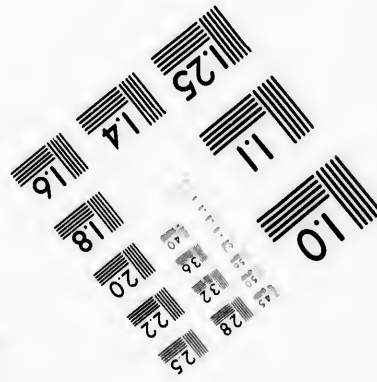
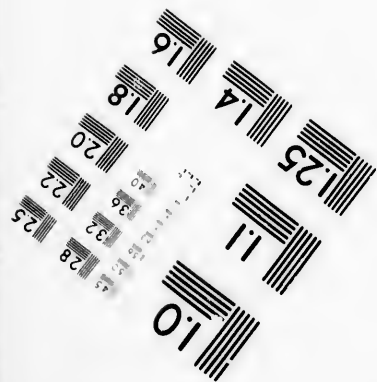
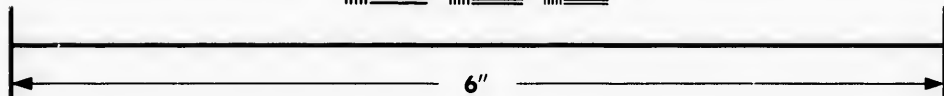
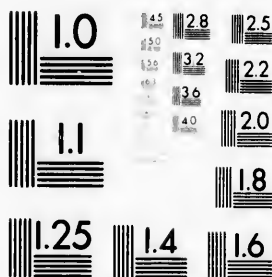


IMAGE EVALUATION TEST TARGET (MT-3)



**Photographic
Sciences
Corporation**

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

**CIHM/ICMH
Microfiche
Series.**

**CIHM/ICMH
Collection de
microfiches.**



Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques

© 1981

Technical and Bibliographic Notes/Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

- ☒ Coloured covers/
Couverture de couleur
- ☐ Covers damaged/
Couverture endommagée
- ☐ Covers restored and/or laminated/
Couverture restaurée et/ou pelliculée
- ☐ Cover title missing/
Le titre de couverture manque
- ☐ Coloured maps/
Cartes géographiques en couleur
- ☐ Coloured ink (i.e. other than blue or black)/
Encre de couleur (i.e. autre que bleue ou noire)
- ☐ Coloured plates and/or illustrations/
Planches et/ou illustrations en couleur
- ☐ Bound with other material/
Relié avec d'autres documents
- ☐ Tight binding may cause shadows or distortion
along interior margin/
La reliure serrée peut causer de l'ombre ou de la
distortion le long de la marge intérieure
- ☐ Blank leaves added during restoration may
appear within the text. Whenever possible, these
have been omitted from filming/
Il se peut que certaines pages blanches ajoutées
lors d'une restauration apparaissent dans le texte,
mais, lorsque cela était possible, ces pages n'ont
pas été filmées.
- ☐ Additional comments:/
Commentaires supplémentaires:

L'Institut a microfilmé le meilleur exemplaire
qu'il lui a été possible de se procurer. Les détails
de cet exemplaire qui sont peut-être uniques du
point de vue bibliographique, qui peuvent modifier
une image reproduite, ou qui peuvent exiger une
modification dans la méthode normale de filmage
sont indiqués ci-dessous.

- ☐ Coloured pages/
Pages de couleur
- ☐ Pages damaged/
Pages endommagées
- ☐ Pages restored and/or laminated/
Pages restaurées et/ou pelliculées
- ☒ Pages discoloured, stained or foxed/
Pages décolorées, tachetées ou piquées
- ☐ Pages detached/
Pages détachées
- ☒ Showthrough/
Transparence
- ☐ Quality of print varies/
Qualité inégale de l'impression
- ☐ Includes supplementary material/
Comprend du matériel supplémentaire
- ☐ Only edition available/
Seule édition disponible
- ☐ Pages wholly or partially obscured by errata
slips, tissues, etc., have been refilmed to
ensure the best possible image/
Les pages totalement ou partiellement
obscurcies par un feuillet d'errata, une pelure,
etc., ont été filmées à nouveau de façon à
obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below/
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	12X	14X	16X	18X	20X	22X	24X	26X	28X	30X	32X
						✓					

The copy filmed here has been reproduced thanks to the generosity of:

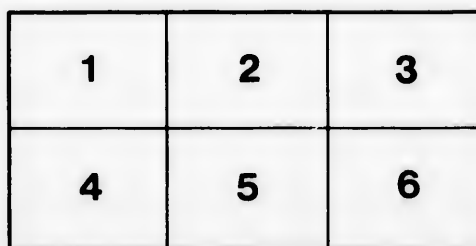
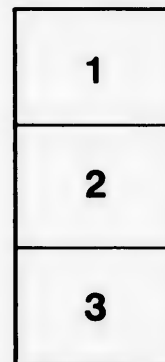
Library of the Public
Archives of Canada

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol → (meaning "CONTINUED"), or the symbol ▼ (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

La bibliothèque des Archives
publiques du Canada

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.


Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole → signifie "A SUIVRE", le symbole ▼ signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.

errata
to

pelure,
on à

mu


C

B

Re

Put



no 24451

PAMPHLET CASE No.

JOSEPH POPE.

The "Modus Vivendi,"

RECENTLY ENTERED INTO

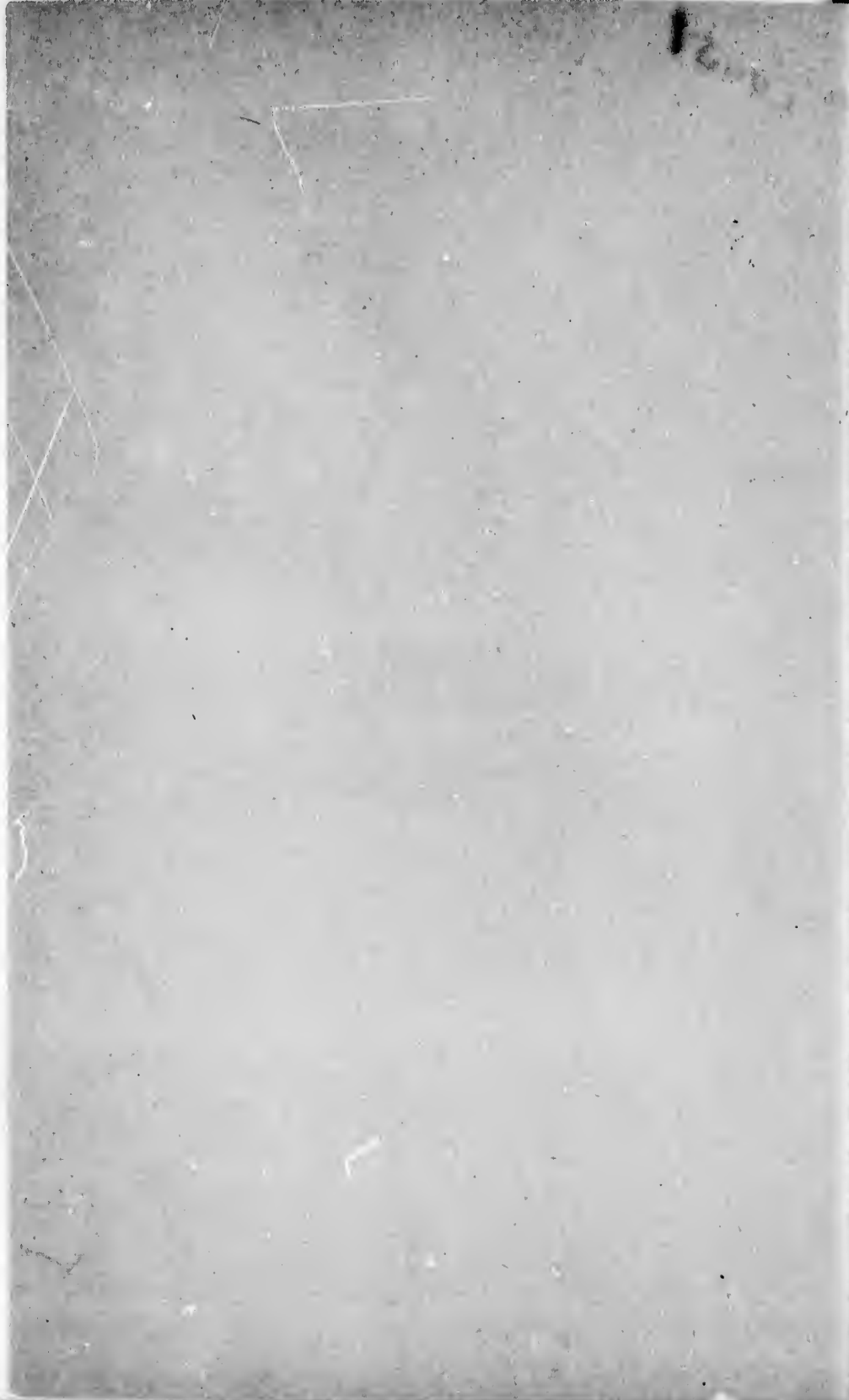
Between the British ^{AND} French Governments,

