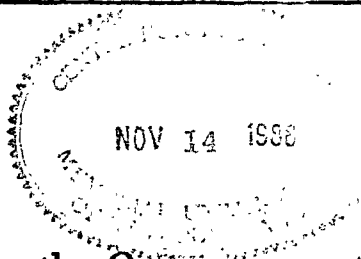


CONFIDENTIAL.

(3920.)



Further Correspondence respecting the Occurrences at Fortune Bay, Newfoundland, in January 1878.

[In continuation of Confidential Paper No. 3851.]

No. 1.

Mr. Bramston to Lord Tenterden.—(Received December 10.)

My Lord,

Downing Street, December 10, 1878.

I AM directed by the Secretary of State for the Colonies to transmit to you a copy of a despatch from the Governor of Newfoundland, inclosing, with other papers, an Address from the House of Assembly, urging that, with the view of putting an end to the traffic in bait and ice which is carried on between the Newfoundland fishermen and the fishermen of the United States, to the detriment, as is alleged, of the bait fisheries of the island, directions may be given for causing the provisions contained in the Convention with the United States of 1818 and the Imperial Act 59 Geo. III, cap. 38, to be put in operation.

2. Upon the receipt of this despatch, Sir Michael Hicks Beach caused a reference to be made to the Inspectors of Salmon Fisheries in this country, a copy of which reference, together with a copy of their reply, is inclosed.

3. I am desired to refer you in connection with this question to the despatch from the Governor of Newfoundland No. 104 of the 31st October, 1877, and to the reply which was returned to Sir John Glover, a draft of which accompanied the letter from this Department of the 14th December last.

4. Sir Michael Hicks Beach proposes to reply to the Governor's present despatch in the terms of the draft inclosed, but before doing so he would be glad if the Marquis of Salisbury would take the papers into his consideration and apprise him whether he concurs in this reply.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 1.

Governor Sir J. Glover to Sir M. Hicks Beach.

Sir,

Government House, June 26, 1878.

I HAVE the honour to inclose, for your consideration, a copy of an Address from the House of Assembly, accompanied by a Report of a Select Committee of the House, with evidence taken on the subject of the traffic in bait and ice, and its effect on the cod fishery of the country.

2. I may observe that this Address and Report represent a very strong opinion prevailing generally throughout the Colony on the matter in question, and it is hoped that Her Majesty's Government may find themselves able to comply with the wish expressed in the Address, and to enforce the provisions of the Convention and Act therein mentioned.

3. It was at first proposed in the Legislature that a special Act should be passed to prohibit the traffic, and the alternative of the present Address was adopted at the suggestion of the Government, who thought it the more expedient course of action.

I have, &c.

(Signed) JOHN H. GLOVER.

Inclosure 2 in No. 1.

Report of the Select Committee on Bait and Ice Traffic.

(Presented by the Hon. Mr. Shea, April 8, 1878.)

To his Excellency Sir John H. Glover, K.G., C.M.G., Governor and Commander-in-chief in and over the Island of Newfoundland and its Dependencies.

May it please your Excellency,

THE House of Assembly beg to acquaint your Excellency that they have had under consideration and have unanimously adopted the accompanying Report of a Select Committee of this body, appointed to inquire into the question of the traffic in bait and ice in relation to its effect on the staple industry of the country. The House are deeply impressed with a sense of the necessity of giving effect to the recommendation of the Committee that this traffic should be prohibited, and would have proceeded to the enactment of a measure for this purpose, but that all necessary provisions are deemed to be contained in the Convention of 1818, and the Imperial Act 59 Geo. III, cap. 38, based on the said Convention, and this House respectfully pray that your Excellency will be pleased to request through Her Majesty's Principal Secretary of State for the Colonies that directions may be given for causing the provisions of said Convention and Act to be put in operation, and the House have the confident trust that your Excellency will not fail to impress on Her Majesty's Government the urgency of the reasons which have moved the House to the conclusion at which they have arrived on this vitally important matter.

(Signed) J. S. WINTER, *Speaker.*

House of Assembly, April 13, 1878.

A true copy from the Journals of the Assembly.

(Signed) JOHN STUART, *Clerk, House of Assembly.*

Committee Room, House of Assembly, April 8, 1878.

The Select Committee to which was referred the question of the traffic in bait and ice beg to report that they have given full consideration to that important matter. They have examined a large number of witnesses whose evidence is annexed, and have also considered the several Petitions which have been presented to the House praying that restrictions may be imposed on that traffic.

The evidence of the persons examined and the facts set forth in Petitions show a remarkable concurrence of opinion as to the ruinous consequences to flow from a continuance of the wholesale capture of the bait. The Petitions are from every leading place in the country embraced within the limits visited by American fishermen for the purpose of purchasing or taking bait, and the Committee were struck during the examination of the witnesses, who represented all classes interested in the trade and fisheries of the country, with the tone of concern and apprehension with which the wholesale traffic in bait is regarded in its bearing on the future prospect of the Colony. It must also be observed that this feeling is not the result of agitation on the subject, from which it has been entirely free, but is the spontaneous expression of the convictions of the people that great impending evil is before them if the taking of the bait is not made subject to some limitations. In entering on the question, therefore, the Legislature are not originating a movement, but are the exponents of the unanimous sentiment which thus seeks expression and some adequate remedy. There may be a reasonable difference of opinion as to how far the disastrous results of the past two years' fishery on a large part of the coast is referable to this cause, while in some degree the shortcomings seem clearly chargeable to the bait traffic. Bad seasons in the natural order of things are a part of the history of fisheries, and the Committee are anxious not to confound what is normal in our condition with those results that may be legitimately traceable to the special causes which form the subject of the inquiry in which the Committee have been engaged.

The weight of the testimony laid before the Committee justifies the conclusion that the bait on which the successful prosecution of our staple industry is dependent is perilously affected by the constant disturbance to which it is subjected in procuring the large supply required for the demands of foreign fishermen. The bait comes periodically on our coasts to deposit its spawn, and all reason and experience show that if some degree of repose be not accorded to it, other haunts will be sought out where this natural requisite will be

secured. The practice of the local fishermen is to obtain their bait early or late in the day, and this leaves the greater portion of the twenty-four hours a period of necessary quiet. Since Americans have in large numbers begun to visit our coast, the process of bait capture has been more or less continuous during the day-time, and the effect of this, as is very generally experienced, would seem to be the driving of the bait fisheries into deep water, where it cannot be taken, leaving the local fishermen often idle at that critical period of the season when a few days may determine the question of a bad or successful issue of the year's operations. This applies especially to the caplin bait. As regards the herring, which is the bait of the earlier season, the demand for the purposes of foreign fishermen having regard to the limited supply frequently absorbs the whole quantity, and we have sometimes found our own cod-fishery entirely suspended by reason of the traffic with foreigners. A notable instance of this fact occurred last spring in the Harbour of Placentia, when, after the foreign demands had been satisfied, the place remained depleted of the herring bait for the remainder of the season, with corresponding consequent loss to those engaged in the ordinary avocations of the county. Our other bait is the squid or calamany, on which we depend for our late summer and fall fishery. Its visits are most uncertain as to season, and but rarely is the supply continuous. It is shown in evidence that in the last year this bait appeared in large quantities on the coast, but by reason of the enormous quantity taken for sale to American fishermen it soon disappeared, and at the end of the season, during which it might reasonably be supposed that a moderate quantity would be available at least occasionally, not only were numbers of American fishermen unable to obtain bait, but the local fishermen were without any supply, which fact has materially added to the amount of pauperism which the disastrous cod-fishery of the past year has inflicted upon thousands of our hard-working population.

From this evident over-fishing on our coasts, the people of this Colony reasonably apprehend the most alarming consequences. There are striking evidences of the justice of their conclusions in the present condition of the herring fishery in Fortune Bay on our south-west coast, where from over-fishing and maltreatment these fish have to such an extent abandoned that locality that for the past two or three years the operations there have been a comparative failure during the winter season, while formerly the supply was certain and unlimited. It is also well known that on the American coast large sections have been rendered barren from over-fishing, and to this fact is doubtless attributable the increasing numbers of American fishermen who now resort to the coasts of this island to pursue their avocations. Most justly, then, are the fears of the people of this Colony excited at the prospect indicated by the experience referred to, and when it is considered that our fisheries mean our all, and that a bait supply is the indispensable condition of cod-fishing, the issue involved is this question—"Shall we maintain or shall we annihilate the means on which this Colony must be dependent for its future prosperity?"

