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( N° 4. )

**COPY of a REPORT of the Lords of  
the Committee of Privy Council for Trade  
and Foreign Plantations, on the *Newfound-*  
*land* Fishery; dated 17th March 1786.**

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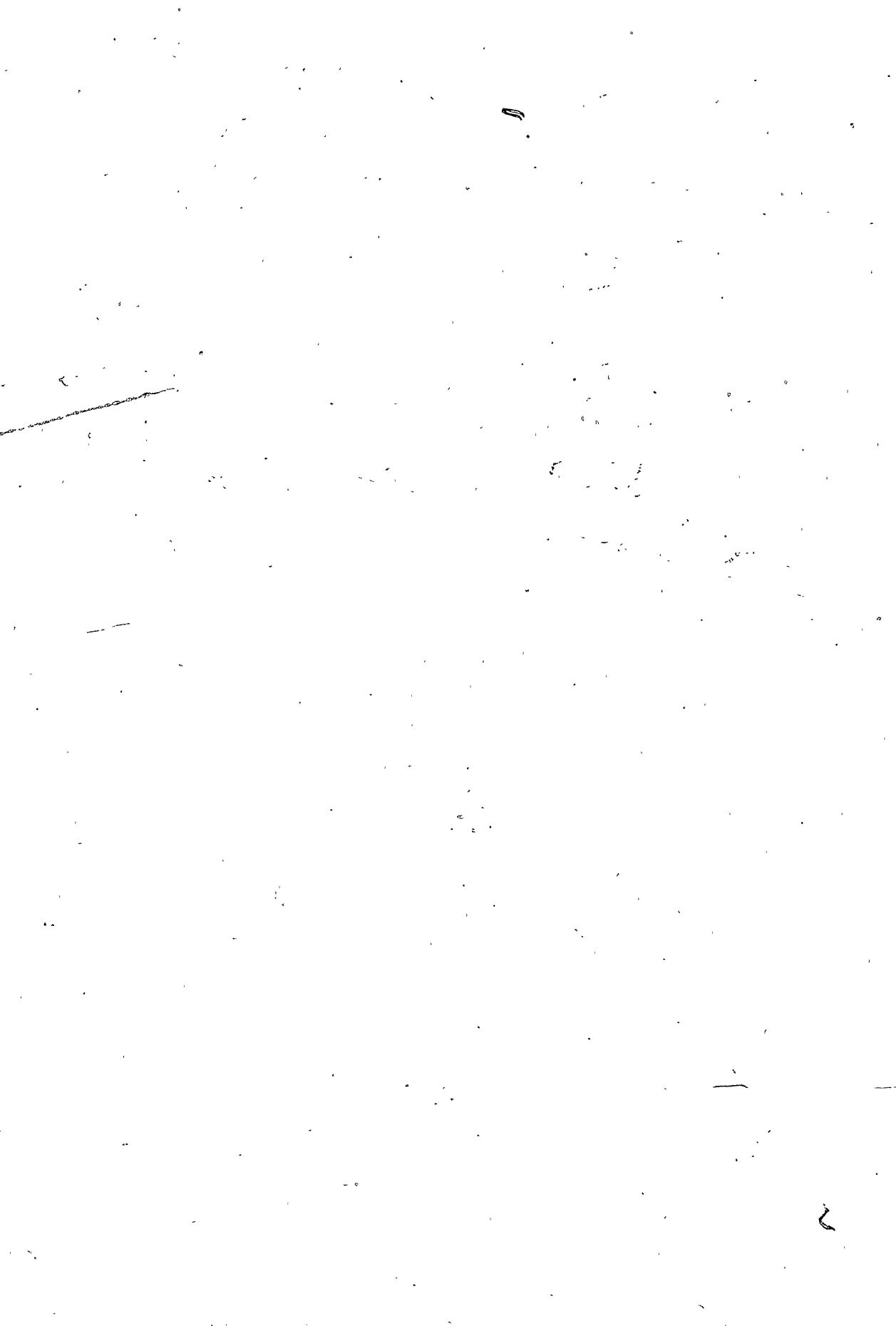
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COPY of the REPORT of the Lords  
of the Committee of Privy Council  
for Trade, on the Subject of the  
*Newfoundland* Fishery; dated 17th  
March 1786.

YOUR Majesty having been pleased, by Your Order in Council, dated the 9th of December last, to refer unto the Committee the following Question: "Whether any of the Provisions or Regulations proposed in a Bill brought into the House of Commons, in the last Session of Parliament, for amending and rendering more effectual an Act made in the Fifteenth Year of His present Majesty, intituled, "An Act for the Encouragement of the Fisheries carried on from Great Britain, Ireland, and the British Dominions in Europe, and for securing the Return of the Fishermen, Sailors, and others employed in the said Fisheries to the Ports thereof, at the End of the Fishing Season; and for repealing certain Provisions in the said Act relative to the said Fisheries," will contribute to the Improvement and Encouragement of the Fisheries carried on by His Majesty's Subjects at Newfoundland?"