*Relative to the Taking and Packing of Lobsters on a part
of the Coast of Newfoundland, and the action taken in
Newfoundland in relation thereto.*

Published by a Committee of the Citizens of St. John's, Newfoundland, appointed at a
Mass-Meeting held on the 26th March, 1890.

ST. JOHN'S, N. F.:
PRINTED AT THE "EVENING HERALD" OFFICE.

1890.



7

my

E

Re

Pub

The "Modus Vivendi,"

RECENTLY ENTERED INTO

Between the British^{and} French Governments

*Relative to the Taking and Packing of Lobsters on a part
of the Coast of Newfoundland, and the Action taken in
Newfoundland in relation thereto.*

Published by a Committee of the Citizens of St. John's, Newfoundland, adopted at a
Mass-Meeting held on the 26th March, 1890.

ST. JOHN'S, N. F.:
PRINTED AT THE "EVENING HERALD" OFFICE.

1890.

R

im
ma
tic
wh
the
Ne
Cr
ap
sy
cit

par
for
Fr
con
set
the
con
the
a li
Th
dis
for

The "Modus Vivendi"

Recently entered into with the French, and the action taken in Newfoundland in relation thereto.

INTRODUCTORY.

The following statement of facts in connection with this vitally important matter is compiled for general public information. It is made as concise as is consistent with a lucid explanation of the position of affairs at the present moment, and it is hoped will enable all who take an interest in the welfare of Newfoundland, to realize the gravity of the situation. The dearest rights of the people of Newfoundland, the "most ancient and loyal dependency of the British Crown," are bound up with the issues of the present crisis, and they appeal confidently to their British fellow-subjects for that generous sympathy and practical co-operation which is never refused by the citizens of a free country to a just cause.

The claims of the French nation to certain fishery rights on a part of the coasts of Newfoundland are matters of history and have formed the subject of repeated negotiations between the British and French governments since the early part of the century. Many conventions have been held and arrangements suggested for a settlement of this *questio vexata*, which have uniformly failed, for the simple reason that the French Nation invariably demanded concessions for which they offered no fair equivalent, and in construing the treaty rights continually claimed larger privileges than under a liberal construction of the Treaties they were justly entitled to. The fair consideration of the question has also been hampered by the disposition of British diplomatists to suggest and accept arrangements for its settlement, more with a view to the exigencies of Imperial

policy than to the best interests of the people of the colony. The late convention, which has resulted in the *Modus Vivendi* now under discussion, is the ninth which has been held during a period of less than fifty years, and in every instance the arrangement suggested has been to the detriment of the people of Newfoundland, and has been promptly and emphatically disclaimed by them. All conventions prior to the one whose labors are now under discussion, related generally to the Cod-fishery, but the present arrangement includes an entirely new and startling claim, namely, of a right on the part of the French to take and preserve Lobsters on that part of the coast of Newfoundland on which they have fishery rights.

Before entering into a discussion of this claim it will be necessary, in order to obtain a clear idea of the fishery rights of the French, to give some extracts from the text of the Treaties upon which they base their claims, with such other information as will tend towards the elucidation of the points in dispute.

The provisions of the Treaties are as follows:—

TREATY OF UTRECHT—1713.

By Article XIII. of the Treaty of Utrecht, 1713, it was agreed that "The Island called Newfoundland, with the adjacent islands, shall from this time forward belong of right wholly to Great Britain; and to that end the town and fortress of Placentia, and whatever other places in the said island are in the possession of the French, shall be yielded and given up within seven months from the exchange of the ratification of this treaty, or sooner if possible, by the most Christian King, to those who have a Commission from the Queen of Great Britain for that purpose. 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 and islands, or to any part of it or them. Moreover, it shall not be lawful for the subjects of France to fortify any place in the said island of Newfoundland, or to erect any buildings there, besides stages made of boards, and huts necessary and usual for drying of fish, or to resort to the said island beyond the time necessary for fishing and drying of fish. But it shall be allowed to the subjects of France to catch fish, and to dry them on land, in that part only, and in no other besides that, of the said island of Newfoundland, which stretches from the place called Cape Bonavista to the northern point of the said island, and from thence, running down by the western side, reaches as far as the place called Point Riche. But the island called Cape Breton, as also all others, both in the mouth of the river St. Lawrence and in the gulph of the same name shall hereafter belong of right to the French; and the most Christian King shall have all manner of liberty to fortify any place or places there."

TREATY OF PARIS—1763.

And by Article V. of the Treaty of Paris, 1763, it was agreed that "The subjects of France shall have the liberty of fishing and drying on a part of the coasts of the island of Newfoundland, such as it is specified in the 13th article of the Treaty of Utrecht; which article is renewed and confirmed by the present treaty (except what relates to the island of Cape Breton, as well as to the other islands and coasts in the mouth and in the gulph of St. Lawrence); and His Britanic Majesty consents to leave to the subjects of the most Christian King the liberty of fishing in the gulph of St. Lawrence, on condition that the subjects of France do not exercise the said fishery but at the distance of three leagues from all the coasts belonging to Great Britain, as well those of the continent as those of the islands situated in the said gulph of St. Lawrence. And as to what relates to the fishery on the coasts of the island of Cape Breton out of the said gulph, the subjects of the most Christian King shall not be permitted to exercise the said fishery but at the distance of fifteen leagues from the coasts of the island of Cape Breton; and the fishery on the coasts of Nova Scotia or Acadia, and everywhere else out of the said gulph, shall remain on the foot of former treaties."

And by Article VI. of the same Treaty "The King of Great Britain cedes the islands of St. Pierre and Miquelon in full right to his most Christian Majesty, to serve as a shelter to the French fishermen; and his said most Christian Majesty engages not to fortify the said islands, to erect no buildings upon them, but merely for the convenience of the fishery; and to keep upon them a guard of fifty men only for the police."