Your Committee are not unmindful of the privileges conceded to American fishermen by the Washington Treaty to take fish on our coasts, and, though sensible of the niggard and unfair dealings of the American Government in their interpretation of our rights under that instrument, we do not seek any abridgment of the concessions to which they are entitled. We freely admit their rights to fish on our coasts, and it cannot be overlooked that the continued value of this privilege must be seriously compromised in their interest if from over-fishing or other abuse our bait supply becomes seriously lessened. The fishing is not, of course, in their case, as in ours, the sole resource, but their interests must also in a degree be prejudiced by the facts adverted to, from which we ourselves must foresee evils of a character graver and more extensive as far as the interests of the British fishermen of this Colony are concerned.

In every interest then involved in our fisheries some measures of conservative restraint become a vital necessity. In the Treaty of 1818 the privileges of American fishermen on our coasts between Rameo Islands along the south and east coasts to Cape John were limited to the purposes of shelter and procuring wood and water, so jealous were the Imperial authorities of that day of any interference with the national and prescriptive rights of the fishermen of Newfoundland. Under the Treaty of Washington these rights have been enlarged to the extent of enabling American fishermen to catch fish within the limits above named; but this privilege is admittedly subject to the operation of such laws as the local Legislature shall from time to time enact, and which shall have a general application to the conduct of the fisheries. The right to take fish on our coasts and to obtain supplies of wood and water comprise the American privileges at the present time, subject to the general laws of the Colony for the government of the fishery. On all subjects lying outside the limits thus indicated the authority of the Legislature to make provision for the necessities of the people is beyond the reach of controversy. On the subject of the traffic in bait and ice, which has grown up incidentally from the operation of the Washington

Treaty, the preliminary decision arrived at before the Commission at Halifax excluded this traffic from the contemplation of the Commissioners, as not being within the terms of the Treaty; and the right of the British North American Legislatures to regulate that traffic was formally and necessarily admitted. Your Committee are satisfied by evidence that the evils under consideration mainly grow out of this traffic, and that the principal actors are not the Americans, but our own people, who recklessly disregard the public permanent welfare, as well as their own, in the suicidal desire for immediate gain, which it is shown in evidence is more than counterbalanced by the consequent neglect of their usual avocations. Even those who immediately profit by it are not unwilling to see the traffic restricted, for some of them who were amongst the witnesses examined by the Committee urged the enactment of a regulating law as necessary to preserve the bait from utter destruction.

Your Committee are not insensible of the difficulties that lie in the way of such legislation, and they feel that it can only be justified by the presence of a very exceptional exigency. The spirit of British commercial policy regards such laws with extreme disfavour, if not aversion, and our local practice is in usual accord with the accepted principles of Imperial legislation. With such views governing our public life in this country we feel great reluctance in advising a reactionary course, and nothing but a sense of special and paramount necessity would impel us to move in that direction. But we cannot consent to look on the waste of those means on which our people depend for their bread without an effort to arrest it, and if the only available remedy fails, to coincide with the recognized principles of fiscal laws, we must have primary regard to the necessity that regards only that law which seems specially adapted to meet the emergency.

Your Committee are not ignorant of the views that have been expressed by Her Majesty's Government in reference to the Bait question, nor of the repugnance with which they regard generally the imposition of restrictions on the traffic. But in what we propose in the present instance, we are exercising that common law right to protect our property from spoliation, and to regulate our trade, which is the necessary interest privilege on which the value of property is made to depend. The fisheries of this country are primarily the property of its people, and on our Legislature does it devolve to provide the measures for the conservation of their integrity. Our local knowledge must make us the more competent judges of those interests with which our prosperity is interwoven, and when, as in the present case, we are dealing with a state of things on which the sober judgment of the whole people has pronounced its decision, we cannot believe that our Imperial rulers will use their authority to defeat our efforts for self-preservation. It is a question that involves our rights to live in the land where our lot has been cast, for it ceases to be matter of speculation that the continuance of the waste of the bait must pauperize our population, and sever our present trade relations, for the compact that has hitherto existed between capital and labour in this country will be necessarily broken when the basis of remunerative industry is destroyed. The policy of the Imperial Government in regard to its dependencies is specially just and protective, and we hold the confident belief that no rigid regard for theories of political economy will influence that Government to nullify the carefully-considered efforts of this Legislature to save this old and loyal Colony from pauperism and decay.

The Committee respectfully recommend that while American fishermen are protected in the exercise of their Treaty rights to take fish on the coasts of this island, the sale of bait at any distance within three miles of the coast should be prohibited from the 25th April to the 1st October in each year, this prohibition not to affect any usage by which our fishermen now obtain their bait. The term bait to be understood to mean caplin, herring, and squid.

The Committee feel assured that the Legislature will readily supply the necessary means for carrying a prohibitory law into effect.

(Signed)

A. SHEA.
JOHN RORKE.
ROBERT J. KENT.
C. R. AYRE.
LEWIS TISSIER.
JAMES H. WATSON.
ROBERT ALEXANDER.
M. E. DWYER.
P. NOWLAN.

A true copy from the Journals of the Assembly.

(Signed)

JOHN STUART, Clerk, House of Assembly.

Committee Room, House of Assembly, March 5, 1878.

The Committee met this day.

Present :

The Hon. Mr. Shea, *Chairman.*

”	”	Watson.
”	”	Rorke.
”	”	Nowlan.
”	”	Tissier.
”	”	Dwyer.
”	”	Ayre.
”	”	Alexander.

The following witnesses were examined before the Committee :—

Mr. Robert Cook examined :—

Resides in St. John's. Engaged in the fisheries forty years. Have seen great resort of American fishermen here ; the last few years they obtain large quantities of bait here. Have seen them gigging themselves, and getting supplied from our people. I have sold bait on two occasions, not to the neglect of my own fisheries. A great many of our people engage in the supply of bait ; believes that the fishermen engaged in this traffic do so to their own great injury. They would be more profitably employed in prosecuting their legitimate calling. I now attend exclusively to my own fishery, and believe I am benefited by so doing. I believe this bait and ice traffic is highly injurious. Believes this large supply of fresh bait used on the banks keeps the fish from coming on the coast. Two ice-houses built in Freshwater Bay. The interest of the fisheries require that a stop should be put to this traffic ; if not put an end to the fishery must be abandoned by our own people. There is but one opinion amongst the fishermen of my acquaintance on this subject.

Mr. John White examined :—

Forty-nine years in the country. Carry on supplying business in Ferryland thirty-nine years. During the last three years observed Americans on the coast coming into harbour for bait ; I may say a hundred of them. They also lay off the coast, sending their boats in, I presume, to evade the light dues. As a rule they purchase the bait ; sometimes haul it. I have seen them gigging squids ; as a general rule they buy them. The bait they obtain is a great advantage to them. The Americans have admitted to me that if we keep them without bait they will keep the fish away from us. They are coming in increased numbers year by year. They take large quantities of bait ; forty or fifty barrels at a time. Those who supply them with bait keep hauling from morning to night. Since the Americans resort here I have observed a great diminution in the supply of bait, and fish as well. A great many of our people leave off to supply them with bait. Considers this traffic in bait and ice with the Americans most injurious to our fisheries. If this bait traffic continues, merchants and planters will have to withdraw from supplying. The feeling of the people is very much opposed to the traffic, from consciousness that it will tend to destroy their means of living. Do not think the people much disposed to continue it. Our fisheries would not be so much affected if the Americans were limited to the hauling of bait for themselves. My opinion, it is the bounden duty of the Government to stop this traffic. A law of this kind would be favourably regarded by the people, and they would assist in carrying it out. It is impossible that our fisheries will give a support to our people if this traffic is continued.