The Committee have taken this extensive Subject under their Consideration, and have called for such Papers as appeared to them to be necessary for their Information; they have heard the principal Merchants of Poole and Dartmouth, being the Persons chiefly concerned in the Newfoundland Fishery; and the Committee have examined several of Your Majesty's Officers, who have either commanded or served upon the Newfoundland Station, as well as Your Majesty's Naval and Revenue Officers of the said Island, and such other Persons as, in the Judgment of the Committee, were likely to give any Information upon the Subject referred to their Consideration.—And the Committee having perused and considered a Representation of the Lords Commissioners for Trade and Plantations, made to his Majesty King George the First in 1718, which gives a very full Account of the State of the Newfoundland Fishery, previous to that Period, and of the Policy which the Government and Legislature of this Kingdom had from the First Establishment of that Fishery adopted and pursued in respect to this great Object—do concur in general in the Opinions entertained by the said Lords Commissioners, on the following Points:

N<sup>o</sup> 4.

A

FIRST.

FIRST. That the Newfoundland Fishery ought to be carried on as much as possible by Ships fitted out from Your Majesty's European Dominions; that by the Yearly Return of the Sailors and Fishermen to the said Dominions, Your Majesty may have it in Your Power to avail Yourself of their Services for manning Your Royal Navy, when Occasion may require.

SECONDLY. That Your Majesty's Subjects who may from Time to Time reside in Newfoundland, ought never to be allowed to form themselves into a Colony, and with that View to possess in Fee any Landed Property there.

THIRDLY. That the Shores of Newfoundland, the Beaches, and other convenient Fishing Places, ought to be carefully reserved for the Accommodation of Your Majesty's Subjects, resorting thither from Your Majesty's European Dominions, for the Purpose of carrying on the said Fishery.

AND FOURTHLY. That Your Majesty's Subjects who so resort Annually to the said Island of Newfoundland should be induced and compelled, by every wise and proper Regulation, to return to Your Majesty's European Dominions at the End of every Fishing Season. But with respect to this last Point, the Committee think it proper to observe, that from a Change of Circumstances it may now be beneficial to the Fishery, that a certain Number of Persons shall be suffered to remain on the said Island after the Fishing Season, for the Purpose of taking Care of the Fishing Stages, Boats, and other Necessaries for the Fishery, and to make Preparation for the ensuing Season, as our Fishermen will be thereby enabled to commence their Fishery at a more early Period, and have in consequence thereof an Advantage over other Nations who are our Rivals in the said Fishery; but the Committee are of Opinion, that, in true Policy, the Number so suffered to remain should not exceed the Number absolutely necessary for the above Purposes.

The Committee are, however, of Opinion, from the most satisfactory Proofs, that the Number of Persons who at present usually remain during the Winter in Newfoundland is much greater than sufficient for the useful Purposes before-mentioned, as appears by the Paper N<sup>o</sup> 1, hereunto annexed, as well as by other Information they have received; and that if proper Measures are not taken to prevent it, they are likely to increase.

The Committee having premised these several Points, will now proceed to submit to Your Majesty their Opinion on the Clauses of the Bill proposed to Parliament in the last Session, and they will deliver their Opinion on the several Clauses, not in the Order in which they stand in the said Bill, but in such Order as best corresponds with the Principles before stated.

The SECOND, THIRD, and FOURTH CLAUSES of the proposed Bill are avowedly intended to vest Part of the Shores and Soil of Newfoundland in the present Occupiers, to be held in Fee Simple, and thereby to transfer to Individuals, for private Purposes, what ought to be reserved in common for a great National Good. The Shores and Soil of that Island would thus

thus become subject to all the Rules of Ownership. The Proprietor might employ his Estate either in carrying on the Fishery, or in a Manner less beneficial to the Public. If very opulent, he might by Purchases engross many of the Fishing Places; and by the Exclusion of others, obtain Advantages contrary to the general Interest of the Fishery; or he might become insolvent, and incapable of carrying on a Fishery. The Shores so appropriated would immediately create Disputes, either about Boundaries or Titles, which would produce Law Suits, where there are no proper Judicatures for the Decision of them. The Number of Residents would be increased, and a Colony would be insensibly formed, which would by Degrees deprive Your Majesty's European Subjects of any Share in this Fishery. Upon this Question of Property, the Committee thought it right to consult Your Majesty's Law Officers, that the Committee might know how far Your Majesty's Subjects may have acquired any Right whatsoever, by Acquiescence or otherwise, in the Shores and Soil of Newfoundland; and whether it might be safe for Your Majesty's Governor to order any Buildings or Fences that obstruct the carrying on the Fishery to be pulled down and removed, and also to order the Inhabitants of the said Island of Newfoundland to remove from any Spot which they now occupy or may claim for the Purpose of Residence, under any Pretence whatever, in case he shall be of Opinion that such Spot may be convenient for extending and carrying on the Fishery. And having received the Report of the said Law Officers upon the Questions so referred to them, the Committee have annexed the same in the Appendix, N<sup>o</sup> 2, to which they presume humbly to refer Your Majesty; and they advise Your Majesty to give Your Governor of Newfoundland the following Instructions on this Subject:

**FIRST.** That the ancient Ship Rooms and Fishing Rooms should continue under the Provisions of the Act of Parliament passed in the 10th and 11th Years of the Reign of King William, Cap. 25, for the Encouragement of new Adventurers, that they may be sure of finding proper and convenient Places for curing, salting, drying, and husbanding their Fish, whenever they resort thither.

