

## FRENCH RIGHTS IN NEWFOUNDLAND: A COLONIAL GRIEVANCE

(By our Newfoundland Correspondent.)

The position of Newfoundland is, in one very important particular, altogether anomalous. The sovereignty of the Island belongs exclusively to Great Britain, but the French have the right of fishing along the western and northern shores, and of using that portion of the coast for such purposes as may be necessary in the prosecution of their fishery. In addition, the French have had ceded to them the two small islands of St. Pierre and Miquelon, as a shelter for their fishermen, the only condition attached being, that no fortifications are to be erected thereon. This right of fishing has been secured to France by several treaties, and has been exercised for one hundred and sixty years. It is limited, by the latest of these treaties, to the line of coast between Cape Ray, at the south-western extremity of the island, around the western and northern shores, to Cape St. John, at the entrance of Notre Dame Bay. The treaty of Utrecht, in 1713, first conceded these privileges to France, and they were confirmed and modified by the first treaty of Paris in 1763, that of Versailles in 1763, and by the second treaty of Paris in 1814. When these treaties were first entered into, almost nothing was known of this portion of Newfoundland, and the legislators of England, misled by the reports of officials and merchants who wished to monopolise the fishery, believed that they were giving to France the use of a barren, desolate country, incapable of cultivation, and only suited to be a temporary home for fishermen. The concession, however, acted most injuriously, as far as the interests of the colony were concerned, and retarded its prosperity more than all other causes put together. The practical effect has been to exclude British subjects from the use of the best half of the island, whether for fishing purposes or agricultural settlement, and to keep them up along the comparatively barren southern and eastern shores, and drive them to subsist mainly by fishing. Had these treaties never existed, the population would have long since occupied the fine western shores, where the soil is fertile and capable of producing luxuriant crops, the timber large and abundant, the water-power sufficient to drive any amount of machinery, and coal and mineral treasures are now known to exist in great quantities. But for the unfortunate concessions to France, the western shore would to-day be studded with thriving settlements and towns,—coal and other mines would be yielding up their treasures, and a portion of the unknown interior would be now reclaimed. As it is, about four or five thousand people are scattered along the shore, living mainly by fishing; the soil is cultivated only in a few detached spots; the coal, marble and gypsum beds are undisturbed; the minerals are in their veins; the timber decaying unutilised in the "forest primeval"; and the interior is still in possession of the wolf, the bear, the deer and the fox. The condition of the British settlers on this coast is bad enough. They have no legal title to the land they have cleared and cultivated, to the houses they have built, to the cattle they have reared. Life and property are unprotected by law. Should murder or robbery be committed, there is no magistrate or civil authority to punish the offender. Should disputes arise in regard to boundaries, there is no one with authority to administer justice. When anyone wishes to escape from the arm of violated law, in any other part of the island, if he can reach this cove of Aulbham he is safe. That such a state of things should be allowed to continue, is disgraceful to the Government of Britain, and an organized injustice to the people of Newfoundland. In vain do we Newfoundlanders trot and chafe under the injury, and piteously beseech the Imperial authorities to come to the rescue. They are so afraid of disturbing friendly relations with France, that they will not even allow the local government of the island to appoint magistrates, on the western shore, to administer justice among British subjects and on British soil, and leave five thousand people of British descent, unprotected by law, and in the condition of outcasts, who are to be regarded as outside the pale of civilization. They do all this notwithstanding that the Treaty of Utrecht expressly asserts that "Newfoundland, with its adjacent islands, shall from this time forward belong to right wholly to Britain; nor shall the Most Christian King, his heirs and successors, or any of their subjects, at any time hereafter, lay claim to any right to the said island or islands, or any part of it or them." The French claim is limited to catching and curing fish on the west coast; but so much afraid have been successive British Governments of disturbances arising here between their subjects and those of France, that they have steadily discouraged the settlement of the country and refused to recognize the presence there of British subjects. Nay, they have only asserted with but a breath the concurrent right of British subjects to fish in those waters along with the French, and have practically allowed that right to fall into abeyance. Thus the residents on the western shore are there pretty much on sufferance; and should the French make a formal complaint that they are interfering with their fishery rights, it is not beyond the bounds of possibility that the British Government would order their expulsion. With all these disadvantages, the population on this western shore is rapidly increasing, so great are the natural attractions. During the last twelve years, the population increased from 3,334 to 5,384, or at the rate, in that period, of 64 per cent; while the population of the rest of the island increased only at the rate of 16 per cent, in the same time.