After the stormy weather that drives the American fishermen off the banks we have a better supply of fish on the coast, and we frequently take them with American hooks in them. The quantity of squids supplied to the Americans so diminishes the supply that, unlike the experience of former years, enough is not obtained for our own people during the latter part of the season, when as a general rule good work could be done.

Mr. John Snow examined :—

Resides at Quidi Vidi ; carries on the fishery ; have done so for the last forty-one years. Observed the American fishermen in great numbers on the coast two or three years. I am aware that numbers of our people are engaged in the traffic of bait ; thinks that the large supply to the Americans bears on our people short of bait towards the end of the season ; believes that the men engaged in this traffic of supplying bait to the neglect of their own regular calling not only injure general interests, but their own interest also, as from experience, I am aware that those who attend closely to their own fishery save more money than those did who were employed in the baiting. I feel I must abandon the fishery as hitherto carried on if this traffic in bait and ice continues. This practice

demoralizes the fishermen ; as a general rule they make no return to their suppliers of the money thus obtained : it is most important that the Government should interfere, and by all means in their power prevent such a traffic : such a law would be hailed with satisfaction by the people who are looking to the Government for such a law ; that since the visits of the Americans on the coast the last three years, and the large supply of bait received by them, our own fishermen have been short of their own usual supply during the latter part of the season, to their great injury.

Mr. John Nofel examined :—

I have heard the evidence of Mr. John Snow read over to me, and concur in the evidence given by him. I have been engaged in the fisheries for the last twenty-five years out of St. John's and neighbourhood, and have good opportunities of judging of the effects of the traffic of bait and ice.

Mr. David King examined :—

I concur in the foregoing evidence. I have been engaged in the fisheries for the last forty-seven years ; I have seen the traffic going on among our people, and if continued I will be unable to carry on the fishery : it is undermining the foundation of the trade and the means of the people. The country are looking to the Government to use all their power to put a stop to this ruinous traffic.

Mr. George Whitten examined :—

I concur in the evidence of John Snow ; have been engaged in the fishery last forty-three years ; the fishery, during the last three years, since the Americans came here, has been the worst since my experience. If a stop is not put to this traffic in bait and ice I do not see the way clear for continuing the fishery ; I believe it would result in the loss of the means I have acquired, and this is the general feeling of our best fishermen. Have frequently found American and French hooks in the fish caught.

Mr. Robert Dunn examined :—

I have heard read over to me the evidence of Mr. John Snow, and concur in all that he states. I have been engaged in the fisheries for the last forty-five years.

Considers the traffic in bait and ice most injurious to the interests of the people.

The feeling of the people is unanimous in favour of the suppression of the traffic.

Edwin Dudor, Esq., examined :—

Merchant for the last thirty-five years engaged in the business of this country. I have observed during the last three years the visits of American fishermen to this country. I am aware they receive large supplies of bait from our people on different parts of the coast. This traffic in bait leads to the withdrawal of our fishermen from their legal pursuits ; consider that nothing could be more injurious to the interests of this country than the practice in question ; the large amount of bait taken lessens injuriously the supply required for the purposes of the fishery. As a general rule, our own fishermen take bait in the early morning and late in the evening, leaving the bait undisturbed during the day, which I consider necessary to keep the bait on the coast. When our fishermen are employed procuring bait for the Americans they take it uninterruptedly during the day, and large quantities are taken frequently and thrown away when the purchasers fail to appear at the expected time. I think it very important that this traffic should be put a stop to, not only because it leads our own men from their accustomed fishery, which would be more profitable to themselves, and besides this constant disturbance and worry, not only lessens the quantity, but tends to drive away the supply from our coast. The fish, as a natural consequence, follow it into deep water. Believe that a law passed for the restricting the traffic in bait and ice would receive the almost unanimous support of the fishermen of the country in its execution. If the Government do not take necessary measures to protect the interests of the people to prevent this traffic we shall have no fishery to legislate for.

Mr. Clement Hudson examined :—

Resides at Pouch Cove ; engaged twenty-five years in the fishery ; have seen partial failures of the fishery in former years, but never so bad as the last three years since the Americans began to resort to the coast. The bait has been more scarce the last two years than I ever saw it before ; the quantity supplied to the American fishermen leaves the bait scarce for our people ; we have to go greater distances to obtain bait the last two years than ever before ; the coves from which we had a former supply are completely cleared out to supply the Americans with what they require. I attribute the scarcity of bait to its disturbance, which drives it off the coast, and the cod-fish follow it. In former years, when the bait was left comparatively undisturbed, we had better voyages.

The unanimous opinion of the people is this large supply of bait to the Americans is ruinous to our people. Most extensive preparations are being made for the traffic in ice this season ; if this traffic continues I would not think of continuing my present business ; consider it hopeless to continue to go on with the fishery. The people are looking to the Government to protect them, and hope that a law will be passed to prohibit the sale of bait. The people will gladly co-operate in seeing such a law carried into effect.

Mr. Henry Chafe examined :—

Petty Harbour baits-master: have been a baits-master at Petty Harbour for the last thirty years. Have seen a great many good and bad voyages during that time—never saw them so complete a failure as during the past three years. During that time there has been a large number of Americans on the coast procuring large quantities of bait. Believe the supply of bait obtained by them here has a material influence in keeping the fish off our coast. I have been engaged supplying them for the past three years. I think the traffic a very damaging one to the interest of our people, and though I have been engaged in it I would willingly see it put down. I think the quantity of bait obtained by them injuriously lessens the quantity required for our fishermen. The last year squid bait was very plentiful ; at first very large quantities were taken and sold to the Americans, and in a short time they almost disappeared. Thinks if they were not taken in such very large quantities a supply sufficient for ordinary wants would have remained for a considerable time about the coast. Prior to the last three years, as a general rule, the squids remained to a much later time, and were used by our own people in their fishery. I believe the people engaged in this traffic, instead of attending to their usual calling are considerable losers by it. I think the people are most unanimous in favour of the enactment of a law to put a stop to this traffic, and believe the law would be very readily obeyed. The proximity of this island to the fishing ground gives the Americans an immense advantage in obtaining bait on our coast. They take from thirty to fifty barrels of bait at a time. I think that the caplin are getting gradually scarce every year. The supply of ice is necessary to give value to the bait. If the ice-houses were stopped it would be a great means of preventing the evil.

William Killigrew examined :—

I have been engaged in the fisheries of the country for the last forty-three years ; have seen partial failures of the fishery, but nothing so approaching a total failure as last two years. The means for carrying on the fishery have been very much improved of late years ; if these had been available in former slack years the result would have been more satisfactory. I am aware that large quantities of bait have been supplied to American fishermen the last three years. I think this has had a large influence in causing the failure of our own fishery—it placed so extensive a supply of fresh bait on the banks as to prevent the usual visits of the cod-fish to our coast. I think nine-tenths of the people are opposed to the traffic in bait and ice, from the conviction that it is undermining the foundations of our own prosperity. Large numbers of our own people are engaged in this traffic.

If this practice is continued it will be ruinous to the shore fishery. In most localities there are certain resorts for the bait, and it is but reasonable to suppose that it is kept in a constant state of disturbance, which, if continued, will cause the bait to abandon accustomed haunts. This, I say, applies to the caplin bait. There is almost an unusual feeling in favour of the passing of a law to prohibit this traffic, the supply to the Americans. There would be no difficulty, as far as the people are concerned, in carrying into effect the provisions of a law to prohibit this traffic. I am of opinion that the people could be more profitably employed at the fishery than being engaged in this traffic ; the best fishermen do not engage in it. The squids, as a general rule, are very uncertain in their visits.

I think this successive gigging and the consequent disturbance tends to drive them off the coast. If this traffic in bait and ice is continued our fishery cannot be successfully carried on.

