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FURTHER CORRESPONDENCE

RESPECTING THE

NEWFOUNDLAND FISHERIES:

1890-91.

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*Presented to both Houses of Parliament by Command of Her Majesty.  
March 1891.*

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## Further Correspondence respecting the Newfoundland Fisheries.

No. 1.

*The Earl of Lytton to the Marquis of Salisbury.—(Received June 6.)*

My Lord,

Paris, June 5, 1890.

M. RIBOT repeated to me yesterday that he had no recent information from Newfoundland.

He expressed confidence in the possibility of arriving at a final settlement of the Fishery question on terms satisfactory to England and France, but said that France could not take the initiative in making proposals for such settlement, nor expect Her Majesty's Government to do so until after consultation with the Representatives of the Newfoundland Government, who, he understood, had not yet arrived in England.

I have, &c.  
(Signed) LYTTON.

No. 2.

*Admiralty to Foreign Office.—(Received June 12.)*

Sir,

Admiralty, June 10, 1890.

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State, copy of a letter from the Captain of Her Majesty's ship "Emerald," together with copies of its inclosures, respecting the proceedings of that ship, the "Pelican," and the "Forward," with regard to the protection of the Newfoundland fisheries.

I am, &c.  
(Signed) EVAN MACGREGOR.

Inclosure 1 in No. 2.

*Captain Sir B. Walker to Vice-Admiral Watson.*

Sir, "Emerald," at St. John's, May 21, 1890.

I HAVE the honour to report that I left Halifax on the 13th instant, and arrived at this port on the 16th instant. Thick fog was experienced throughout the passage.

2. Her Majesty's ship "Pelican," with the torpedo-boat, left Halifax on the 12th instant, and is now at St. George's Bay, with torpedo-boat, and will proceed to Port Saunders as soon as the state of the ice permits.

3. Her Majesty's ship "Forward" left Halifax on the 12th instant, and arrived here yesterday, having visited St. Pierre and Fortune Bay *en route*. She will remain here until the ice has cleared away sufficiently to enable her to proceed to her station on the east coast, probably about the middle of June.

4. May 22.—I have this day received a telegram from Commodore Maréchal announcing his arrival at St. Pierre, and informing me that he will meet me at Port Saunders about the end of this month. I shall therefore leave here on Monday morning, the 26th instant, and shall proceed to the west coast for this purpose.

5. I have telegraphed to the "Pelican" to visit the different ports forthwith, to obtain full information as to the position, &c., of the new lobster factories, and then to meet me at Port Saunders, leaving the torpedo-boat to proceed up the coast by herself.

I have, &c.  
(Signed) B. W. WALKER.

## Inclosure 2 in No. 2.

*Sailing Orders.**"Emerald," at Halifax, May 11, 1890.*

HER Majesty's ship under your command being in all respects prepared and ready for sea, you will proceed at daylight on Monday morning with torpedo-boat No. 62 in company. You will convoy her to Port Saunders, and there you will land her spare gear, &c., and establish a depôt of coals and provisions sufficient to last her until the beginning of June.

2. At Brig Bay a small quantity of coals and provisions for the torpedo-boat is to be landed at the English factory.

3. Having made the necessary arrangements for the boat, and selected a suitable site for the coal depôt at Port Saunders, you will carefully inspect the whole of the west coast, ascertaining the positions of the lobster factories established since July 1889, and all particulars relative to them. Should any of these be working, one of the inclosed Notices is to be given to the manager, and he is to be warned that he must desist from any further exercise of his industry unless he receives the necessary permission from the Senior Naval British Officer.

4. As the Return for 1889 is not complete, all particulars necessary to complete it are to be obtained and given to me on meeting.

5. As disputes are likely to arise between the French and British fishermen with reference to the ground to be occupied by their lobster-trawls, if necessary a temporary allotment is to be made until a final settlement is arranged between the French Commodore and myself.

6. In making these temporary allotments, the grounds occupied at the commencement of last season by the respective fishermen are to be adhered to as much as possible, but in every case the French and British managers must be made to understand that your decision is only a temporary one until the Senior Officers shall have had time to decide.

7. No interference with the French fishing rights conferred by Treaty is to be allowed, and British lobster-traps, even on grounds already allotted to them, must be raised during the time the French are desirous of actually occupying the waters, but the traps so raised may be replaced as soon as the waters are vacated.

8. Cod-traps are illegal, and their owners are to be informed that they must lift them.

9. By Article 15 of the Instructions, the interference with British property by foreign naval officers is illegal, and, should any case arise, you are to send a written remonstrance to the officer so acting, and report to me the details immediately.

10. Before leaving any port your destination and probable movements should be made known on shore, word being left at the different factories to prevent any plea for such action.

11. The French have no right to fish in or bar any rivers. If any case arises you will, on meeting a French man-of-war, request the Captain to have these practices stopped, and forward a report to me at once.

12. In dealing with all questions arising between British and French fishermen you are to act with great patience and discretion, especially those affecting the lobster industry; and the allotment of fishing grounds under the *modus vivendi* arranged between Her Majesty and the French Government, and you will endeavour as far as possible to allay the feeling which at present exists.

13. Your next mail will be sent by coastal steamer to Bonne Bay, and is due there about the 30th instant.

(Signed)

B. W. WALKER,  
Captain and Senior Officer.

To Commander Daniel W. N. Riddell,  
Her Majesty's ship "Pelican."

## Inclosure 3 in No. 2.

*Notice.*

I HEREBY give notice that by the arrangement come to between Her Britannic Majesty's Government and the French Government no lobster factory not in operation

on the 1st July, 1889, shall be permitted, unless by the joint consent of the British and French Senior Naval Officers.

Under these circumstances, I must request you to immediately cease all operations unless you shall hereafter receive the necessary permission.

This Notice applies only to the present season.

(Signed) B. W. WALKER,  
*Captain and Senior Officer.*

"*Emerald*," at Halifax, May 10, 1890.

Inclosure 4 in No. 2.

*Sailing Orders.*

"*Emerald*," at Halifax, May 11, 1890.

HER Majesty's ship under your command being in all respects prepared and ready for sea, you are to proceed to St. John's on Monday, the 12th May, at noon, calling at St. Pierre and visiting Fortune Bay on your way.

At St. Pierre you will deliver the inclosed letter for the French Commodore to the French Senior Naval Officer, ascertaining, if possible, the Commodore's movements, and informing me of them by telegraph from Fortune Bay.

Your visit to Fortune Bay is to be entirely confined to observing the state of affairs with reference to the *modus vivendi* passed by the Newfoundland Government during the suspension of the Bait Bill, and you will take no part in the enforcement of these acts during your visit. A Report on this subject is to be forwarded to me on your arrival at St. John's.

The above service is to be performed with dispatch, and your stay at St. Pierre and at Fortune Bay is to be as short as is compatible with the duties you have to perform at those places.

(Signed) B. W. WALKER,  
*Captain and Senior Officer.*

Lieutenant-Commander Gray,  
 Her Majesty's ship "*Forward*."

Inclosure 5 in No. 2.

*Lieutenant-Commander Gray to Captain Sir B. Walker.*

Sir, "*Forward*," at St. John's, May 20, 1890.

I HAVE the honour to report my arrival at St. John's this day, in obedience to your orders dated the 11th May, 1890.

2. On the morning of the 15th instant I was compelled to anchor in South-West Bay, Miquelon, owing to the dense fog which had prevailed for the previous forty-eight hours, and which continued until the afternoon of the 17th, when I proceeded into St. Pierre Roads.

3. There were no French men-of-war there, but the Governor informed me that he was daily expecting the Senior Officer in "*La Pérouse*" to arrive from France, as he was to have left on the 1st May; also that the "*Indre*" had gone to St. George's Bay, and the "*Bisson*" was expected to arrive soon from West Indies.

4. I left St. Pierre at daylight on the 18th, anchored off Fortune for a couple of hours in the forenoon, and then proceeded to Belleram, where I remained for the night.

5. I called at Harbour Briton the following morning, and left for St. John's at 10.30 A.M., since when I have experienced very fine weather, with fog, since rounding Cape Race.

6. Inclosed Report\* is the result of my observations and inquiries at those ports I touched at in Fortune Bay on the working of the present Newfoundland Laws as to bait.

I have, &c.  
 (Signed) S. W. A. H. GRAY.

\* See Inclosure 2 in No. 9.

No. 3.

*Colonial Office to Foreign Office.—(Received June 17.)*

(Extract.)

*Downing Street, June 16, 1890.*

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor, forwarding a Petition addressed to the Queen and bearing some 12,000 signatures, upon the subject of the French rights of fishery on the coasts of Newfoundland, and protesting against the *modus vivendi* recently agreed to with the French Government for this season in respect of the lobster fisheries.

Inclosure 1 in No. 3.

*Governor Sir T. O'Brien to Lord Knutsford.**Government House, St. John's, Newfoundland,*

My Lord,

*May 27, 1890.*

I HAVE the honour to forward, for submission to Her Majesty, a Petition, attached to which are some 12,000 signatures, obtained from various parts of the island, which has been presented to me this day by a deputation.

2. Having now received your Lordship's permission to publish the correspondence, which is now in the printer's hands, I took occasion to inform the deputation that they would in a few days find that it is impossible to have the case of Newfoundland more strongly supported than it is by Her Majesty's Government, but that, as they, as business men, must be aware, there are always two parties to a contract, whose consent to its cancelment or alteration must be obtained, they must not expect impossibilities, for however strong the views of Newfoundland or of England might be on the subject, it did not at all follow that France could be got to see them in the same light.

3. I have already kept you, my Lord, from time to time so fully informed of the excitement that has been created in this matter that I shall not repeat myself, but would only add that, through the agitation that has been got up, the feeling against the French and the Treaty restrictions is greater now than perhaps it has ever been in the annals of Newfoundland.

4. I am informed that, as all the lists have not yet been received, some 3,000 or 4,000 more signatures are likely to be sent in later on.

I have, &amp;c.

(Signed) T. O'BRIEN.

Inclosure 2 in No. 3.

*Petition.*

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

THE Petition of the undersigned inhabitants of the Colony of Newfoundland humbly sheweth:

That your petitioners have heard, with indignation and alarm, of the arrangement, called a *modus vivendi*, recently concluded between the Governments of Great Britain and France in relation to the prosecution of the business of catching and preserving lobsters on those parts of the coasts of this Colony upon which the French have certain Treaty rights of fishery.

That the negotiations leading to the adoption of the said arrangement were commenced and carried on, and the arrangement itself concluded, without the consent, and even without the knowledge, of the community or Legislature of this Colony.

That your petitioners hold that it is a fundamental principle of responsible government that the people shall be directly, or through their Representatives in Parliament

assembled, consulted concerning all matters appertaining to their government, and more especially to their territorial and maritime rights.

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

That your petitioners humbly submit that the making of the said arrangement without the knowledge and consent of the community or Legislature was a violation of our Constitutional rights, and of the particular engagement which your Majesty's Government voluntarily made; and against this violation we desire to offer our most earnest protest.

That your petitioners further humbly contend that the claims put forward by the French (1) to catch and preserve lobsters, (2) to erect lobster factories, and (3) to exclude our people from the prosecution of that industry on the parts of our coasts in question, are utterly without foundation.

That the exercise of such claims involves, in its consequences, not only directly the deprivation of our people of a valuable maritime industry, but also indirectly the settlement of a new French population with a permanent footing upon our soil, the locking up of the territorial resources of the Colony, the extinction of valuable industries and sources of wealth, and the virtual transfer of sovereignty of soil to a foreign Power.

That for these reasons your petitioners would respectfully but emphatically protest against the said arrangement, and would submit that the claims now set up by the French in relation to the lobster industry should be met by an absolute and unqualified denial.

That to provide the people of this Colony with a means of livelihood, and to stay the tide of emigration from our shores, it is necessary to procure the speedy development of the natural resources of the interior.

That railways which have been projected in order to promote the development of these resources, and necessary thereto, will entail great burdens upon the people of the Colony.

That that portion of the island upon the coasts of which the French have certain Treaty rights of fishery is rich in agriculture, mining, and lumbering capabilities.

That the fishery rights and the claims of the French are enforced in such a manner as to prevent the development of those great resources by the inhabitants of the Colony, grants of land and minerals being made "subject to French Treaty rights," whereby capitalists are deterred from investing.

That the presence of French fishermen upon our coasts, and their denial of our concurrent right to fish for cod, and of our exclusive right to take lobsters, give cause for constant quarrels in the fishing season, and much oppress our fishermen.

That for these reasons it is absolutely indispensable to the prosperity of this Colony and its inhabitants that the rights and claims of the French upon our coasts should be entirely removed.

That the Treaties under which the French have rights and set up claims were undeniably framed more than a century ago, solely with a regard for the exigencies of the British nation, and without contemplating the condition of affairs which time has brought about in this Colony; and therefore your petitioners respectfully contend that it is the duty of the British nation to relieve us of the burden placed upon the Colony so many years ago, and under which we have so long suffered.

That your petitioners submit that no arrangement should be entered into between the British Government and that of France which does not have as a basis that French claims to territorial or maritime rights in this Colony are to be totally extinguished.

Your petitioners therefore humbly pray that your Majesty will take their case into your earnest and favourable consideration, and adopt such measures as in your wisdom may be deemed most effective for the preservation of the rights and interests and the promotion of the welfare of this Colony in so far as they are affected by the matters herein referred to.

And your petitioners, as in duty bound, will ever pray.

(Signatures follow.)

No. 4.

*Colonial Office to Foreign Office.—(Received June 17.)*

Sir,

*Downing Street, June 16, 1890.*

WITH reference to my letter of the 9th ultimo, relating to the proposed repeal by the Newfoundland Legislature of the Act of 1888 for the abolition of cod-traps, I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a letter which was addressed to the Admiralty from this Department on the 3rd instant, together with copies of two letters which have been received in reply, showing the instructions which have been given to the naval officers on this subject.

I am, &amp;c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 4.

*Colonial Office to Admiralty.*

Sir,

*Downing Street, June 3, 1890.*

WITH reference to the 3rd paragraph of the letter from this Department of the 18th March, 1889, I am directed by Lord Knutsford to acquaint you, for the information of the Lords Commissioners of the Admiralty, that a Bill has just been passed by the Legislature of Newfoundland repealing the Act, cap. 8, of 1888, for the abolition of cod-traps, but that the Governor has been instructed not to assent to it, and has accordingly refused his assent.

The Act of 1888, therefore, remains in force, and the use of cod-traps will under it be illegal from the 9th ultimo.

Lord Knutsford suggests that the British naval officers should be instructed that the use of cod-traps upon the shore where the French have fishing rights is illegal under the Act of 1888, and that such traps should be removed whenever they can be considered as likely to give legitimate ground of complaint by direct or indirect interference with their fishery.

I am, &amp;c.

(Signed) JOHN BRAMSTON.

Inclosure 2 in No. 4.

*Admiralty to Colonial Office.*

Sir,

*Admiralty, June 7, 1890.*

WITH reference to your letter of the 3rd instant, I am commanded by my Lords Commissioners of the Admiralty to request that you will state to Lord Knutsford that a telegram has been sent to the Commander-in-chief on the North America and West Indies Station, informing him that he is to consider the Act of 1888 abolishing cod-traps to be still in force, and that the Governor of Newfoundland had been instructed to refuse assent to a Bill repealing the Act.

I am, &amp;c.

(Signed) EVAN MACGREGOR.

Inclosure 3 in No. 4.

*Admiralty to Colonial Office.*

Sir,

*Admiralty, June 10, 1890.*

WITH reference to my letter of the 7th instant in reply to the Colonial Office letter of the 3rd June respecting cod-traps, I am commanded by my Lords Commissioners of the Admiralty to request that you will state to Lord Knutsford that a further telegram has been sent to the Commander-in-chief on the North American and West Indian Station, directing him to inform the Commanding Officer of Her Majesty's ship "Emerald" that cod-traps should be removed whenever they can be considered as likely to give

legitimate cause of complaint by direct or indirect interference with French fisheries in Newfoundland.

I am, &c.  
(Signed) EVAN MACGREGOR.

No. 5.

*Lord Knutsford to Governor Sir T. O'Brien.*

Sir,

*Downing Street, June 24, 1890.*

I HAVE the honour to acknowledge the receipt of your despatch of the 27th ultimo, inclosing a Petition to the Queen, signed by some 12,000 inhabitants of Newfoundland, protesting against the *modus vivendi* recently agreed upon, for this season only, between the British and French Governments in respect of the establishment of lobster factories on that part of the coast of Newfoundland on which the French have certain fishery rights.

The Petition commences by an expression of the indignation and alarm with which the petitioners have heard of this *modus vivendi*. It states that the negotiations leading to the adoption of the said arrangement were commenced and carried on, and the arrangement itself concluded, without the consent, and even without the knowledge, of the community and Legislature of the Colony, and expresses the views of the petitioners to the effect that it is a fundamental principle of responsible government that the people should be consulted, directly or through their Representatives in Parliament assembled, concerning all matters appertaining to their government, and more especially to their territorial and maritime rights.

The petitioners do not here notice the fact that the *modus vivendi* referred to is of a strictly temporary character, its operation being expressly limited to the current fishing season only, neither is any notice taken of the fact that the Colonial Government was consulted as to the terms, which were to some extent modified in order to meet their views. It was, however, necessary to conclude this merely temporary arrangement without referring it to the Colonial Government in its final shape.

This act on the part of Her Majesty's Government does not appear to them to have involved any departure from the principles laid down in the despatch from the Secretary of State (the late Lord Taunton; then Mr. Labouchere) of the 26th March, 1857, referred to by the petitioners, of which the following is the actual wording, viz., that "the rights enjoyed by the community in Newfoundland are not to be ceded or exchanged without their consent, and that the Constitutional mode of submitting measures for that consent is by laying them before the Colonial Legislature; . . . . . and that the consent of the community of Newfoundland is regarded by Her Majesty's Government as the essential preliminary to any modification of their territorial and maritime rights."

The *modus vivendi* does not cede or exchange any right enjoyed by the inhabitants of Newfoundland, neither does it involve any modification of their territorial or maritime rights.

Any right which British subjects have to erect lobster factories on the shores affected by the Treaties and Declarations concerning the fisheries, although its exercise may be temporarily suspended, is not surrendered or prejudiced by the *modus vivendi*, the first sentence of which contains a statement to the effect that the questions of principle and of respective rights are entirely reserved on both sides.

From the correspondence which has passed with the Government of France, which it is believed has now been published in the Colony, it will be seen that Her Majesty's Government have constantly denied the right of the French to catch and preserve lobsters or to erect lobster factories, and have always maintained the right of British subjects to fish in the waters of Newfoundland; and the correspondence shows the remonstrances which have been addressed to the French Government on the subject of interference with such right.

But it is right that the petitioners should understand that the question of the proper interpretation of the Treaties in regard to this question is open to argument, and that it is difficult for Her Majesty's Government to insist on the suppression of those French factories which may be considered as manifestly in excess of the privileges granted by Treaty whilst British factories are maintained which the French Government contend to be contrary to the engagements contracted by England.