**SECONDLY.** That the remaining Shores of Newfoundland should be held by such of Your Majesty's Subjects, resorting thither from Your Majesty's European Dominions, as shall first take Possession of them, for the Purpose of carrying on the Fishery, in proportion to the Number of Ships and Boats they shall employ; and that they shall continue to hold the same for the like Purposes, and in like Manner, so long as they shall carry on their Fishery there; but that in case they shall neglect so to carry on their Fishery there for One entire Season, such Shores, or Parts thereof, as shall be so neglected or deserted, shall be held for the like Purpose and in like Manner, by any other of Your Majesty's Subjects resorting thither from Your Majesty's European Dominions, who shall first occupy the same for the Purpose of carrying on the Fishery, and that the Governor should put and maintain such Person or Persons in Possession thereof.

**THIRDLY.** That the Governor should not suffer any Buildings to be erected (except Fishing Stages, Cook Rooms, Ship Rooms, and Flakes,

or such Erections as shall be absolutely necessary for curing, salting, drying, and husbanding their Fish) within Six hundred Yards Distance of High Water Mark, and that Care should be taken that no Right of Property be acknowledged in any Land or Building, even beyond that Distance.

FOURTHLY. That the Governor may suffer any Buildings, Erections, Wharfs, Slips, or Fences already erected, to remain, provided they are not built or erected upon ancient Ship Rooms or Fishing Rooms, and provided they shall not in his Judgment be considered as Nuisances, and detrimental to the Interest of the Fishery in general; and such as in his Judgment are Nuisances, and detrimental to the Interest of the Fishery in general, he shall cause to be removed, after due and reasonable Notice, and in a Manner to expose the Parties to as little Inconvenience as possible.

The SEVENTH CLAUSE of the Bill is avowedly intended to repeal those Parts of the Act, passed in the 15th Year of Your Majesty's Reign, which had wisely provided for the Return of the Fishermen at the End of every Season, by reserving the Payment of One Half of their Wages till after their Return. On this Regulation principally depends the Hope the Committee entertains of bringing back the Fishermen to Your Majesty's European Dominions at the End of each Season. If it be repealed, the Fishermen would not only lose this Inducement for their Return, but it would serve as an Encouragement to great Expence and dissolute Living during their Continuance in Newfoundland, to the manifest Detriment of the Fishery; the Fishermen would thereby become liable to great Impositions, and might be made to pay exorbitant Prices for every Article they purchase there. In any other Trade but this, it is the Interest of the Master of a Vessel to advance to his Seamen as little during the Voyage as possible, for the better securing their Service in navigating the Vessel till her Return to Port. In that of Newfoundland, the Case is frequently the Reverse: It appears in Evidence, that in general the Half of a Fisherman's Wages is sufficient for his Expence during his Continuance at Newfoundland. It is true, however, that in the Case of Boys or Green Men, who may not receive above the Sum of £. 7. 10s. for their Voyage, the Half may not always be sufficient for their Cloathing. The Committee are therefore of Opinion, that the said Clause of the Bill may be so far amended, as to allow a Sum not exceeding £. 5. 10s. to be advanced to Green Men and Boys, though it amounts to more than Half their Wages; provided the Master continues equally bound to bring back such Green Men and Boys at the End of the Season.

The EIGHTH CLAUSE of the Bill is evidently calculated to repeal another Part of the Act of the 15th Year of Your Majesty's Reign, which makes the Whole of the Fish and Oil taken liable to the Payment of the Wages of the Seamen or Fishermen by whom it is taken or made. This Regulation only puts the Seamen and Fishermen employed in the Newfoundland Fishery upon the same Footing with all other Seamen employed in the  
British



British Commerce, for the Payment of whose Wages the Vessel and Cargo are in every Instance liable. The Fisherman of Newfoundland is doubly entitled to the same Security, as by his Labour and Industry the Whole of the Property made liable for his Wages is produced. By subjecting *the Whole*, as the Law now does, to the Payment of Wages, no Inconvenience can arise, either to the Employer or Fisherman, for as soon as such Employer or Merchant Supplier (being solvent, and his Bills negotiable) becomes bound to pay the Fisherman's Wages in England, the Whole of the Fish and Oil are of course delivered to him, and at his Disposal; all Parties are perfectly secure; the Employer or Merchant Supplier has the Fish properly cured before it is shipped for a Market; and the Fisherman has no Pretence for Neglect of Duty, having a responsible Person to pay him for his Labour; so that the Alteration proposed in this Clause would be no more for the Interest of any of the Parties concerned than for the Advantage of the Public.

The FIFTH CLAUSE of the proposed Bill is intended to repeal that Part of the Act passed in the 15th Year of Your Majesty's Reign, which makes a Distinction between Trading and Fishing Vessels in Point of Fees paid at the Custom House; it is certainly proper that small Vessels, which go to Newfoundland merely for carrying on the Fishery, and are frequently going in and out of Port for that Purpose, should pay as low a Fee as possible, and it is so provided in the said Act; but there seems to be no Reason that Vessels, which go there with Cargoes of Goods in the Way of Commerce, should be exempted from the customary legal Fees, no more than Vessels going for the same Purpose to any of Your Majesty's Colonies. These Fees are paid in Consequence of Certificates, Bonds, and other Documents required by Act of Parliament for Prevention of illicit Trade; and there is no Reason that the Commerce of Newfoundland should be more free in this Respect than any other Part of Your Majesty's Dominions; indeed, from its Neighbourhood to the Islands of St. Pierre and Miquelon, the Commerce of Newfoundland requires in this Respect particular Attention.