Isaac Martin examined :—

Resides in Torbay ; thirty-three years engaged in the fishery ; engaged last summer, also the last two or three years. Noticed a great number of American fishermen frequenting our coast during the last three years. I was not much engaged in the traffic in bait during the last summer ; frequently the bulk of the people were employed in supplying bait to the Americans ; believes a good part of the amount received for the purchase of bait was spent by the people in grog. Some of the people refused to have anything to do with the traffic. I believe that those who followed their steady pursuits

were better off; I was so myself. If this traffic continues it will be ruinous to the country. We have had the worst fisheries since the arrival of the Americans. The ordinary mode of taking bait for the local fisherman is in cast nets in shoal water; the large quantities hauled for the bankers often leaves the fishermen without a supply they used to obtain in shoal waters. The last two summers the quantity of bait has been greatly diminished; it is driven off into deep water owing to the constant hauling. If the caplin were left comparatively undisturbed, as was formerly the case, they would be available for the end of the season, when the shortcomings of the earlier part of the season were often made up; very large preparations are making for the American bankers in the storing of ice for the coming season. The people generally are very much opposed to this traffic. If the traffic is allowed to go on everybody will be forced to engage in it; our whole population will be turned into bait catchers for the Americans, and our own fishery entirely abandoned.

It is the universal opinion of the people that a law should be passed to prohibit this traffic. I am anxious myself; I have three sons, and they are more anxious for the suppression of it. I fear that, if this traffic continues, it will render the prosecution of our own fisheries impossible. The American fishermen admit that they have fished out their own ground, and in time they will do the same with ours. If this bait and ice traffic continues here I feel convinced that I shall have to abandon the fishery. We used to get the American hooks in the fish, showing that it came in from the banks; we have scarcely seen any of that fish these years. Since the large supply of bait was furnished from our coast and used on the banks they have been obtaining their large supply from our fishermen. The American fishermen throw away all fish under 22 inches, which must consequently destroy a large number of fish; the small fish taken by the Americans is precisely the same character as we catch on the coast. About the 1st August last year a fresh supply of caplin struck in, and I believe a very considerable quantity of fish would have been taken had not the caplin been given to the Americans; the small share that came to the local fishermen was turned to good account. If a law was passed to prohibit this traffic the people would generally co-operate in carrying it into effect. There is a cove on the north side of Torbay called Herring Cove, where the caplin resort and spawn in the earlier part of the season, and which was formerly a great resort for cod-fish. I have hauled thousands of quintals of fish in this cove, but owing to the disturbance of bait by hauling day and night for the Americans from its first appearance, however, during the last two or three years the fish have completely abandoned that locality. The anxiety of the people to get money from the Americans causes great disturbance amongst the men; some of my own crew refused to perform their regular work to join the bait suppliers; those who remained at their regular work earned more money. It is a common practice to traffic in ice on Sundays.

(Signed) ISAAC MARTIN, his ✕ mark.

James Goss examined:—

I have heard the evidence given by Mr. Isaac Martin, and concur in every particular therein stated by him.

(Signed) JAMES GOSS.

Mr. Stephen Churchil, Portugal Cove, examined:—

I have been engaged in the fishery for many years; have noticed the voyages very bad for the last few years, the last summer especially. I think from 150 to 160 vessels (American) visited Portugal Cove last summer for the purpose of procuring bait. There was only one craft baited with caplin. When the Americans came in for squids, the majority of the fishermen gave up the fishery and employed themselves in giggering for them. Thinks the bait would have remained longer if not disturbed. The squids were in Portugal Cove up to the 25th of August; after that time the fishery was a total blank; only a few were got. There is a general feeling in favour of putting a stop to this traffic. I think its continuance will starve the people out. If a law was passed to prevent this traffic the people would join in carrying it out.

(Signed) STEPHEN CHURCHIL.

Frederick Churchil examined:—

I have heard the evidence of Mr. Stephen Churchil, and I fully concur in all he has stated.

(Signed) FREDERICK CHURCHIL.

Michael Parsons, of Flat Rock, examined:—

I have been engaged in the fishery twenty-five years. Never knew the voyages so bad as the last three years. Since the Americans frequented our coast I am not concerned in

the traffic in bait and ice. Hauling caplin for the Americans began last year as soon as the caplin made its appearance. The local fishermen were left without bait in consequence of the large quantities taken for the Americans. The coves were completely cleared out. This was at a time when there was plenty of fish to be got if we had bait. The supply of bait is most materially lessened during the last few years. Cod-fish does not come into the coast owing to the bait being driven off. I have often remarked that the fish and bait would come in on Sunday evenings, when the bait would have a little rest. The hauling for the Americans was pursued day and night. For our own use the practice is to haul in the mornings and evenings, leaving the bait undisturbed during the day and night. Our ordinary cod seine voyage in former years was between 400 and 500 quintals. The last three years did not average over 100 quintals of very small fish. I am aware the people are opposed to this traffic. The common feeling is, that the continuance of it will starve us out. Early in August, in the neighbourhood of Flat Rock, a quantity of caplin that had escaped the bait haulers lay in deep water, and retaining with it a quantity of cod-fish, a large quantity of which was taken during a fortnight on squid bait. This saved the voyage from being a total failure in this locality. There was little or no fish north or south of this spot where the fish lay. I was sometimes left idle myself last summer for want of bait, and this arose from the quantity sold to the Americans. The people are most anxious to have this traffic suppressed. They would be ready to co-operate in carrying out a law to prevent this traffic. Squids were very plentiful in August, taken in very large quantities, but towards the latter part of the month, owing to the large quantities taken for the Americans, they disappeared at the end of August or beginning of September. We were without them when they might be turned to profitable account. The people are looking to the Government to do something to suppress this traffic.

(Signed) MICHAEL PARSONS.

Mr. Benjamin Benson examined :—

Resides at Grates Cove; engaged in the fishery twenty-three years; have seen American craft in large numbers about our harbours during the past three years, but more last season than ever. I think from past experience they will be down in large numbers this year. In places adjoining Grates Cove a large number of the people have left off their usual occupation, and engaged themselves to supply bait. They left off while engaged in the fishery merely for the purpose of getting a little cash, and not for the want of fish. At that time it would be more profitable to them to continue at the fishery. They are tempted to leave off the fishery for the purpose of obtaining a little money. As a rule these men had been supplied to prosecute the cod-fishery, which they abandoned, and did not pay for their supplies. The result is, they are dependent on others for their winter's maintenance. The general opinion amongst the people is unanimous that a stop should be put to this traffic. They are all crying out, and looking to the Government to stop it. If a law was passed the people would be ready to assist in carrying such a law into effect. Last year the people held a consultation amongst themselves, and were disposed to assemble in large numbers and drive the Americans out of Bay de Verds bight, that being the principal baiting place. The injury complained of, the Americans get supplied by our people with bait, and then proceed out to fish on the banks, only a short distance from our fishing grounds, and their baited hooks keep the fish from coming in to the shores. The traffic has the effect of diminishing our supply of squid bait, and leaving our fishermen without enough for our fishery. The traffic also makes it more difficult for our people to obtain caplin. I have heard that the light-house keepers at Bacalan have seen the Americans fishing on the banks. The fish are kept on the banks, not only by the bait on the hooks, but the fish and offal thrown overboard by the fishermen. The Americans generally appear about Grates Cove on or about the middle of June, when they come for caplin. After having been on the banks with herring, they generally remain on our coast to the middle of September.

(Signed) BENJAMIN BENSON.

Robert Martin examined :—

I have heard the evidence of Mr. Benjamin Benson read over, and I concur in all therein stated by him.

(Signed) R. MARTIN.

March 8, 1878.