Her Majesty's Government, however, trust that, after the arrival in this country of



the Premier of the Colonial Government, who Her Majesty's Government hope will shortly arrive in England, negotiations may be initiated which may end in a satisfactory understanding between the two Governments, and meet with the concurrence of the people of Newfoundland. Her Majesty's Government would wish for nothing better than that those negotiations should lead to the termination of a state of affairs which undoubtedly presents obstacles to the advance and prosperity of the Colony.

You will assure the petitioners that Her Majesty's Government are quite alive to the disadvantages under which the people of Newfoundland labour owing to the existence of the ancient Treaties and engagements relating to the fisheries, and that they will do their best to give effect to the reasonable wishes of the colonists; but it must be remembered that Her Majesty's Government cannot force upon a friendly Power the renunciation of Treaty rights, nor compel the acceptance of an interpretation of those rights which Her Majesty's Government uphold, but which is at direct variance with the interpretation upheld by the other Power.

Her Majesty's Government feel confident that in these circumstances, and after full opportunity has been afforded of studying the correspondence which will shortly be laid before the Imperial Parliament, the people of Newfoundland will admit the difficulties which have surrounded the Fishery question, and will recognize that the conclusion, for this season only, of a *modus vivendi*, such as has been agreed upon, was the best course which was open to Her Majesty's Government both to avert possible collisions on the coasts of the Colony, and to give time for arriving, with the Government of France, at a solution of the question which may be more in the character of a permanent and, it is hoped, satisfactory settlement.

You will be so good as to apprise the petitioners of this answer to their Petition, and you will inform them, at the same time, that their Petition has been laid before the Queen, who was pleased to receive it very graciously.

I have, &c.  
(Signed) KNUTSFORD.

No. 6.

*Colonial Office to Foreign Office.—(Received June 27.)*

Sir,

*Downing Street, June 26, 1890.*

WITH reference to the reports which appeared in the press as to the alleged landing of a French armed force at St. George's Bay in Newfoundland, I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, copies of two despatches on the subject of these reports which have been received from the Governor of the Colony.

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

Inclosure 1 in No. 6.

*Governor Sir T. O'Brien to Lord Knutsford.*

*Government House, St. John's, Newfoundland,  
June 9, 1890.*

(Extract.)

WITH reference to the reported occurrences on the western coast of this island, I have now the honour to forward, for your Lordship's information, copy of a letter from Captain Sir Baldwin Walker, commanding Her Majesty's ship "Emerald."

Inclosure 2 in No. 6.

*Captain Sir B. Walker to Governor Sir T. O'Brien.*

Sir,

*"Emerald," at St. George's Bay, June 1, 1890.*

I HAVE the honour to bring to your Excellency's notice the following:—

On the afternoon of my arrival at St. George's Bay a deputation came on board to interview me, and left a copy of Resolutions passed at a public meeting on the 24th May.

The wording of the 4th Resolution, the prohibition to set their herring-nets, "thus ruining our voyage and depriving us of our principal means of subsistence," would lead any one not acquainted with the facts to the conclusion that the prohibition was general, and also that the herring were being taken in quantities, whereas neither were the case.

The nets which were requested to be lifted on the evening of the 22nd were few in number (about twenty-eight), they were up only twenty-four hours, and at the time of lifting hardly any herring had been taken in them—about five barrels in forty nets.

The 300 yards under prohibition were necessary for the French seining operations, and this was really in the end beneficial to the inhabitants, as it enabled the French bankers, twelve in number, to get their bait and leave the whole bay free when the herring did really strike in.

This occurred about the 26th May, when the herring first meshed, though a few hauls had been made on the 23rd and 24th, principally with seines, but the herring were not plentiful till the 29th, when the fishery was in full operation. The catch, so far, has been extremely good, and should the present promise continue the take will be above the average. From the above it will be seen that the statements with reference to ruining their voyage and the deprivation of their principal means of subsistence was, even at that time, premature, to say the least of it, and, as events have since proved, was false.

As to Resolution No. 5, as I informed the deputation, the action they were taking was that of a highwayman. They required the British Government to force France to give up just rights under Treaty (ones which they acknowledged she had not in this case abused), and also to give them compensation, the penalty in case of non-compliance being the repudiation of all law. These Resolutions were, I may add, seconded by a Justice of the Peace.

The Secretary to the meeting and, as I understand, the framer of the Resolutions was Dr. Howley, who had arrived from Channel the evening before, and was really quite unacquainted with the facts, except by hearsay from a people then under great excitement, for the following reasons:—

The herring this season were so very late (as far as I can ascertain later than even 1883, one of the latest years) in striking in, that the inhabitants were of the opinion that they had deserted the bay, owing to their having been so much disturbed since the Bait Act; hence they were under the impression that their chance of a catch was lost with the ordering up of the nets. Had the influence of Dr. Howley been used to postpone the meeting until the excitement had calmed down, it would have given time to prove how groundless the fears of the inhabitants were that the herring had deserted the bay, and consequently these statements would not, in all probability, have been made. Though false, I am of opinion that at the time they really believed what they said.

I have, &c.  
(Signed) B. W. WALKER.

Inclosure 3 in No. 6.

*Resolutions passed at a Public Meeting held at Sandy Point, Bay St. George, West Newfoundland, on the 24th May, 1890.*

WHEREAS we, the inhabitants of the west coast of Newfoundland, are loyal and law-abiding British subjects, dwelling peacefully upon a territory which has been declared by Treaty to be a British Colony; and

Whereas the Newfoundland Government, with the consent of Great Britain, has recognized our settlement upon this coast by the regular establishment of police and Customs officers, by the appointment of Magistrates, and the exercise of jurisdiction by the Supreme Court of Newfoundland, and by the concession to us of the electoral franchise, thus acknowledging us as lawful citizens legally established here, and not as outlaws intruding at our own peril and contrary to Treaty rights; and

Whereas we, trusting in the *bonâ fide* declarations of the Newfoundland Government in this matter, have invested large capital in commerce and other business enterprises on this shore, and have peaceably submitted to the restrictions of all legal enactments, have paid all fines, duties, taxes, or exactions whatsoever, the same as are levied on the inhabitants of the other parts of the Island of Newfoundland; and

Whereas we are now prohibited by the French man-of-war from setting our herring-nets, thus ruining our voyage and depriving us of our principal means of subsistence, and as we cannot receive any redress, protection, or compensation, either from the British ships of war cruising on the coast, or from the Officer placed on this shore by the Newfoundland Government; be it therefore

Resolved that we do from this moment forward absolutely refuse to pay any duties to the Customs officers established by the Newfoundland Government on this shore, or to allow their officials to interfere with us in landing goods, until such time as we receive due protection in the exercise of our industries and compensation for the losses we have suffered; and

Resolved, that we communicate the steps taken by us to-day to all settlements on the so-called French Shore, and call upon the people to unite with us in making a determined stand until this vexed question is satisfactorily settled and just rights fully recognized and secured to us; and

Resolved, that these Resolutions be published in the St. John's and Halifax newspapers, and a copy of the same be sent to Governor, St. John's, and to the Secretary of State for the Colonies.

(Signed)

NATHANIEL BUTT, *Chairman.*  
M. F. HOWLEY, *Secretary.*

Inclosure 4 in No. 6.

*The Magistrate, St. George's Bay, to the Attorney-General, St. John's.*

(Telegraphic.)

June 2, 1890.

NO French armed force landed; an officer, with one man, came to strand in a dory, giving notice to inhabitants to remove nets from cove; officer had on sword; got on wharf to read Notice.

Inclosure 5 in No. 6.

*Governor Sir T. O'Brien to Lord Knutsford.*

*Government House, St. John's, Newfoundland,*

June 10, 1890.

(Extract.)

IN continuation of my despatch of yesterday's date, I have the honour to inclose copy of a letter to the Attorney-General from Mr. Dwyer, Stipendiary Magistrate at St. George's Bay, who appears to have acted very well under the circumstances.

Inclosure 6 in No. 6.

*The Magistrate, St. George's Bay, to the Attorney-General, St. John's.*

Sir,

*Sandy Point, St. George's Bay, May 29, 1890.*

ON the 21st instant herring struck in shoal water, though not in great quantity, just enough to warn our fishermen of the near approach of the main schule, consequently some nets were put out in places most likely for taking of herring; there were at the time a few French fishing vessels looking for herring and were using seines; they grumbled, and did not like our people placing nets where seines could be worked.

On the 22nd a steam-launch from "Indre" came near the shore and an officer with one man landed on the strand in a dory, there being a number of inhabitants on a wharf near by; the officer got up on wharf and read a Notice from Commander "Indre," ordering all nets set in certain places (to which he pointed) to be taken up by 8 A.M. 23rd, or the French would remove them; the people obeyed order and set them elsewhere; the officer was in full uniform with side-arms, i.e., sword on; Her Majesty's ship "Pelican" was not here; excitement ran high for a while; there being so few French here the people considered it unreasonably harsh on the part of the French Commander.

On the 24th a public meeting was held when Resolutions were passed ignoring

all authority, pay no taxes, not act as tidewaiters, and suffer imprisonment before serving as specials! in fact a revolutionary movement, and an embryo Republic established. I did not feel alarmed, and told them that if they attempted to carry their "Resolution" into effect, that we would first carry out the law, and then the Government may likely consider their claims for compensation, and that their Resolutions meant "rebellion or a farce." I did not consider the matter worthy of more extended remarks than I sent you by telegram; this question of duties is a chronic one, comes in nearly with the herring schule since the Bait Act. At all events since the main schule of herring struck in, the people have no one to interfere with them this year.

Some American schooners were here and purchased bait. The collector it appears, through advice of Sir B. Walker, let them off without paying for a licence; the Canadians paid.

I think the herring voyage will turn out fairly well, though it is late. I have not a copy of Resolutions to send. I understand Sir B. Walker is furnished with one.

I have, &c.  
(Signed) M. S. DWYER, J.P.

## No. 7.

*Colonial Office to Foreign Office.—(Received June 28.)*

Sir, *Downing Street, June 27, 1890.*  
WITH reference to the answer given yesterday in the House of Commons to Mr. Redmond's question respecting reported disturbances at Port-à-Port in Newfoundland, I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a further telegram received from the Governor of Newfoundland on the subject.

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

## Inclosure in No. 7.

*Governor Sir T. O'Brien to Lord Knutsford.*

(Telegraphic.) *(Received June 27, 1890.)*  
MAGISTRATE, St. George's, reports by telegram as follows:—  
"On report of disturbances at Port-à-Port 'Emerald' proceeded to investigate; found that there was no truth in it; reported burning unoccupied factory also untrue; cold night, French made fire there, doing no damage."

## No. 8.

*The Earl of Lytton to the Marquis of Salisbury.—(Received July 7.)*

My Lord, *Paris, July 5, 1890.*  
I HAVE the honour to report that the Bill for prolonging the grant of fishery bounties to the 30th June, 1901, was passed to-day by the Chamber of Deputies.  
I have, &c.  
(Signed) LYTTON.

## No. 9.

*Admiralty to Foreign Office.—(Received July 10.)*

(Extract.) *Admiralty, July 8, 1890.*  
WITH reference to my letter of the 10th ultimo on the subject of the Newfoundland Fisheries, I am commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State, a copy of the Report on the working of Newfoundland Bait Laws alluded to in paragraph 6 of Lieutenant Gray's letter, inclosed in my communication of the 10th June.

## Inclosure 1 in No. 9.

*Captain Sir B. Walker to Admiralty.*

(Extract.)

*"Emerald," at Bonne Bay, June 16, 1890.*

I HAVE the honour to forward herewith the Report by Lieutenant-Commander Gray, Her Majesty's ship "Forward," on the working of the Newfoundland Bait Laws.

## Inclosure 2 in No. 9.

*Lieutenant Gray to Captain Sir B. Walker.*

Sir,

*"Forward," at St John's, May 20, 1890.*

IN obedience to your orders, I have the honour to report the result of my observations in Fortune Bay on the state of affairs with reference to the present Bait Laws of Newfoundland.

2. The places visited were Fortune on the south side, Belloram and Harbour Briton on the north.

3. I was told the herring are as plentiful and fine as in previous years (usually frequenting the north side of the bay more than the south), but only about a dozen French craft had baited at each place, whereas in former years they had done so in great numbers. American and French (*i.e.*, not Newfoundland) vessels had not sensibly diminished, but it was generally believed few would return this year to bait a second and third time, owing to the necessity for a new licence each trip. General complaint was made that the present law favoured these latter more so than last year, and acted adversely to the smaller native craft, because the large vessels can take more than is necessary for their own use and dispose of the surplus at St. Pierre, whereas the smaller bankers, many of the old craft for export of bait, cannot make it pay, because they, being a small number of tons, are not allowed to carry sufficient bait to make a long enough stay on the Banks.

For instance, 50 barrels of bait are ample for the largest fishing-vessel. The law allows 1 barrel per ton. A vessel of 100 tons, having paid for her licence, takes 100 barrels (generally manages more), the price she gets in St. Pierre in the spring season for all she does not require herself more than covering the cost of the licence. The seizure of an American schooner lately was on account of this, she being of 90 tons and having on board about 240 barrels.

The Act seems to be rigorously enforced, but even then a great deal of smuggling takes place.

4. At Belloram complaints were made that no Proclamation had been posted up (I did not see any there or at Fortune, although I walked about those villages), so that many of the fishermen did not know what was the law, several being frightened into giving up fishing by their neighbours being arrested for what, at the time, they believed to be legal.

It was also stated that great difficulty was experienced in getting a licence granted.

5. It seems certain that the French have got all the bait they want without visiting Fortune Bay in any great numbers, like they used to do, and thus the majority of the fishermen are deprived of their former means of support, though some have found employment in the lobster fishing, several new factories having been erected lately.

6. All seem to agree that since the passing of the Bait Acts the prosperity of place has departed, many of the younger people are leaving for other countries, and altogether a feeling of discontent seems to prevail that might lead to serious disturbances at any time.

7. In conclusion, I may add that at St. Pierre there were about a dozen brigantines and some fifty or sixty schooners; few hoisted colours, but those that did were French.

I have, &amp;c.

(Signed) S. W. A. H. GRAY.

No. 10.

*Admiralty to Foreign Office.—(Received July 10.)*

Sir, *Admiralty, July 8, 1890.*  
 I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State, copy of a letter from the Captain of Her Majesty's ship "Emerald," dated the 6th ultimo, on the subject of the Newfoundland fisheries.

I am, &c.  
 (Signed) EVAN MACGREGOR.

Inclosure 1 in No. 10.

*Captain Sir B. Walker to Vice-Admiral Watson.*

Sir, *"Emerald," at Port Saunders, June 6, 1890.*  
 THE accompanying telegram having been communicated to me by his Excellency the Governor of Newfoundland from the Secretary of State for the Colonies, asking for a report on the subject by telegraph, I have the honour to forward particulars of the circumstances alluded to.

2. On my arrival at St. George's Bay on the morning of the 28th ultimo I received a communication from the Rev. M. F. Howley, requesting me to receive a deputation from the inhabitants on matters of vital importance to them.

3. I acceded to the request, and by appointment, at 3.30 P.M., the deputation was received by me on board the "Emerald."

A copy of Resolutions passed at a public meeting convened on the 24th May\* was given me, and they proceeded to state their case. In addition to the grievances there set forth, they informed me that Sir James Fergusson, in reply to a question in the House of Commons relative to Newfoundland, had answered, with a sneer, that the question had been going on for 200 years without any disturbance, and that as long as matters continued to go on peacefully nothing would be done.

Also that they had received no information as to the *modus vivendi* until the notices were served on them by Her Majesty's ship "Pelican," and that they had spent large sums of money in building and fitting the factories, with the intention of working them this year.

4. On my pointing out to them that the Resolutions were of a revolutionary character, and asking them why they did not lay their grievances before their Government in a Constitutional manner, their answer was to the effect that they had sent in Petitions, &c., time after time, and no notice had been taken, and that, having only two Members for the whole of the Treaty shore in the House of Assembly, they were powerless to enforce their claims being considered; they also mentioned that they wished to strengthen the hands of the delegates now in England, and that they considered some action of the sort necessary after Sir James Fergusson's answer in the House of Commons. They also asked me if I would use force to compel the payment of duties.

5. With reference to the question of the French landing armed marines and removing nets of the inhabitants, I would remark that no such occurrence took place. On the evening of the 22nd ultimo the Captain of the "Indre" sent an officer to request the removal of nets from a certain portion of the shore where the French were desirous of seining; these were removed by their owners. The deputation had no other complaint to make as far as French actions were concerned, and admitted that even in this they were well within their Treaty rights.

6. The wording of the fourth Resolution is such that any one unacquainted with the subject would suppose that the prohibition was general, and that the herring were being taken in quantity, whereas the facts are as follows:—

The prohibition only extended to about 300 yards of the shore; between forty and forty-five nets were out at this particular spot; of these, it was necessary to lift about twenty-eight. The nets were up some twenty-four hours, and were set again before the meeting was held. The herring had not really struck in at the time, and very few had been taken at all (about five barrels for the forty or forty-five nets), but the people at the time, owing to the very late date before the herring made their appearance, were under the impression that they had deserted the bay in consequence of their having been so much

\* See Inclosure 3 in No. 6.

disturbed by the seines since the passing of the Bait Act, hence they thought that a portion of the catch might be lost with the ordering up of these nets.

The prohibition was really, in the end, beneficial to the inhabitants, as it allowed the French Bankers, of which there were only twelve, to obtain their bait and leave the bay before the fishery really commenced. The inhabitants by arrangement among themselves do not use seines, and the herring at this time were not being taken in nets except in very small numbers.

7. The herring first made their appearance about the 21st, but they did not strike in to mesh before the 26th, though a few hauls were made on the 23rd and 24th (the herring fishery was over last year at this date, all the nets being up), it was not till the 29th that they were plentiful.

Up to the time of my leaving St. George's Bay, on the evening of the 1st June, the catch had been most abundant, and should the promise continue there is every likelihood of the catch being one of the largest during the past seven years.

The herring had only commenced to spawn, and will continue in the bay for a fortnight longer; it will thus be seen that their assertion that their voyage was ruined, and that they were deprived of their principal means of subsistence, was premature, to say the least of it, and, as events have since proved, was false.

In conversation I have had with Commodore Maréchal on the subject he informed me that when the Captain of the "Indre" heard of the meeting he had spoken to the Rev. M. F. Howley on the subject, expressing his surprise that the request for the removal of so few nets should have such disastrous effects on their catch. He was then informed that in all probability it would not be so bad, but they must take the opportunity it afforded of bringing the matter before the public.

I may add that the Secretary of the meeting, and, as I understand, the framer of the Resolutions, was the Rev. M. F. Howley, who had only arrived from Channel the evening before, and was therefore unacquainted with the facts of the case, except by hearsay from a people then under great excitement. Had his influence been used to calm this ebullition and postpone the meeting, it would have given time to prove how groundless were the fears of the inhabitants, and in all probability these statements would not have been made.