The SIXTH CLAUSE of the proposed Bill is calculated to give to Oil, Blubber, and Seal Skins, made or caught by Persons residing in Newfoundland, the same Preference with respect to Duties, as is given to those Articles made or caught by Vessels owned by Subjects residing in Your Majesty's European Dominions. It has always been the Policy of the Legislature of this Kingdom, to encourage the Fisheries carried on by Your Majesty's Subjects residing in Europe, by allowing these Articles, when made and caught by them, to be imported Duty-free, while the like Articles made and caught by Your Majesty's Subjects, residing in Your Foreign Dominions, were liable to a small Duty, and the same Articles imported from Foreign Countries paid a very high Duty, calculated to promote and encourage the Fisheries of Your Majesty's Subjects in general. This Policy is sufficiently proved by referring to the several Acts passed for these Purposes, and which are mentioned in the Margin. And it is still more necessary not to depart from these Distinctions with respect to Newfoundland, as

22 Car II. - - - Cap. 4.  
 25 Cha. II. - - - Cap. 7.  
 4 & 5 Wm. & Mary, Cap. 17.  
 10 & 11 Wm. & Mary Cap. 25.  
 1 Ann. - - - Cap. 16.  
 20 Geo. I. - - - Cap. 26.  
 22 Geo. I. - - - Cap. 26.

5 Geo. II.	Cap. 28.	it would tend to encourage Residence there, which, as before
6 Geo. II.	Cap. 33.	stated, it has ever been the Policy of the Government of this
13 Geo. II.	Cap. 28.	Kingdom to prevent. It has been suggested to the Committee,
17 Geo. II.	Cap. 28.	that the Oath, as at present worded, ascertaining by whom the
22 Geo. II.	Cap. 45.	Oil, Blubber, and Seal Skins have been taken and imported,
28 Geo. II.	Cap. 20.	leaves a Latitude to different Constructions, and that some Per-
4 Geo. III.	Cap. 22.	sons who take it import Oil, Blubber, and Seal Skins, taken by
8 Geo. III.	Cap. 27.	the resident Inhabitants of Newfoundland, Duty-free; while
11 Geo. III.	Cap. 38.	others, more scrupulous, do not chuse to take the Oath as it stands, and
15 Geo. III.	Cap. 31.	are thereby subject to the Plantation Duty; the Committee are therefore of
16 Geo. III.	Cap. 47.	Opinion that the Oath should be made sufficiently clear, to preserve the

Distinctions intended by the Legislature.

The NINTH and TENTH CLAUSES of the said Bill are calculated to inflict greater Punishments on Seamen or Fishermen for Neglect of Duty, than are enacted by the Act of the 15th Year of Your Majesty's Reign. The Committee being sensible, from Evidence laid before them, that the Neglect of One Day's Duty may be of very great Prejudice, in certain Periods of the Fishery, to the Interest of the Merchant or Employer, are of Opinion, that the Punishment for such Neglect of Duty of One Day may be extended to the Forfeiture of Wages for any Number of Days not exceeding Five, which the Governor of Newfoundland, or his Surrogate, shall think just and reasonable, and that such Forfeiture shall be paid to the Hirer or Employer of such Seamen or Fishermen, in Recompence for the Loss or Damage which he may have sustained through such Absence, Neglect, or Refusal to work; but the Committee think that in every other Respect the Punishments enacted by the said Act of the 15th of Your Majesty's Reign, are sufficiently severe, and fully adequate to the Purposes for which they are intended.

The ELEVENTH CLAUSE of the said Bill, which repeals so much of the Act of the 15th of Your Majesty's Reign, as gives any Jurisdiction to the Court of Vice Admiralty for the Island of Newfoundland, with respect to the Manner of enquiring into, hearing, and determining any Disputes concerning the Wages of Seamen or Fishermen, or any Offences committed by any Hirer or Employer of such Seamen or Fishermen, is proper, and ought to be proposed to Parliament; Controversies arising from Contracts or Agreements made in England, ought to be decided here, and the Jurisdiction of the Court of Vice Admiralty be confined to Breaches in the Act of Trade, and Matters of Revenue arising there.

The TWELFTH CLAUSE of the said Bill, which alters certain Provisions of the Act of the 4th of Your Majesty's Reign, and of another Act passed in the 6th Year of his late Majesty's Reign, is evidently calculated to promote an Intercourse between the British Fishermen and the French Inhabitants of Miquelon and St. Pierre. By the Law, as it stands at present, British Vessels are liable to Confiscation, if it can be proved that they have been at either of these Islands: If this Law was to be so altered, that they could not be confiscated, unless found within Two Miles of those Islands, an illicit Intercourse would be opened, and a Trade carried on between

Your

Your Majesty's Subjects and those of France, which it is all Times very necessary to prevent, and more especially in the present Moment, for Reasons which will be stated hereafter.