Mr. George Scott examined :—

Resides in St. John's; engaged in the fishery about forty-two years. I have watched the operations of the American fishermen for the past few years: at the commencement of

the caplin season the Americans are on the ground getting bait as soon or sooner than our own bait-skiffs. The supply of bait at the commencement of the season is most valuable to our fishermen, who are thus deprived of bait at the time most valuable. The caplin the Americans get near St. John's are supplied by our people. They always find out from our fishermen and others where to get the bait; then they visit these places in large numbers, and get their supply, which has the effect of decreasing our own supply. I have noticed the supply of caplin bait has fallen off of late years. I concur in the general opinion that the quantity of fresh bait taken to the banks has the effect of intercepting the fish on their way to the shore. I have no doubt of the effect of constantly harassing and disturbing the bait is to drive it off into deep water, and the fish with it. I am of opinion, that continually hauling through the day, which, as a rule, is not done by our fishermen, has this effect in driving away the bait, leaving no interval of rest for it. During the last two years large numbers of Americans frequented Fresh Water Bay looking for squids; at the first of the season squids were abundant; large numbers of our people were engaged in jigging for the Americans. They jigged constantly for about a fortnight, to such an extent as to exhaust the supply of squids. I have no doubt that this constant jigging has the effect of diminishing the supply. In former years the squids would remain for a longer period about the grounds; last year, in consequence, as I believe, of the constant jigging going on upon such enormous scale, the squids, after about a fortnight, gradually disappeared, and the supply fell off till early in September, when they entirely disappeared; but for this unusual drain on the supply of squids there is no doubt that, as in former years, there would have been a good supply of squids running about the grounds till a much later period. After the disappearance of the squids, the cod-fishery ceased, with, of course, a heavy loss to the fishery. The full fishery was very bad, owing, I have no doubt, to the taking of the bait early in the season. The business itself of jigging squids for the Americans is not profitable to those engaged in it; nor so profitable as regular fishing would be. Amongst the fishermen generally, and particularly among the good fishermen, there is a growing feeling of want of confidence in the cod-fishery in the future, in consequence of the effects in various ways of the traffic with the Americans. I believe that a majority of the people are in favour of this traffic being discontinued if possible.

(Signed) GEORGE SCOTT.

March 13, 1878.

James Goodfellow, Esq., examined:—

Have been many years connected with the supplying business of the country. Have seen many good and bad fisheries; the last year worst I have ever seen. I am aware that Americans have been on our coast in great numbers last year. I know that large quantities of squids were taken for the Americans last year; they were a very short time on the coast. Think the large quantity taken caused their disappearance so early. Think the quantity of squids coming in on the coast is limited, that, if only fished for moderate wants, they probably would remain much longer. I am of opinion that it would be very desirable to restrain this traffic in bait and ice, irrespective of the general injury. I am aware that parties engaged in this traffic, as a general rule, were losers by the consequent neglect of their regular fishery. I am favourable to leaving the operations of the fishery as free as possible from the interference of the Government, but where, as in the case of this traffic in bait and ice, whereby the foundations of our prosperity are imperilled, the Government should adopt the best means within their power to check this traffic. I think that a great injury has been done by leaving dead fish on the ground in coves, especially in Fortune Bay, where large quantities of herring have been destroyed in this way; a great diminution of supply has been the result.

(Signed) J. GOODFELLOW.

James Fox, Esq., examined:—

I am engaged some years in the supplying business; say about forty years. The past summer was the worst I ever experienced. Since the Americans have been receiving bait and ice the fishery has been falling off, and I think some stringent measures should be adopted to prevent our people from trafficking with them. I am aware that they have received large quantities of bait and ice from our people on this coast. Have known the fishermen here neglect their own legitimate business for the purpose of catching bait for them to their own injury. I am aware that the large supply of fresh bait taken by the Americans to the banks has the tendency of keeping the fish from approaching our coast. The squids were here a very short time last year; a much shorter time than usual, though they struck in abundantly at first. Our fishery

cannot be successfully prosecuted unless a supply of bait remains on the coast, and this excessive quantity required for the American fishermen renders it impossible to meet the whole requirements. Think the usual business of this country for merchants and others cannot be carried on in connection with the traffic in ice and bait as it has been for the last two or three years. The people are almost unanimously opposed to this traffic, and are alarmed at the prospect of its continuance.

(Signed) JAMES FOX.

Samuel Allen, Blackhead, examined:—

All my life engaged in the fishery. For the last few years observed fishery declining; last year the worst ever experienced. Has known good and bad voyages; never saw it so bad for two or three years. Has seen nothing of fish on the ground as in former years. Have seen large numbers of Americans about the coast the last two or three years receiving large quantities of bait from our fishermen; are very much neglected by this practice. I believe the people engaged in this business would be more profitably employed in their own legitimate business. Large quantities of caplin are hauled throughout the day; this practice tends to drive the bait into deep water, and interferes with the regular supply for our own people. If the bait was left comparatively undisturbed in the coves it would tend to keep the fish on the coast; this was our experience in former years. A large quantity of squids came in early in August last year; they remained plenty for about six weeks. Large quantities were taken during that time for American bankers. Believes that if the squids had not been taken in such large quantities there would be enough for all. Moderate demands for the remainder of the season. Believes the quantity of squids coming on the coast is limited. If this trade goes on, I feel I must abandon the fishery and get some other way of living. The feeling in my locality is unanimously opposed to this traffic. Two ice-houses have been built in Freshwater Bay this winter. The people are looking to the Government to put a stop to this traffic. The people will readily co-operate with the Government in carrying such a law into effect. The people are so opposed to this traffic that they would not work for wages to fill the ice-houses, and strangers to the locality had to be employed. If the Americans were limited to their legitimate right of taking bait themselves, the injury to our people would be comparatively trifling. I am aware that a good deal of the money got for bait was spent in rum, with much consequent loss of time.

(Signed) SAMUEL ALLEN, his ✕ mark.

Uriah Codner, Torbay, examined:—

I am engaged in the fisheries, and have been so all my life. Done pretty well last year; had 86 quintals for one boat. Stuck to it all the summer. Saw several Americans last year about the coast; they received a quantity of bait at Torbay. I am concerned in an ice-house; have about 80 or 100 tons of ice that I expect to sell. I would not like to see any restriction put on the sale of ice. I would be a loser by it. I consider it a very difficult matter to say whether the traffic is injurious or not. A great many people are opposed to it. While it is going on I think I might as well make a dollar as not. There was not very much bait hauled for bankers in Torbay last year. I was never out of bait during the summer. There was a good deal of fish on the coast; it did not strike the land. I have seen worse voyages than last year. I am not aware that any of the people are badly off this winter in Torbay. I would approve or a law to prevent the traffic in bait and ice, if properly carried into effect.

(Signed) URIAH CODNER.

Thomas Goss, Torbay, examined:—

I have been forty-six years engaged in the fishery as a means of support. I am not much concerned in it. I was interested in an ice-house last year. Sold all the ice I had last summer. I was fairly satisfied with the result of the business. I have put in a quantity of ice this year, about 300 tons, for the same purpose. I expect to make a fair business of it this season. I think, as I put in a quantity of ice for this business, I should not be interfered with this year. I knew men earn money last year by the traffic that could not earn it any other way. Thinks the fish on this coast do not come in from the southern part of the bank. I think if our coast was left to our own people we should be the better off. If the Treaty were done away with altogether, we would be benefited by it. If I was protected in the interest I have for the present year, I would not object to the passing of a law to prohibit the traffic.

(Signed) THOMAS GOSS.

Martin Ryan, Torbay, examined :—

I have heard the evidence of Mr. Thomas Goss. I concur in his evidence. I am concerned in an ice-house with him.

(Signed) MARTIN RYAN.

March 19, 1878.

Hon. Robert Thorborne examined :—

Have been over twenty-five years concerned in the fisheries. I am aware that the Americans resort here since the operation of the Washington Treaty for the purpose of obtaining bait. I think that the large capture of bait would tend to injure our fisheries. Thinks the diminution of bait of late years has been very evident. Does not think that the present supply is equal to the increased demand made upon it for the American fishermen. Thinks all interested in the fisheries of the country would be benefited by restrictions placed on the indiscriminate capture of bait. The continued disturbance of the bait tends to drive it into deep water. The continued drain on the bait supply will tend to paralyze the local fisheries of the Colony. The over-fishing in bait has generally resulted not only in a diminution of this article itself, but a corresponding decrease in quality of cod-fish in several localities. I consider some measure to limit this wholesale destruction of the bait necessary, in the interests of all concerned in the Newfoundland fisheries. I believe the feeling to be very generally opposed to this traffic in bait, even by those engaged in it, recognizing, as they do, its pernicious effects. This feeling arises out of the reasons I have already given on the subject, which are the prevailing sentiments of the people of this country. If a law were passed, it would have the moral support of the people. No necessary expense should be spared in carrying out such a law.

(Signed) ROBERT THORBORNE.

Moses Munrow, Esq., examined :—

I have heard the evidence of Mr. Thorborne, and concur in the views expressed by him as before stated.