8. This year there are, as far as I can ascertain, no less than twenty-three new lobster factories on the west coast, in many cases belonging to people who have spent all their savings and borrowed money in order to set up a small factory. These unfortunate men have nothing before them but starvation in the event of their not being permitted to work this season, they having allowed their nets and lines to go to ruin in the meantime; of these, about eight are in the neighbourhood of St. George's Bay and Port-à-Port.

The non-intimation of the *modus vivendi* to the people engaged in this industry, though not touched on in the Resolutions, is, I consider, a real grievance, if this statement be true, although I am at a loss to understand how it can be the case, as they are in telegraphic communication with St. John's.

9. Finally, I inclose a Statement showing the number of barrels of herring exported from St. George's Bay during the last thirteen years, from which it will be seen that the French interference has up to the present not been of the serious character which they attribute to it.

I have, &c.  
(Signed) B. W. WALKER.

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Inclosure 2 in No. 10.

*Governor Sir T. O'Brien to Captain Sir B. Walker.*

(Paraphrase of Telegram.)

*Newfoundland, June 3, 1890.*

FOLLOWING telegram received from Secretary of State for Colonies:—

"Send explanation by telegraph as to state of affairs. Have armed marines landed and removed nets, and has payment taxes been refused?"

"Report by telegraph to me all the facts of the case, to be transmitted to Secretary of State for the Colonies."

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## Inclosure 3 in No. 10.

STATEMENT of Number of Barrels of Herring exported and sold from St. George's Bay.

Year.			Number of Barrels exported.	Sold.	Remarks.
1878	..	..	10,547	..	
1879	..	..	12,993	..	
1880	..	..	9,058	..	
1881	..	..	12,543	..	
1882	..	..	16,377	..	
1883	..	..	22,291	..	
1884	..	..	19,548	..	
1885	..	..	11,960	..	
1886	..	..	8,172	..	
1887	..	..	16,352	..	
1888	..	..	14,680	10,000	In addition to this a considerable quantity sold to lobster factories.
1889	..	..	16,627	2,500	

(Signed) B. W. WALKER, *Captain.*

## Inclosure 4 in No. 10.

*Resolutions passed at a Public Meeting held at Sandy Point, Bay St. George, West Newfoundland, May 24, 1890.*

[See Inclosure 3 in No. 6.]

## No. 11.

*Admiralty to Foreign Office.—(Received July 16.)*

Sir, *Admiralty, July 11, 1890.*  
 I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State, copy of a letter from the Captain of Her Majesty's ship "Emerald," dated the 22nd ultimo, together with copy of its inclosure, respecting the state of affairs in connection with the Newfoundland fisheries.

I am, &c.  
 (Signed) EVAN MACGREGOR.

## Inclosure 1 in No. 11.

*Captain Sir B. Walker to Admiralty.*

(Extract.) *"Emerald," at St. George's Bay, June 22, 1890.*  
 IN continuation of my letter of the 6th June, I have the honour to report that I left Port Saunders on the 9th instant for Old Ferolle, where I arrived the same day. Having visited the factories in that neighbourhood, I proceeded, on the 11th instant, to St. Margaret's Bay, where I met Commadore Maréchal, and arranged with him the delimitation, under the *modus vivendi*, of the fishing-grounds for the factories situated round that bay.

## Inclosure 2 in No. 11.

*Commander Riddel to Captain Sir B. Walker.*

Sir, *"Pelican," at Bay St. George, June 17, 1890.*  
 I HAVE the honour to report that, in pursuance of your orders, I left Port Saunders in Her Majesty's ship "Pelican," under my command, on the forenoon of the 5th June, and proceeded under steam for Bay St. George, experiencing a dense fog during the latter



part of the passage, which compelled me to anchor off Gravels for the night of the 6th, proceeding to St. George's on the following forenoon.

2. At St. George's I was informed that the herring fishing had for the most part come to an end, and that the catch had been very good. No French cruiser was in the port, and everything was quiet on shore, though some of the residents who had cargo on board the steam-ship "Harlow" had on the previous day, on her arrival from Halifax, refused to pay the customary duties of import, and that, in consequence, the steamer had proceeded north without landing any part of it. I may here add that on the return voyage of the "Harlow" the amount of duty was deposited, and the cargo removed from the vessel by the consignees.

I communicated with his Excellency the Governor by telegraph; and having been assured by Mr. Dwyer, the Resident Magistrate, that no disturbances were anticipated, I put to sea on the 8th instant at 4.40 A.M., and after encountering strong breezes and a confused sea, arrived at Sydney at 10.15 A.M. on the 9th.

3. At Sydney twenty-four hours' general leave was given to each watch; and the ship was coaled alongside the pier of the Sydney and Louisburg Coal and Railway Company, and at 10 A.M. on the 13th the "Pelican" proceeded to sea, arriving at St. George's at noon on the following day.

4. The French cruiser "Indre" was at Sydney, and, on the 10th instant, she sailed for St. John's.

5. Having received your telegram of the 16th June, directing me to visit the lobster factory at Fishels and to prohibit Leroux, the owner, from working it during the present season, I put to sea on the morning of the 17th, and complied with your instructions by serving a notice on Leroux. I then crossed the bay and communicated with the factory in Abraham's Cove, which I find is a new one, worked by two men and two women for the firm of Haliburton, of Cape Breton. On returning to St. George's in the afternoon of the same day, I communicated the results of these visits to you at Bay of Islands.

I have, &c.

(Signed) D. M<sup>c</sup>N. RIDDEL.

## No. 12.

*The Earl of Lytton to the Marquis of Salisbury.—(Received July 21.)*

My Lord,

Paris, July 20, 1890.

I HAVE the honour to transmit herewith to your Lordship, extracted from the "Journal Officiel" of this day, a note of the movement of French shipping and of the exportation of codfish at St. Pierre during the month of May last, which states that compared with the corresponding period of last year the figures show a decrease of 86,912 kilog. of dried, and 1,442,260 kilog. of fresh fish.

I have, &c.

(Signed) LYTTON.

## Inclosure in No. 12.

*Extract from the "Journal Officiel" of July 20, 1890.*

SAINT-PIERRE ET MIQUELON.—Il est entré, pendant le mois de Mai, dans le port de Saint-Pierre, quarante et un bâtimens Français (long-courriers et pêcheurs), et il en est sorti vingt-quatre.

Pendant la même période, les exportations de morue ont été de 333,670 kilog. de morue sèche et 692,463 kilog. de morue verte. Les exportations totales atteignent, pour les quatre premiers mois de l'année 1890, 1,208,542 kilog. de morue sèche et 692,463 kilog. de morue verte; l'exportation de la morue verte n'a commencé qu'en Mai. Comparés au mouvement commercial de la période correspondante de 1889, ces chiffres accusent une diminution de 86,912 kilog. pour la morue sèche et de 1,442,260 kilog. pour la morue verte.

Le cadastre dont la confection a été décidée par le Conseil-Général est en cours d'exécution.

(Translation.)

ST. PIERRE AND MIQUELON.—During the month of May forty-one French vessels entered the port of St. Pierre ("long distance" vessels and fishing-boats), and twenty-four left it.

During the same period the export of cod amounted to 333,670 kilog. of dried cod, and 692,463 kilog. of undried cod. The total export for the first four months of the year 1890 comes to 1,208,542 kilog. of dried cod, and 692,463 kilog. of undried cod; the export of "undried" cod only began in May. Compared with the commercial movement in the corresponding period of 1889, these numbers show a diminution of 82,912 kilog. in the export of dried cod, and of 1,442,260 kilog. of "undried" cod.

The survey decreed by the "Conseil-Général" is in course of being carried out.

No. 13.

*Colonial Office to Foreign Office.—(Received July 22.)*

Sir, *Downing Street, July 21, 1890.*  
I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a printed copy of an Address to the Queen on the subject of the French Treaty rights on the coasts of Newfoundland, which address has been passed by both Houses of the Colonial Legislature.

Lord Knutsford proposes, with Lord Salisbury's concurrence, to defer replying to the Address until the negotiations at present going on with the Colonial delegates shall have made some further progress.

His Lordship has laid the original Address before the Queen.

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

Inclosure in No. 13.

*Address.*

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

WE, your Majesty's humble and loyal subjects, the Legislative Council and House of Assembly of Newfoundland, in Legislative Session convened, desire to approach your Majesty with hearty expressions of devotion to your Majesty's person and throne.

We deeply deplore the circumstances which constrain us to appeal again to your Majesty with regard to the encroachments made by French citizens upon the rights of your Majesty's subjects in Newfoundland.

We most humbly crave the favour of your Gracious Majesty's reference to our Address relative to this subject presented last year, and especially we beg to call attention to the following paragraphs:—

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

"For the causes herein set forth, and with the grievances herein complained of, we, your Majesty's dutiful and loyal subjects, do therefore approach your Majesty with the humble prayer that your Majesty will be pleased to take the same into gracious and favourable consideration, that your Majesty will cause the same to be brought to the notice and consideration of your Majesty's Ministers, that your Majesty will graciously cause such action to be taken as shall lead to the removal of all lobster factories, or establishments, or buildings connected with the lobster industry, erected by the French upon the territory of Newfoundland, and to the prevention of any such erections in future; and that your Majesty will be graciously pleased to cause it to be an instruction to the Commanders and officers of your Majesty's ships engaged in the protection of the fisheries upon the coast of Newfoundland that they shall be aiding and assisting your Majesty's subjects in this island in the prevention of interference by the French with the prosecution of any lawful industries enterprised by British subjects in Newfoundland."

From the gracious reply vouchsafed by your Majesty to our Petition, we are pleased

to know that your Majesty's Ministers concur with us in the position that the French have no right to take lobsters or erect lobster factories on our coast.

We have learned then, with surprise and great alarm, that a *modus vivendi* has been entered into between your Majesty and the French Government, not only tolerating for this season the lobster factories operated by the French during last year—against which we humbly made petition to your Majesty—but also empowering your Majesty's naval officers to sanction the erection of an indefinite number of new factories by the French during the present season, notwithstanding the statement made by the Right Honourable Sir H. J. Holland to Governor Sir G. W. DesVœux, dated the 11th February, 1887, that “the French Government have approved of the removal of some lobster factories established on the coast by French subjects.” This statement, in the opinion of your petitioners, is evidence of the fact that the French Government at that time appreciated their error in the erection of such factories.

We have noticed the statement of Sir James Fergusson in the House of Commons that the *modus vivendi* had been modified to meet in some degree the views of the Newfoundland Government, which might imply that the modifications were in the direction suggested by our Government. On this point there has been some misapprehension, and it appears evident, on perusal of the correspondence between the Imperial and Colonial Governments, that the particular object which the Colony had in view in suggesting the change of date for the commencement of the *status quo* had not been accurately appreciated.

The first despatch from Lord Knutsford on the subject announced the proposal of a *modus vivendi* for the season of 1890 with regard to lobster factories on the basis that each nation should operate the same number respectively as were in existence on the 1st July, 1889. The despatch in reply from the Newfoundland Government contests the claim of the French to erect factories; but, actuated solely by a desire to meet the wishes of your Majesty's Government for some temporary arrangement for the season, suggested that if the *modus vivendi* were arranged, the date of the *status quo* should be the 1st January, 1890, as the British had commenced a number of new factories. Without further consultation with the Newfoundland Government, and pursuing a course the effect of which was exactly opposite to that suggested, an arrangement was entered into with France, allowing the French to erect and operate an unlimited number of new factories for which sites satisfactory to the French and English Naval Commanders could be found. This is the modification said by Sir James Fergusson to have been made to some extent “to meet the views” contained in the despatch of the Newfoundland Government above referred to. An arrangement less in keeping with the object aimed at in the suggestion of alteration in the date could scarcely be made, and that it is more inimical to the interests of this Colony and more favourable to the French than the proposal first cabled to the Newfoundland Government is conclusively shown by the refusal of the French to return to that arrangement when subsequently requested to do so by your Majesty's Ministers.

The *modus vivendi* was thus concluded without the assent of this Colony, notwithstanding the assurance contained in the despatch of the Secretary of State (Mr. Labouchère, 26th March, 1887), to the effect that “the rights at present enjoyed by the community of Newfoundland are not to be ceded or exchanged without their assent, that the Constitutional mode of submitting measures for that assent is by bringing them before the Colonial Legislature, and that the consent of the community of Newfoundland is regarded by Her Majesty's Government as the essential preliminary to any modification of their territorial or maritime rights.”

We beg further humbly to submit that there is no law under which the French are permitted to erect lobster factories on any part of the coast of Newfoundland, nor is there any law to prevent British subjects from exercising fishing and all other rights on the whole coast of this island, including lobster catching and canning and the erection of buildings for that purpose.

From this it follows that solely by force exercised either by your Majesty's or the French naval or military forces can the French lobster factories be maintained, or English lobster factories be prevented.

If the naval or military forces of either country were to act without any sanction of law in dealing with this question, could it be a matter of surprise if British subjects in Newfoundland, seeing their fisheries handed over to foreigners, their mines, minerals, and lands locked away from their use, and their other industries hampered by the action of the French nation, were incited to acts of retaliation?

We humbly submit that we have full power to legislate for our fisheries, notwithstanding the existence of any right of fishing upon our coast enjoyed by other nations in virtue of Treaties, provided that our legislation be not differential.

Opinions have varied in this Colony, as in other fishing countries, regarding modes and appliances for fishing, and laws on these subjects have been enacted, amended, and repealed by this Legislature, from time to time, as occasion required. In some of these Acts the following clause has been inserted:—

“Nothing in this Act shall affect the rights and privileges granted by Treaty to the subjects of any State or Power in amity with Her Majesty.”

The Legislature has at different times passed several Acts regulating the fishery as carried on by means of cod-traps, all of which Acts have received your Majesty's assent. In the Session of 1888 an Act was passed prohibiting the use of cod-traps after the fishing season of 1889. During the present Session a Bill was passed repealing that Act; and we are now informed by his Excellency the Governor that, under instructions from your Majesty's Ministers, he must withhold his assent thereto. This is an interference with our right to legislate for our fisheries which we pray that your Majesty will not permit.

In the Session of 1889 an Act was passed creating a Fisheries Commission, for the better regulation of our fishing industries. The Act, though not disallowed, has not received your Majesty's assent, the cause assigned being that it contained no clause exempting from its operation that part of the coast on which the French have Treaty rights.

We proposed to insert in this Act the clause hereinbefore set out, and heretofore used; but your Majesty's Ministers decline to accept it, and require further limitation of the operation of the Act.

To guard the interests of your Majesty's subjects in this Colony against the claims of a foreign nation calls for the use of every means in our power to protect ourselves and our country from that destruction which an acquiescence therein would bring upon us.

The Secretary of State for the Colonies asks if we are prepared to submit the question of the lobster fishery to arbitration? After a careful perusal of the Treaties bearing on this matter, we find that there is certainly no question for arbitration. A similar proposition applied to Great Britain would be for the French to claim a right to take salmon in the Tees or the Tay, and for your Majesty to submit such claim to arbitration.

With respect to the lobster industry, this Colony will be satisfied with nothing short of the immediate removal of every French lobster factory from the shores of Newfoundland; and all our efforts will be directed to the accomplishment of this object.

We claim that the French bounties on fish caught on the coast of Newfoundland and by vessels prosecuting the fishery from St. Pierre and Miquelon cannot be excluded from the consideration of this question. These bounties had no existence when the original Treaty was signed; yet the vast vantage-ground which they confer upon French over British fishermen is so manifest that it is wholly incredible that such privileges would have been conceded by Great Britain if the possibility of these bounties had been then contemplated.

We submit, further, that for a right understanding of the concessions made to the French, the condition of surrounding facts at the date of the Treaty must be considered in order to ascertain what was the intention of the High Contracting Parties. The cod fishery was the only fishery then prosecuted, and it was carried on by those who visited the part of the coast referred to, caught their fish, cured and dried them on the strand, and departed immediately the fishing season was over. It is hardly possible to conceive of a concession made by the Sovereign of the soil more limited, or of a more temporary nature, than that then conceded to the French, viz., that of fishing upon the coast, and of drying the fish upon the land. The work of drying is done in a short time, in a limited area, upon the beach or strand; and the crew of a vessel, having used a part of the strand in one year for this purpose, can obtain thereby no right to the same locality in a subsequent year. Provided, therefore, that the French vessels, as they arrive upon the coast and require sites to dry their fish, are afforded such accommodation and are not interfered with in their fishing, we most humbly submit that the Treaty is honourably executed, and that we are not compelled by a reasonable construction of it to yield to the monstrous demands the French have put forth, such as the continuance of several hundreds of miles of coast in a state of perpetual wilderness for the purpose of affording strand accommodation of a few thousand yards, for four or five months each year, to French fishing-vessels to dry their fish, the abstaining on our part from all industrial occupations in that part of the island, the yielding up to the French the salmon fisheries in the rivers, the participation in the lobster fishery (which was not known at the date of the Treaty, and which it was therefore impossible to concede), and the demand of

an exclusively right to the cod-fishery, notwithstanding the express declaration that the fishery should be carried on according to the practice therefore existing, neither party to deviate therefrom. When it was declared that neither party was to deviate from the existing practice, it must have been intended that both parties should be present exercising a concurrent right of fishing.

If the Treaty is to be construed in accordance with French demands, then we would most humbly ask your Majesty, What is left for your Majesty as the Sovereign of the soil? If such interpretation is allowed, the possession of an easement, a right of fishing, is of far more value than the possession of the territory, for the French contend that we are not to fish upon the coast, are not to take the salmon in the rivers, are not to till the soil, are not to operate the mines and use the harbours for the exportation of minerals or for other purposes of trade; that they are not amenable to our Customs Laws, and that it is only by sufferance that our vessels and boats are permitted by the French to be in our own harbours on this coast. These and other similar contentions set up by the French would leave a large portion of this island French territory, all but in name.

Whilst these aggressions are taking place on the coast between Cape St. John and Cape Ray, the Islands of St. Pierre and Miquelon are made the centres from which smuggling is carried on to an extent ruinous to the interest of this country, and which in the ungarded state of a part of the coast it is impossible to prevent. This illicit trade is fostered and favoured by the French, and our frequent applications for the appointment of a Consul at St Pierre, to protect British interests, have been systematically refused—a refusal probably without parallel. Thus the declaration of the King of France, that these islands should not become an object of jealousy between the two nations, is set at naught.

We therefore humbly pray that your Majesty will be pleased to assent to those two Acts of our Legislature already referred to, and that you will relieve Newfoundland from its most anomalous and injurious position in relation to French claims.

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

No. 14.

*Admiralty to Foreign Office.—(Received July 24.)*

Sir,

*Admiralty, July 23, 1890.*

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State, copy of a letter from the Captain of the "Emerald," dated the 2nd instant, together with copies of its inclosures, respecting the misrepresentations in the public prints of the state of affairs in connection with the Newfoundland fisheries.

I am, &c.  
(Signed) EVAN MACGREGOR.

Inclosure 1 in No. 14.

*Captain Sir B. Walker to Vice-Admiral Watson.*

(Extract.)

*"Emerald," at St. John's, July 2, 1890.*

IN view of the gross exaggerations that are appearing in public print with reference to the Fishery question on the Newfoundland coasts, I have the honour to forward information on the different points that have arisen.