The FIRST CLAUSE of the said Bill makes some Alteration in the Conditions upon which Bounties were granted for Eleven Years, and will expire within Twelve Months; it is proper they should now be re-considered. They were granted in order to encourage the Bank Fishery, and particularly by new Adventurers. They have certainly not answered the wise Purposes for which they were intended, and it appears by the Accounts called for by the Committee, that they have been seldom claimed; this may have been owing to the breaking out of the late War, soon after the Act was passed, or it may have been occasioned by too great a Number of Men being required on Board such Vessel, to entitle the Adventurers to the Bounty: The Committee are of Opinion the said Bounty should be further continued for Ten Years, subject to the following Alterations:

To the first 100 Vessels, arriving with 12 Men	—	—	£. 40
Under 12, and not less than 7	—	—	25
If such Vessels carry Men upon Shares.			
If with 12 Men	—	—	50
Less than 12, and not less than 7	—	—	35
To the next 100 Vessels arriving in Order of Time, with 12 Men	—	—	25
Under 12, and not less than 7	—	—	18
If such Vessels carry Men upon Shares, with 12 Men			
Under 12, and not less than 7	—	—	35
			21

The Bounty thus arranged will remove the Objections which have been supposed to have hitherto prevented its Success, and will encourage new Adventurers, by promoting the ancient Way of carrying on the Fishery, by Men upon Shares, instead of Wages; it should be a Condition that the Vessels be manned with Three Fourths of Your Majesty's Subjects besides the Master, usually residing in Your Majesty's European Dominions; and the Certificates, when they clear out, should express the Number of Men, upon Oath of the Master, which is not now required, and whether they are upon Shares, or receive Wages.

All the Certificates and Affidavits taken and given in Newfoundland, under the Act of the 15th of Your Majesty's Reign, should be transmitted to the Governor at St. John's, before the 15th of September in each Year, that he may examine them, and settle the Priority of the several Arrivals of the several Vessels, so as to adjust the Bounties, and to whom they are to be granted.

Every Master of a Vessel entitled to the Bounty should make Oath before the Officers of the Customs, at the Port he sailed from, and before the Bounty is paid, that all the Men who sailed with him are returned. But if any should have died during the Voyage, or been shipped in Vessels bound to Foreign Markets, he should also declare the same upon Oath.

The Committee, in examining the foregoing Points, received from the Merchants of Poole and Dartmouth several other Propositions for the further Encouragement of the Fishery.

They

They desired that the Custom Duties, as well as the internal Duties upon Salt, should be bonded upon all Salt imported for the Fishery, whether warehoused or transhipped, and that the Whole be drawn back on Re-exportation; and that in case the Salt be lost or destroyed by Accident, Waste, or otherwise, in Warehouses under Your Majesty's Locks, the Importer should not be subject to the Duty payable upon the same.

The Committee referred this Point to the Commissioners of the Customs, as well as to those of Your Majesty's Duties on Salt; from whom they have received Reports, which are hereunto annexed, N<sup>o</sup> 3 and 4.

The Commissioners of the Customs report that they see no Objection to complying with the Request of the Merchants, as far as the Branch of Revenue under their Management is concerned. The Committee are therefore of Opinion, that the Indulgence required should so far be granted. The Commissioners of the Salt Duties have alledged in their Report, that the Merchants at present actually enjoyed most of the Indulgencies they pray for, and indeed every other Privilege they can in Reason desire, and that Waste does not happen Once in a Year; and that to make any Allowance for this, might subject the Revenue to great Frauds.

The Merchants also requested to be allowed to import Wine, Oil, Cork, and Fruit from Foreign Countries, directly to Newfoundland, Duty-free. The Committee on this Point are of Opinion, that this Request ought not to be granted: The Inhabitants of Your Majesty's Colonies would think themselves entitled to the same Favour, and the Policy of the ancient Laws of Trade and Revenue, which oblige all Your Majesty's Subjects in America and the West Indies to import those Articles through Great Britain, would in such Case be defeated; and the Inhabitants of Newfoundland, who cannot be deemed Colonists, and are supposed to go Yearly from Your Majesty's European Dominions, have less Reason than any others to expect any such Indulgence.

The Merchants also desired, that Instructions might be given to the Governor to reduce the Number of Public Houses, and that in St. John's they should not exceed Twelve; and that every Person keeping such Public House should give Security for their good Behaviour, and be obliged to keep One Fishing Shallop; and that all Persons keeping Shops should also be obliged to keep One Fishing Shallop: The Committee are of Opinion that this Request is very proper to be complied with, and that Your Majesty's Governor should be instructed accordingly.

The Merchants desired also, in order to prevent the Destruction of Fry or Small Fish, that the Meshes of the Cod Seines made Use of in Newfoundland, should not be under a certain Size. The Committee are of Opinion, that this Request should also be granted, and that the Fishermen should be obliged, under a Penalty, not to use or have any Seine or Net, the Meshes of which should be under the Dimensions of Three Inches and a Half; and that this Penalty, as well as all other Penalties to be levied on the Fishermen (except that to be paid to the Master or Employer, as before mentioned, for Neglect of Duty) should be given, One Half to the Informer,  
and

and the other Half to be applied, under the Directions of the Governor, for defraying the Passage Home of idle and disorderly Persons.

The Merchants also desired, that the Birds frequenting the Shore of Newfoundland, and the adjacent Islands should not be destroyed for the Purpose of taking their Feathers, as the said Birds were useful on Occasion for Food and Bait, and in Fogs gave Notice to Vessels that they were near the Land. The Committee understand that Vice Admiral Campbell had given Directions to this Purpose; but it should be made a Part of the Instructions to Your Majesty's future Governors.