TREATY OF VERSAILLES—1783.

And by Article IV. of the Treaty of Versailles, 1783, that "His Majesty the King of Great Britain is maintained in his right to the island of Newfoundland, and to the adjacent islands, as the whole were assured to him by the thirteenth article of the treaty of Utrecht; excepting the islands of St. Pierre and Miquelon, which are ceded in full right by the present treaty to his most Christian Majesty."

And by Article V. of the said last named Treaty that "His Majesty the most Christian King, in order to prevent the quarrels which have hitherto arisen between the two nations of England and France, consents to renounce the right of fishing, which belongs to him in virtue of the aforesaid article of the treaty of Utrecht, from Cape Bonavista to Cape St. John, situated on the eastern coast of Newfoundland, in fifty degrees north latitude; and his Majesty the King of Great Britain consents, on his part, that

the fishery assigned to the subjects of his most Christian Majesty, beginning at the said 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 Raye, situated in forty-seven degrees fifty minutes latitude. The French fishermen shall enjoy the fishery which is assigned to them by the present article, as they had the right to enjoy that which was assigned to them by the 'treaty of Utrecht.'

And by Article VI. of the said last named Treaty that "With regard to the fishery in the gulph of St. Lawrence, the French shall continue to exercise it conformably to the fifth article of the treaty of Paris."

DECLARATION OF 1783.

And by a declaration of His Britannic Majesty, dated the 3rd day of September, 1783, it was declared that "The King having entirely agreed with his most Christian Majesty upon the articles of the definitive treaty, will seek every means which shall not only insure the execution thereof, with his accustomed good faith and punctuality, and will besides give, on his part, all possible efficacy to the principles which shall prevent even the least foundation of dispute for the future.

"To this end, and in order that the fishermen of the two nations may not give cause for daily quarrels, his Britannic Majesty will take the 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 coasts of the island of Newfoundland; but 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, on their part, not molesting in any manner the French fishermen during their fishing, nor injuring their scaffolds during their absence.

"The King of Great Britain, in ceding the Islands of St. Pierre and Miquelon to France, regards them as ceded for the purpose of serving as a real shelter to the French fishermen, and in full confidence that these possessions will not become an object of jealousy be-

between the two nations, and that the fishery between the said islands and that of Newfoundland shall be limited to the middle of the channel.

COUNTER DECLARATION OF KING OF FRANCE.

And by counter declaration of His Most Gracious Majesty the King of France, dated the Third day of September, 1783, it was declared that "The principles which have guided the King in the whole course of the negotiations which preceded the re-establishment of peace, must have convinced the King of Great Britain that His Majesty has had no other design than to render it solid and lasting by preventing, as much as possible, in the four quarters of the world, every subject of discussion and quarrel."

"The King of Great Britain undoubtedly places too much confidence in the uprightness of his Majesty's intentions not to rely upon his constant attention to prevent the islands of St. Pierre and Miquelon from becoming an object of jealousy between the two nations.

"As to the fishery on the coasts of Newfoundland, which has been the object of the new arrangements settled by the two sovereigns, upon this matter it is sufficiently ascertained by the fifth article of the treaty of peace signed this day, and by the declaration likewise delivered to-day by his Britannic Majesty's Ambassador Extraordinary and Plenipotentiary; and his Majesty declares that he is fully satisfied on this head.

"In regard to the fishery between the island of Newfoundland and those of St. Pierre and Miquelon, it is not to be carried on by either party but to the middle of the channel; and his Majesty will give the most positive orders that the French fishermen shall not go beyond this line. His Majesty is firmly persuaded that the King of Great Britain will give like orders to the English fishermen.

TREATY OF PARIS—1814.

And by further Treaties between the said great contracting parties, viz., by Article 8 of the Treaty of Paris, 1814, it was agreed that "His Britannic Majesty, stipulating for himself and his allies, engages to restore to His Most Christian Majesty, within the term which shall be hereafter fixed, the colonies, fisheries, factories, and establishments of every kind which were possessed by France on the 1st Jan., 1792, in the seas and on the continents of America, Africa and Asia, with exception, however, of the Islands of Tobago and St. Lucia, and the Isle of France and its dependencies, especially Rodrigues and Les Schelles, which several colonies and possessions His Most Christian Majesty cedes in full right and Sovereignty to His Britannic Majesty, and also the portion of St. Domingo ceded to France by the Treaty of

Basle, and which His Most Christian Majesty restores in full right and sovereignty to His Catholic Majesty." And by Article 13 of the said last-named Treaty, that "The French right of Fishery upon the Great Bank of Newfoundland, upon the Coasts of the Island of that name, and of the adjacent Islands in the Gulf of St. Lawrence, shall be replaced upon the footing in which it stood in 1792."

TREATY OF PARIS—1815.

And by Article 11 of the Treaty of Paris, 1815, that "The Treaty of Paris of the 13th of May, 1814, and the final Act of the Congress of Vienna of the 9th June, 1815, are confirmed, and shall be maintained in all such of their enactments which shall not have been modified by the Articles of the present Treaty."

CONSTRUCTION OF TREATIES.

Under the provisions of the Treaties the French have hitherto maintained that they enjoy—

1. An exclusive right of fishery on that portion of the Coast of Newfoundland, between Cape St. John and Cape Ray, passing round by the North of the Island.
2. That all British fixed settlements, of whatever nature, on that portion of the Coast, are contrary to Treaty.

The British Government, on the other hand, have maintained—

1. That British subjects have a right to fish concurrently with the French, so long as they do not interrupt the latter.
2. That the undertaking in the Declaration of 1783, to cause the removal of fixed settlements, referred only to fixed fishing settlements, and that fixed settlements of any other kind are not contrary to the declaration.

French fishermen have, moreover, been in the habit of fishing the rivers, and of barring them with nets and weirs, interrupting the free circulation of salmon, and thereby causing great injury to the salmon fishery.

The British Government, however, have always maintained that the French have no right to the fisheries in rivers.

LORD PALMERSTON'S NOTE—1838.

The position taken by the British Government upon the construction of the Treaties is clearly and ably stated by Lord Palmerston in his note of 10th July, 1838, to Count Sebastiani, the French Ambassador, in which, after quoting the Treaties and Declarations before referred to, and their interpretation by the French, Lord Palmerston sums up the matter as follows:—

"In order therefore to come to a right understanding of the question, it will be necessary to consider it with reference to historical facts, as well as with reference to the letter of the Declaration of 1783; and to ascertain what was the precise footing upon which the French fishery actually stood in 1792. Now it is evident that specific evidence would be necessary, in order to show that the construction which the French Government now desire to put upon the Declaration of 1783, is the interpretation which was given to the Declaration at the period when the Declaration was framed, and when the real intentions of the parties would have been best known."

"It would be requisite for this purpose to prove that, upon the conclusion of the Treaty of 1783, French subjects actually entered upon the enjoyment of an exclusive right to catch fish in the waters off the Coast in question; and that they were in the acknowledged enjoyment of the exercise of that right, at the commencement of the war in 1792. But no evidence to such effect has yet been produced."

"It is not indeed asserted by your Excellency, nor was it contended by Prince Talleyrand, in his note of 1831, to which your Excellency specially refers, that French subjects were, at the breaking out of the war in 1792, in the enjoyment of such an exclusive right; and moreover it does not appear that such right was claimed by France, or admitted by England, at the termination of the war in 1801, or at the peace of 1814."

