

THE CONCEPTION-BAY MAN

THE FISHERY QUESTION.

In the Assembly on Tuesday last, the hon. Colonial Secretary laid on the table the following important Despatch on the subject of the Fishery:

(Copy)
No. 1.
CONFIDENTIAL.

Downing Street,

January 14, 1859.

Sir.—I have to inform you that it has been decided by agreement between Her Majesty's Government and the Government of France, that a Joint Commission equally composed from the two nations, shall proceed to Newfoundland, as soon as the season opens, to enquire into the facts as regards the local operation of the Treaties conferring on French subjects Rights of Fishery on the coasts of that Island, and more particularly to ascertain in what respects and to what extent the Treaty stipulations may have been disregarded on either side.

This measure appeared to Her Majesty's Government to be well adapted, in the first place to meet present emergencies, and, also, not unlikely to pave the way to some ultimate settlement of a permanent character. It was therefore proposed by Her Majesty's Government to that of France, who have now concurred in its adoption.

2. The number of Commissioners of each nation is not yet definitely settled, but Her Majesty's Government propose that there shall be two on each side; in order that the choice of one of the English two may be assigned to the Government of the Colony. The nomination of the Colonial Commissioner (if the French concur as to the number) will be placed at the disposal of the local government, and I do not doubt that they will select a person fully competent from acquaintance with the subject and his generally conciliatory disposition, to carry out the duties entrusted to him, in concert with his colleague, to be nominated by Her Majesty's Government, in a proper spirit, and, as far as may depend on their joint endeavours, to a fair and satisfactory result.

As it is important that no time should be lost in this matter, I have now to instruct you to proceed without delay to select, with the advice and concurrence of your Executive Council, but subject to your approval, some duly qualified person for the probable appointment to this important office; such nomination must however be also subject to the ultimate approbation of Her Majesty's Government. The gentlemen thus designated should come over to this country with as little delay as possible to receive instruction, and concert such arrangements as may be requisite with Her Majesty's Government and his colleague. It would be desirable that he should do so without waiting for the ultimate sanction to his appointment, or for information whether the number of Commissioners proposed by Her Majesty's Government is adopted by the French, as his presence in this country will be in any event very valuable for concerting those instructions.

3. The expenses of the British Commission including of course the allowances of both the Commissioners, will be provided for out of Imperial funds. I am as yet unable to inform you of the precise scale of remuneration for the service which will be adopted, but you may assume that in addition to the expenses, each Commissioner will receive while employed, an allowance at the rate of £750 per annum.

Her Majesty's Government will however be ready to consider any recommendation which you may have to make on this head.

4. A sufficient knowledge of the French language will be eminently desirable in the person to be selected as Commissioner, not only for convenience of communicating with colleagues, but also because much of the evidence will be taken in French.

5. You will receive further instructions on such points as may be left untouched by the present communication. In the present state of the business it does not appear necessary that you should propose any steps to be taken by the local Legislature.

6. It appears from the minute of the Executive Council, enclosed in your despatch No 91, dated 28th November, that the Council were at that time reluctant to entertain the suggestion of the appointment of a Com-

missioner without first obtaining the opinion of the local Legislature. I do not anticipate that the Council will object to cooperate with Her Majesty's Government in the manner proposed, by the nomination of the Commissioners, now that the measure is actually decided on, and considering the limited extent which it is proposed to assign to the functions of the Commission.

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

E. B. LYTON,

Governor.

SIR ALEXANDER BANNERMAN, &c. &c.

HOUSE OF ASSEMBLY.

Thursday Jan. 27.

Mr. HOYLES presented a Petition from the inhabitants of St. George's Bay, with reference to the prohibition from fishing in the year 1859, which had been notified to them by the French Commandant. Mr. Hoyles gave notice that he would on tomorrow move the House into a Committee of the whole on the following resolutions:

Whereas the Assembly have learned from unquestionable authority, that the Commander of the French naval force stationed at St. Peter's, has recently, in the assertion of an assumed right in the French to an exclusive fishery on that part of the Newfoundland coast between Cape Ray and Cape John, notified the inhabitants of Bay St. George and the proprietors of fishing rooms on Grosis Island, that British subjects would not in future be allowed to fish in these localities, and that the British fishing establishment on Grosis Island should be forthwith removed. And whereas such notifications on the part of the French authorities are contrary to the treaties subsisting between the two nations, have already produced much distress to the inhabitants of Bay St. George, and will, if carried into effect, seriously prejudice the interests of the people of this colony.