The Merchants also desired, that Liberty might be given to import Coals from Cape Breton to Newfoundland. The Committee cannot suppose that Wood necessary for Fuel is at present scarce in Newfoundland, at least as far as the Number of Inhabitants proper to be left in that Island can require; and they do not chuse to give any Opinion relative to the Disposal of the Coals of the Island of Cape Breton, as this important Subject ought to be made a Matter of particular Enquiry and Deliberation.

The Merchants also desired, that the Fishing Admirals might be allowed to name Deputies to act for them when absent and from the Shore, and to hear and determine Disputes between Masters, and Seamen, or Fishermen. The Committee do not think the ancient Custom in this Respect should be changed: Disputes that may arise should be determined in the Manner hitherto practised.

The Merchants also desired, that the Fishery on the Coast of Labrador might be under the same Regulations, and receive the same Encouragement, with that of Newfoundland. The Committee are of Opinion, that as the Coast of Labrador is included in the Commission to Your Majesty's Governor of Newfoundland, the Fishery on that Coast is in every Respect upon the same Footing with that carried on at that Island.

The Merchants further desired, that out of the Half of the Wages due to the Seamen and Fishermen to be remitted Home, they might be allowed to deduct the Monies that may be advanced to their Families during their Absence, and that the other full Half should be advanced to them at Newfoundland. Though, from Motives which could be alledged, the Committee might be induced to think this Request not wholly improper, and wish to grant it; yet, from a Consideration that it might tend in various Ways totally to defeat the great Object for which the Legislature thought it proper this Money should be paid at Home; viz. that of inducing the Fishermen to return, the Committee think it would be dangerous to consent to this Request, and that any Inconvenience ought rather to be submitted to.

Lastly. The Merchants strongly urged the Necessity that a Person of upright and good Character should always be appointed to the Office of Judge of the Court of Vice Admiralty in Newfoundland. The Committee are of Opinion, that a proper Attention to this Request ought to be recommended to the Consideration of the Lords Commissioners for executing the Office of High Admiral of Great Britain.

The Committee also heard the Agents for the Merchants of Jersey and Guernsey, as far as relates to the Interest of Your Majesty's Subjects in those Islands carrying on the Newfoundland Fishery. The Committee are of Opinion, that they ought to have every Encouragement given to Your Majesty's other European Subjects, consistent with their local Situation, and such the Committee apprehend is the Case at present; but that in making their Outfits, and bringing back the Produce of the Fishery, it is necessary, for the Interest of the Manufactures and Commerce of Great Britain, that they should continue subject to the Restrictions which by the Laws are now imposed upon them.

In the Course of their Enquiry many Transactions were stated to the Committee, tending to shew, in a comparative View, the Advantages under which the Subjects of Great Britain and France now carry on the Newfoundland Fishery, and the Success which has hitherto attended the Policy of the two Governments in this Respect; and certain Arrêts of the French King, issued in the Course of last Year, were laid before the Committee, granting considerable Bounties, as well on Fish caught by the Subjects of France, and imported by them into the French West India Islands, as on such Fish carried to the Foreign European Markets.

It appeared in Evidence, that the only Advantage the Subjects of France have over those of Your Majesty in carrying on the Fishery, is, that they hire their Men at lower Wages; and are not obliged to feed them so well; but on the other Hand they labour under many Disadvantages. It is agreed by all Your Majesty's Officers, that the Part of Newfoundland allotted by the late Treaty of Peace to the French for carrying on their Fishery, is not so well adapted for that Purpose as that where we fish exclusively; and although the Cod is as large on that Part of the Island where the French are allowed to fish, the Climate is more unfavourable for drying it, particularly near the Streights of Belleisle; the Navigation on that Part of the Coast is more dangerous, and their Fishing Boats and Craft more exposed to the Weather. There is hardly a Year in which many of them are not lost. They have not Bait either so early or in such Plenty as we have; there is One particular Species of Bait of which they have none. As the French are not allowed to Winter there, they arrive too late to prepare their Stages, Flakes, &c. and to get the Stuff out of the Woods for the Purpose of covering them; so that they are obliged to cover them with Ships Sails, which is more expensive, and does not answer the Purpose so well. It is owing to this that they cure their Fish so much on the Beach, which is not so good a Method as that practised by our Fishermen.

The Islands of St. Pierre and Miquelon are as well adapted to the Fishery as any Part of Newfoundland, but they have no Wood there for Stages or Flakes; and the French in these Islands would not be able to carry on their Fishery without great Difficulty, if they were not allowed to cut and carry Wood from the Island of Newfoundland.

The Boats of the French Fishermen are by no Means so good as ours; they are not near so large, and consequently do not stand the Sea so well; many of them are lost when ours get safe into Port; and it is of great Importance that they should not be allowed to build their Boats in Newfoundland.

land. It was proved to the Committee that their Seamen and Fishermen are not so expert as the British, and that they do not take, per Boat, above half the Number of Fish.