As authoritative statements have been made that an armed force had been landed at St. George's Bay from the French vessels, I beg to give further particulars on this subject.

No armed force whatever was landed, neither was any Proclamation issued by the French officers. The facts of the occurrence were as follows:—

The intimation that the nets were required to be removed in order to allow of the French seining operations was conveyed by an officer from the "Indre," wearing side-arms, who landed from the steam-cutter of that ship in a dory pulled by one man, none of the men being armed.

The officer walked up to a group of fishermen standing on a pier, and, having inquired whether they understood French, and receiving a reply in the affirmative from

two of them, he asked if any of them had nets on a particular portion of the shore which he indicated, and proceeded to read from a sheet of paper his orders, which were to the effect that he was to inform the people owning nets set in that particular locality that they were required to remove them by 8 o'clock the next morning, as the French were desirous of seining at that spot. I may add that, in previous years, the nets have not been set there until the end of the fishing season.

By my conversation with Commodore Maréchal on the subject, and after very careful inquiries made personally on the spot, I feel sure that nothing was done that could be construed into a Proclamation; in fact, everything tends to show that the requisition was moderate both in tone and effect.

I also beg to forward a correspondence of a semi-official nature that has taken place between the Rev. M. F. Howley and myself as to the action of the inhabitants of St. George's Bay. As the people did not consent to give the necessary undertakings, no goods were allowed to be landed from the "Harlow" on her arrival, and the merchandize would have been taken back to Halifax had not, previous to that vessel's return from the north, common sense come to their rescue. The duties were paid, and I am glad to say no further difficulties have arisen under this head.

My hopeful anticipations with regard to the herring fishery at St. George's Bay have been fully realized, it having proved one of the most abundant of late years. All the nets belonging to the inhabitants were up by the 11th, although the fish did not leave the bay till the 16th June.

The next question that arose was in connection with the working of a new lobster factory, which was objected to under the *modus vivendi* by the French Commodore, and had, in consequence, to be ordered to cease operations for the present season. As my orders were defied in this case, after repeated warnings, I took possession of the place in Her Majesty's name, and have landed a sergeant and two privates of Marines there.

The wild rumours circulated as to affairs at Port-à-Port resolve themselves into a squabble between French and English boats seining capelin. The English had succeeded in making a good catch, and whilst hauling their seine the French boat came along and tore it with a boat-hook, allowing the fish to escape.

The setting fire to the factory belonging to Messrs. Abbott and Hill (which is not in operation) turns out to be pure fiction; the capelin at that time were hourly expected, and it is customary for the fishermen to watch for them on the beach; the weather at this time was extremely cold and inclement, and the French fishermen went into this unused factory for shelter and lighted a fire for warmth; that it was dangerous and stupid there is no denying, but they had no malicious intent, and on the English fisherman who lives on the spot telling them to leave the place they did so immediately.

From day to day various small incidents, which are the ordinary adjuncts of the fishing season, are constantly taking place; these, during the present year, have been exaggerated and misstated in the grossest manner possible; I would therefore ask you to give no credence whatever to these various rumours. Should any case of real importance arise the earliest opportunity of telegraphing to you will be taken, and I will make it my duty to keep you fully informed of events. I may add that I was in complete ignorance of the startling reports circulated by the English press until I received the English mail on my arrival at this port. The local press, from such frequent false statements, being totally unreliable, was not, therefore, taken any notice of by me.

I am happy to say that the information from the Captain of the "Forward," received to-day by the "Conscript," shows the reported burning of French boats at La Scie to be entirely without foundation.

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Inclosure 2 in No. 14.

*The Rev. M. Howley to Captain Sir B. Walker.*

Dear Sir,

*On board "Harlow," June 7, 1890.*

"HARLOW" arrived this morning. People declared they would seize goods lest you might think we went back of our word. I beg to say that we telegraphed first to our Member, and afterwards to the Colonial Secretary, asking if the Government would consider our case for compensation, but they did not condescend to reply, but treated us with the usual contempt, so the people could not be any longer restrained.

Please excuse pencil, and believe me, &c.

(Signed)

M. F. HOWLEY.

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## Inclosure 3 in No. 14.

*Captain Sir B. Walker to the Rev. M. Howley.*

Dear Sir,

*"Emerald," at Bonne Bay, June 16, 1890.*

I BEG to acknowledge the receipt of your letter of the 7th June, which I much regret I was unable to answer by return, owing to the shortness of the "Harlow's" stay at Port Saunders.

I can hardly credit people with common sense perpetrating such an unbusinesslike and foolish proceeding as refusing to pay duty on the feeble pretext "that I might think they went back on their word" did they do so; the only possible result would be that the goods would not be landed, and unless the inhabitants were prepared to go to the extreme measure of taking forcible possession (an act I should think you would hardly countenance), the persons to whom the goods were consigned would have the doubtful pleasure of paying double freight upon merchandize, the landing of which they, by their own action, prevented, and this without furthering the end in view one iota. As I informed you on board this ship, illegal measures, especially when only ridiculous, do a cause more harm than good.

Let me once more urge you to use your influence to restrain the inhabitants from taking any further action.

The Home Government has the whole question under consideration, and acts like these only hamper negotiations instead of assisting them.

I regret that you have formed such an opinion of me as to imagine that the people being ready and willing to accept my advice and obey the law could possibly lower them in my estimation. Far from it, it would considerably raise them, and enable me to work in their interests with much greater effect.

I am, &c.  
(Signed) B. W. WALKER.

## No. 15.

*The Earl of Lytton to the Marquis of Salisbury.—(Received July 26.)*

My Lord,

*Paris, July 25, 1890.*

WITH reference to my despatch of the 5th instant, I have the honour to report that the Bill for prolonging the grant of fishery bounties to the 30th June, 1901, was passed yesterday by the Senate without alteration.

I have, &c.  
(Signed) LYTTON.

## No. 16.

*Colonial Office to Foreign Office.—(Received July 29.)*

Sir,

*Downing Street, July 28, 1890.*

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a despatch from the Governor of Newfoundland, inclosing a Report from Captain Sir Baldwin Walker respecting the state of affairs on the Treaty Shore; and a Memorial from Dr. Howley on behalf of certain residents in St. George's Bay.

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

## Inclosure 1 in No. 16.

*Governor Sir T. O'Brien to Lord Knutsford.**Government House, St. John's, Newfoundland,*

(Extract.)

*July 1, 1890,*

ON the arrival of Her Majesty's ship "Emerald" yesterday I received the accompanying report from Captain Sir Baldwin Walker, who states that not only are the

people on the west coast particularly quiet and well disposed this year, but that the French were more than considerate and conciliatory. I therefore at once telegraphed to you, my Lord, to inform you that there was no truth in the exaggerated rumours that have been set afloat, adding that you might depend on my keeping you fully acquainted with any case of real disturbance or conflict, Sir Baldwin Walker having promised to telegraph to me immediately in the event of anything taking place, while at the same time reporting to the Admiralty.

Sir Baldwin also states that he has had to close but two factories of those opened since the 1st July last year, though there are a large number of others of the same category in operation, to which the French have taken no exception. In one case the agent having been told to go on canning in spite of the orders from the Naval Officer Commanding, he had to compel him to stop work; and I now hear that Mr. Morrison, M.H.A. (a partner of Sir James Winter), has been sent by a St. John's merchant, Mr. Baird, to the coast to obtain evidence prior to instituting legal proceedings against the Captain of Her Majesty's ship "Emerald," so that as we are sure to hear more of this hereafter, when I shall fully report to your Lordship in the matter, I would but add that, so far, I do not think this officer has exceeded his powers.

Mr. Baird, to whom the above-mentioned factory is mortgaged, is one of the principal leaders of the so-called "Patriotic Association," and it is openly stated in the press here that it is desired by this body to make this a test case as a protest against the *modus vivendi*.

The accompanying letter has been published by Dr. Howley on the position of matters in St. George's Bay.

In conclusion, I am happy to be able to add that the news from the west coast is confirmatory of that received from all parts of the island, viz., that this year's fishing promises to be so far exceptionally good, hence the main cause of dissatisfaction or incentive to disturbance will be reduced to a minimum.

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Inclosure 2 in No. 16.

*Captain Sir B. Walker to Governor Sir T. O'Brien.*

Sir, "Emerald," at St. John's, June 30, 1890.

IN answer to your letter of the 9th instant, requesting further particulars with reference to the occurrences at St. George's Bay, I have the honour to inform your Excellency that no armed party landed from the French man-of-war, neither was any Proclamation issued to the people, either in the locality or on the coast.

The intimation requiring the people to lift their nets was conveyed to them by an officer wearing his side-arms, who landed from the steam-cutter of the "Indre," which was lying off, in a dory pulled by one man, none of the men in the boats being armed. The officer, seeing a group of men standing on a pier, walked up to them, and, having inquired if any of them understood French, received, I believe, a reply in the affirmative from two of them. He then asked if they owned nets set on a portion of the shore which he indicated, and proceeded to read from a sheet of paper his orders, which were to the effect that he was to inform people owning nets set in the particular locality indicated that they were required to remove them by 8 o'clock the next morning, as the French were desirous of seining on that portion of the shore.

I feel sure, after careful inquiries made and the conversation I have had with Commodore Maréchal on the subject, that nothing was done that could be construed into a Proclamation; in fact, everything goes to prove that the requisition was moderate both in tone and effect.

Finally, I have much pleasure in being able to inform your Excellency that the herring harvest in St. George's Bay has been most abundant, and it was acknowledged among the fishermen that they were in no way interrupted this season by the French.

All the nets were up by the 11th June, although the herring were in the bay till the 16th.

It is obvious, therefore, that if the inhabitants did not all obtain a full voyage, it was nobody's fault but their own.

I have, &c.  
(Signed) B. W. WALKER.

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Inclosure 3 in No. 16.

*The Rev. M. Howley to Sir W. Whiteway.*

Sir,

St. John's, June 23, 1890.

I HAVE been deputed by the people of west coast to place before you a statement of their case, and a demand for some drawback or compensation for the losses suffered by them owing to the exercise of French rights on our shore. At a meeting held at Sandy Point on the 24th May Resolutions were passed setting forth in strong language our grievances, and declaring that we would refuse to pay duties till we should receive such compensation, or a guarantee to the same effect. The telegraphic despatch, necessarily concise and terse, may, perhaps, have conveyed a sense not exactly in keeping with the sentiments of the meeting, namely, one of disrespect and disloyalty to the Government; and as such interpretation may damage, rather than serve, our cause, I beg to quote the following words from a speech delivered at the meeting, which will show what was the real sense of the meeting on this head:—

The Rev. P. W. Brown, speaking on behalf of the people of Bay of Islands, said: “ . . . . He wished it to be distinctly understood that we are not met here to make any complaint against the French. They are exercising what they deem to be their just right, and they are not using any unnecessary severity. Neither are we complaining of our Magistrate or Customs officers, who are only doing their duty, but we are protesting against a system of huge and preposterous injustice inflicted on us, and we want to have it rectified. We object to the conduct of the Government in asking us to pay duties, and giving us no adequate return. Neither do we speak of the present Government, or any particular political party in power, and we deprecate any attempt to give this meeting a party or political colour. We are speaking against a system, not against men.”

Nearly all the speakers expressed the same sentiments, but if some expressions of a more decided character were made use of, due allowance should be given to the feelings of people who had just been ordered to take up their nets, thus seeing themselves possibly deprived of the means of earning bread and butter for their children. Our object, then, in holding the meeting was two-fold:—

1. That we have been suffering from these grievances for many years past, but particularly since the introduction of the Bait Bill. We deemed the present a most opportune moment, when public opinion calls so loudly for the settlement of this question, to strengthen the hands of your Government, by showing in a manner more emphatic than words the unjust burdens imposed on us, and the existence here of dangerous elements likely at any moment to explode into serious trouble. We may also say that we were strongly urged to this expressive mode of action by the words of Sir James Fergusson, who, in reply to a question on the Newfoundland trouble, stated in Parliament, in 1889, that as the inactive or neglectful policy of the Home Government in that matter had now been pursued for nearly 200 years, without producing any bloodshed or more serious consequences than harmless Resolutions and protests, he thought it would be a very wise thing to pursue the same policy in future. We therefore considered that, in order to awaken the Imperial authorities to a sense of the injustice under which we labour, it was necessary to take some more decisive step. I may add it was not our intention to commit any act of personal violence upon officials, but, by taking possession of our goods when landed, to thus protest against the unjust system under which we are labouring.

2. The object of our meeting was to obtain from the Government compensation, or a promise thereof, for the actual loss occasioned to us by circumstances over which we have no control. On this point I am instructed to say that the losses sustained to our people may be considered as particular or individual and general.

With regard to the former, in which is included the question of lobster factories, I am requested to ask that a Judge or Commission of Arbitration be appointed to take into consideration the individual cases of hardship and actual loss by the destruction of property, such as nets, traps, herrings, fish, &c., and that every facility be afforded the people to place their claims before such Tribunal without any unnecessary delay or expense, for which purpose I would suggest that legal advice should be procured for them without any charges on their part.

With regard to the general loss, I beg to state that I think it could be met by a special grant from the Executive for some public works in this district, particularly in Bay St. George, which suffers most from these causes. I would suggest that the sum of 6,000 dollars be granted for that purpose.

I have, &amp;c.

(Signed) M. F. HOWLEY, P. A.

No. 17.

*Colonial Office to Foreign Office.—(Received August 4.)*

Sir, *Downing Street, August 2, 1890.*  
 I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a Memorandum forwarded to this Department by Sir William Whiteway, containing suggestions in the matter of the proposal for arbitration on the Newfoundland Fisheries question.

I am to add that the obvious difficulties involved in the latter part of this Memorandum have been pointed out to Sir William Whiteway at his meeting to-day with Lord Knutsford.

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

Inclosure in No. 17.

*Memorandum in re French Treaties, Newfoundland.*

THAT all matters in difference as regards the construction and true meaning of the Treaties, and what breaches thereof have been committed by the people of either nation, and all matters in difference in relation thereto, be submitted to the arbitrament of five Arbitrators, one to be named by Her Majesty's Government, one by the Newfoundland Government, two by the French Government, and one by The award of a majority to be binding, that upon the true position being clearly ascertained, and the full rights of each nation defined, the same Arbitrators proceed to a valuation of the rights of the French as regards the fisheries, and upon the coast between Cape Raye and Cape St. John, and determine the compensation to be made to the French for a surrender of those rights, which surrender upon the one hand, and compensation upon the other, be carried out. That the same Arbitrators determine as regards the abrogation or reduction of the bounties by the French, and the concession of the privilege of purchasing bait fishes on the coast of Newfoundland on an equitable basis, with a view to the prosecution of the fisheries, without injury or prejudice to the people of either nation.

July 21, 1890.

No. 18.

*Admiralty to Foreign Office.—(Received August 7.)*

(Extract.) *Admiralty, August 7, 1890.*  
 I AM commanded by my Lords Commissioners of the Admiralty to forward herewith, for the information of the Marquis of Salisbury, copy of a letter from the Commanding Officer of Her Majesty's ship "Emerald."

Inclosure in No. 18.

*Captain Sir B. Walker to Vice-Admiral Watson.*

(Extract.) *"Emerald," at St. John's, July 18, 1890.*  
 THE French this year have, up to the present, been moderate as compared with former seasons. The working of the *modus vivendi* has been most favourable to Newfoundland, thanks to the conciliatory attitude of Commodore Maréchal; recognizing this, I deemed it essential, in Newfoundland's best interests, that the observance on my part should be loyally carried out

At the present time I know of eighteen factories working that were not in operation on the 1st July, 1889. The two factories closed were both in St. George's Bay, one at Fischel's Brook belonging to Mr. Leroux, and the other at Abraham's Cove, on the north side, belonging to Maclean, and supplied by Mr. Baird. As soon as matters had been settled between the French Commodore and myself, which was done at the very earliest

date possible, in order to reduce as far as practicable loss and inconvenience, I telegraphed to the Captain of Her Majesty's ship "Pelican," then at St. George's Bay, to order the above factories to cease operations, and as I anticipated difficulty, determined to proceed myself to that spot. As I found the order to close the factory at Fischel's Brook was disregarded, I, after very careful thought, and having exhausted all conciliatory proposals, determined to enforce the carrying out of my orders. My action in the matter was, I knew, being closely watched; any hesitation on my part might have lost me the control of the inhabitants on the Treaty Shore, and matters would have assumed a serious aspect. Previous to using force, I saw Mr. Leroux in the presence of the the Magistrate at St. George's Bay and talked matters over in a private way. I proposed to him that, if he closed the factory without opposition, I would use my very best endeavours to obtain compensation for him, but that he must understand I could not guarantee it; and I promised him, as a *bona fides* of my endeavour, that I would inform him what I said with respect to his claims, but I, at the same time, told him that, if he persisted in working, he must expect to find me oppose his claims to the utmost. I suggested to him as an alternative to open his factory at Sandy Point, which has not been in operation since 1888, and to smack the lobsters; but I only made this suggestion to him privately, and on the supposition that he would close the Fischel's factory, otherwise he was not to make use of this alternative and work the factory.

Mr. Leroux himself was anxious to obey the prohibition; his men, as he informed me, were only working in a half-hearted way, and that the sooner he was closed the better; that it was only on account of the orders he received from Mr. Baird, mortgagee, that he persisted. I gave him time to consider over matters, and on my return to St. George's Bay I received the following notification from him: "James Baird orders me continue operations at Fischel's factory until stopped by force, and not to deviate from these instructions." After this it was useless temporizing any further.

Having informed Mr. Leroux of my intention to close the factory, and requested some one might be present to represent him, on the 25th June I proceeded off Fischel's Brook, and, having landed, I informed Mr. Leroux' son that I intended taking possession, and placed a sergeant and two privates, Royal Marine Light Infantry, in charge of the establishment, with orders to allow nothing in their charge to leave the place without a written receipt from Mr. Leroux.

The other factory at Abraham's Cove closed without any trouble.

The troubles at St. George's Bay have already been fully reported on; everything was so quiet on the 21st May, and so few French Bankers were there, that the Commander of the "Pelican" considered his presence unnecessary, and he proceeded north, with the "Erin." Advantage was immediately taken of his absence to get up the public meeting at which the revolutionary Resolutions were passed. The affidavits lately taken at the instigation of Mr. Carty, M.H.A., in which they all apparently sustained the same loss, are difficult to reconcile with the undisputed facts that all herring-nets were up by the 11th, notwithstanding the presence of herring in the bay. The truth is the inhabitants secured all the fish they had salt for, and I, in conversation with some of the fishermen, was informed that, though last year they were subjected to considerable loss and inconvenience, this year they had not suffered at all. Yet these same men have since stated in their affidavits that they have this year been subject to loss owing to French interference.

The circumstantial account of the occurrences at Port-à-Port were given by Mr. Baird's agent. Further inquiries into this matter elicited the fact that Commodore Maréchal made the French vessel which destroyed the English net replace it by another.