"It is true that the privilege secured to the fishermen of France by the Treaty and Declaration of 1783—a privilege which consists in the periodical use of a part of the shore of Newfoundland for the purpose of drying their fish, has, in practice, been treated by the British Government as an exclusive right during the period of the fishing season, and within the prescribed limits; because from the nature of the case it would scarcely be possible for British fishermen to dry their fish upon the same part of the shore with the French fishermen, without interfering with the temporary establishments of the French for the same purpose, and without interrupting their operations. But the British Government has never understood the Declaration to have had for its object to deprive British subjects of the right to participate with the French in taking fish at sea off that shore, provided they did so without interrupting the French codfishery; and although in accordance with the true spirit of the Treaty and Declaration of 1783, prohibitory proclamations have from time to time been issued, on occasions when it has been found that British subjects, while fishing within the limits in question, have caused interruption to the French fishery; yet in none of the public documents of the British Government, neither in the Act of Parliament of 1788, passed for the express purpose of carrying the Treaty of 1783 into effect, nor in any subse-

quent Act of Parliament relating to the Newfoundland fishery; nor in any of the instructions issued by the Admiralty, or by the Colonial Office; nor in any proclamation which has come under my view, issued by the Governor of Newfoundland, or by the British Admiral upon the station; does it appear that the right of French subjects to an exclusive fishery, either of codfish, or of fish generally, is specifically recognized."

"In addition to the facts above stated, I will observe to your Excellency, in conclusion, that if the right conceded to the French by the Declaration of 1783, had been intended to be exclusive within the prescribed district, the terms used for defining such right would assuredly have been more ample and specific than they are found to be in that document. For in no other similar instrument which has ever come under the knowledge of the British Government, is so important a concession as an exclusive privilege of this description announced in terms so loose and indefinite."

"Exclusive rights are privileges which, from the very nature of things, are likely to be injurious to parties who are thereby debarred from some exercise of industry in which they would otherwise engage. Such rights are therefore certain to be at some time or other disputed, if there is any maintainable ground for contesting them; and for these reasons, when negotiators have intended to grant exclusive rights, it has been their invariable practice to convey such rights in direct, unqualified, and comprehensive terms, so as to prevent the possibility of future dispute or doubt."

"In the present case, however, such forms of expression are entirely wanting, and the claim put forward on the part of France is founded simply upon inference, and upon an assumed interpretation of words."

CONVENTION OF 1857.

In the year 1857 a convention was agreed to between the British and French Governments making large and valuable concessions to the French, one of the articles of which stated that it should come into operation as soon as the laws required to carry it into effect shall have been passed by the Imperial Parliament of Great Britain, and by the *Provincial Legislature of Newfoundland*.

According to the stipulations of this convention, an exclusive right of fishery and the use of the strand for fishery purposes was conceded to the French from Cape St. John, on the East Coast of Newfoundland, to the Quirpon Islands; and from the Quirpon Islands, on the North Coast, to Cape Norman; on the West Coast in and upon the following five fishery harbors, namely, Port-au-Choix, Small Harbor, Port-au-Port, Red Island and Codroy Island, to extend, as regards

these five harbors, to a radius of three marine miles in all directions from the centre of each such harbor. On other parts of the West Coast (the five harbors excepted) British subjects were to enjoy a "concurrent" right of fishing with French subjects, but French subjects were to have the exclusive use of the strand for fishery purposes from Cape Norman to Rock Point, in the Bay of Islands, north of the Humber River, in addition to the strand of the reserved harbors.

A "concurrent" right of fishing was also granted to French subjects on the coast of Labrador, from Blanc Sablon to Cape Charles, and of North Belle Isle.

With regard to the question of fixed establishments, the convention of 1857 stipulated that no British buildings or British enclosures should be erected or maintained on the strand reserved for French exclusive use. It was provided, however, that buildings which had stood for five successive seasons, previous to the date of the convention, without objection on the part of the French Government, should not be liable to removal without equitable compensation to the owners from the French Government. By the convention a limited right of jurisdiction was conceded to the French, and French naval officers were to have the power to enforce the French exclusive rights of fishing by the expulsion of vessels or boats attempting concurrent fishing; in the case of there being no British cruising vessel in sight, or made known to be present within a distance of five miles, French naval officers were likewise entitled to take such measures as occasion might require to put French fishermen in possession of any portion of the strand of which the exclusive use for fishing purposes was recognized by the convention.

It will thus be seen that, according to the terms of the Convention of 1857, France would have obtained an exclusive right of fishing on the northern extremity and north-eastern coast of Newfoundland, and also on five points of the western coast of the Island.

HOW IT WAS RECEIVED.

The intelligence of the making of this convention, as soon as its terms were made known, was received with feelings of the greatest alarm and indignation by the people of Newfoundland. Immediately upon the despatch containing a copy of the convention having been transmitted by the Governor to the House of Assembly, a resolution, proposed by Mr. (afterwards Sir Hugh) Hoyles, was adopted, setting forth "That this Assembly regard with feelings of extreme regret and surprise, as subversive of just rights and destructive to the best interests of the people of this Colony, the concession, without any real equivalent, of almost unlimited fishery privileges to the subjects of France, as granted in the convention transmitted to the

"House, and they desire to express their unanimous and unalterable determination never to give their assent to a measure so unjust."

This was followed by strong, independent and earnest Addresses from both branches of the Legislature, and by the appointment of delegates to proceed to London to oppose the carrying out of the Convention. The Speaker of the House of Assembly was authorized to communicate with the Legislatures of the neighboring colonies and ask their co-operation and assistance in the sustainment of the constitutional rights of the Colony. While the Legislature were thus prompt in the performance of their duty, the people were equally so. A mass-meeting of the people was called, at which resolutions were passed, expressing, in the most emphatic manner, their surprise and indignation at the unjustifiable concessions proposed to be made to the French, and clearly shewing that to assent to the convention would be to virtually hand over our fishing interests to the French. Delegates were also appointed by the people, to proceed to Britain to urge the Imperial authorities to refrain from putting the convention into operation, and to Nova Scotia, New Brunswick, Prince Edward's Island and Canada, to ask the assistance of the people of these Provinces in sustaining the constitutional principle that, as a Colony possessing Responsible Government, the coastal fisheries within the jurisdiction of the Colonial Government are the undoubted property of the people of Newfoundland, and cannot be alienated or shared with any foreign power, without the consent of the Local Legislature.

THE LABOUCHERE DESPATCH.

These efforts were crowned with success. The convention was abandoned by the British Government, and a despatch was sent by Mr. Labouchere, Secretary of State, to the Colonial Government which has since been regarded as the Magna Charta of the Colony in relation to all questions concerning the alienation or modification of its fishery rights. The despatch is dated March 26th, 1857, and states "that the rights enjoyed by the community of Newfoundland are not to be ceded or exchanged without their consent, and that the constitutional mode of submitting measures for that consent is by laying them before the Colonial Legislature," and that the consent of the community of Newfoundland is regarded by Her Majesty's Government as the essential preliminary to any modification of their territorial or maritime rights."

THE FORD-PENNEL ARRANGEMENT.

Since the Convention of 1857 a further arrangement has been attempted to be made between the British and French Governments in 1885, the effect of which would have been to give the French the exclusive right to all the good harbors on that part of the coast on

which they have fishery rights, leaving to Newfoundland the shore between the harbors, which is utterly worthless without the harbors. In addition to this, the French were to have the right to purchase bait on the shores of Newfoundland free from all duty or restrictions, and to be exempt from duty on goods imported for fishing purposes, and from the payment of light dues, port charges or other shipping dues. It is needless to say that this attempted sacrifice of the invaluable rights of Newfoundland was indignantly spurned by the Legislature.