The Success of the French and the British Fisheries has corresponded with the Advantages under which they are respectively carried on. It appears by the Evidence of the Commanders of Your Majesty's Ships stationed at Newfoundland, that the French Fishery was not successful even last Year, although they were acquainted with the Bounties given by the French Government for its Encouragement. And Your Majesty's Ambassador at the Court of France confirms this Evidence, by informing Your Majesty's Secretary of State that the Newfoundland Fishery, carried on last Year by the French, proved a losing Account to all those who were engaged in it, notwithstanding the Bounties given. On the other Hand, the British Fishery at Newfoundland was prosperous during the last Season, more than in any former Year, except 1774. The following Table, extracted from the Yearly Returns made by Your Majesty's Governors, will shew the Produce of that Fishery at different Periods, and proves the successful State of it during the last Season :

Years.	Number of Ships.	Tonnage.	Men.	Fish sent to Foreign Markets.
In 1763	229	24,342	2,831	Quintals. 348,294
1764	238	26,743	2,972	470,188
1774	403	37,361	4,281	516,358
1776	401	30,993	3,976	495,350
1784	296	28,832	3,150	497,884
1785	377	35,730	3,732	606,276

In consequence of the Restrictions laid on the American Navigation by Your Majesty's Order in Council for regulating the Commercial Intercourse between Your Majesty's American Dominions and those of the United States, we have almost entirely secured the Markets of our West India Islands to our Fishermen, which was heretofore wholly enjoyed by the Americans. Upon an Average of Four Years before the War, the Quantity of Fish imported into the British West India Islands, from Newfoundland and the Colonies now under Your Majesty's Government, amounted to no more than 95 Hogheads.

In the Year 1784, it was 454 Hogheads 1059 Barrels; and in the Year 1785, 1125 Hogheads 1049 Barrels 552 Quintals; and in Return for this Fish so imported, Your Majesty's Islands in the West Indies have secured to themselves the principal Supply of Rum to the Fishermen at Newfoundland, which before the War was wholly engrossed by the Traders of New England. The Quantity of Rum sent from our West India Islands, before the War, to Newfoundland was very inconsiderable.

In

In 1785, the Quantity imported from our Islands into Newfoundland amounted to 178,870 Gallons; and the Subjects of Your Majesty's European Dominions have also obtained for themselves a great Advantage by the Increase of their Exports to Newfoundland since the War. Upon an Average of Four Years before the War the Value of the Exports from England to Newfoundland did not exceed £.88,056. — 3*d*. In 1784, the Value of the Exports from England to Newfoundland amounted to £.168,796. 9*s*. 6*d*.; and though the Committee have not received from Ireland the Accounts they called for, of the State of the Exports from that Kingdom to Newfoundland, they cannot entertain a Doubt that Your Majesty's Subjects there have profited in like Manner by an equal Increase of their Exports, particularly of Salted Provisions, for the Supply of the Fishermen at Newfoundland.

It appears by the foregoing Table, that the Export of Fish last Year to the Foreign Markets of Europe was even more than in the Year 1774. It is true that Spain and Portugal have imposed very high additional Duties upon our Fish, an Object which the Committee presume to recommend as worthy Your Majesty's Attention, in the Event of settling any future Treaty of Commerce with those Powers. And the Spaniards have attempted with some Success a Fishery in the Mediterranean. The Danes also, during the War, have been able, as they did in former Wars, to introduce into the Spanish Markets some of the Fish taken by them in the Northern Seas; but notwithstanding this, it does not appear that the Demand for our Fish is at all diminished in these Markets, though the Price is considerably increased; by which it is evident, the Foreign Consumer must suffer more than Your Majesty's Subjects concerned in this Trade.

The French seem to have got some Footing in the Markets of Italy, owing to their Method of drying their Fish less than we do; which, although it is adapted to the Taste of the Italians, is good only in the Beginning of the Season, and will not keep so well or so long as that cured by the British Fishermen: Notwithstanding the Advantage which the British Fishery at Newfoundland thus possesses over those of its Rivals, it is humbly submitted to Your Majesty, that it behoves the Government of this Country not to be remiss in their Attention to this important Object, especially at a Time when the French Government is taking every Method, however ineffectual, of encouraging and extending their Fishery. It is with this View that the Committee thought it their Duty to enter into so minute an Investigation of this Commerce, beyond indeed the simple Question which Your Majesty was pleased to refer to them.

The French give a Bounty upon Fish, the Produce of their Fishery, imported into their West India Islands, of Ten Livres *per* Quintal, and at the same Time lay a Duty of Five Livres *per* Quintal upon all Fish imported into those Islands by Foreign Nations. This Bounty and Duty, taken together, is equal to a Prohibition of Foreign Fish, and it is a clear Proof that, even in the Opinion of their own Government, nothing less than an Encouragement more than equal to the First Cost of their Fish can enable their Fishery to have a Share of their own Markets in the West Indies. This Measure however appears to have been more aimed at the American



American Fishery than ours, as we never had any Share in the Supply of the French Islands, and as we allow no Foreign Fish to be imported into our West India Islands, but have secured that Market to our own Fishery by a wise and less expensive Regulation, we are under no Necessity of adopting the Measures France has taken for the like Purpose.

The French give also a Bounty of Five Livres *per Quintal* upon all Fish the Produce of their Fishery carried into Spain, Portugal, and Italy. This Bounty is also so extravagant as clearly to evince the Opinion of the French Government of the low State of their Fishery. If the Legislature here was to give the like Bounty upon the Fish of Your Majesty's Subjects, carried to those Markets, it would amount nearly to £. 120,000 *per Annum*; such a Measure can therefore be calculated merely to introduce their Fish into those Markets, but can never be intended as a permanent Encouragement.