## No. 19.

Commander Riddel to Captain Sir B. Walker.—(Received at the Foreign Office, August 8.)

(Extract.)

"Pelican," at St. George's, July 8, 1890.

I HAVE the honour to report the proceedings of Her Majesty's ship "Pelican," under my command, since leaving St. George's on the 19th ultimo.

Acting in compliance with your directions, the "Pelican" left St. George's on that date, and proceeded to Abraham's Cove, where the people at Halliburton's lobster factory were served with a notice to discontinue working.

We arrived at Port Saunders on the afternoon of the 23rd. Found there the French cruisers "La Pérouse" and "Bisson." When calling on Commodore Maréchal, that

officer complained to me that the fishing operations of the French between Port Saunders and Port-au-Choix was impeded by the fact that British schooners frequented the ground. Both the French vessels left Port Saunders on the 24th June, and on the 25th I received a letter from Commodore Maréchal (inclosed) in which he lodged complaints against British schooners visiting Gargamelle Cove and St. John's Island, and by their presence impeding the fishing of French subjects. He also lodged complaints against a schooner, name unknown, for interfering with and cutting cod-trawls at St. John's, but, as no clue to the vessel could be given, it was useless to enter further into the case.

Commodore Maréchal makes a general complaint about the presence of British lobster-traps near the beaches where capelin are netted, but I have not been able to find any single case in which these traps have been set beyond the limits assigned to the various factories. I can only presume the complaint is made merely in a general sort of way as a protest against the factories of Forrest and Co. at Port Saunders and John Meagher's Cove. With reference to the complaint made against the factory at the latter place, I beg to state that I communicated with Mr. Shearer on the subject, and warned him that he must prohibit his fishermen from encroaching beyond the limits. I dispatched the "Erin" to Gargamelle Cove on the 25th to warn British schooners from frequenting that place to the detriment of the French fishermen; and, on the 26th, the "Erin" proceeded to John Meagher's Cove to prohibit Forrest and Co.'s fishermen exceeding the limits in which they are allowed to set their lobster-traps. The "Erin" returned from this service on the following day.

I acknowledged Commodore Maréchal's letter on the 26th June and a copy of my reply is attached.

I visited Torrent River, Hawkes Bay, in the steam-cutter on the 25th June and found no salmon fishing going on; indeed, but little of this industry has been carried on at present, the fish being extremely late in appearing off the rivers on this coast.

A letter dated the 27th June from the Prud'homme at Port-au-Choix reached me on that day, complaining of the presence of British schooners in Gargamelle Cove (copy inclosed). In consequence of this communication I sent Lieutenant Bird in the steam-cutter to visit Gargamelle Cove and to interview the Prud'homme, ascertain from him, and from his own personal observations, what fishing the French carried on in the cove, and whether the presence of schooners there did really impede their fishing operations, directing him, if the latter were the case, to board all British vessels in the cove, ascertain their names, &c., and warn them that they must abstain from making use of that cove as a place of shelter. Sub-Lieutenant Bird, on his return to the ship, reported that the cove was the great baiting-ground for the French, and also that they fished for cod in it, and he notified to the masters of the schooners that they must not use the cove as a place of shelter. On the following day the masters of these schooners came on board the "Pelican," and I explained to them that if they merely visited this coast for shelter, all friction and dispute with the French could be avoided if they would use Hawkes Bay or Port Saunders as harbours. The vessels left Gargamelle on the morning of the 30th.

On the 28th June I sent the "Erin" to Bonne Bay to meet the mail-steamer, and on the 1st July I proceeded to sea in the "Pelican," visited Ponds River, where a man named Plowman commenced salmon fishing on the 15th June, but up to date had caught but eight fish. From Ponds River I proceeded to Port-au-Choix, anchoring in the old port.

The fishing here has been exceedingly good, 4,000 quintals of cod having already been packed, and bait very plentiful. Leaving Port-au-Choix on the 2nd, I visited Sesostris, Barred Harbour, and John Meagher's Cove, and when off Dog Island I was met by the "Erin," which brought up the mails and your telegrams of the 30th June, relative to (1) the case of the schooner "Ste. Marie" at Flowers Cove; and (2) directing me to proceed to St. George's Bay to execute instructions in connection with the lobster factories at Fishels and Robinson's Head.

Leaving Flowers Cove on the 3rd July, I proceeded to Port Saunders where I coaled ship, and again put to sea on the 4th, visited Fox Island and River on the 5th, called off Fishels at 9 o'clock on the evening of the same day, found that Leroux had dismantled his factory, and that the fishermen he had hired for the season had engaged themselves to the owner of a neighbouring factory. I did not embark the marines on account of the lateness of the hour, but warned them to be in readiness to embark on the 7th, on which day they were brought down in the steam-cutter. Arrived and anchored off St. George's at midnight.

A rumour was current that the French Commodore had caused fishing-nets belonging to British subjects to be raised at Fox Island River, but on inquiry I find there

is no truth whatever in the report. It is correct that he ordered British vessels out of West Bay, Port-à-Port, and that these vessels did leave, returning again later on when the Commodore's ship had sailed.

Inclosure 1 in No. 19.

*Captain Maréchal to Commander Riddell.*

*Croiseur "Le La Pérouse," Port-au-Choix,  
le 24 Juin, 1890.*

M. le Commandant,

J'AI l'honneur de vous informer que j'ai reçu aujourd'hui des plaintes simultanées des capitaines de Port-au-Choix et de l'Île Saint-Jean, contre les goélettes Anglaises qui viennent à l'Anse de Gargamelle et à l'Île Saint-Jean les entraver dans leurs opérations de pêche.

A la gêne que leur causent les casiers Anglais qui parsèment la côte dans ces différents endroits et aux environs de l'Anse du Trappeur aussi, points qui sont exploités par nos pêcheurs tous les ans, au moins pendant la saison du capelan, vient se joindre la concurrence illégale des goélettes Anglaises qui prennent l'habitude de venir à cette époque dans ces parages, sous prétexte d'y relâcher, mais en réalité pour y pêcher la morue et ses appâts, au grand détriment de nos nationaux.

Ces bâtiments commettent donc une triple illégalité: ils pêchent sur une côte qui nous est réservée, tranchent leur morue sur les fonds de pêche et ne portent pas de nom.

Le 17 Juin, les doris d'une de ces goélettes ont non seulement levé toutes les harouelles du Capitaine Mary du "Puget" (Île Saint-Jean), mais encore se voyant prises en flagrant délit, elles ont coupé la ligne Française par le milieu et se sont sauvées. Cette goélette, qui était tranquillement au mouillage de l'Île Saint-Jean le Dimanche, 15 Juin, a parfaitement été reconnue; malheureusement, elle ne portait visiblement aucun nom.

Je n'ai à coup sûr pas besoin de vous faire remarquer, Monsieur le Commandant, combien la présence de ces casiers à homard près des plages où le capelan vient atterrir et la conduite de ces goélettes sont préjudiciables à la pêche de nos nationaux, et contraires aux clauses des Traités.

L'année dernière, la canonnière Anglaise le "Lily" avait déjà été obligée d'éloigner des goélettes de l'Île Saint-Jean, et je vous demanderai, Monsieur le Commandant, de vouloir bien prendre les mesures nécessaires pour que, conformément aux clauses des Traités, nos nationaux ne soient pas gênés dans leur pêche.

J'ai reçu en outre une troisième plainte du Capitaine Landgren, de l'Anse à John Marh (John Meagher's Cove), dont les pêcheurs de Shearer envahissent les fonds de pêche de la Baie des Castors.

Sir Baldwin Walker reconnut avec moi que la ligne de délimitation adoptée sur ce point l'année dernière pour séparer les pêcheurs de homard des deux pays devait encore servir de ligne de démarcation cette année, et je vous demanderai, Monsieur le Commandant, de vouloir bien rappeler Mr. Shearer à l'observation des ordres qu'il a certainement dû recevoir de la Division Navale Anglaise.

Recevez, &c.

(Signé) A. MARÉCHAL.

(Translation.)

*Cruiser "Le La Pérouse," Port-au-Choix,  
June 24, 1890.*

M. le Commandant,

I HAVE the honour to inform you that I have received to-day simultaneous complaints from the captains of Port-au-Choix and St. John's Island, against the British schooners coming to Gargamelle Bay and St. John's Island to interfere with their fishing operations.

To the inconvenience caused by British traps strewn over the coast in these various places, and also in the neighbourhood of Trapper's Bay, localities which are frequented by our fishermen every year, at least during the capelin season, there must now be added the illegal competition of British schooners, which at this season habitually come to this neighbourhood under the pretext of seeking shelter, but in reality in order to fish for cod and its bait, to the great detriment of our countrymen.

The illegality of the acts of these boats is, therefore, threefold: they fish on a coast

which is reserved for our use, they clean their cod on the fishing-ground, and they carry no name.

On the 17th June, the doreys of one of these schooners not only hauled all the cod-trawls of Captain Mary of the "Puget" (St. John's Island), but also, seeing themselves caught in *flagrante delicto*, cut the French line and escaped. This schooner, which was lying quietly at the anchorage of St. John's Island, on Sunday, the 15th June, was clearly recognized; unfortunately, she bore no visible name.

I certainly have no need to point out to you, Sir, how the presence of these lobster-traps near the beaches where the capelin shoal, and the conduct of these schooners, are prejudicial to the fishing of our countrymen, and contrary to the clauses of the Treaties.

Last year, already, the British gun-boat "Lily" was obliged to remove these schooners from St. John's Island, and I beg to request that you will take the necessary steps in order that, conformably to the clauses of the Treaties, our countrymen may not be interfered with in their fishing.

I have received, besides, a third complaint from Captain Langren, of John Mark's Bay (John Meagher's Cove) that Shearer's fishermen encroach on the fishing-grounds of the Bay of Castors. Sir Baldwin Walker agreed with me that the boundary adopted in this locality last year, for the separation of the lobster fishers of the two nations, should still serve as a line of demarcation this year, and I must request you, Sir, to be good enough to call Mr. Shearer's attention to the orders which he must certainly have received from the British Naval Division.

Receive, &c.  
(Signed) A. MARÉCHAL.

Inclosure 2 in No. 19.

*Commander Riddell to Captain Maréchal.*

Sir, "Pelican," at Port Saunders, June 26, 1890.  
I HAVE the honour to acknowledge the receipt of your communication, dated the 24th instant, in which you inform me that the presence of British vessels in Gargamelle Cove and St. John's Island is impeding the fishing of the subjects of your nation.

2. Also that the crew of a British schooner lying at anchor at St. John's Island had been interfering with and damaging the fishing gear of the "Puget." I regret it has not been possible for you to furnish me with the name of this schooner.

3. Be assured, Sir, that I will take all steps necessary to prevent the fishing industry of French subjects being impeded or interfered with, and that I will direct the British vessels to discontinue fishing in the vicinity of St. John's Island. I have already ordered those frequenting Gargamelle Cove to put to sea.

4. As regards the complaint against Mr. Shearer's fishermen at John Mark's Cove, I beg to inform you I will investigate the matter and, should I find that the complaint is substantiated, I will take such action as to prevent a recurrence.

I have, &c.  
(Signed) D. M. N. RIDDEL.

Inclosure 3 in No. 19.

*Captain Beloz to Commander Riddell.*

(Translation.)

IN the absence of the French "Stationnaire," I come in the name of all the French captains fishing in Port-au-Choix, to beg you to expel the schooners which persist in remaining at anchor in Gargamelle Cove. They do not satisfy themselves by fishing for capelin and cod, to which they have no right, but they impede our fishermen by anchoring amongst their lines, and in defying them.

In consequence, we beg you, Sir, to be good enough to put an end to their hindrance, which does injury to our crews.

Receive, &c.  
(For the Captain, Port-au-Choix),  
The Captain Prud'homme of the Harbour,  
(Signed) E. BELOZ.

*Lieutenant-Commander Gray to Captain Sir B. Walker.—(Received at the Foreign Office, August 8.)*

Sir,

*"Forward," at Twillingate, July 12, 1890.*

I HAVE the honour to report my further proceedings since the 27th June.

2. The Captain of the "Indre," having mentioned to me when at Croc that he had experienced great difficulty in identifying several vessels he had met on the coast after passing Cape St. John, I decided to go to Ming's Bight, where I had myself observed several, and investigate.

3. On arrival, I found most of them had left for Labrador, but the 15-ton schooner "Aggie," the smallest of those I had seen on the 24th, was at the same anchorage, a little harbour formed by the small island just inside Grappling Point, and from her master I took the inclosed Statement. In spite of this vessel only having her name on each taffrail, and not on her stern, I considered the action of a foreign man-of-war in demanding a vessel's papers in British waters so questionable, that I deemed it advisable to communicate with you, in order that, when I met the "Indre" at Gouffre on the 5th, I could take whatever steps you thought necessary, and I therefore proceeded to Tilt Cove, the nearest telegraph station.

4. On the 5th July, with the Captain of the "Indre," I selected two suitable places, either of which, subject to your approval, Braën's house, at Canary Harbour, could be moved to.

5. In conversation with Captain Marquis, he explained that several of the inhabitants along the coast had complained of the Labrador schooners for fishing with cod-traps, and throwing offal, &c., overboard, which baited the ground and so spoilt their fishing. (No doubt this complaint is true, but it has never been made to me.) Therefore, in warning them against this, he had wished to identify the vessels, but hardly any had colours, and many had no papers. When I pointed out they all had their name somewhere, and there was hardly any question as to their nationality, he said they might be American. I told him that I hoped taking their names, and informing me, would prove sufficient in future, as in British territorial waters the examination of papers should be left to Her Majesty's ships of war. I also informed him of my intended movements, with approximate dates, so that, should he have any complaints or other cases of a similar nature, he could let me know immediately.

6. Owing to a rumour reaching me about some burning at La Scie, I made further inquiries there, and the Magistrate stated that two summers ago a small French hut, partially built of boughs, was set on fire by a careless sailor of a banker. The Magistrate called the natives to his assistance, but they could save nothing, as it was like tinder, and though he offered a large reward he could not find out the sailor who did it. He showed me a copy of an extraordinary Gazette, dated at St. John's the 16th June, to prove that cod-traps were allowed. I called his attention to the last Rule, and requested him to make it known, but it is not to be surprised if the fishermen are puzzled when they receive contradictory information from responsible authorities.

7. At Sop's Arm I found 2 $\frac{3}{4}$ -inch mesh nets across every mouth of the river. I took them up, and have retained possession of them pending your decision, as I find, by former Fishery Reports, the owner, C. Pittman, is an old offender, and has been repeatedly warned.

8. At Fleur-de-Lis there is only one French room standing, and that was last occupied about ten years ago. The natives have built on the sites of the other rooms; in most cases, many years ago, and they all understand that should the French wish to reoccupy those positions they must vacate them.

9. Neither Captain Legranvillais, of Croc, nor Captain Very, of Rouge, are on the coast this year. I have made inquiries concerning the loss of a net by the latter last season, but could obtain no further information, and Captain Marquis, of the "Indre," considered the whole matter quite finished.

10. The "Indre" was going to Rouge or Croc from Gouffre, to remain until about the 15th, when, being relieved by the "Bisson," she will proceed to the west coast via the Straits of Belleisle.

I have, &c.

(Signed) SCOTT W. A. H. GRAY.

## Inclosure in No. 20.


*Deposition.*

District \_\_\_\_\_, to wit:

THE statement of Esau Nobles, master of the fishing-schooner "Aggie," of Nipper's Harbour, 15 tons, taken upon oath, and who saith that the name of the vessel was not on the stern, neither was the port of registry, when he obtained Customs clearance from Tilt Cove on the 6th June last.

On the 22nd instant a boat from the French man-of-war came alongside his vessel, asked who the captain was, to which I replied that I was; he asked me to show my papers, they were examined and returned to me.

He also saw the boat mentioned above go alongside other vessels in the anchorage.

(Signed) ESAU NOBLES, his X mark. 

Sworn before me at Ming's Bight, this 30th day of June, 1890.

(Signed) S. W. A. H. GRAY,  
Lieutenant, R.N., and J.P.

## No. 21.

*Admiralty to Foreign Office.—(Received September 6.)*

Sir, *Admiralty, September 2, 1890.*

I AM commanded by my Lords Commissioners of the Admiralty to forward herewith, for the information of the Secretary of State for Foreign Affairs, reports of proceedings in connection with the Newfoundland fisheries.

I am, &c.  
(Signed) R. D. AWDRY.

## Inclosure 1 in No. 21.

*Commander Riddell to Captain Sir B. Walker.*

Sir, *"Pelican," at Birchy Cove, July 14, 1890.*

I HAVE the honour to report that in pursuance of your telegram of the 11th instant directing me to proceed in the execution of previous orders, and to visit Port-à-Port with a view to ascertaining the truth about certain alleged acts of the French against British subjects and property, I beg to inform you that I left St. George's at 4.30 A.M. on the 12th instant in Her Majesty's ship "Pelican" under my command and proceeded to Red Island; there I landed in order to gather information relative to the fishery establishment at that place.

2. There are 115 Frenchmen stationed here this season, 84 of whom fish, and the remainder cure and salt the fish. The Prud'homme, M. Eugène Pourrier, informed me that the cod are very plentiful, but that the catch had not been good owing to the scarcity of bait; 1,500 quintals of cod had been taken. The catch is sold to a St. Pierre firm, Béchaillon et Cie. There are forty-two boats and two schooners of about 60 tons each belonging to the island. Two guardians remain on the island during the winter. There were no complaints against British fishermen or vessels.

3. Leaving Red Island I went to Three Rock Cove, where Halliburton's lobster factory was visited. The season had been a fairly good one, 300 cases of lobster having been packed and 80 quintals of cod cured.

4. Proceeding to Sandbank Cove I found a French factory owned by a M. Paul Tageon. There were four men in this factory and four fishermen; 120 cases had been packed, 350 traps having been used.

5. On leaving Sandbank Cove I steamed to Beach Point, Port-à-Port, and found that the factory there was not working owing to a scarcity of lobsters, though Cairns, of Broad Cove, had 500 traps out. No French had been fishing there during the present season.

6. Anchored at 8.15 P.M. in Head Harbour, and on the following forenoon communicated with the factory at Fox Island River on the subject of alleged outrages on the part of French fishermen.



7. At Fox Island River the master of a French schooner, a short time ago, took a capelan net, the property of a British subject; this net was, however, afterwards returned to him. I can hear nothing of nets having been seized by Commodore Maréchal, or by any of his officers, and consider the rumour to be unfounded. I received a statement from one of the Cairns men to the effect that hawls belonging to Cairns of Broad Cove had been cut by the French, and that the case had been reported to you.

8. Leaving Head Harbour under sail at 5 P.M. on the 13th instant, I proceeded to Birchy Cove, Bay of Islands, using steam, at 1 o'clock arriving off Birchy Cove at 6 A.M. this morning.

9. I purpose remaining here until Wednesday next when the "Volunteer" will arrive on her downward voyage, for the purpose of embarking the sergeant and two privates Royal Marine Light Infantry received on board from Fishels, and after leaving Birchy Cove, I intend visiting Lark Harbour and Bonne Bay, arriving at the latter place on Friday the 18th.

