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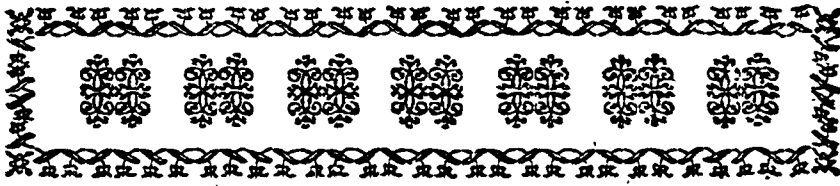
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B I L L

T O

Enable His Majesty to make such Regulations as may be necessary, to prevent the Inconvenience which might arise from the Competition of His Majesty's Subjects and those of the Most Christian King, in carrying on the Fishery on the Coasts of the Island of Newfoundland.

28 Geo. III.  
1788.



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# B I L L


T O

Enable His Majesty to make such Regulations as may be necessary, to prevent the Inconvenience which might arise from the Competition of His Majesty's Subjects and those of the Most Christian King, in carrying on the Fishery on the Coasts of the Island of *Newfoundland*.

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**WHEREAS**, by the Thirteenth Article of the Treaty concluded at *Utrecht* on the Fourth Day of *April* New Style, in the Year of our Lord One thousand Seven hundred and Thirteen, between her late Majesty Queen *Anne* and the Most Christian King *Louis* the Fourteenth, it was among other Things agreed, That the Island called *Newfoundland*, with the adjacent Islands, should from that Time forward belong of Right wholly to *Britain*, and to that End the Town and Fortrefs of *Placentia*, and whatever other Places in the said Island were in the Possession of the *French*, should be yielded and given up,

A within

- 2 within Seven Months from the Exchange of the Ratification of that Treaty, or sooner if possible, by the Most Christian King, to those who had a Commission from the Queen of *Great Britain* for that Purpose; nor should the Most Christian King, his Heirs or Successors, or any of their Subjects, at any Time thereafter, lay claim to any Right to the said Island and Islands, or to any Part of them; moreover, it should 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 useful for drying of Fish, or to resort to the said Island beyond the Time necessary for fishing and drying Fish: That it should be allowed to the Subjects of *France* to catch Fish, and to dry them on Land, on that Part
- 3 only, and in none other besides that Part of the 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, and reaches as far as the Place called *Cape Riche*:

AND whereas, by the Fifth Article of the Treaty of Peace, concluded at *Paris* on the Tenth Day of *February* One thousand Seven hundred and Sixty-three, between His Majesty and the late Most Christian King *Louis* the Fifteenth and his Most Catholic Majesty, it was among other Things agreed, That the Subjects of *France* should have the Liberty of fishing and drying on a Part of the Coast of the Island of *Newfoundland*, such as is specified in the Thirteenth Article of the Treaty of *Utrecht*, which Article is confirmed and renewed by the present Treaty:

- 4 AND whereas, by the Fifth Article of the Definitive Treaty of Peace, concluded at *Versailles*, between His Majesty and the Most Christian King, on the Third Day of *September* One thousand Seven hundred and Eighty-three, it was among other Things agreed, That His Majesty the King of *Great Britain* should be 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 *Saint Pierre* and *Miquelon*, which were ceded in full Right, by the said Treaty of the Third Day of *September* One thousand Seven hundred and Eighty-three, to his Most Christian Majesty; and that his Majesty the Most Christian King, in order to prevent the Quarrels which had before then arisen between the Two
- 5 Nations of *England* and *France*, consented to remove the Right of Fishing which belonged to him in virtue of the aforesaid Article  
of

of the Treaty of *Utrecht*, from *Cape Bonavista* to *Cape Saint John*, situated on the Eastern Coast of *Newfoundland*, in Fifty Degrees North Latitude, and His Majesty the King of *Great Britain* consented, on His Part, that the Fishery assigned to the Subjects of his Most Christian Majesty, beginning at the said *Cape Saint John*, passing to the North, and descending by the Western Coast of the Island of *Newfoundland*, should extend to the Place called *Cape Rage*, situated in Forty-seven Degrees and Fifty Minutes Latitude : The *French* Fishermen should enjoy the Fishery which was assigned to them by the said Article, as they had the Right to enjoy that which was assigned to them by the Treaty of *Utrecht* : 6