(Signed) MOSES MUNROW.

Robert Cosgrove examined :—

Planter. Resides at Placentia. I have been concerned in the fisheries the past thirty years or more. Consider that the large quantities of bait supplied to foreign fishermen is greatly detrimental to the interests of our fisheries. In spring, herring bait is found in fair quantities in Great Placentia, for the use of our own fisheries; but when large quantities are taken for outside demands, it often results in the local fishermen being left idle for want of a supply of bait. The quantity of herring in that locality is limited. Is aware that a number of French bankers intend coming to Placentia this spring to purchase herring bait. The Americans came in large numbers last spring, and soon exhausted the supply of bait, leaving our own fishermen idle, and the fishing coves much injured from this cause. The people are most anxious to put a stop to this traffic, which they feel will in the end be the ruin of the cod-fishery, by which they live.

A true copy from the Journals of the Assembly.

(Signed) JOHN STUART, *Clerk, House of Assembly.*

Inclosure 3 in No. 1.

Mr. Meade to the Inspectors of Salmon Fisheries.

Gentlemen,

Downing Street, September 5, 1878.

I AM directed by the Secretary of State for the Colonies to transmit to you a copy of a despatch from the Governor of Newfoundland, inclosing an Address from the House of Assembly, with a Report of a Select Committee of the House, accompanied by evidence taken before them, relating to the deterioration of the bait fisheries of Newfoundland and the measures proposed to be taken to remedy this evil.

2. It will be observed that the decline in the quantity of bait off the coast is attributed in a great measure to the wholesale manner in which bait is captured by British fishermen for the supply of fishermen of the United States, who find it convenient to purchase the bait from the local fishermen in lieu of taking it for themselves, which latter they have the right to do under the Treaty of Washington of 1871.

3. For the better preservation of the bait the Select Committee propose that the sale of bait within three miles of the coast should be prohibited within certain specified dates.

4. Without at present entering upon a consideration of the course recommended in the papers now sent, which is one affected by various Treaty stipulations, Sir Michael Hicks Beach would be obliged if you would be so good as to favour him with your opinion whether some general regulations which should apply to all fishermen, of whatever nationality, alike, might not be framed with a view to the preservation of the bait, and if so, he would be glad to receive any suggestions which your experience may enable you to make as to the nature of the regulations which would be applicable to the case.

5. I am to inclose, for your information and for your consideration in connection with these papers, an enactment of the Legislature of Newfoundland, contained in the Consolidated Statutes, 1872, and entitled chapter 102 "of the Coast Fisheries," together with transcripts of two subsequent Acts passed in amendment thereto, viz., cap. 6 of 1876 and cap. 13 of 1877.

6. I am to request that the original papers and the volumes of Acts which accompany this letter may be returned with your reply.

I am, &c.
(Signed) R. H. MEADE.

Inclosure 4 in No. 1.

The Inspectors of Salmon Fisheries to Mr. Meade.

Sir,

Home Office, September 30, 1878.

WE have the honour to acknowledge the receipt of your letter of the 5th instant, inclosing, by direction of Secretary Sir Michael Hicks Beach, a copy of a despatch from the Governor of Newfoundland, with an Address from the House of Assembly, "relating to the deterioration of the bait fisheries of Newfoundland and the measures proposed to be taken to remedy this evil."

Sir Michael Hicks Beach is so good as to ask us whether, without entering into a consideration of the course recommended by the House of Assembly of Newfoundland, we could suggest any general regulations, applicable to fishermen of whatsoever nationality, for the preservation of the bait.

The term "bait," as it is used in the papers which have been sent to us, appears to comprise three distinct things, viz., herring, caplin, and squid.

Herring appear to be used as bait for cod in the early part of the season, squid during the summer and autumn, and caplin during other portions of the year.

The caplin (*mallotus villosus*) is nearly allied to the smelt, but it is not met with in British waters; we have, therefore, no personal information respecting this fish.

Squid are, we believe, occasionally used as bait in this country, but their use is only occasional, and we have no personal experience regarding them.

As, therefore, Sir Michael Hicks Beach has asked us to furnish him with such suggestions as our experience may enable us to make in regard to bait, and as our experience does not extend either to caplin or to squid, we conceive that we shall be complying strictly with his wish by confining our observations to herring.

Herrings, usually immature or "spring" herrings, are largely used by line fishermen as bait both in England and Scotland.

During a portion of the year the line fishermen are mainly dependent on the herrings as bait.

A few years ago Parliament imposed a close season for herrings on the west coast of Scotland. The close season extended to herrings taken both for food and for bait; it is admitted to have occasioned considerable hardship to the fishermen; it does not appear to have been attended with any increase in the number of herrings; it gradually fell into disuse, and, so far as the north-west of Scotland is concerned, it was repealed; so far as the south-west of Scotland is concerned it ceased to be observed.

A great many persons locally interested in the Scotch herring fisheries are desirous of re-enacting this close season, or for taking some other means for the increase of the herrings, but they are unanimous, or almost unanimous, in saying that this close season, or these regulations, must not apply to herrings taken for bait. With the experience of previous legislation before them, they are satisfied that no restrictions whatever must be imposed on the capture of herrings for bait.

We may say that similar conclusions were expressed to us during our inquiry into the crab and lobster fisheries of Great Britain. Many of the most experienced fishermen we found desired that some well-considered regulations should be made for the development of these fisheries. But nearly every fisherman considered that these regulations should

not in any case apply to the crabs taken for bait. Their arguments seemed to us, we may add, perfectly sound. Bait is of such importance to the fishermen, and, in certain seasons and certain places, so difficult to be got, that we should, in this country at any rate, strongly dissent from any regulations which might interfere with its capture.

So far, then, as the mere question of bait is concerned, we doubt the propriety of any regulations interfering with its capture; but we also doubt the necessity. We doubt the possibility of any operations of man interfering with the stock of herrings in the sea.

The allegation that the stock of herrings is materially reduced by the operations of the net fishermen has been constantly made in various parts of the kingdom. But, notwithstanding the constant increase of netting, the annual number of herrings taken by man has been continually and regularly increasing. Though the quantity of herrings taken off the Scotch coasts is now ten times greater than it was fifty years ago, there are no indications that this prodigious increase in their capture has made any impression on the stock of herrings in the sea.

It is true that there are some reasons for thinking that the increase of netting has prevented the herrings from entering some of the inland lochs which used to be frequented by them; there is, at any rate, no doubt that herrings have deserted, or partially deserted, certain portions of the coast which were previously frequented by them. But, in the first place, it is not absolutely clear that their desertion of such portions of the coast has been due to the operations of man; and, in the second place, it is not clear that, if it be so due, any regulations which could easily be made would obviate the evil.

It is not clear that the desertion of certain portions of the coast by the herrings is due to the operations of man; (1) because it is a well-known and ascertained fact that the fish do desert certain places for long series of years, whether they are netted or not; and (2) because it has also been ascertained that they have not been driven from other portions of the coast by unrestricted netting.

Even if the herring desert certain portions of the coast in consequence of the excess of netting, it is not easy to see how any regulations which man could make would obviate the evil.

The regulations which man could make, or, at any rate, which any single nation could make, must necessarily apply to the territorial waters of that country.

But herrings are just as easily taken 10 miles from the shore—or even 50 miles—as within 3 miles of it. The greater number of herrings are, in fact, taken more than 10 miles from the land; and it is the almost universal opinion of fishermen that the operations of man have a greater effect in breaking up the shoals out at sea a long distance from land than close to the shore.

Regulations, therefore, applicable to the territorial waters would have the effect of driving the fishery further from the shore. They would have no other effect whatever.

Writing, then, simply with the experience of this country before us, we doubt the necessity of any legislation for the preservation of herring; we doubt the propriety of interfering, under any circumstances, with the capture of bait; and we doubt the possibility of making any regulations, which would be effectual, applicable to the territorial waters only of a single country.

Reasoning only from analogy, we should also hesitate to adopt any regulations for the preservation either of caplin or of squid. But, as on these points we have no experience, we do not venture to pronounce a positive opinion on them.