THE FRENCH CLAIM THE LOBSTERS.

The next attack on the part of the French was to come from an entirely different quarter. For some years the lobster packing industry has been growing in value and importance, as will appear upon reference to the following figures:—

VALUE OF LOBSTERS EXPORTED.

1883	...	...	...	...	...	...	...	...	...	\$50,597
1884	...	...	...	...	...	...	...	...	...	60,782
1885	...	...	...	...	...	...	...	...	...	82,406
1886	...	...	...	...	...	...	...	...	...	145,481
1887	...	...	...	...	...	...	...	...	...	209,708
1888	...	...	...	...	...	...	...	...	...	385,077

In the year 1887 the French commenced to take and preserve lobsters on a part of the North-east coast, where they have fishing rights, and for that purpose erected a factory, and the French Government assumed to concede to the Company who owned the factory an exclusive right to take lobsters in that locality for five years. In 1888, two British subjects belonging to St. John's made arrangements for the establishment of a lobster factory at Hauling Point, in White Bay, but were obliged to abandon the venture by the French, who refused to allow them to take lobsters in that locality. The details of this occurrence will appear from the following despatch, from Governor Blake to the Secretary of State for the Colonies, dated July 10, 1888:—

MY LORD,—

I have the honor to forward for your Lordship's consideration, a statement from Messrs. McNeily & McNeily, solicitors for Messrs. Murphy & Andrews, who made arrangements for the establishment of a Lobster Canning establishment at Hauling Point, in White Bay—a place where, for more than forty years, no French subjects have carried on any kind of fishery—Messrs. Murphy & Andrews had

agreed last autumn with a number of the inhabitants to catch lobsters for them, and were to begin operations on the 25th June.

2. On the 10th of June Messrs. Murphy & Andrews arrived with the necessary plant and supplies for the season. On the 14th June a large number of Frenchmen arrived there. Messrs. Murphy & Andrews proceeded to erect the necessary boiling house for carrying on their business, and had their arrangements all but completed when the French warship "Drac" arrived at Hauling Point. The Commander, on Sunday, June 24th, informed Messrs. Murphy & Andrews that he would not allow them to take Lobsters in that locality, and further, that the French Government had conceded to the French Company there represented, an exclusive right to fish for Lobsters in that locality for five years.

3. In consequence of the interdict of the Commander of the "Drac," the men who had agreed with Messrs. Murphy & Andrews to supply them with Lobsters, refused to do so, and they have been obliged to abandon the venture, at considerable loss, for which they claim compensation, amounting to two thousand one hundred and eighty dollars and sixty-three cents. The particulars of the claims are attached to the statement.

4. Having ejected the British subjects from the place, the French Company have proceeded to erect an establishment of a permanent character, over three hundred feet in length, in which, from the report of Mr. Berteau, Sub-collector of Customs, which I enclose for your Lordship's information, it appears that they intend to carry on a Lobster Factory and general trading establishment, with accommodation for a large number of men. This savours more of regular annexation of that portion of our coast, than the temporary occupation of a portion of the shore for fishery purposes. As the cost of the erection of the boiling house, by Messrs. Murphy & Andrews, was one hundred and fifty dollars, including the labor, it is evident that it was not a fixed establishment, but a temporary erection to be removed at the end of the season.

5. My ministers protest very strongly against this assertion of French claims. They submit that the terms of the Treaty of Utrecht and the declaration of 1783, do not include the concession to the French of an industry then unknown. The Treaty of Utrecht gave to France the right to "catch fish and dry them on land." Lobsters are not fish, and the process of canning is not that of drying them. The taking of Lobsters does not, therefore, appear to come within the terms of the Treaty, and the assertion of French claims, as detailed in the enclosed statement, involves the practical exclusion of British subjects from an industry within British Territory, unknown when the French Treaty

rights occurred, and now of great and increasing importance to some thousands of British subjects settled on the coasts over which the French Treaty rights extend.

I have the honor to be, my Lord,

Your Lordship's most obedient, humble servant,

(Signed)

HENRY A. BLAKE,
Governor.

The Right Honorable,

LORD KNUTSFORD, G. C. M. G., &c.

In the Session of 1889 a Joint Committee of both branches of the Legislature was appointed for the purpose of considering the subject of British rights and French claims on that part of the Coast of Newfoundland on which the French have fishery privileges. This Committee presented a report, upon which the following Address to Her Majesty the Queen was adopted, which contains a full and clear expression of the position which the Colony assumes on the question of the Lobster industry. The text of the Address is as follows:—

MOST GRACIOUS SOVEREIGN,—

We Your Majesty's humble and devoted subjects, the Legislative Council and the Commons House of Assembly of Newfoundland, beg to approach Your Majesty with an expression of our loyalty and devotion to Your Majesty's person and Throne.

Upon us, as branches of the Colonial Legislature, has devolved the duty of considering the subject of British rights and French claims on that portion of the Coast of Newfoundland on which the French have certain fishery privileges, in special reference to certain claims asserted by subjects of France in the year 1888, in respect to the taking and preserving of Lobsters.

The claims of the French, in this behalf, have been now made for the first time.

The facts surrounding these new claims are set forth in certain correspondence, which has been brought before us as a Legislature, which correspondence has already been a matter of consideration for Your Majesty's Ministers, and has formed a subject of diplomatic communication between Your Majesty's Ministers and the Government of France.

This correspondence has reference to the grievances complained of by two of Your Majesty's subjects, one Murphy and one Andrews, who during the fishery season of 1888, were lawfully engaged in the prosecution of their business of taking and canning Lobsters at a place called Hauling Point, in White Bay, on the North East Coast of Newfoundland.

In connection with this correspondence and the grievances complained of, we have had occasion to regard and make reference to the action of our Colonial Legislature on former occasions, in respect of the large issues which are involved in the present subject of consideration; and we have had to revert to the assurances of Your Majesty, as, from time to time, given by Your Majesty's Ministers in confirmation of positions asserted and maintained by this Colony, as to the relative rights of British and French subjects on the Coast of Newfoundland under Treaties between the two great Powers.

In our present deliberations, we have been constrained to regard as a prominent cause of difficulty, these new claims, which in the case of Messieurs Murphy and Andrews, seem to involve the consideration, not only of Fishery rights, but also of Territorial rights, which have hitherto been unquestioned.

The facts set forth before us, which, in their material points are not the subject of dispute, warrant us in the expression of the opinion that in this particular case, as in others, there has been displayed at times, on the part of Imperial authorities, a disposition to make undue concessions in fishery matters to the aggressive claims of the subjects of France, and to subordinate to politic or diplomatic exigencies the undoubted rights of British subjects.

In the case of Messrs. Murphy and Andrews, it is apparent that the French have asserted a right to take and can lobsters, and to erect upon British territory, factories or establishments for the purpose of preserving lobsters.

With due devotion to Your Majesty, we cannot too strongly affirm the position taken by this Colony that the French have no right under any existing Treaty to take lobsters for commercial purposes in any territorial waters of this Island, and therefore *a fortiori*, we humbly contend that the French are unwarranted in the erection of factories or establishments upon our coasts, for the purpose of canning lobsters taken in British waters for the purposes of exportation and sale. The claims asserted by the French in this behalf with all humility we vehemently deny.

We are constrained to regard with regretful resentment, the fact that in the case under consideration, the removal of establishments erected by British subjects for the purpose of taking and canning lobsters, has been enforced by subjects of France, at the instance of the French authorities, a French warship assisting and a British warship interfering to support the unwarranted contention of the French.