And whereas, by a Declaration delivered by His Majesty's Ambassador Extraordinary to his Most Christian Majesty, bearing Date also on the said Third Day of *September* One thousand Seven hundred and Eighty-three, His Majesty engaged not only to insure the Execution of the last-mentioned Treaty with His known good Faith and Punctuality, but to give all possible Efficacy to such Principles as may prevent Dispute; and, that the Fishermen of the Two Nations may not give Cause for daily Quarrels, was pleased to engage that He would take the most positive Measures for preventing His Subjects from interrupting in any Manner, by their Competition, the Fishing of the *French*, during the temporary Exercise thereof which is granted to them upon the Coasts of the Island of *Newfoundland*, and that He would for that Purpose cause the permanent Settlements which should be formed there to be removed; and that He would give Orders that the *French* Fishermen should not be incommoded in the cutting of Wood necessary for the Repair of their Scaffolds, Huts, and Fishing Boats; and that the Thirteenth Article of the Treaty of *Utrecht*, and the Method of carrying on the Fishery which had at all Times been acknowledged, should be the Plan upon which the Fishery should be carried on there, and that it should 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 : 7 8

And whereas it is expedient, in Conformity to the Definitive Treaty of Peace and the Declaration aforesaid, that His Majesty's Subjects should be prevented from interrupting in any Manner, by their Competition, the aforesaid Fishery of the  
 B Subjects

Subjects of his Most Christian Majesty, during the temporary Exercise thereof which is granted to them on the Coast of *Newfoundland*; and that all permanent Establishments on that Part of the Coast allotted to the *French* Fishermen should be removed; and that such Fishermen should be in no Manner molested, 9 contrary to the Tenor of the said Treaty, and the good Faith thereof:

In Order, therefore, that His Majesty may be the better enabled to carry the said several Treaties and Declarations into faithful and punctual Execution, and to make such Regulations as may be expedient, respecting the Fishery, in the Manner hereinafter mentioned, **Be it Enacted** by the KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for His Majesty, His Heirs and Successors, by Advice of Council, from Time to Time, to give such Orders and Instructions to the Governor of *Newfoundland*, or to any Officer or Officers on that Station, as he or they 10 shall deem necessary and proper to fulfil the Purposes of the Definitive Treaty and Declaration aforesaid; and, if it shall be necessary to that End, to give Orders and Instructions to the Governor, or other Officer or Officers aforesaid, to remove, or cause to be removed, any Stages, Flakes, Train Vatts, or other Works whatever, for the Purpose of carrying on Fishery, erected by His Majesty's Subjects on that Part of the Coast of *Newfoundland* which lies between Cape *Saint John*, passing to the North, and descending by the Western Coast of the said Island to the Place called Cape *Rage*, and also all Ships, Vessels, and Boats belonging to His Majesty's Subjects, which shall be found within the Limits aforesaid, and also, in case of Refusal to depart from within the Limits aforesaid, to compel any of His Majesty's Subjects to depart from thence; any Law, Usage, or Custom to 11 the contrary notwithstanding.

And be it further **Enacted** by the Authority aforesaid, That if any Person or Persons shall refuse, upon Requisition made by the Governor, or any Officer or Officers acting under him, in pursuance of His Majesty's Orders or Instructions as aforesaid, to depart from within the Limits aforesaid, or otherwise to conform to such Requisition and Directions as such Governor, or other Officer as aforesaid, shall make or give for the Purposes aforesaid, every such Person or Persons so refusing, or otherwise 12 offending

offending against the same, shall forfeit the Sum of  
to be recovered in the Court of Session or Court of Vice Admi-  
ralty in the said Island of *Newfoundland*, or by Bill, Complaint, or  
Information in any of His Majesty's Courts of Record in  
*Westminster*, of such Penalty to belong to His Majesty, His Heirs and Successors, and to such Person or Persons as shall sue or prosecute for the same: Pro-  
vided always, That every such Suit or Prosecution, if the same be  
commenced in *Newfoundland*, shall be commenced within  
and if commenced in any of His Majesty's Courts  
of Record at *Westminster*, within from the Time  
of the Commission of such Offence. 12