I have, &c.  
(Signed) D. M. RIDDEL.

Inclosure 2 in No. 21.

*Commander Riddell to Captain Sir B. Walker.*

Sir, "Pelican," at Port Saunders, July 29, 1890.  
IN continuation of my letter of proceedings of the 14th July, I have the honour to report that I left Birchy Cove, Bay of Islands, in Her Majesty's ship "Pelican," under my command, on the forenoon of the 16th of the same month, and visited Wood Island and Crabb Point, at each of which places I found the lobster factories at work, that at Crabb Point having done very well, 500 cases having been packed up to date. Reached Lark Harbour in the evening, and anchored there. George Sheppard's factory was working, and that of A. Sheppard and J. Hooper, which was in course of erection at the commencement of the season, had just begun to work, 8 hands being employed in it. On the 17th I communicated, by foot, with Little Harbour, and ascertained that there was but one man there; he was in charge of the French boats and gear. For the past three years the French have not visited this place, but the caretaker stated that he had been informed that they intend reoccupying the harbour next season.

2. Leaving Lark Harbour at 10.45 A.M. on the 18th, Bonne Bay was reached at 5.45, and the ship was anchored at 6.30 P.M. in Neddy Harbour. On the 21st July I received your telegram informing me that you purposed arriving at Port Saunders on the 28th. Bonne Bay was left on the evening of the 21st, and throughout the night passage to Port Saunders was made under sail, the latter place being reached at 9.30 A.M. on the following day. The French cruizer "Indre" was at anchor in the port; and the dispatch-boat "Erin" was absent, Lieutenant Weigall having proceeded to visit Bartlett's Harbour, and other places to the northward.

3. Left Port Saunders at 5.30 A.M. on the 24th July, and reached Port-au-Choix at 8 A.M., where the ship was moored. The reports of the fishing at this place are more favourable than those of last season, 5,000 quintals of cod having been already cured. Proceeding to sea at 9.30 A.M. on the 26th July, visited Dog Island and Old Ferrolle, anchoring at the latter place at 6.10 P.M. Foggy weather was experienced during the day rendering navigation difficult. A strong gale sprung up on the morning of the 27th and continued throughout the day and night, gradually subsiding on the 28th. Weighed anchor and put to sea at 9 A.M. this day, and arrived at Port Saunders at 6.40 P.M.

I have, &c.  
(Signed) D. M. RIDDEL.

No. 22.

*The Marquis of Salisbury to the Earl of Lytton.*

My Lord,

*Foreign Office, September 24, 1890.*

IN your Excellency's despatch of the 5th June last you reported that M. Ribot had expressed to you in conversation his confidence in the possibility of arriving at a final settlement of the Newfoundland Fishery question on terms satisfactory to England and France. His Excellency observed, however, that France could not take the

initiative in making proposals for such settlement, nor expect Her Majesty's Government to do so until after consultation with the Representatives of Newfoundland who were expected in this country.

Since the date of your despatch Sir W. Whiteway, the Prime Minister of Newfoundland, and other Delegates from the Colony, have arrived in England. They have had repeated conferences with the Secretary of State for the Colonies, and Her Majesty's Government have received from them full information as to the wishes and feeling of the population in regard to this question, which is of vital importance to the Colony. I am, consequently, now enabled to give you instructions for entering upon the subject with the French Minister for Foreign Affairs at the earliest convenient opportunity.

The question, as you are aware, is one of great complexity, and has been debated between the two Governments for many years without any solution having been arrived at.

The main points now in controversy between the two countries, as to the meaning of the international engagements which secure to the French rights of fishery on a portion of the shore of Newfoundland, appear to be the following:—

1. Whether Great Britain, in virtue of her sovereignty over Newfoundland, possesses on that part of the coast rights of fishery concurrent with those of France and equal to them; or only rights which must be so exercised as not to disturb the fishery of France; or no rights of fishery at all.

2. Whether Great Britain, by granting to France the right of drying fish and cutting wood along this part of the shore, and by promising the removal of “*établissements sédentaires*,” has engaged to prohibit her subjects from erecting any kind of building on that part of the shore, or only those buildings which are concerned with the fishery; and, if so, whether lobster factories are included in the prohibition.

3. To what depth inland do the prohibitions against building on the part of British subjects, whatever they may be, extend?

4. Do the words “*permis de pêcher et de sécher le poisson*” apply to all kinds of animals found in the sea; if not, to which kinds is the application limited?

5. Do the Treaties, by prohibiting French subjects from any construction on the shore beyond “*échafauds et cabanes nécessaires et usités pour sécher le poisson*,” prohibit them from erecting removable lobster factories?

There are, in addition to these, other questions of a less important character which probably would not give much trouble if these primary questions were settled.

The temporary arrangement which was agreed upon between the two Governments for the regulation of this last question during the present fishing season appears to have worked satisfactorily upon the whole. Her Majesty's Government gladly acknowledge that this result has been largely due to the conciliatory instructions issued to the French Naval Commander, and to the friendly and considerate manner in which he has acted upon them.

But the arrangement, as you are aware, has been most unfavourably regarded in the Colony, where it has given rise to much agitation and excitement, and the British Naval Commander has met with considerable opposition in carrying it into effect, and his action has been made the subject of legal proceedings in the Colony.

It is scarcely, therefore, to be hoped that this *modus vivendi*, which was, in fact, merely a temporary compromise pending attempts for a more permanent solution, could be indefinitely prolonged with advantage and convenience.

All the points of difference which I have enumerated above have been argued at great length, without either party having succeeded in producing conviction on the part of the other. Arbitration appears now to be the only method to which resort can be had, if a plain and authoritative definition is required of the extent and nature of the rights secured to France by the Treaties; and with respect at least to some of these we have received the assurance that the French Government is not unwilling to have recourse to this method of adjustment.

But Her Majesty's Government find, from the language of Sir William Whiteway and other Representatives of the Colony, that the wishes of the colonists are centred on the attainment of some arrangement for the termination of French rights upon their coast, and that they do not consider that arbitration, unless, indeed, it should form an accessory part of such an arrangement, would furnish such a solution as they desire.

They point out that even if the decision be given in the sense most favourable to Newfoundland, the curtailment of their powers of self-government involved in the existence of any French rights must still be a very serious impediment to the free development of the resources and industry of the Colony, and that, while the concession of rights to French fishermen was not incompatible with the circumstances of the time

when it was made, when the coast in question was almost uninhabited, and when both the Contracting Parties looked upon Newfoundland mainly as a fishing ground for their respective seamen, it is not an arrangement which can be enforced without great inconvenience and suffering on a growing Colony, with the regular organization and institutions of present civil life. As the population on the coast increases, the evil is naturally intensified, and threatens to lead to most serious consequences unless some complete remedy is applied. The method of fishery has materially altered since the Treaties were concluded, and owing to this change, to improved means of communication, and to the development of the Islands of St. Pierre and Miquelon as a base for the French fishing operations, the use of the shore has ceased to be of great advantage to France, and the convenience to the French fishing industry is now extremely small in proportion to the injury which the Colony suffers from the restrictions imposed on the inhabitants. In proof of this, it is stated that out of some 800 French vessels with crews of over 9,000 men employed in the fishery, almost the whole resort to the banks, and that not more than sixteen, or, according to some accounts, only seven or eight vessels pursue the fishery on the coast of Newfoundland; the capital invested in this portion of the French fishery being estimated at less than 40,000*l*. The private interests actually involved are not therefore very important, even if the value of the six or seven French lobster factories erected on the shore, the legality of which Her Majesty's Government have always contested, were added to this amount.

In exchange for the withdrawal of the French rights on the coast, the Colony is willing to offer full facilities for the purchase of bait, which is stated by French no less than by British authorities to be a matter of prime necessity, and is certainly of the greatest convenience to the French fishing boats in enabling them to get early to the banks. Or, if preferred, the colonists would be prepared to make a reasonable money payment in consideration of the value of the advantages surrendered, and for compensation of the interests affected.

The Representatives of the Colony are convinced that an arrangement of this character would be highly profitable to France, and are anxious that no time should be lost in submitting it to the consideration of the French Government.

I request that your Excellency will give a copy of this despatch to M. Ribot, and in doing so will assure him that it would be a matter of cordial satisfaction to Her Majesty's Government if your overtures met with a favourable response. The question in its present condition is a source of constant anxiety to the two Governments, and there is little ground for hoping that, as time goes on, this state of affairs will improve. Indeed, from the reasons which I have given above, the difficulties with which the matter is surrounded tend rather to aggravate than diminish. Even if the Treaties could be relieved from the obscurity of language which threatens to create so much perilous dispute between the two nations, the continued existence thereunder of any foreign rights must in any case remain burdensome to the colonists in a degree wholly out of proportion to the benefits which they secure to France. Her Majesty's Government are anxious scrupulously to fulfil their Treaty obligations towards France, but the necessity of enforcing them to the detriment of the Colony cannot be otherwise than unwelcome to them, as they believe it must be to the French Government. It would be greatly to the advantage of both countries if any reasonable arrangement could be arrived at for replacing existing engagements by others which would not be open to the same objections.

I am, &c.

(Signed) SALISBURY.

### No. 23.

*The Earl of Lytton to the Marquis of Salisbury.—(Received October 1.)*

My Lord,

Paris, September 26, 1890.

YOUR Lordship's despatch of the 24th instant, containing proposals for a settlement of the questions in dispute between the French and English Governments respecting the Newfoundland fisheries, reached me yesterday morning, and in the afternoon of the same day I handed a copy of it to M. Ribot.

Before doing so I explained to his Excellency the nature of its alternative proposals, and laid stress on the importance attached by Her Majesty's Government to the acceptance of one or other of them with a view to the termination, at the earliest possible date, of a situation fraught with inconvenience and confusion to all the interests affected by it, both French and English. I also dwelt on the difficulty of attempting to postpone a permanent settlement of these questions by any indefinite

prolongation of the provisional arrangement which has provoked so much agitation and excitement in the Colony, or of seeking such a settlement in any other arrangements which failed to free the industry and resources of a self-governing Colony from the inconvenience and suffering involved in the enforcement of rights exercised by a foreign Power upon its coasts.

I regret, however, to inform your Lordship that, notwithstanding my earnest representations in the above sense, to which M. Ribot listened with attention, his Excellency, after looking through the despatch which I then placed in his hands, at once expressed his opinion that neither of its two proposals could be regarded as acceptable.

On my asking him whether I was to consider this as a rejection of the proposals I had been instructed to urge upon his most serious consideration in view of all the circumstances fully set forth in your Lordship's despatch, his Excellency said that, of course, he could give no sort of answer off-hand to such a communication. He had barely glanced through its contents, and could only indicate the general impression they had made on him. But it would receive a definite reply after it had been submitted to his colleagues and carefully considered by the Cabinet.

He intimated, however, that he looked for a permanent settlement of the Newfoundland Fishery question by means of arbitration under conditions less restricted than those which appeared to be placed on it by the terms of your Lordship's despatch.

I then pressed for a definite reply to the despatch at the earliest possible date.

M. Ribot said there would be no undue delay about it, but, as there would be no meeting of the Cabinet next week, and he was much out of health, he was about to go to the country to-morrow for a week's rest, and I must not expect any communication from him on the subject till after his return.

I have, &c.  
(Signed) LYTTON.

#### No. 24.

*The Earl of Lytton to the Marquis of Salisbury.—(Received October 6.)*

My Lord,

Paris, October 4, 1890.

I HAVE the honour to transmit to your Lordship copy of a note in which the Minister for Foreign Affairs informs me that he has submitted the text of your Lordship's proposals for the settlement of the Newfoundland Fishery dispute to the immediate consideration of the Minister of Marine, and promises a very early statement of the views of the French Government on the subject.

I have, &c.  
(Signed) LYTTON.

#### Inclosure in No. 24.

*M. Ribot to the Earl of Lytton.*

M. l'Ambassadeur,

Paris, le 2 Octobre, 1890.

VOTRE Excellence a bien voulu me donner communication d'une dépêche qui lui a été adressée le 24 du mois dernier par Lord Salisbury au sujet des difficultés auxquelles donne lieu l'exercice de la pêche à Terre-Neuve.

Je m'empresse de faire connaître à votre Excellence que j'ai transmis le texte de ce document à M. le Ministre de la Marine, en le priant de vouloir bien l'examiner, sans le moindre retard, avec toute l'attention que son importance comporte. J'aurais très prochainement l'honneur d'informer votre Excellence des vues du Gouvernement de la République touchant les suggestions qui y sont formulées.

Agréé, &c.  
(Signé) RIBOT.

(Translation.)

M. l'Ambassadeur,

Paris, October 2, 1890.

YOUR Excellency was good enough to communicate to me a despatch addressed to you by Lord Salisbury on the 24th ultimo with regard to the difficulties arising out of the prosecution of the fisheries at Newfoundland.

I hasten to inform your Excellency that I have transmitted the text of this document to the Minister of Marine, with the request that he would be good enough to examine it,

without the least delay, and to give it all the attention which its importance demands. I shall very shortly have the honour to inform your Excellency of the views of the Government of the Republic respecting the suggestions set forth therein.

Accept, &c.  
(Signed) RIBOT.

No. 25.

*The Earl of Lytton to the Marquis of Salisbury.—(Received October 31.)*

My Lord,

Paris, October 30, 1890.

M. RIBOT yesterday placed in my hands the reply of the French Government to the proposals contained in your Lordship's despatch of the 24th September last, which I communicated to his Excellency on the following day, as reported in my despatch of the 26th September, for a final settlement of all questions relating to British and French fishery rights in Newfoundland.

In this document, of which I have the honour to inclose a copy, M. Ribot states that the Government of the Republic is unable to entertain the proposals urged on its acceptance in your Lordship's above-mentioned despatch, but that it is quite willing to come to some agreement with the Government of Her Majesty for a final settlement of these fishery questions, on the basis either of arbitration or of arrangements analogous in principle to those of the proposed Treaty of 1885.

I have, &c.  
(Signed) LYTTON.

Inclosure in No. 25.

*M. Ribot to the Earl of Lytton.*

M. l'Ambassadeur,

Paris, le 29 Octobre, 1890

VOTRE Excellence a bien voulu me communiquer une dépêche de Lord Salisbury du 24 Septembre dernier, ayant pour objet de saisir le Gouvernement de la République de propositions tendant à arriver à un règlement définitif de la question des pêcheries de Terre-Neuve.

Ainsi que le remarque sa Seigneurie, la question est complexe et débattue entre les deux Gouvernements depuis de longues années et sans que je croie devoir reprendre ici les points énumérés dans la dépêche de Lord Salisbury comme pouvant se trouver en discussion, il est certain que le désir des deux Gouvernements a toujours été d'éviter que les divergences existant dans leur manière de voir respective dégénérassent en difficultés plus graves.

Ces sentiments de conciliation se sont, à diverses reprises, manifestés par des actes; sans remonter bien loin dans le passé, c'est ainsi qu'en 1885, le Gouvernement de la République et celui de Sa Majesté ont pu jeter les bases d'une entente également honorable et satisfaisante pour les intérêts des deux parties; c'est ainsi que, l'année dernière, les deux Gouvernements sont tombés d'accord pour déterminer les conditions d'un *modus vivendi*, dont la mise en pratique, ainsi que le constate sa Seigneurie, a donné, dans l'ensemble, des résultats satisfaisants. C'est ainsi encore que les instructions remises chaque année aux Commandants des deux croisières et la façon dont elles sont comprises et appliquées ont toujours écarté les appréhensions que l'excitation des intérêts particuliers aurait pu faire naître.

Lord Salisbury veut bien rappeler dans sa dépêche que les deux Gouvernements, poursuivant cette œuvre d'apaisement, avaient envisagé avec une mutuelle confiance, l'éventualité d'un recours à l'intervention d'un Arbitre. Mais le Premier Ministre, tout en reconnaissant les avantages de cette solution, nous fait savoir par la note à laquelle j'ai l'honneur de répondre qu'elle ne paraît pas devoir être en conformité avec les sentiments exprimés par Sir W. Whiteway et par les Délégués de Terre-Neuve, et il ajoute que pour donner satisfaction aux vœux de la Colonie, la France devrait consentir à l'abandon des droits qui lui sont reconnus par les Traités; en échange la Colonie serait disposée à offrir soit des facilités pour l'achat de la boîte, soit une somme raisonnable en rapport avec la valeur des avantages abandonnés et en compensation des intérêts atteints.

Les Représentants de la Colonie sont convaincus qu'un arrangement de cette nature serait profitable à la France et ils auraient désiré qu'on ne perdît pas de temps pour le soumettre à l'examen du Gouvernement Français.

Ainsi que j'ai eu l'honneur de le dire, à diverses reprises, à votre Excellence, les intentions conciliantes du Gouvernement de la République ne sont nullement changées. Confiant dans les sentiments identiques qu'il a toujours rencontrés auprès des Ministres de Sa Majesté, il ne doute pas qu'une solution favorable ne puisse intervenir une fois encore, et il est tout disposé à rechercher les conditions d'un accord.

Mais il n'hésite pas à déclarer que les propositions qui émanent des Représentants de la Colonie lui semblent reposer sur une appréciation tout à fait inexacte de la nature des droits et de l'importance des intérêts Français, ainsi que sur une exagération manifeste des maux dont se plaint la Colonie.

Sur ce dernier point, je me contenterai de faire observer à votre Excellence combien les plaintes de la Colonie sont peu en rapport avec les renseignements parvenus aux deux Gouvernements sur le calme complet avec lequel la pêche s'est accomplie au cours des dernières campagnes.

En raison de ces diverses considérations et malgré le désir sincère dont le Gouvernement Français est animé d'écarter des difficultés toujours regrettables, il n'a pas cru devoir adhérer aux propositions qui lui sont faites d'échanger ses droits, soit contre le paiement d'une somme d'argent, soit contre certaines facilités au sujet de l'achat de la boîte.

Le Gouvernement de la République est, d'ailleurs, tout disposé à examiner les autres conditions d'un accord qui pourraient lui être soumises, soit qu'elles se rapprochent des bases du projet rédigé en 1885, soit qu'elles visent l'éventualité d'une décision arbitrale, conformément aux premières vues déjà échangées à ce sujet entre les deux Gouvernements.

Agréez, &c.  
(Signé) A. RIBOT.

(Translation.)

M. l'Ambassadeur,

Paris, October 29, 1890.

YOUR Excellency was good enough to communicate to me Lord Salisbury's despatch of the 24th September last, having as its object to place before the Government of the Republic proposals with a view to the final settlement of the Newfoundland Fishery question.

As his Lordship observes, the question is complex and has been debated between the two Governments for many years, and though I do not feel called upon to take up here the points enumerated in Lord Salisbury's despatch as being open to discussion, it is certain that it has always been the desire of the two Governments to prevent the divergence in their views from resulting in more serious difficulties.