Sir Michael Hicks Beach will observe that we have confined the preceding observations strictly to the point on which he has asked our opinion, viz., the possibility of making any regulations applicable to all fishermen, of whatsoever nationality, for the preservation of bait.

There are other points connected with these papers, such as the relative values of the cod and bait fisheries to the Newfoundland fishermen, or the difficulty of allowing the sale of a fish 3 miles from the shore the sale of which was illegal within 3 miles from the shore, on which we forbear from making any observations whatever.

We venture, in forwarding this reply, to transmit with it copies of our Reports (1) on the Herring Fisheries of Scotland, (2) on the Crab and Lobster Fisheries of Great Britain, in which many of the arguments which we have summarized in this letter are stated more fully; and we have only to add, that if there is any other point on which Sir Michael Hicks Beach desires information, and in which it may be in our power to assist him, it will afford us much pleasure to do so.

We have, &c.

(Signed)

FRANK BUCKLAND.
S. WALPOLE.

Inclosure 5 in No. 1.

Draft of Despatch to Governor Sir J. Glover

Sir, *Downing Street,* , 1878.
 I DULY received your despatch No. 56 of the 26th June, in which you forwarded a Report (with evidence) of a Select Committee of the House of Assembly of Newfoundland, relating to the traffic in bait and ice which is carried on in the Colony with fishermen of the United States to an extent which is represented as having a very injurious effect upon the fishery. I have also considered the Address of the House of Assembly founded on that Report, expressing the opinion that this traffic should be prohibited, and urging that directions may be given for causing the provisions contained in the Convention with the United States of America of 1818 and the Imperial Act 59 George III, cap. 38, to be put in operation with the object of carrying such prohibition into effect.

This matter was previously brought to the notice of my predecessor in your despatch No. 104 of the 31st October, 1877, to which he replied on the 7th January of this year.

I thought it advisable, on the receipt of your despatch now under acknowledgment, to take the opinion, in the first instance, of the Inspectors of Salmon Fisheries in this country as to whether the reported deterioration of the bait fisheries might not be met by some general regulations for their preservation.

I inclose a copy of the Report which I have received in reply.

It will be perceived that the general conclusion of the Inspectors, who are gentlemen of large experience in such matters, is to the effect that the operations of man have but a very slight effect on the supply of herring, and that, with the experience of this country before them, they doubt the necessity of any legislation for the preservation of herring; that they doubt the propriety of interfering, under any circumstances, with the capture of bait, as well as the possibility of making any regulation, which would be effectual, applicable to the territorial waters of a single country; and that, reasoning from analogy, they would hesitate to advise the adoption of any regulations for the preservation of caplin or of squid.

You will notice, in addition to these general conclusions, the observations of the Inspectors as to the regulations which were established on the north-west coast of Scotland, which operated with considerable hardship to the fishermen, without there being, apparently, any increase in the number of fish, and which gradually fell into disuse and were subsequently repealed.

With this Report before them, Her Majesty's Government cannot but feel uncertain whether any failure in the bait fishery of Newfoundland would be remedied by the adoption of the measures proposed by the House of Assembly, and whether the practice which is complained of, and which it is sought to prohibit, has been sufficiently proved to have diminished the actual quantity of bait visiting the coast, although the increased competition of the Americans may have made it less easy for the local fishermen to secure the bait they require for their own fishing.

But apart from this view of the question, Her Majesty's Government deem the present moment inopportune to effect any such change in practice as that which it is desired should be established. They are giving their most careful consideration to the whole question of the fisheries, both as regards United States' subjects and the subjects of France, and they feel that a satisfactory solution of the several important points at issue might be considerably hindered by action in the direction suggested by the Assembly.

You will be so good as to communicate this despatch to your Government.

I have, &c.

No. 2.

Lord Tenterden to Mr. Bramston.

Sir, *Foreign Office, December 21, 1878.*

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 10th instant, together with its inclosures, upon the subject of the supply of bait and ice to United States' fishery vessels on the coast of Newfoundland, and I am, in reply, to express to you his Lordship's concurrence in the proposed instructions to the Governor of that Colony, the draft of which accompanies your letter.

I am, &c.

(Signed) TENTERDEN.

No. 3.

The Marquis of Salisbury to Sir E. Thornton.

(No. 1. Confidential.)

Sir,

Foreign Office, January 3, 1879.

WITH reference to your despatch No. 296 of the 4th November last, I transmit to you herewith, for your information, copies of despatches, as marked in the margin, upon the subject of the traffic in bait and ice between Newfoundland and United States' fishermen.*

I am, &c.
(Signed) SALISBURY.

No. 4.

Lord Tenterden to Mr. Herbert.

Sir,

Foreign Office, February 20, 1879.

WITH reference to your letter of the 7th instant, relative to the instructions to be given to the Magistrate appointed to proceed to Fortune Bay, I am directed by the Marquis of Salisbury to state to you, for the information of Her Majesty's Secretary of State for the Colonies, that his Lordship would be glad, before expressing an opinion, as requested in your letter, to be informed whether the Fishery Laws which it is now proposed to enforce, and which appear to be contained in Consolidated Acts of the Colonial Legislature, are, as to all or any of them, merely re-enactments of laws in force at the date of the Treaty of Washington.

I am, &c.
(Signed) TENTERDEN.

No. 5.

Mr. Bramston to Lord Tenterden.—(Received February 25.)

My Lord,

Downing Street, February 24, 1879.

I AM directed by the Secretary of State for the Colonies to acknowledge the receipt of your letter of the 20th instant, inquiring whether certain provisions of the law of Newfoundland relating to the Fisheries, the enforcement of which at Fortune Bay in that Colony has been contemplated, and which are quoted in a Notice proposed to be issued by the local Government (copy inclosed in my letter of the 20th December last), are, as to all or any of them, merely re-enactments of laws in force at the date of the Treaty of Washington.

Sir Michael Hicks Beach desires me to state in reply, for the information of the Marquis of Salisbury, that the provisions of the law quoted in the first three paragraphs of the Notice are, with the following exception, substantially the same as those contained in an Act of the local Legislature passed in 1862, from which they appear to have been taken in the compilation of the consolidated Statutes, and of which a copy is inclosed.

The exception is as follows:—

The words "twelfth day of April," which occur in section 1 of the Act of 1862, have been altered by a later Act to the words "twenty-fifth day of April." This alteration was made by an Act of a date subsequent to that of the Treaty of Washington, viz., Cap. VI of 1876.

The last paragraph of the Notice quoting the prohibition relating to fishing on Sunday is taken from the same Act, Cap. VI of 1876, and this provision of the law is also therefore of a later date than the Treaty of Washington.

I am, &c.
(Signed) JOHN BRAMSTON.

* Colonial Office, December 10; to Colonial Office, December 21, 1878.

Inclosure in No. 5.

[Governor's Assent, March 27, 1862.]

[Passed the House of Assembly, March 21, 1862.]

[Passed the Legislative Council, March 22, 1862.]

(Signed) E. CARTER, *Acting Colonial Secretary.*

ANNO VICESIMO-QUINTO VICTORIÆ REGINÆ.

CAP. II.—*An Act for the Protection of the Herring and Salmon Fisheries on the Coast of this Island, and for other purposes.*

[Passed, March 27, 1862.]

WHEREAS, the breed and fry of herrings frequenting the coast of this island and the Labrador are often found to be greatly injured and destroyed by the using of seines and nets of too small size or mesh, and by other unwarrantable practices; and whereas, complaints have been preferred to the local Government of alleged depredations committed by the fishermen frequenting these coasts upon each other: for remedy whereof,

Preamble.

Be it therefore enacted, by the Governor, Legislative Council, and Assembly, in Session convened:—

I. That no person shall haul, catch, or take herrings in any seine, on or near any part of the coast of this island, or of its dependencies on the coast of Labrador, or in any of the bays, harbours, or any other places therein, at any time between the twentieth day of October and the twelfth day of April in any year; and no person shall, on or near the coast of this island or of its dependencies aforesaid on the coast of Labrador, or in any of the bays, harbours, or other places therein, at any time, use a seine or other contrivance for the catching and taking of herrings, except by way of shooting, and forthwith tucking and hauling the same: Provided, that nothing herein contained shall prevent the taking of herrings by nets set in the usual and customary manner, and not used for in-barring or inclosing herrings in any cove, inlet, or other place.