The French are forbidden by treaty to settle on the coast, to build houses or reside there except during the fishing sea-

son. The whole use of the coast, to the French, is to enable them to catch and cure about 100,000 quintals of codfish annually; and to accomplish this the best half of an island larger than Ireland is doomed to remain an uncultivated waste. Neither French nor English must meddle with it. It is surely time that this wretched "dog-in-the-manger" policy were ended. It is too bad that these miserable French fishery rights should be allowed to stand in the way of the settlement of such a splendid tract of country as Western Newfoundland, and to exclude the people of this island from the fairest portion of the home allotted them by Providence. It is preposterous to imagine that a coast line, extending over five hundred miles, must be sealed up to enable a few hundreds of French fishermen to establish a dozen fishing stations, and catch, during three months of the year, 100,000 quintals of cod.

Of course there is some show of reason for the policy pursued by British statesmen, in this matter. Their extreme sensitiveness regarding French rights arises from the following unlucky paragraph in the "Declaration of His Britannic Majesty," inserted in the Treaty of Versailles, September 3d, 1763: "In order that the fishermen of the two nations may not give cause for daily quarrels, His Britannic Majesty will take most positive measures for preventing his subjects from interrupting, in any manner by their competition, the fishery of the French, during the temporary exercise of it which is granted to them upon the coast of the island of Newfoundland; and he will for this purpose cause the fixed settlements which shall be formed there, to be removed. His Britannic Majesty will give orders that the French fishermen be not incommoded in cutting the wood necessary for the repair of their scaffolds, huts and fishing vessels. The thirteenth article of the Treaty of Utrecht, and the method of carrying on the fishery which has at all times been acknowledged, shall be the plan upon which the fishery shall be carried on there; it shall not be deviated from by either party; the French fishermen building only their scaffolds, confining themselves to the repair of their fishing vessels, and not wintering there; the subjects of His Britannic Majesty, during their fishing, not molesting in any manner the French fishermen, during their fishing, nor injuring the scaffolds during their absence."

All the mischief has arisen from the loose, ambiguous phraseology of the foregoing paragraph. Nothing can be conceived more likely to give rise to disputes and a variety of interpretations than such vague, indefinite language. Who can tell what is meant by "fixed settlements" which are to be removed? It cannot mean that British subjects are to be prohibited from building houses and sitting on the coast, for it assumes that they will reside there during winter, and are not to injure the scaffolds of the French during their absence. Then, what is meant by "not interrupting by their competition the fishery of the French"? Does it mean that they are not to fish at all in those waters, or not to occupy the same fishing grounds as the French? That has been the great bone of contention. We Newfoundlanders have steadily maintained our right of fishing concurrently with the French; the French have pertinaciously endeavoured to compel an exclusive claim to the fisheries in this coast. The Crown Law officers of England have declared, as their interpretation of language of the Treaty, "that if there be room in these districts for the fishermen of both nations to fish, without interfering with each other, this country is not bound to prevent her subjects from fishing there." But the drawback is that there is no tribunal appointed to decide as to whether, in any given case, the fishing of British subjects is or is not an interruption by competition of French fishing in the debatable waters.