And whereas the published despatch of Governor Darling to Mr. Secretary Labouchere, commonly known as No. 66, has doubtless stimulated the French to the proceeding by its advocacy of their unfounded claims. And whereas by the maintenance of fixed settlements between Cape Ray and Cape John, by use of bulwarks and seines in their fisheries, and by their interference in the seal, salmon, and herring fisheries, the French have, to the manifest injury of British fishermen, further infringed the terms of the said treaties. And whereas it is necessary that measures should be adopted for the protection of British interests in the several matters before mentioned, and that the principles of the said despatch should be expressly repudiated, as at variance with the right construction of the said treaties, as opposed to the current of authorities on their true interpretation and as adverse to British rights and interests.

Therefore Resolved, that addresses be presented to Her Majesty and the Imperial Parliament, dissenting in the most unqualified manner from the opinions of Governor Darling and maintaining in contradiction of the said despatch the true sense of the said treaties, and praying the interference of the Imperial Government towards enforcing the observance of their conditions, by the French fishermen; that a bill be forthwith introduced prohibiting the supply of bait to the French, and that provision be made for the employment of a cruiser, to compel obedience to such prohibition.

HON. MR. KENT'S AMENDMENT ON THE ABOVE.

Whereas, this House has been informed that the French naval authorities on the Newfoundland station, have notified the British residents on that part of the coast called the French Shore, that hereafter they will be prevented from exercising their accustomed pursuits of fishing; a notice which, if carried into effect, would destroy the means of life which the British population there have enjoyed for some generations.

And whereas, such notice has already produced much distress, from the fears of capitalists to invest as they had done in a

trade which had been thus menaced; and whereas, the said notice on the part of the French authorities is wholly without warrant, and contemplates the assertion of an exclusive right in the French to the fisheries on that part of the coast in question; and whereas, the fishing rights secured to the French on this coast by the subsisting treaties between Great Britain and France, are not declared by those treaties to be exclusive.

And whereas the said Fishing Rights are limited to 'Cod-fishery,' the treaty of Utrecht (1713) declaring that "it shall be allowed to the subjects of France to catch fish and dry them on land;" and the process of drying having relation to cod-fish only; and whereas, the said rights of fishing are not enlarged by the subsequent treaties on this subject; therefore, the claim of the French to fish for Salmon and possess themselves of the Salmon Brooks is utterly unfounded, and the rights of British subjects in this fishery should be inflexibly maintained.

And whereas the fixed settlements of the French on the coast, from Cape Ray to Cape John, are in opposition to the terms of the treaties; and whereas, the use by the French of bulwarks and large seines, which tends to the destruction of the fishery, is repugnant to the provisions of the Declaration of His Britannic Majesty, which was assented to by the French King (1783) and by which it is provided that "the method of carrying on the fishery which has at all times been acknowledged, shall be the plan on which the fishery shall be carried on there." And whereas, at the time referred to, cod-seines and bulwarks were unknown.

Resolved,—That Her Majesty's Government and the Imperial Parliament be earnestly invoked to give their serious attention to these facts, in order that the French may be restrained from the exercise of any authority or privileges or act of any kind repugnant to the treaties, and that Her Majesty's Government will adopt effective means for the maintenance of British rights on that part of the Coast where liberty to fish is enjoyed by the French.

THE CONCEPTION-BAY MAN.

WEDNESDAY, FEBRUARY 16, 1859.