By reason of these unwarranted claims, and by this interference with the rights of Your Majesty's subjects, much damage and loss

have accrued, and we have reason to believe that many of Your Majesty's subjects have been deprived of a means of subsistence for themselves and their families. We therefore regard with reasonable apprehension and alarm, the probability of further encroachments upon the rights of Your Majesty's subjects being made or attempted to be made by the subjects of France, the acquiescence in which encroachments must be disastrous to the interests of our people.

With all submission we are constrained to state to Your Majesty our position that the claims of the subjects of France in respect of the taking and preserving of lobsters upon our coasts, and also their claims in respect of the taking of salmon, which latter claims have also been a subject of our deliberations, are utterly without foundation and cannot be maintained, and that the action of French subjects in this behalf has been in violation of treaty obligations and of International Law, and that there has resulted therefrom a gross trespass upon the rights of British subjects, for which an exemplary compensation should be demanded from the Government of France.

Whilst we humbly submit to Your Majesty, that our assertions of right, as Your Majesty's subjects in this behalf, are unquestionable, we would further submit to Your Majesty the irrefragable character of our conclusions by reference to the following facts:

- (1.) Because it was declared by the Treaty of Utrecht that it should be unlawful for the French to erect buildings except those "*necessary and useful for drying of fish.*"
- (2.) Because the Treaty of Paris, (1763) restricted the liberty to "*fishing and drying.*"
- (3.) Because the Treaty of Versailles, (1783) speaks of "*the fishery assigned to them by the Treaty of Utrecht.*"
- (4.) Because the Declaration speaks of "*the fishery*" 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.*"
- (5.) Because the French King's Counter Declaration speaks of "*the fishery on the Coast of Newfoundland, which has been the object of the new arrangements.*"
- (6.) Because the Treaty of Paris, (1814) declares that the French right of fishery "*shall be replaced upon the footing in which it stood in 1792.*"
- (7.) Because there was no such industry as the Lobster Fishery in Newfoundland at any of these periods, and no such industry was heard of until within a few years past, and the

language used to describe "the fishery" which the French were entitled to pursue is utterly inapplicable to lobster catching, or the erection of factories for taking or canning lobsters."

Having regard to all the facts referred to and the necessary deductions relating therefrom, we are led to the expression of opinion, that, in this matter, that is to say in the assertion and protection of the rights of Your Majesty's subjects in Newfoundland against the aggressive and unwarranted claims of French subjects, and for the avoidance of discord, tumult and disturbance between the subjects of the two great Powers, it is necessary that some firm and vigorous action should be taken by the Colony with the co-operation and active assistance of Your Majesty's Government.

We humbly submit that such action should have special reference to the following points:

- (1.) To the protection of British Fishermen in the prosecution of their lawful avocations as regards the Lobster Fishery.
- (2.) To the resistance of the claims of the French now first asserted in respect of this new industry.
- (3.) To the removal of all Lobster Factories or buildings in connection with the Lobster Fishery, erected by French subjects upon Newfoundland Territory.
- (4.) To the assertion and protection of the right of British subjects, to the use of British territory in Newfoundland for agricultural, lumbering or mining purposes, without the interruption, molestation or interference of the French under any pretended Treaty claims.

For the causes herein set forth, and with the grievances herein complained of, we, Your Majesty's dutiful and loyal subjects, do therefore approach Your Majesty with the humble prayer, that Your Majesty will be pleased to take the same into gracious and favourable consideration, that Your Majesty will cause the same to be brought to the notice and consideration of Your Majesty's Ministers, that Your Majesty will graciously cause such action to be taken as shall lead to the removal of all Lobster Factories, or establishments, or buildings, connected with the Lobster industry, erected by the French upon the territory of Newfoundland, and to the prevention of any such erections in future; and that Your Majesty will be graciously pleased to cause it to be an instruction to the Commanders and Officers of Your Majesty's Ships, engaged in the protection of the Fisheries upon the Coast of Newfoundland, that they shall be aiding and assisting Your

Majesty's subjects in this Island, in the prevention of interference by the French with the prosecution of any lawful industries enterprised by British subjects in Newfoundland.

Deign to accept Most Gracious Sovereign our profoundest expression of loyalty and affection.

Passed the House of Assembly, 1st June 1889.

ALEX. J. W. MCNEILY, *Speaker*.

Passed the Legislative Council, 1st June 1889.

E. D. SHEA, *President*.

REPLY TO JOINT ADDRESS.

During the present Session of the Legislature the following Reply to the said Address was laid on the table of the Assembly :—

[COPY]
NEWFOUNDLAND,
No. 67.

DOWNING STREET, 9th Nov., 1889.

SIR,—

I have the honor to acknowledge the receipt of your despatch, No. 34, of the 1st June last, enclosing a Joint Address to the Queen, from the Legislative Council and House of Assembly of Newfoundland, relating to matters connected with the Newfoundland fisheries.

This Address, after alluding to the case of the removal last year of Messrs. Andrews & Murphy's Lobster Factory at White Bay, and referring to various clauses of the Treaties and engagements bearing upon the rights given to French fishermen, proceeds as follows:

"Having regard to all the facts referred to, and the necessary deductions resulting therefrom, we are led to the expression of opinion that in this matter, that is to say in the assertion that protection of the rights of your Majesty's subjects in Newfoundland is against the aggressive and unwarranted claims of French subjects, and for the avoidance of discord, tumult and disturbance between the subjects of the two great Powers, it is necessary that some firm and vigorous action should be taken by the colony with the countenance, co-operation and active assistance of your Majesty's Government."

"We humbly submit that such action should have special reference to the following points :—

- (1.) To the protection of British fishermen in the prosecution of their lawful avocations as regards Lobster Fishing.
- (2.) To the resistance of the claims of the French, now first asserted, in respect of this new industry.
- (3.) To removal of all Lobster Factories, or buildings connected with the Lobster Fishery, erected by French subjects upon Newfoundland Territory.
- (4.) To the assertion and protection of the rights of British subjects to the uses of British territory in Newfoundland, for agricultural, lumbering or mining purposes, without the interruption, molestation or interference of the French under any pretended Treaty claims."

I have to request that you will inform the Council and Assembly that their Address has been laid before the Queen, who was pleased to receive it very graciously, and with respect to the points referred to above, to which particular attention has been called, that you will state to them with regard to point 1; that the instructions given to the naval officers are framed with the view of the proper protection of British fishermen in the prosecution of their lawful fishery, but that the question whether the establishment of Lobster Factories on shore is consistent with the engagements with France is now the subject of discussion between the two countries, and that no further instructions can at present be given on this subject; that the Council and Assembly are aware that the British declaration of 1783 declares, that in order that the fishermen of the two nations may not give cause for daily quarrels, His Britannic Majesty will take the 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 Coasts of Newfoundland, and he will for this purpose cause the fixed settlements which shall be formed there to be removed. It is evident, therefore, that the fishery of British fishermen, whether Lobster or otherwise, must be carried on subject to the above restriction as to the non-interruption of the French fishery.

You will apprise the Council and Assembly with reference to points 2 and 3 that the pretensions of the French in regard to the Lobster Fishery and the erection of Lobster Factories on shore are disputed by Her Majesty's Government, who, however, trust that some understanding may be arrived at with the French Government between the present time and the opening of next year's fishery season, and that Her Majesty's Government altogether deprecate any action such as is suggested, whilst the matter is the subject of diplomatic negotiation. With reference to point 4, Her Majesty's Govern-

ment can only return an answer to the memorialists similar to that given to a recent memorial from the inhabitants of the West Coast of Newfoundland, which was transmitted in the Governors despatch of the 16th of March last. These memorialists, amongst other things, requested free access to the Coast for the purpose of mining, ship-building and all other operations, and grants of land unhampered by certain conditions which were then referred to.