Herrings not to be taken in seines from 20th October until 12th April.

II. No person shall, at any time between the twentieth day of December and the first day of April in any year, haul, catch, or take any herring on or near the coast of this island or of its dependencies aforesaid on the Labrador, or in any of the bays, harbours, or any other places therein, in any net having the meshes, makes, or scales of less than two inches and three-eighths of an inch, at least, from knot to knot, or having any false or double bottom of any description; nor shall any person put any net, though of legal size of mesh, upon or behind any other net not of such size of mesh, for the purpose of catching or taking the fry of such herring passing through any single net of two inches and three-eighths of an inch mesh or scale.

Proviso as to the use of nets.

Nets of 2 3/8 inch scale to be used from the 20th December until the 1st April.

Regulation as to nets with double bottom, &c.

III. No person shall wilfully remove, destroy, or injure any lawful net or seine, the property of another, set or floating on or near the coasts of this island or of its dependencies aforesaid on the Labrador, or in any of the bays, harbours, or other places therein, nor remove, let loose, or take any fish from or out of any such lawful net or seine.

No person shall interfere with the nets of others.

IV. No person shall, at any time between the twentieth day of April and the twentieth day of October, haul, catch, or take any herring or other bait for exportation within one mile of any settlement situate on that part of the coast between Cape Chapeau Rouge and Point Rosey.

Herring not to be taken from the 20th April until the 20th October between Cape Chapeau Rouge and Point Rosey.

V. Any person who shall violate any of the provisions of this Act shall for every offence forfeit a sum not exceeding ten pounds; and, in addition, all seines, nets, and other contrivances used or employed in, about, or preparatory to the catching, hauling, taking, or in-barring of any herrings, in violation of any of the provisions hereof, shall be liable to forfeiture, and the same may be seized at once by any Justice, Sub-Collector of Customs, Preventive Officer, or Constable, on view or by virtue of a warrant issued by such Justice, Sub-Collector, or Preventive Officer, on oath to be administered by any of them, and detained until the trial of the offender, when they may be declared forfeited and ordered to be sold at public auction.

Penalty for violation of this Act.

VI. And whereas, an Act was passed in the twenty-third year of the reign of Her present Majesty entitled, "An Act for the Protection of the Salmon Fishery, and for other purposes," whereby certain nets and seines were forbidden to be used, and certain weirs and other erections and contrivances were prohibited from being erected at certain times and under certain circumstances, in the said Act declared:

Prohibition for using salmon nets at certain times, and against erecting weirs, and penalty.

Be it further enacted, That it shall be lawful for any Justice, Sub-Collector, Preventive Officer, or Constable aforesaid, on view, and for any Constable or other person by virtue of a warrant to be issued as aforesaid, to seize any net or seine, and to destroy any weir or other erection or contrivance used or erected in contravention of the said recited Act, and all such nets and seines shall be forfeited and disposed of in manner provided by the fifth section of this Act.

Manner of recovering penalties, and in default term of imprisonment.

VII. All forfeitures and penalties imposed by this or the said recited Act shall be recovered, with costs, in a summary manner, before any Justice of the Peace, for which purpose such Justice shall have full power to summon or arrest the offender, and to compel all witnesses, either by summons or warrant, to appear before him on such trial; and upon conviction of such offender, such Justice shall issue his warrant to cause such seines, nets, or other contrivances so illegally used to be sold at public auction, or, where permitted under the preceding section of this Act, destroyed; and in default of payment of such penalty as may be imposed, and costs, by the party convicted, such Justice shall issue his warrant to any constable or other person to arrest and imprison such convicted offender for a period not exceeding twenty days.

Disposal of penalties and forfeitures.

VIII. All penalties and forfeitures under this or the said recited Act, and all proceeds thereof when recovered, shall be paid to the party informing against and prosecuting such offender to conviction.

Convictions not to be quashed for want of form, &c.

IX. No conviction or proceeding by any Justice or other officer under this Act shall be quashed or set aside for want of form, so long as the same shall be substantially in accordance with the true intent and meaning of this Act.

This Act not to interfere with rights protected by Treaty.

X. Provided always, That nothing in this Act contained shall in any way affect or interfere with the rights and privileges granted by Treaty to the subjects or citizens of any State or Power in amity with Her Majesty.

Ninth section of the Salmon Fishery Act repealed.

XI. The ninth section of the said recited "Act for the Protection of the Salmon Fishery" is hereby repealed.

No. 6.

Lord Tenterden to Mr. Herbert.

Sir,

Foreign Office, March 4, 1879.

WITH reference to your further letter of the 24th ultimo, I am directed by the Marquis of Salisbury to state to you that, as it appears that of the enactments which it is proposed that the Magistrate at Fortune Bay should enforce those only relating to "close time" and to Sunday fishing have been made subsequent to the date of the Treaty of Washington, and that, as the United States' Government have not hitherto objected to the former, and may be expected to continue to refrain from doing so, the enactment in question being for the common interest of the preservation of the fishery, whilst they have protested against the latter, I am to suggest, for the consideration of Sir Michael Hicks Beach, that the proposed instructions should proceed, with the exception of the enforcement of the law prohibiting Sunday fishing, which it would be desirable to suspend for the present.

I am, &c.
(Signed) TENTERDEN.

No. 7.

The Marquis of Salisbury to Sir E. Thornton.

(No. 32.)

Sir,

Foreign Office, March 8, 1879.

I TRANSMIT to you herewith, for your information, printed correspondence in regard to certain occurrences at Fortune Bay, Newfoundland, in January 1878.

I am, &c.
(Signed) SALISBURY.

No. 8.

Mr. Herbert to Lord Tenterden.—(Received March 20.)

Sir,

Downing Street, March 19, 1879.

WITH reference to your letter of the 4th instant, and to previous correspondence respecting the proposed instructions to the Magistrate appointed to proceed to Fortune

Bay, in Newfoundland, I am directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, a copy of a telegram addressed to the Governor of Newfoundland on the 7th instant, together with a copy of a telegram in reply, dated the 8th, and of a despatch on the same subject, received on the 11th of this month.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 8.

Paraphrase of Telegram from Sir M. E. Hicks Beach to the Governor of Newfoundland.

March 7, 1879.

AS regards your despatch of the 9th December, marked Confidential, if Ministers think proposed instructions to Magistrate at Fortune Bay necessary, they may proceed; but suspend for the present that relating to enforcement of law against Sunday fishing.

Omit last fifteen words of preface of notice, if published, and add words "fishing season" instead.

Inclosure 2 in No. 8.

Paraphrase of a Telegram from the Governor of Newfoundland.

March 8, 1879.

I HAVE received your telegram of the 7th instant. Fishery season over in Fortune Bay. No breach of fishery law; everything quiet. No notice published. Full Report sent by last mail, 26th February. Eight American vessels fished 2,964 barrels of herring.

Inclosure 3 in No. 8.

Sir J. Glover to Sir M. E. Hicks Beach.

Sir,

Government House, February 25, 1879.

I HAVE the honour to report that during the month of January about sixty vessels were assembled at Long Harbour, Fortune Bay, for the purpose of catching and of purchasing herrings, and of these sixty vessels ten were Americans, which have taken away with them 3,000 barrels of fish.

When the police left nearly all the other vessels had gone, and those remaining were preparing to start.

2. Up to the 28th January, the date of the Report, there had been no breach of the peace, infringement of the fishery laws, nor a single case of drunkenness among the whole number of men, which could not have been much under 600. I think this satisfactory result may be in great part attributed to the presence of the police preventing the sale of spirits by itinerant rum-sellers.

I have, &c.
(Signed) JOHN H. GLOVER.

No. 9.

The Marquis of Salisbury to Sir E. Thornton.

(No. 35.)

Sir,

Foreign Office, March 22, 1879.

I TRANSMIT to you herewith, for your information, copy of a despatch, together with its inclosures, from the Colonial Office, on the subject of the Fortune Bay affair.*

I am, &c.
(Signed) SALISBURY.