The Committee have already stated to Your Majesty, as well from the Evidence of the Commanders of Your Majesty's Ships stationed at Newfoundland, as from the Information received from Your Majesty's Ambassador in France, how little Success has hitherto attended the French Fishery, aided as it is by the Bounties before mentioned.

The Committee have been informed of One Market only where this Bounty has operated to our Disadvantage, which is at Nice; and the Advantage the French had there is imputed in Part to their curing their Fish in a Manner more agreeable to the Italian Taste; but if it is to be supposed that the Bounty before mentioned was the Cause of it, it is evident that the Market of Nice will be supplied with Fish, and by the French Fishermen, much cheaper than the Markets in France, and this Difference must be paid out of the Revenue of that Kingdom: A Policy so absurd, and so contrary to the Interests of the Nation that adopts it, can never be pursued by a wise Government to any Extent, or for any Length of Time. Some of the Merchants who were examined by the Committee did not desire a Bounty, and were of Opinion that it was not at present necessary. To counteract however the Design of the French Government in this Respect, the Committee take the Liberty of proposing to Your Majesty One other Measure for that Purpose, in Addition to those they have already suggested in the former Part of this Report, for the general Encouragement of the British Fishery.

The Committee are of Opinion, that, with this View, it is highly expedient to prevent all Intercourse whatsoever between Your Majesty's Subjects, either resident or fishing at Newfoundland, and those of any Foreign Nation whatsoever. The Merchants examined by the Committee approved of this Measure, not only for the Purpose now suggested, but for that of preventing all illicit Commerce with Foreign Nations.

It appears in the former Parts of this Report, that the French cannot carry on the Fishery on the Coast and Shores of Newfoundland with the same Advantage as Your Majesty's Subjects, unless they are provided with Stages, Flakes, and other Materials, before the Time of their resorting thither at the Beginning of each Season; and it also appears, that it is almost

necessary for the Residence of the French at St. Pierre and Miquelon, as well as for their Fishery there, to have Wood from Newfoundland. The French are also desirous of availing themselves of the Skill and Intrepidity of our Fishermen, and do not therefore discourage their Desertion, to which the dissipated Turn of the Residents at Newfoundland too much inclines them. They frequently also want to purchase our Boats and Fishing Utensils, as being better adapted to their respective Purposes than their own; and when their Fishery has been unsuccessful, they, as well as the Americans, endeavour to obtain a Cargo of our Fish, that they may at least make a Freight to some Market. To prevent these Practices is of the utmost Consequence to the Interest of the British Fishery; with this View the Committee directed Your Majesty's Law Officers to prepare proper Clauses for the Punishment of those concerned in these Practices to be inserted in an Act for that Purpose, and which are hereunto annexed, N<sup>o</sup> 5. And the Committee recommend, that among other Punishments for Offences against the proposed Act, Your Majesty's Governor should have Authority to send the Offenders, in certain Cases, back to Europe, as this Punishment would put it out of the Power of the Offenders to repeat the Offence, and corresponds with the Policy so frequently recommended in the former Part of this Report, of removing from Newfoundland those who are disposed to pass the Winter there.

The Committee also humbly recommend, that Your Majesty's Governor be particularly directed to enforce a due Execution of the Laws, and to take Care that the French carry no Wood or Timber from Newfoundland, which it appears in Evidence they have sometimes carried when in Want of a Freight to France; and that no Frenchman be allowed to remain in the Island after the Fishing Season is over; and that no British Subject be allowed to prepare any Boat, Stage, or Flake for them against the ensuing Season.

The Merchants who attended the Committee frequently expressed a Desire of knowing whether British Subjects had a Right to fish, and to dry Fish, within the Limits where the French are, by the late Treaty, allowed to carry on their Fishery; and at the same Time complained, that several of Your Majesty's Subjects had been ordered by the Commanders of French Men of War to remove from within these Limits. The Committee did not think themselves sufficiently informed or authorized to answer this Question. The Doubt arises from the Manner in which the Duke of Manchester's Declaration of the 3d Day of September 1783 is worded, and can only be satisfactorily cleared up by Reference to the Correspondence which passed on that Occasion. But the Committee are decidedly of Opinion, that, by the Words of the Treaty, Your Majesty continues to be the sole Sovereign of the Island of Newfoundland: And if it shall be the Opinion of Your Majesty's Ministers, that British Subjects ought no longer to fish, in Concurrence with the French, within the Limits above-mentioned, they should be obliged to remove, by the Orders of Your Majesty's Governors, or the Commanders of Your Majesty's Ships of War, authorized by Your Majesty's Instructions for that Purpose, and not by those of the French Officers who may happen

to be on that Coast, and who, in Cases of Contravention, should not be allowed to exercise any Authority upon Your Majesty's Island of Newfoundland, but should make Complaint and apply to Your Majesty's said Governor, or the Officers who act under him, for Redress.

Office of Committee of  
Privy Council for Trade,  
Whitehall, 11th March 1793.

A true Copy.

GEO. CHALMERS,  
Ch<sup>f</sup> C<sup>lk</sup> Com. C<sup>t</sup> Trade.