Thus it is evident that the whole matter is in a most unsatisfactory condition, that Newfoundland is suffering a grievous wrong, and that her prosperity is barred by these treaties. The condition of affairs which now exists was not contemplated when these treaties were formed, and it is quite time that these antiquated documents were revised. An almost any sacrifice Britain is bound to set this matter right, and rescue her "most ancient and loyal colony" from the tirade of France. If necessary, let the fishing rights of France be "sought out," and arbitrators appointed to estimate the value. Should this be found impracticable, let a number of islands along the coast—such as Codroy Island, Fox Island, Red Island, Kepple Island, and St. John's Island—be ceded to France on the same conditions as St. Pierre and Miquelon, and let the rest of the coast be proclaimed *bona fide* British territory. These islands would serve all the purposes France requires in prosecuting her fisheries. There really appears to be no difficulty in the way that might not be overcome. The French fishery rights are every year becoming to them of less value. They have to be sustained by a bounty of eight shillings per quintal, and since the introduction of steam to the navies of the world, the idea of making fisheries "a nursery for seamen" has become ridiculous.

Quite recently the Imperial Government has relaxed their exaggerated views of French rights, and permitted the Local Government to make grants of land anywhere, except immediately on the strand. Undoubtedly this is an important concession, as it allows of the settlement of the country, and the giving of a legal title to lands and minerals. The thin edge of the wedge is thus inserted; it remains for the Government of Newfoundland to drive it home. Let them survey the fertile districts; lay them out in blocks; make roads, and aid settlers. Once the country is fully settled the French claims will have to be adjusted in some way. A railroad through the island, connecting the eastern and western shores, will soon follow. The next step, on the part of the British Government, should be to remove the restrictions, in regard to making grants of portions of the strand, wherever there is a harbour. The use of the harbours by British subjects cannot be construed into any infraction of treaty right. Now that grants of lands and minerals are legalized, the appointment of magistrates and the establishment of courts of law must necessarily follow, and should be energetically pressed for by the Local Government. If we are true to ourselves the Frenchman's grasp will have to be relaxed.

The prize is worth striving for. The Geological Surveyor reports that around the bays alone there are nearly half a million square acres of excellent land, easily reclaimed, well timbered, and fitted to be the seat of a large and prosperous community. The coal beds enhance the value of this region considerably; and the existence of mineral deposits is a matter of certainty. It is too bad that we should be virtually excluded from more than half the island by an ancient treaty made when circumstances were entirely different from those which have now developed themselves.

## THE NEW MADE OLD.

In Catholic times it was common for devotees about to visit any shrine to stick in their caps leaden images of the saint whose shrine they were going to visit; these pilgrims' signs have been rare articles, for which collectors have given large prices; hence, fabricators have been at their old work, and reaping a plentiful harvest. The British Archaeological Association, in May, 1858, noticed these frauds, and made the following statement: "The remainder of the evening was occupied in the reading and the discussion of 'An account drawn up by Mr. Cuming, on the Recent Forgery in Lead.' These are figures reported to have been obtained from the Thames, and called pilgrims' signs. They are being offered not only in London, but throughout the country, and antiquaries should be on their guard respecting them. Mr. Cuming had inspected no less than 800; Mr. Planche had seen a great number; but the aggregate is stated to be no less than 12,000! The whole are proved to be of recent fabrication, though assuming to be of the fourteenth century. Bishops are equipped with mitres of three distinct fashions, forms known to have been used from the twelfth century to later times. The military figures are as absurd as the ecclesiastical. They appear to have been made in chalk moulds, the graving tools being nails and penknives. They have been steeped in a strong acid and swamped over with Thames mud."