The reply given to the memorialists as to free access to the Coast for mining operations, was to the effect that this matter was, to a great extent, dealt with in the arrangement of 1885, which, much to the regret of Her Majesty's Government, was rejected by the Newfoundland Legislature; that until some fresh arrangement should have been made with the French in the matter of the fisheries, such free access as is desired for the purpose mentioned could not be given by Her Majesty's Government; and with respect to the question of the issue of grants of land unhampered by the conditions subjecting such grants to a reservation in favor of French rights, the memorialists were informed that Her Majesty's Government regretted that they were unable, in the present position of the Fishery Question, to meet the wishes of the memorialists. The memorialists were, however, assured that any favorable opportunity which might present itself for arriving at a settlement with the Government of France of the general question of the fisheries would not be neglected by Her Majesty's Government.

THE "MODUS VIVENDI."

The next information that the people of Newfoundland received, relative to the taking of Lobsters by the French, was in a public telegram received at the Athenæum Reading-room, on the 14th of March last, which stated that "England and France have agreed to *Modus Vivendi* with Newfoundland to extend right of fishing and canning Lobsters to parties under strict obligations not to molest each other."

On the same day the following message was sent by the Governor to the Legislative Assembly:—

FROM T. O'BRIEN, Lt.-Col., Governor.

"The Governor herewith sends a telegram received from the Right Honourable Secretary of State for the Colonies, received on the 12th day of March present, relative to the *modus vivendi* entered into between the British and French governments, relative to the establishment of Lobster Factories on the coast of Newfoundland, where the French enjoy rights of fishing conferred by Treaties.

"Following is text of "Modus Vivendi," as agreed to:—

"The question of principle and of respective rights being entirely reserved on both sides, the British and French governments agree that the "Status quo ante" shall be maintained during the ensuing season, on the following basis:—

"Without France or Great Britain demanding at once a new examination of the legality of the installation of British or French Lobster Factories on the coast of Newfoundland where the French enjoy rights of fishing conferred by the Treaties, it is understood that there shall be no modifications in the position occupied by the establishments of either country on the 1st July, 1889: except that a subject of either nation may remove any such establishment to any spot on which the Commanders of the two naval stations shall have previously agreed.

"No Lobster Fisheries which were not in operation on the 1st July, 1889, shall be permitted, unless by joint consent of the Commanders of British and French naval stations.

"In consideration of each new Lobster Fishery so permitted, it shall be open to the fishermen of the other country to establish a new Lobster fishery on some spot to be similarly settled by joint agreement between the naval commanders.

"Whenever any case of competition with respect to a Lobster Fishery arises, the Commanders shall proceed on the spot to a provisional delimitation having regard to the situation acquired by the two parties.

"N.B.—It is well understood that this arrangement is quite provisional, and shall only hold good for the fishing season which is about to open.

"Government House, March 14th, 1890."

ACTION OF LEGISLATURE.

Immediately upon receipt of this message the Legislative Assembly adopted the following resolutions which were concurred in by the Legislative Council:—

"*Resolved*,—That, referring to the assurances of Her Majesty's Government that the fishing rights of her Majesty's subjects in Newfoundland should never be interfered with except with the consent of the Legislature of the Colony, and also referring to the Address of both branches of the Legislature to Her Most Gracious Majesty the Queen, passed during its last session, the Legislative Assembly has

received with surprise and alarm the *modus vivendi* referred to in the message of His Excellency the Governor, which appears to be concluded by Her Majesty's Government with the Government of France.

"*Resolved*,—That the permission in the *modus vivendi* given to France, to erect factories, is most objectionable, being indicative of an apparent right which really has no existence, and that it is in direct opposition to the position heretofore taken by Her Majesty's Government.

"*Resolved*,—That the Legislative Assembly most emphatically protest against the *modus vivendi*, as being calculated to seriously prejudice British fishing and territorial rights.

"*Resolved*,—That a copy of these resolutions be immediately transmitted to His Excellency the Governor, to be telegraphed to the Right Honorable the Secretary of State for the Colonies."

WHAT THE PEOPLE SAID.

The information that this *modus vivendi* had been agreed to by the British Government without the consent of the people of Newfoundland, and in face of the strong Address so recently forwarded to the Secretary of State for the Colonies, raised a storm of indignation in the minds of the people. On the 18th of March a public meeting of the citizens of Saint John's was held in the Athenæum Hall at which the following resolutions, among others, were passed:—

Resolved,—That the magnitude of the concessions involved in the said *modus vivendi* and the manner in which this arrangement has been effected, imperatively demand the utmost unity of action and the most emphatic declaration of opinion and sentiment on the part of the people of this colony; and we are therefore of opinion that a requisition should be prepared, addressed to the Sheriff of the Central District, asking him to call a mass-meeting of the citizens of St. John's, at an early date, in order to determine the course of action which the exigencies of the case demand.

Resolved,—That a committee consisting of the Chairman and Secretary, and the several persons who have spoken to the resolutions adopted at this meeting, be appointed to make all necessary arrangements for the said mass meeting, and that the said committee have power to add to their numbers.

THE MASS-MEETING.

The following gentlemen composed the said Committee:—Hon. James J. Rogerson (Chairman), James Baird, Esq., P. J. Scott, Esq., Q.C., Sir James S. Winter, K.C.M.G., John MacDougall, Esq., M. Fenelon, Esq., D. J. Greene, Esq., Q.C., Rev. George Boyd, P. R. Bowers, Esq., Nathaniel March, Esq., Sir Robert Thorburn, K.C.M.G., P. J. O'Neil, Esq., and James J. Callanan, Esq.

In accordance with the said resolutions a large number of citizens were added to the Committee and a mass meeting was called by the Honourable Thomas Talbot, High Sheriff for the Central District, and was held in Bannerman Park on Wednesday, the 26th of March. The demonstration which preceded the meeting was the most imposing which had ever been held in Newfoundland. At this meeting the following resolutions were unanimously adopted, namely:—

THE FIRST RESOLUTION

Was proposed by P. J. Scott, Esq., Q.C., seconded by CHARLES TESSIER, Esq., and supported by REV. GEORGE BOYD, and is as follows:—

"Whereas the negotiations leading to the adoption of the Modus Vivendi between Her Majesty's Government and the Government of France were commenced and carried on, and the arrangement itself concluded, without the consent, and even without the knowledge, of the community or Legislature of this colony.

"And whereas it is a fundamental principle of Responsible Government that the people shall directly, or through their representatives in parliament assembled, be consulted concerning all matters appertaining to their Government, and more especially to their territorial and maritime rights.

"And whereas the application of this Constitutional principle to this Colony has been especially guaranteed by Her Majesty's Government in a despatch bearing date the 26th day of March, A.D., 1857, stating "that the rights enjoyed by the community of Newfoundland are not to be ceded or exchanged without their consent, and that the constitutional mode of submitting measures for that consent is by laying them before the Colonial Legislature," and "that the consent of the community of Newfoundland is regarded by Her Majesty's Government as the essential preliminary to any modification of their territorial or maritime rights;"

"Be it therefore Resolved,—That the commencement, continuation and conclusion of the negotiations for the Modus Vivendi without the knowledge and consent of the community or Legislature, are in direct violation of our Constitutional rights, and of the particular engage-

ment with the people of Newfoundland which Her Majesty's Government voluntarily made; against which violation we record our most earnest protest, and to which we as a free people will never consent."