UNFORTUNATELY for this Country those persons who are most interested in the proper conduct of public affairs pay least attention to the manner in which those affairs are carried on.—The Planters and Fishermen of Newfoundland appear generally indifferent to the ordinary action of its Legislature, notwithstanding certain questions are to be decided which are particularly calculated to arouse them to a proper sense of duty and interest in such proceedings; let them but reflect upon the fact that every day devoted to business by the said Legislature, costs them fully one hundred pounds currency, and they must be either more or less than men if they continue indifferent whilst the question of their Fishery Rights is under serious discussion.

In a preceding column will be found an important Despatch from the Secretary of State for the colonies to his Excellency the Governor, upon this subject;—after full consideration of the interests involved, we must express our regret that the course so generally recommended by the press, was not pursued by the Government. Delegates should have been promptly and long since despatched to England, men who would be well qualified to afford all the information now sought to be obtained, our foreign rivals would also have had an opportunity of sending their agents to England when the question of our joint fishery rights might have been promptly and satisfactorily settled; but this overture was neglected on our parts, and the consequence is that a different course has been decided on, and

one less likely to afford justice to this Colony,—the two French Commissioners being decidedly against us, and the English, if of Labouchere's school, leaning towards their demand "with a view to an amicable adjustment of the question."—leaving it to one solitary commissioner from this Country to try conclusions with the trio: now altho the present action of the Home Government is but a preliminary measure, it should be borne in mind that the result must form the basis upon which final adjudication will be pronounced, and this dangerous state of things would never have existence if the course repeatedly recommended had been, previously adopted by our culpably negligent and obstinate ministry.

Intimately connected with the above subject are the resolutions submitted to the Assembly by Mr. Hoyles, which the embodying "the truth the whole truth and nothing but the truth," must yet be superseded by the one of the Hon. John Kent, moved in amendment, by which facts are suppressed which would tell severely against the ruinous procedure of Governor Darling and his treacherous advisers, but disguise it as they may, the fact is "patent" to the Country, that were it not for that false and foul interpretation of treaty, the French would not dream of exclusive rights to British territory,—to all best coasts and fishing grounds: had they done so the far famed convention would have been unnecessary. The stipulations of that convention would alone confirm this fact, and were further evidence required, the observation of the Baron de Noury upon its failure, and after the promulgation of Despatch No. 66, "that his Government would prefer the strict enforcement of existing treaties to that Convention," affords such evidence, and is proof indubitable of their altered views upon the subject.

The Hon. Mr. Kent and his amendments, to screen the guilty, are however safe for the present, he has a purchased majority in the Assembly to fall back upon, a majority which will not be affected by Mr. Carter's bill, for they will never vote against their own pecuniary interest; but the time is approaching when the people of the country will have an opportunity to mark their detestation of the course pursued by false representatives, who scruple not to sustain a policy which is degrading to us as a free people, and which has gone far to sacrifice the Fishermen's dearest rights to foreigners.

To the Editor of the Conception Bay Man.

Sir,—As the new Post Office is now open in this place the Public should be informed of any alteration of hours of attendance, or time for delivery of letters and closing mails. Much inconvenience has arisen from an ignorance of those matters, and the sooner publicity is given to our postal arrangements the better for all parties.

A FAIR TRADER.

The remarks of our correspondent were called for, our Post Office has good business and the department might well afford the trifling expense of local publication.

C.B.M.

NOTICE.

COMMERCIAL BANK OF NEWFOUNDLAND.

A DIVIDEND on the paid up Capital of this Company, at the rate of Six per Cent. per annum, for the half-year ending 31st December, 1858, will be payable at the Banking House in this City, on and after the 10th instant, during the usual hours of business.

(By order of the Board.)

R. BROWN,

Jan 6.

Assurance

Lombard Street

Decimus Burt

Octavious E. I

William Calton

John Davis,

George H. Fos

George A. Ful

Charles E. God

James A. Gord

Henry Grace,

Thomas Holde

Benjamin Shaw

Mathew Whitte

January 14.

DAU

RATE OF

From 50 to 100

From 100 to 200

From 200 to 300

From 300 to 400

From 400 to 500

From 500 to 600

From 600 to 700

From 700 to 800

From 800 to 900

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