These conciliatory sentiments have, on various occasions shown themselves by acts. Thus it was, without going very far back in the past, that the Government of the Republic and Her Majesty's Government were able, in 1885, to establish the bases of an understanding equally honourable and satisfactory to the interests of both parties. Thus, only last year, both Governments agreed to define the conditions of a *modus vivendi*, the observance of which, as his Lordship declares, has, on the whole, produced satisfactory results. Thus, again, it is that the instructions annually given to the Commanders of the two cruizers, and the manner in which they have been understood and applied, have always obviated the apprehensions which the irritation to private interests might have aroused.

In his despatch Lord Salisbury is good enough to recall that, in the pursuit of this work of conciliation, both Governments had, in a spirit of mutual confidence, contemplated the eventuality of a resort to arbitration. But, whilst recognizing the advantages of this mode of settlement, the Prime Minister informs us, in the note to which I have the honour to reply, that it does not appear that this solution would be in conformity with the wishes expressed by Sir W. Whiteway and by the Newfoundland Delegates; and he adds that, in order to satisfy the wishes of the Colony, France should consent to surrender the rights secured to her by the Treaties; while in return, the Colony would be disposed either to offer facilities for the purchase of bait, or to make a reasonable money payment proportionate to the value of the advantages surrendered, and as compensation for the interests affected.

The Representatives of the Colony are convinced that an arrangement of this character would be profitable to France, and they are said to have been desirous that no time should be lost in submitting it to the consideration of the French Government.

The conciliatory intentions of the Government of the Republic, as I have on several occasions had the honour to observe to your Excellency, have in no way changed. Relying on the corresponding sentiments which they have always encountered on the part

of Her Majesty's Ministers, they do not doubt that a favourable settlement may be once more effected, and are quite prepared to inquire into the conditions of a possible agreement.

But they do not hesitate to declare that the proposals emanating from the Representatives of the Colony appear to rest on a wholly inaccurate appreciation of the nature of the rights and of the importance of the interests of France, as well as on a manifest exaggeration of the evils of which the Colony complains.

On this last point, I shall content myself with pointing out to your Excellency how little the complaints of the Colony are consistent with the information which has reached the two Governments as to the complete tranquillity which has characterized the fishing operations of recent seasons.

In view of these various considerations, and notwithstanding the sincere desire of the French Government to prevent difficulties, always regrettable in themselves, they do not feel justified in acceding to the proposals made to them to exchange their rights either for a money payment or for certain facilities with regard to the purchase of bait.

The Government of the Republic are, however, quite prepared to consider such other conditions of an agreement as may be submitted to them, whether they approximate to the bases of the scheme drawn up in 1885, or whether they contemplate an eventual resort to arbitration, in conformity with the preliminary opinions already exchanged on the subject between the two Governments.

Accept, &c.  
(Signed) A. RIBOT.

No. 26.

*Colonial Office to Foreign Office.—(Received November 11.)*

Sir, *Downing Street, November 10, 1890.*

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a despatch which he has addressed to the Governor of Newfoundland on the subject of the proceedings which have taken place relating to the Newfoundland Fisheries question during the visit to this country of Sir William Whiteway and the other gentlemen associated with him as Delegates from the Colonial Government.

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

**[Inclosure in No. 26.]**

*Lord Knutsford to Governor Sir T. O'Brien.*

Sir, *Downing Street, November 10, 1890.*

NOW that Sir W. Whiteway and Mr. Harvey are about to return to Newfoundland, it may be convenient that I should give you some account of my communications with them and with the other Delegates who accompanied them, for the purpose of representing the views of the Government and Legislature of Newfoundland with regard to those questions connected with the French fisheries which have of late assumed increased importance.

2. I have had the advantage of receiving at this Office on numerous occasions the gentlemen whom I have mentioned, and also Messrs. Bond and Emerson, and the free and prolonged discussions which have taken place with them upon the various aspects of the Fisheries question have, I trust, conduced to a much clearer understanding on both sides of the difficulties which have to be dealt with, and of the course which it may be possible to take in dealing with them.

3. I did not cause any detailed record of these interviews to be kept, as our conversations were in a great measure of a confidential nature, and it is of course unnecessary that I should report to you the statements made to me as to the colonial grievances and feelings with which you are already well acquainted. I may, however, state generally that, in addition to the complaints of unjustifiable interference on the part of the French with the colonial fishermen, the representations which were most strongly pressed upon me related to the impediments, amounting practically to a



prohibition, which have hitherto precluded the colonists from utilizing the Treaty Shore, and, consequently, the country behind it, for agricultural settlement or mining enterprise. Particular instances were, moreover, brought under my notice, showing that the effect of this state of things is not confined to the Treaty shore, but that the uncertainty as to the extent of French rights and the apprehension of future French complications prevent capitalists at home from investing money in the development of other parts of the island.

4. The Delegates contended that it is not possible, by any reasonable interpretation of the Declaration of 1783, to hold that British settlements are to be excluded from some hundreds of miles of coast-line, in order that at some few places French fishermen may be enabled to erect wooden stages for drying fish; and they urged that, while the Treaty shore is under that Declaration at present closed to British subjects, the French have been allowed to exceed the privileges granted by the same Declaration. They pointed out, moreover, that the Islands of St. Pierre and Miquelon, which were ceded "for the purpose of serving as a real shelter for French fishermen," and which were not to become "an object of jealousy between the two nations," have been armed, and made a commercial port for the collection and transhipment to Europe of fish, on which, under a system most injurious to the colonial trade, bounties are granted from French funds even when it is consumed outside the French dominions; and, further, that they have become a base for constant smuggling by French subjects, while the French Government have refused to admit a British Consular officer to reside there, whose presence would to some extent be a check upon this illicit traffic.

5. It was also represented that while anything in the nature of a British fixed establishment is made the subject of protest and complaint by the French Government and its naval officers, French buildings and a permanent French establishment have been in existence at Le Croc for many years; that this establishment contains store houses, gardens for raising vegetables, and places for keeping cattle; and that it is maintained not by any French fishermen, but by the French Government for the use of its navy, while by the Treaty the French are bound not to erect any buildings "besides stages made of boards, and huts necessary and usual for the drying of fish."

6. I am not aware that the existence of this establishment has previously been the subject of a special complaint from the Colony, and I have made inquiry from the Lords Commissioners of the Admiralty as to the information in that Department respecting it.

7. By my despatch of the 24th June, I have already made you aware that Her Majesty's Government are fully alive to the disadvantage under which the people of Newfoundland labour owing to the existence of the ancient Treaties and engagements relating to the fisheries, and that they will do their best to give effect to any reasonable wishes of the colonists in regard to them; but it must be remembered that Her Majesty's Government cannot force upon a friendly Power the renunciation of its Treaty rights, nor compel the acceptance of an interpretation of those rights which Her Majesty's Government uphold, but which is at direct variance with the interpretation upheld by that Power. I also stated that Her Majesty's Government feel confident that, in these circumstances, the people of Newfoundland will recognize the difficulties which at present surround the Fishery question, and will, on further consideration, perceive that the conclusion of a strictly temporary *modus vivendi* such as has been agreed upon, involving, as it does, no surrender of British rights and no admission of new French claims, was the best course which was open to Her Majesty's Government both to avert possible collisions on the coast of the Colony, and to give time for negotiating with the Government of France such a solution of the questions at issue as may result in a permanent, and, it is hoped, satisfactory, settlement.

8. The Prime Minister received Sir William Whiteway and Mr. Bond on the 11th August, the other Delegates being unfortunately absent owing to the shortness of the notice caused by the accidental miscarriage of a letter from myself. A very interesting and important discussion took place, the details of which you will learn from Sir William Whiteway. It is sufficient for me to inform you that after full consideration of all that had been brought before him, the Marquis of Salisbury felt himself in a position to give full instructions to Her Majesty's Ambassador at Paris, with a view to the opening of negotiations for a comprehensive settlement of the whole question of the French fishery rights, and several communications have already passed between Her Majesty's Government and the French Government on the subject of the basis upon which it might be possible to conclude such a settlement. Having regard,



however, to the very large and complicated questions involved, it can hardly be anticipated that any immediate conclusion can be arrived at between the two Governments.

9. Her Majesty's Government having, as I have shown, been made fully acquainted with the views and desires of the Colony by Sir W. Whiteway and his colleagues, and having also received information from Sir James Winter and the gentlemen who came over with him, the conduct of the negotiations with the French Government must now, as you will readily understand, rest entirely in the hands of Her Majesty's Government.

Such information as I may from time to time be able to impart respecting these negotiations I shall convey to you without delay, and I shall rely upon the readiness of your Ministers to assist Her Majesty's Government by supplying any suggestions or statements of facts that may from time to time appear to be required, although while confidential communications are in progress, it may not be possible to consult them as to the steps which should be taken, and as to the method of conducting the negotiations.

Unless it can be arranged that Her Majesty's Government should again have the advantage of the presence in this country of a Delegate enjoying the confidence of your advisers, it is essential that all matters of detail should be dealt with by Her Majesty's Government, who must be trusted to act in the manner which they believe to conduce most effectually to the interests of the people of Newfoundland.

10. I must add, in conclusion, a strong expression of my sincere hope that Her Majesty's Government will receive from the entire Colony a cordial and willing support, and that all classes and all sections of political opinion in the island will see the necessity of abstaining from any hasty and ill-considered action against French officers and subjects, and of avoiding any appearance of opposition such as recent occurrences give too much reason for fearing has been advocated by some portions of the community both towards the Queen's Government and Her Majesty's naval officers. Any such attitude can only diminish in a serious degree the prospect of attaining a satisfactory and final settlement.

I have, &c.  
(Signed) KNUTSFORD.

#### No. 27.

*The Marquis of Salisbury to the Earl of Lytton.*

My Lord,

*Foreign Office, November 17, 1890.*

BY the wish of the Newfoundland Delegates, I laid before the French Government, through M. Waddington, to-day the proposal which they thought might possibly meet with the acceptance of that Government.

My previous conversations with his Excellency had not led me to be so sanguine as they appeared to be in that respect, and therefore I offered it without comment.

It was to this effect: that in consideration of a good Bait Bill and a sum of money to be afterwards agreed upon, the French Government should abandon all their special rights on the shores or in the territorial waters of Newfoundland, and should also discontinue the practice of giving a bounty on fish not consumed in French territory.

M. Waddington replied that he would lay the proposal before his Government, and would communicate the answer as soon as it arrived; but that he had little hope of its being favourable.

I am, &c.  
(Signed) SALISBURY.

#### No. 28.

*Admiralty to Foreign Office.—(Received November 22.)*

Sir,

*Admiralty, November 14, 1890.*

I AM commanded by the Lords Commissioners of the Admiralty to transmit, for the perusal of the Secretary of State for Foreign Affairs, copy of a letter from Captain

Sir Baldwin Walker, of Her Majesty's ship "Emerald," dated the 22nd October, with copies of its inclosures, reporting on the lobster factories, Newfoundland fisheries.

I am, &c.  
(Signed) EVAN MACGREGOR.

Inclosure 1 in No. 28.

*Captain Sir B. Walker to Vice-Admiral Watson.*

(Extract.)

"*Emerald*," at Halifax, October 22, 1890.

I HAVE the honour to forward the Reports on the lobster factories established on the portion of the Newfoundland coast subject to Treaty rights.

The present season has been an indifferent one, with few exceptions: the large quantities of heavy ice on the coast I believe partially caused this; the weed on the rocky bottom in which the lobsters are taken during July (in which month the best results are usually obtained) was this season rubbed quite bare in the shallow water by the masses of ice; the catches were consequently small. Another fact confirmatory of the above is, that September was the most successful month this year; during this period the traps are moved out into deeper water.

Another cause is the rapidly decreasing size of the lobsters (a sure sign of exhaustion). The number required to fill a 1 lb. can has in nearly all instances increased. In the case of Messrs. Shearer's and Forrest's Brig Bay factory just before finally closing, it required seven to eight lobsters to fill a can.

The greatly increased price will, notwithstanding this, have made the season generally remunerative. The small factories, many of which are established on the truck system, will probably pay their suppliers handsomely, if not their owners.

By the inclosed Returns it will be seen that, notwithstanding the *modus vivendi*, there has been a very large increase in the number of factories. The urgent need of proper Regulations in order to prevent this industry being destroyed is obvious, and a check on any further development is necessary in the interests of the whole community.

This year there are no lobster factories working to the north of Brig Bay, the grounds showing unmistakable signs of being exhausted. This will rapidly extend to the whole of the west coast if the increase of former seasons be permitted, and to which that of 1891 promises to be no exception.

This augmentation in the number of factories also constitutes a grave danger of serious international difficulties, to say nothing of the constant disputes that are certain to arise among the native fishermen and their employers. This season there have been cases of these local differences, which up to the present I have been able to deal with in a manner satisfactory to the persons interested, but this cannot be expected to continue.

The factories on the east coast call for no special remark, both being on a small scale.

The French factories of Brig Bay and John Meagher's Cove were enlarged the end of last season, and have employed a greater number of hands, as is also the case with the Barred Harbour factory, St. John's Island.

The new one erected at Clam Bank Cove, Port-à-Port, is on a small scale, and apparently on a different footing to the others, all of which are connected with the cod fishery.

In the case of the three first-named large ones, the cod fishery is auxiliary, but with the two at Port-aux-Choix cod are the primary object, the lobsters being of comparatively little importance.

The number of men employed in the lobster industry with these two varies; a greater number are put on lobster catching when fish are scarce or bait fails, and *vice versa*, the standing hands being four in one case and six in the other.

The factory at Port-à-Port, owned by M. Tagan, employs native labour, and it is by establishments of this kind that I expect the French will endeavour to further develop the lobster industry, for I doubt, even with the higher prices prevailing for preserved lobsters, if the large factories to the north pay sufficiently well to encourage others to embark in the venture.

It will be seen that several new English factories are contemplated besides those waiting for the termination of the *modus vivendi*; at least two, and probably three, will certainly be objected to by the French, as two of them are situated in the middle of their fishing grounds.

Two new French factories are also spoken of as likely to be erected, and I fully expect, unless some arrangement is arrived at, that more will be set up, though probably all on a small scale, by merchants belonging to St. Pierre.

In Commander Riddel's Report on French lobster factories, I observe that forty-three men is given as the number employed this season by the Brig Bay factory, but I feel certain this is an under-estimate, as that was the number last season, and I know from personal observation that the crew has since been increased, I believe to sixty-three, making the total number of French employed on this industry as 162.

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Inclosure 2 in No. 23.

Commander Riddel to Captain Sir B. Walker.

Sir, "Pelican," at Sydney; C.B., October 15; 1890.  
IN forwarding a Report on the British lobster factories working on the west coast of Newfoundland during the season of 1890, I have the honour to make the following remarks.

2. There were seventy factories in existence between Cape Anguille and Brig Bay. Of these, thirty-seven were new; and many of them did not commence work until late in the season. A number of these new factories are on a very small scale; being worked by the members of respective families, who seem on the whole to have done fairly well in their undertakings, the outlay in each case being very small, and no expense on account of wages. These factories are chiefly situated in Bay of Islands and on the north side of St. George's Bay.

3. With double the number of factories at work; the number of cases of lobsters packed falls short of last year's by about 1,400. This falling-off is more than accounted for by the fact that the lobsters taken this year have been on an average of a much smaller size than formerly, for in 1889 the average number of lobsters required per tin was three and one-third; this year it is four.

4. The action of the *modus vivendi* put a stop to the building and working of numerous new factories, and there are still many persons who are waiting for this Agreement between the British and French Governments to expire; when they will commence fitting out factories for next season's work. I have been able to ascertain no fewer than twenty cases; which, as far as practicable, are reported on an inclosure.

5. In consequence of the lateness of the spring but little was done in lobstering until June; and the most successful period was after the shelling in September; though in some parts of the coast heavy gales caused fishing operations to be suspended through the traps having been broken up.

6. The presence of British factories at Port Saunders, Bartlett's Harbour, and Brig Bay are still objected to by the French, and periodical complaints of a trivial and often doubtful nature are made against the British fishermen for setting their traps outside their allotted limits.

7. There can be no doubt but that some of the best lobster grounds of previous years have now been worked out, and in Port-a-Port three old factories have not been worked this season in consequence.

8. I would beg to call attention to the fact that on the 17th June a factory, worked by a man named McDonald, at Abraham's Cove, St. George's Bay, was ordered to stop working; this was done for ten days; when McDonald, finding the factories at Gravel's were running, recommenced work, and has continued doing so up to about the 11th instant. The catch to the 6th of this month has been 160 cases; and McDonald's original outlay was 180 dollars. I especially note this outlay and catch, as McDonald may make a claim for compensation for his work having been stopped for ten days.

I have, &c.  
(Signed) D. M. N. RIDDEL.

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Report on British Lobster Factories working on the West Coast of Newfoundland during the Season of 1890.

Distinguishing No.	Where situated.	Owners.		Men employed in Factory.		Girls employed in Factory.		Fisher-men.		Number of Traps used.	Price per 100.	Casks packed.		Average Number of Lobsters per Tin.		Fishing.		Date last visited.	Remarks.
		Name.	Residence.	Native.	Other.	Native.	Other.	Native.	Other.			1889.	1900.	1889.	1900.	Commenced.	Ended.		
1	Brig Bay ..	Forrest and Co..	Halifax ..	2	11	6	4	10	9	2,300	Cents. 60	1,900	560	3½	4	June 17	Aug. 11	Sept. 14	Very poor season. Factory closed early in consequence.
2	Dog Island ..	Chetwynd ..	Ditto ..	6	2	5	1	8	..	1,100	60	956	480	4	5	" 20	Oct. 25	" 23	Lobsters small this season.
3	Bartlett's Harbour ..	Forrest and Co ..	Ditto ..	4	10	6	6	9	4	1,500	60	2,100	1,500	3½	4	" 17	" 15	" 23	Lobsters small this season.
4	Port Saunders ..	Ditto ..	Ditto ..	4	7	8	1	16	2	1,800	60	1,400	704	4	5	" 14	" 25	" 27	Lobsters small this season.
5	Balburns (Table Bay) ..	Harvey ..	St. John's ..	13	..	14	..	10	..	700	65	Not open	300	..	2½	" 10	Sept. 23	" 27	Removed from Sandford River.
6	Portland Creek ..	Ditto ..	Ditto ..	5	3	6	..	8	..	1,200	65	1,200	819	3	2½	" 17	" 27	" 27	Lobsters more plentiful, but smaller than last year.
7	Cow Head..	Ditto ..	Ditto ..	15	..	14	..	22	..	1,700	65	1,400	1,700	4	4½	" 10	" 27	" 27	This is one of the factories for which Mr. Fearn claims compensation. A new factory.
8	Cox Cove ..	Fearn ..	Ditto ..	8	..	7	..	6	..	400	Wages 20 dollars a-month	Not open	150	..	1½	Aug. 9	" 21	" 29	Fishing a failure. Information obtained at Bonne Bay.
9	St. Paul's ..	Payzant and Frazer	Halifax ..	2	2	4	..	10	..	1,500	70	2,000	70	..	3	Sept. 4	" 28	" 29	Information obtained at Bonne Bay. A new factory.
10	Broom Point ..	Ditto ..	Ditto ..	4	6	17	..	42	..	2,500	70	Not open	1,200	..	3½	June 1	July 19	" 29	Information obtained at Bonne Bay.
11	Gull Marshes (Martin's Point) ..	Cole ..	.. Chester, N.S. ..	10	6	16	2	15	2	1,400	70	1,500	950	..	3½	" 3	Sept. 27	" 29	Information obtained at Bonne Bay.
12	Sally Cove..	Payzant and Frazer	Halifax ..	6	6	17	..	22	..	1,600	70	2,000	1,629	3	3½	" 2	" 10	" 29	Ditto.
13	Woody Point ..	Ditto ..	Ditto ..	4	6	16	..	50	..	4,000	70	1,000	2,000	4½	5	" 4	Oct. 25	" 29	Fishing very good.
14	Bonne Bay ..	Fearn ..	St. John's ..	4	1	3	..	17	..	1,000	80	Not open	125	..	5	Aug. 13	" 25	" 29	Factory established in Wm. Martin's store is one for which Mr. Fearn claims compensation. A new factory.
15	Trout River ..	Halliburton ..	Halifax ..	12	..	8	..	22	..	1,500	60	..	300	3½	3½	June 1	" 15	" 30	Information obtained at Bonne Bay.
16	Shoal Point ..	Ronch ..	Ditto ..	5	..	3	..	4	..	200	Wages 16 dollars a-month	..	275	..	..	..	..	Oct. 2	Information obtained at Bay of Islands.