THE SECOND RESOLUTION

Was proposed by SIR JAMES S. WINTER, Q.C., K.C.M.G., seconded by JAMES BAIRD, Esq., and supported by EDGAR R. BOWRING, Esq., and is as follows:—

"Whereas the claims put forward by the French (1) to catch and preserve Lobsters, (2) to erect Lobster factories, and (3) to exclude our people from the prosecution of that industry, on certain parts of our coasts, are utterly without foundation or show of reason.

"And Whereas the exercise of such claims involves, in its consequences, not only directly the deprivation of our people of a valuable maritime industry, but also indirectly the settlement of a new French population with a permanent footing upon our soil, the locking up of the territorial resources of the colony, the extinction of every valuable industry and source of wealth to our people, and the virtual transfer of the sovereignty of the soil to a foreign power.

"And whereas the terms of the so-called *modus vivendi* not only accord to these unfounded pretensions the force and status of *bona fide* and reasonable claims, but confer upon the French the immediate actual possession and enjoyment of rights, territorial and maritime, to which these claims relate.

"And whereas these concessions, fraught as they are with dangers and consequences to our most sacred rights and most vital interests, so stupendous and far reaching, are entirely incompatible with the proper and effective maintenance of that position which unquestionably belongs of right to this colony and its people.

"And whereas the terms of the present arrangement clearly point to some contemplated settlement of disputes with the French, and in which their claims not only to further fishing privileges on our coasts, but to the permanent occupation and sovereignty of the soil, will be, or may be conceded.

"Be it therefore Resolved,—That for these further reasons, this meeting indignantly protests against the making of this arrangement; that the claims now set up by the French in relation to the Lobster fishery ought to have been met only by an absolute and unqualified denial; and that no arrangement, either for arbitration or otherwise, involving even the consideration of any possible right or claim on the part of the French to catch and preserve lobsters on our coast, to erect factories on our soil, or to hinder or interfere with our people in the prosecution of that industry, will we ever give our consent.

THE THIRD RESOLUTION,

Proposed by D. J. GREENE, ESQ., Q.C., M.L.A., seconded by ALEXANDER MACDOUGALL, ESQ., and supported by M. H. CARTY, ESQ., M.L.A., was as follows:—

“ *Whereas* it is apparent that development of the great natural internal resources of this colony is necessary to provide its inhabitants with the means of livelihood, and to stay the tide of emigration from our shores.

“ *And whereas* railways projected in order to promote the development of these resources, and necessary thereto, will entail great burdens upon the people of the colony.

“ *And whereas* that portion of the Island upon the coast of which the French have certain fishery rights is rich in agricultural, mining and lumbering capabilities.

“ *And whereas* the rights and claims of the French upon that coast are enforced in such manner as to prevent the development of these great resources by the inhabitants of the colony, grants of land and minerals being given ‘subject to French treaty rights,’ whereby capitalists are prevented from investing.

“ *And whereas* the presence of French fishermen upon our coast, and their denial of our concurrent right to fish for cod, and of our exclusive right to take lobsters, give cause for daily quarrels in the fishing season, and much oppress our fishermen

“ *And whereas* the treaties under which the French have rights and set up claims were undeniably framed, more than a century ago, solely with a view to the exigencies of the Kingdom of Great Britain and Ireland, and without regard to the condition of affairs which time has brought about in this colony.

“ *Be it therefore resolved*—That it is absolutely necessary to the prosperity of the inhabitants of this colony that the last vestige of French rights shall be removed,

“ That it is the imperative duty of the British government to relieve us of the burden placed upon us by the same agency so many years ago, and under which we have so long suffered,

“ That no arbitration or other arrangement should be entered into between the British government and the government of France, which does not have as a basis that French claims to territorial and maritime rights in this colony are to be totally extinguished.

“ And that the Legislature, and the government of this colony should never consent to the commencement, prosecution or conclusion of any arrangement which does not have the aforesaid condition as ‘the essential preliminary.’”

THE FOURTH RESOLUTION,

Proposed by MAURICE FENELON, Esq., seconded by P. R. BOWERS, Esq., and supported by M. J. O'MARA, Esq., was as follows:—

Whereas it is desirable that united action of the people of Newfoundland should be had in protecting the rights of this colony against the encroachments of the French;

Resolved,—That the committee who have had charge of the arrangements of this meeting shall have power,—

1. To invite the co-operation of the people of the outports;
2. To prepare a Memorial to Her Most Gracious Majesty the Queen, and to both Houses of Parliament, in accordance with the foregoing Resolutions;
3. To choose Delegates to present said Memorials, and to place our case before the people of Great Britain and Ireland and the British Colonies;
4. To adopt such further measures as may be deemed advisable for the promotion of the objects of this meeting."

APPOINTMENT OF DELEGATES.

At a subsequent meeting of the said Committee, the following resolutions were unanimously adopted:—

Resolved,—That a delegation consisting of Sir J. S. Winter, Q.C., K.C.M.G., P. J. Scott, Esq., Q.C., and A. B. Morine, Esq., M.L.A., be appointed to proceed to England to lay the case of the people of the Colony before Her Majesty's Government and to enlist the support of the British public.

Resolved,—That a delegation consisting of D. J. GREENE, Esq., Q.C., M.L.A., P. R. BOWERS, Esq. and DONALD MORISON, Esq., M.L.A., be appointed to proceed to Canada to enlist the support of the Canadian people.

In concluding this brief summary we do not propose to add anything to the foregoing statement of facts, and are satisfied to abide by the judgment of the candid reader as to whether our grievances are well-founded. We ask that justice shall be done to the people of Newfoundland in this matter, and that the present intolerable condition of affairs shall be remedied. The burdens under which the people of this colony labor have not been of their own making, but are the result of circumstances for which they are not responsible. A century ago, when the colony was merely a fishing-station, when settlement was prohibited by law, and the policy of the Mother Country was to prevent development in every direction except that

of the fisheries such a condition of affairs might not specially demand attention, but under the altered circumstances of the age in which we live, it calls loudly for remedy. Newfoundland is the oldest and one of the most valuable jewels of the British Crown. Situated in the direct path of commercial traffic between the Eastern and Western hemispheres, and commanding the entrance to the Great British North American provinces, it is of the utmost importance that Newfoundland should be free from the claims of any foreign nation. In no other British colony would such a condition of affairs as exists in Newfoundland be tolerated for a moment. While we see our territory invaded by a foreign nation, our resources locked up, our fisheries ruined by unequal competition, and our population compelled to leave the land of their birth in search of a livelihood, we are powerless to remove the cause of these evils. For considerations of Imperial policy our interests as a colony are being sacrificed, and in our helplessness we appeal to our British fellow-subjects for their sympathy and assistance.

For the delegates who go to present our case we ask the most cordial co-operation, and with the earnest hope that their efforts may be eminently successful we subscribe ourselves.

On behalf of the Committee of the people of Newfoundland,

Yours Respectfully,

JAMES J. ROGERSON, .
Chairman.

JOHN MACDOUGALL,
Secretary.

ly de-
age in
is the
Crown.
Eastern
to the
utmost
of any
tion of
oment.
our re-
on, and
arch of
s. For
e being
fellow-

ne most
ts may

nd,

N, .
chairman.

L,
secretary.