There are men who make all kinds of sham antiquities wholesale. They live somewhere behind the Victoria Docks, and make these fraudulent relics in numbers, and at such a cost that they can afford to sell them to navigators or other persons employed in excavating. To such an extent is this organized system of swindling carried on that the principal authority in the British Museum, versed in antiquities, informs us no roadway or old house in the neighbourhood of the Museum is explored for any repairs or public improvement, but specimens of Roman and Anglo-Saxon antiquities—and to have been discovered in the excavations—are sure to be presented for sale at the Museum. This fact ought to make every one suspicious of articles brought to light by such persons. In the vast majority of cases they have scarcely had time to cool from the matrix, and to be oxidized and stained with soil, before they are offered as veritable relics of the civilization that existed two thousand years ago. In many cases these navigators—some of whom are known fellows—will wait at their work until they see some one whom they judge to have the antiquarian craze upon him, and then they suddenly offer him a much-stained old sword, or a boss of a shield, feigning to have just dug it out. In too many cases the bait is sure to take, and the article, when has cost the navigator little more than the cost of the old metal, is sold at a high price. These things make us suspicious of many antiquities shown us with such reverence by antiquarians. It would not do to throw suspicion upon them openly, we know, unless we meet meeting with the response "Monsieur met with another similar circumstance from the antiquary. London seems a favourite place for the discovery of Roman and Anglo-Saxon relics, and especially the river about Bankside, Hamlet's wharf, Patney, and Wandsworth, where sufficient Roman swords and Saxon spear-heads have been discovered in the mud to make us suspect that whole legions and tribes must have thrown away their weapons into the tide in some precipitous retreat—that is, if we believed every specimen was genuine; that we were tickled as such, not that we wish to deny that some old relics may be preserved for a very long time without showing signs of great decay. If we were to do so, we should deny the genuineness of many of the articles in the antiquarian rooms of the British Museum, some of which—with the exception of a slight oxidation, which has not materially affected the sharpness of the workmanship—look pretty nearly as perfect as they would have done if made within the present century. There is a Roman short sword, with its scabbard, ornamented with specimens of golden engraved work, which looks marvellously fresh, and some of the works of art designed upon Roman and Greek waters are marvels of purity of form to this day.

Old masters have long been preyed upon by a class of men—in many cases kept on the establishment of picture-dealers—who turn you out a Rembrandt or a Nicolas Poussin at a week's notice. The same efforts of age are given by judiciously applied dark varnish; the panels upon which they are painted are genuine, it is true, and some sort of a well-known connoisseur is easily affixed. The whole specimen is tanned down to the required age, the varnish is cracked, etc., by the proper application of heat in an oven, and an old carved frame of the period is used, and the picture goes forth as the veritable product of a master of some well-known school. Facilitations of masters even that have lived within the century, are not beneath the notice of the clever rascals that abound in the metropolis. Now that the carbon process in photography has been established, and by its means absolute facsimiles can be produced, at a price within the reach of every one, there can be no excuse for any lover of art to be tempted by untrustworthy copies. Those persons who buy merely for the vulgar pleasure of possessing a rarity, deserve to be duped, and we have no pity for them when they are.

We don't profess to be critically acquainted with old china, but if everything we hear be true, the frauds in this branch of art are quite equal to those in any other where the rarity consequent on age is in question. It seems to us that what is called crackle is often made artificially. The fine fractures in the glaze certainly could be easily imitated by the wild fabricator, and we believe it is done. But we speak with a certainty when we say that old painted Sevres china is fabricated by moderns, and sold for the real thing at extravagant prices. Some years ago the director of the Imperial Manufactory, finding a very large amount of soft-biscuit ware in stock, cumbering the warehouses, determined to sell it off by public auction. This was done, and, to his astonishment, the lots were eagerly purchased. For what purpose this unfinished ware was required, was a mystery which has lately been solved. It was too soon by the buyers that the soft-biscuit could be painted upon, and that the process of firing would make the colours sink in and be permanent; and this turned out to be the case. Artists were employed to paint the ware in imitation of Sevres designs, and now we are informed, the whole of Europe is deluged with this surreptitious china, sold at a high price to persons who buy because they have plenty of money, and like to possess what the upper ten thousand consider rarities.

The remarks we have made should be a caution to those who feel inclined to indulge in a taste for antiquities, without possessing a competent knowledge of the subject. Whenever there is a demand there is sure to be a supply—whether honest