEY.

mark

Taken, subscribed and sworn at Carbonear, in the district aforesaid, this 10th day of December, 1861, before me.

ISRAEL L. MCNEIL, J. P.,
Acting Stipendiary Magistrate.