Distinguishing No.	Where situated.	Owners.		Men employed in Factory.		Girls employed in Factory.		Fisher-men.		Number of Traps used.	Price per 100.	Cases packed.		Average Number of Lobsters per Tin.		Fishing.		Date last visited.	Remarks.
		Name.	Residence.	Native.	Other.	Native.	Other.	Native.	Other.			1889.	1890.	1889.	1890.	Commenced.	Ended.		
17	Shoal Point	Augwin	Halifax	4	1	6	..	7	..	1,200	Cents.	1,084	509	3	4½	June 4	Oct. 23	Oct.	
18	Crabb's Point (Crabb Brook)	Ditto ..	Ditto ..	10	1	13	..	14	..	700	35	113	390	..	..	May 16	Still working	"	
19	Jenning's Cove	Petipois	Jenning's Cove	8	..	1	..	5	..	500	60	Not open	200	..	4	June 7	Oct. 20	"	A new factory.
20	Goose Arm	Halliburton	St. John's	5	..	1	..	2	..	300	70	"	25	..	7	Sept. 4	Still working	"	Ditto.
21	Wood Island	Carter	Good Bank	6	3	5	..	14	..	1,000	60	1,000	1,000	3½	4	June 1	Oct. 31	"	
22	Ditto ..	McClane	Wood Island	2	..	..	..	2	..	200	..	Not open	..	..	..	..	..	"	Has not commenced work to date. A new factory.
23	Ditto ..	Duffy ..	Ditto ..	1	..	..	..	..	..	25	..	"	7	..	5	Sept. 10	Oct. 30	"	Worked by owner alone. A new factory.
24	Frenchman's Cove	Wheeler	Bay of Islands	2	..	..	..	1	..	50	..	"	4	..	3	" 12	Nov. 1	"	Worked by owner's family. A new factory.
25	Benoit Cove	Evitt ..	Ditto ..	3	..	..	..	3	..	120	80	"	12	..	4½	" 25	Still working	"	A new factory.
26	Birchy Cove	Augwin	Halifax	2	..	2	..	3	..	300	35 c. and 12 dollars a-month	"	32	..	4½	" 10	Ditto ..	"	A new factory.
27	Ditto ..	Cooke ..	Bay of Islands	6	..	1	..	3	..	300	..	"	40	..	4	July 1	Ditto ..	"	Ditto.
28	Blow-me-down	Carine	Ditto ..	2	..	..	..	1	..	50	..	"	15	..	3	Sept. 10	Oct. 15	"	Worked by owner and family. A new factory.
29	Lark Harbour	Hooper	Lark Harbour	3	..	2	..	2	..	100	..	"	20	..	4	Aug. 20	" 31	"	Works for Bagg, of Birchy Cove. A new factory.
30	Ditto ..	G. Sheppard	Ditto ..	4	..	5	..	3	..	450	..	"	500	..	3½	June 7	" 25	"	Worked by Sheppard and family. A new factory.
31	Bear Cove (Wild Cove)	M. Clane	Wood Island	3	..	3	..	5	..	400	70	"	300	..	2½	" 24	" 23	"	A new factory.
32	Serpentine River	Perry ..	Bay of Islands	2	..	2	..	2	..	170	Wages 100 dollars a-season	" 44	120	1½	1½	" 1	" 20	"	
33	Ropo Cove	Neville	Halifax	9	..	4	..	8	..	900	Wages 20 dollars a-month	370	492	3	4	" 1	" 28	"	
	Lewis Brook	Baird ..	St. John's	..	..	..	..	..	..	..	..	..	..	..	..	..	..	"	A boiling house; catch included in Halliburton's. Gravels.
34	Broad Cove	Cairns	Prince Edward Island	10	12	9	1	7	12	2,300	60	2,000	1,560	3½	4	May 31	Nov. 1	"	
35	Bear Cove (Port-a-Port)	Leech ..	Port-a-Port	2	..	..	..	1	..	140	60	Not open	52	..	4	" 25	" 1	"	A new factory.
36	Fox Island	Hinde ..	Ditto ..	2	..	..	..	2	..	300	..	"	108	..	4	June 9	Oct. 30	"	Worked by a family. A new factory.
37	Fox Island River	Abbott	Gravels	..	..	..	..	..	..	..	..	..	..	..	..	" 6	Oct. 30	"	Not working this year.
38	Pelican Cove	Hinde ..	Port-a-Port	2	..	..	..	..	..	200	..	Not open	50	..	5	" 1	" 30	"	A new factory.
39	Gravels ..	Baird ..	St. John's	14	..	7	..	29	..	2,900	60	2,000	1,000	3	3	June 1	" 30	"	A new factory.

Disturbing No.	Where situated.	Owners.		Men employed in Factory.		Girls employed in Factory.		Fishermen.		Number of Traps used.	Price per 100.	Cases packed.		Average Number of Lobsters per Tin.		Fishing.		Date last visited.	Remarks.
		Name.	Residence.	Native.	Other.	Native.	Other.	Native.	Other.			1890.	1889.	1890.	1889.	Commenced.	Ended.		
40	Gravels ..	Abbott	Gravels ..	14	..	10	..	17	..	1,800	Cents.	900	3½	4	3½	July 20	Oct. 15	Oct. 4	The two factories are combined in this Report. A new factory working for but a short time. Weather too boisterous to allow of communication. A new factory. Not working this year through a scarcity of lobsters. Ditto.
41	Marches Point ..	Harvey	Harvey's Cove ..	..	..	..	..	..	..	..	60	Not open	..	..	..	..	..	..	
42	Farm (Port-a-Port) ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
43	West Bay ..	Ditto ..	Ditto ..	..	..	..	..	..	..	..	..	155	..	..	..	..	..	..	A new factory. The working of this factory was stopped by order of Senior Officer, but resumed work ten days later. A new factory. Fishing in a small way with 100 traps in 1889. A new factory.
44	Beach Point ..	Cairns	Prince Edward Island	..	..	..	..	..	..	..	60	..	..	..	..	..	..	..	
45	Three Rock Cove ..	Baird ..	St. John's	7	..	5	..	7	..	500	60	400	3	3	3	June 1	Sept. 24	Oct. 5	
46	Charlie Sheaves' Cove.	Ditto ..	Ditto ..	6	..	4	..	6	..	600	60	Not open	..	..	..	..	..	..	A new factory. The working of this factory was stopped by order of Senior Officer, but resumed work ten days later. A new factory. Fishing in a small way with 100 traps in 1889. A new factory.
47	Abraham's Cove ..	McDonald	Bay St. George ..	2	..	2	..	2	..	200	..	..	..	4	..	{May 19 June 28 June 11}	Oct. 11	..	
48	Romain's Brook ..	Romain	Ditto ..	6	..	2	..	6	..	600	60	Not known	..	4	4	May 25	..	..	
49	Blanch River (Stephenville)	Quin ..	Stephenville	2	..	1	..	..	..	100	..	Not open	..	..	..	..	..	..	Ditto. Ditto. Ditto.
50	Green Point ..	Hann ..	Bay St. George ..	2	..	1	..	..	..	200	..	..	..	3	..	June 25	..	..	
51	Seal Cove ..	A. Cutler	Ditto ..	3	..	1	..	..	..	300	..	..	..	5	..	July 9	..	..	
52	Seal Rocks (Turf Point)	Vincent	Ditto ..	3	..	2	..	..	..	200	..	..	..	5	..	..	..	..	Ditto. Ditto. Ditto.
53	South Side ..	S. Butt	Ditto ..	1	..	..	..	..	..	100	..	..	..	5	..	June 15	..	..	
54	Ditto ..	J. Morris	Ditto ..	2	..	2	..	..	..	280	..	..	..	4	..	July 20	..	..	
55	Ditto ..	E. Butt	Ditto ..	1	..	1	..	..	..	80	..	..	..	4	..	Sept. 1	..	..	Ditto. Ditto. Ditto.
56	Ditto ..	N. Butt	Ditto ..	2	..	..	..	..	..	200	..	..	..	5	..	..	..	..	
57	Sandy Point	E. Leroux	St. George's	8	..	3	..	10	..	1,000	Wages 100 dollars	500	2	1½	..	Aug. 1	..	..	
58	Bank Head	Fall ..	Ditto ..	3	..	..	..	..	..	170	..	Not open	..	4	4	July 19	..	..	A new factory. Working stopped June 17 by order of Senior Officer.
59	Berry Head	Butt ..	Bay St. George ..	5	..	3	..	6	..	700	60	255	..	..	..	May 25	..	..	
60	Fishel's Brook	E. Leroux	St. George's	..	..	..	..	..	..	..	..	..	..	..	..	..	..	June 17	
61	Red Brook ..	Hayso	Bay St. George ..	8	..	4	..	10	..	1,000	60	Not open	..	4	4	June 5	Oct. 10	Oct. 8	A new factory. Ditto. Ditto.
62	Robinson's Cove	Renouf	Ditto ..	4	..	2	..	3	..	2,500	60	..	..	..	..	..	..	..	
63	Robinson's Head	Heulon	Robinson's Head	3	..	..	..	2	..	200	60	..	..	5	..	May 15	..	..	
64	Ditto ..	McFartridge	St. George's	9	..	3	..	9	..	800	60	..	..	..	..	May 20	..	..	A new factory.
65	Middle Parachois	Cooke	Middlebrook	2	..	1	..	3	..	250	60	..	..	..	..	July 1	..	..	

Distinquishing No.	Where situated.	Owners.		Men employed in Factory.		Girls employed in Factory.		Fisher-men.		Number of Traps used.	Price per 100.		Cases packed.		Average Number of Lobsters per Tin.		Fishing.		Date last visited.	Remarks.
		Name.	Residence.	Native.	Other.	Native.	Other.	Native.	Other.				1889.	1890.	1889.	1890.	Commenced.	Ended.		
66	Crabbes ..	Chelwynd ..	Halifax ..	2	3	7	..	10	..	1,150	Cents.		1,265	350	4	13	May 29	Oct. 8		
67	Highlands .. (McClellan's Cove)	Keating ..	St. George's ..	4	..	3	..	5	..	500	60		550	165	2	3	June 1	" 1	" 8	
68	Highlands .. (Coin's Brook)	Bruce and Piersey ..	Ditto ..	3	..	..	..	3	..	250	60		Not open	100	..	4	July 10	Aug. 15	" 8	A new factory.
69	Highlands ..	E. Leroux ..	Ditto ..	10	..	4	..	11	..	1,100	18 dollars a-month. Season		500	400	13	2	May 15	Oct. 6	" 8	
70	Highlands (Ship Cove)	N. Butt ..	Bay St. George ..	4	..	6	..	10	..	1,200	100 dollars		800	420	4	4	June 1	" 31	" 8	
	Total ..	..	..	322	80	278	15	505	29				27,634	24,937						

"Pelican," Bay St. George, October 9, 1890.

(Signed)

D. M. N. RIDDEL, Commander.

## Inclosure 4 in No. 28.

## List of Lobster Factories building or projected for Work during the Season of 1891.

Locality.	For whom or by whom Building.	Remarks.
Caribon Point (Castor's River) ..	Chetwyld .. ..	Cook-house erected.
Eddy's Cove .. ..	Goring .. ..	Partially built.
Ponds River .. ..	Fearn .. ..	Staging marked out and commenced, and pier started.
Daniel's Harbour .. ..	Fearn .. ..	Reported as in contemplation.
Roche's Harbour .. ..	Roberts .. ..	Buildings completed.
Roche's Harbour .. ..	Payzant and Frazer ..	In frame.
Baker's Brook .. ..	Payzant and Frazer ..	Ditto.
Lobster Cove .. ..	Halfyard .. ..	Ditto.
Norris Point .. ..	Muir, M'Dougal, and Templeton	In frame, and plant provided.
About Port-à-Port, and north side of Bay St. George	Caddy Dubasque .. ..	These factories are in contemplation, exact localities not yet known. Others may start if satisfactory arrangements are come to between British and French Governments.
	Gale and Co .. ..	
	Campbell and Co. .. ..	
	March, Bros. .. ..	
	Gilles and Co. .. ..	
	Dutraut and Co. .. ..	
	Ducet and Co. .. ..	
FRENCH FACTORIES.		
Port-à-Port .. ..	Tagan .. ..	Buildings not commenced.
North of Cape George ..	Pourrier .. ..	Ditto.
DOUBTFUL.		
Brake's Cove .. ..	Halliburton .. ..	Plant removed to Goose Arm this season.
Arches .. ..	Not known .. ..	One.
Lark Harbour .. ..	Ditto. .. ..	Two.

(Signed)

D. M. N. RIDDEL; Commander.

"Pelican," at Bay St. George, October 9, 1890.

## Inclosure 5 in No. 28.

Commander Riddel to Captain Sir B. Walker.

Sir,

"Pelican," at Sydney, C.B., October 15, 1890.

I HAVE the honour to forward a Report of the French lobster factories which have been in operation on the west coast of Newfoundland during the season of 1890, and in doing so, I beg to submit the following remarks.

2. The factories at Port-aux-Choix (2), Barred Harbour, Bartlett's Harbour, and Brig Bay, which were working last year, have continued in operation this season. That of St. John's Harbour appears to have been merged into the large factory at Barred Harbour, which is also fed by catches of lobsters made at Scosstris Bay. The number of factories working this year is equal to that of last season in consequence of the erection of a new factory at Clambank Cove, on the mainland, a short distance north of Red Island.

3. There do not appear to be any difference in the factories from previous years, and all must be considered as pertaining to a permanent character, and therefore a violation of Treaty rights.

4. A larger number of men have been employed in lobster catching and preserving this year than formerly, for last year 131 French was the total number; this season it was 142 French and 10 natives, the latter being employed in Clambank Cove factory.

The fishing has not been so successful as that of last year, as will be seen from the attached Report, the information in which was furnished by the Managers of the respective factories.

5. I have not heard of any projected French factories on the north-west coast of Newfoundland; but two are spoken of further south, one in Port-à-Port, and one near Cape George and Red Island.

6. The number of cases of lobsters packed by the present Brig Bay factory, when established in White Bay in 1888, was 300.

I have, &amp;c.

(Signed)

D. M. N. RIDDEL.



## Inclosure 6 in No. 28.

## List of French Lobster Factories in operation on the West Coast of Newfoundland during the Season of 1890.

Place where Factory is situated.	Date last visited.	Names of—			Number of Persons employed in Factory.				Cases of Lobsters packed.		Number of Traps used.	Average Number of Lobsters per Tin.		Dates when fishing.		Remarks.
		Owners.	Port.	Managers.	French.	Native.	French.	Native.	1889.	1890.		1889.	1890.	Commenced.	Ended.	
1. Brig Bay ..	Sept. 23	Société des Pêcheurs de Terre-Neuve	..	Phillips	43	..	..	..	957	550	2,500	4	6	June 1 (about)	Oct. 15	Traps are set round Old Perolle and St. Margaret's Bay.
2. Barlett's Harbour (Jean Marks' Baie)	" 23	A. Lemoine	St. Malo	Landgren	23	..	..	..	789	510	700	3½	5	June 25	" 10	Traps set from White Island to Doctor's Brook.
3. St. John's Island (Barred Harbour), Sesostris Bay included	" 23	A. Lemoine	St. Malo	Dameral	6	..	..	..	945	1,400	3,000	3	3	" 17	" 20	Traps set at Whale Island round St. John's Island, and off mainland to Doctor's Brook.
4. Port-aux-Choix ..	" 24	A. Lemoine	St. Malo	Belin	4	..	..	..	300	300	800	4½	6	May 23	" 10	Traps set at Savage Island, Harbacc, and Bustard's Cove.
5. Port-aux-Choix ..	" 24	Guibert et Fils	St. Malo	Vihala	64	..	..	..	480	450	630	4½	5	" 21	" 15	Traps set round Point Riche, Harbacc Point, and Gargamelle Cove.
6. Clambank Cove ..	Oct. 4	Tageon ..	St. Pierre	Tageon	2	10	..	..	..	300	400	..	3	June 20	" 1	Traps set in and around the Cove.

"Pelican," at Bay St. George, October 9, 1890.

(Signed)

D. M. N. RIDDEL, Commander.

Inclosure 7 in No. 28.

*Lieutenant-Commander Gray to Captain Sir B. Walker.*

Sir,

*"Forward," at St. John's, October 15, 1890.*

IN accordance with your sailing orders, dated the 1st-September, I have the honour to forward a Report on the lobster factories on the north-east coast of Newfoundland.

2. I could hear of no others likely to be established next year.

I have, &c.

(Signed) S. W. A. H. GRAY.

## Inclosure 8 in No. 28.

## LOBSTER FACTORIES ON THE NORTH-EAST COAST.

No.	Name of Place.	Date.	Owners.	Where from.	Manager.	Employ.			Catch.		Number of Traps.	Position (where placed).	Remarks
						Girls.	Men.	Fisher-men.	1889.	1890.			
..	Coachman's Cove..	1890. 3 Oct.	Robert Scott	Pogo ..	Fredk. Scott ..	5	2	3	Cases. 5	Cases. 100	200	Coachman's Cove and Bay Verle	
..	Ming's Bight ..	4	Fearn..	St. John's ..	E. Matthews ..	4	2	2	Nil	30	280	Ming's Bight and Bay Verle	Commenced working the 10th August, 1890.

(Signed)

SCOTT W. A. H. GRAY, Lieutenant-Commander.

No. 29.

*Admiralty to Foreign Office.—(Received November 22.)*

Sir, *Admiralty, November 17, 1890.*  
 I AM commanded by the Lords Commissioners of the Admiralty to transmit, for the perusal of the Secretary of State for Foreign Affairs, copy of a letter from Captain Sir B. Walker, dated the 22nd October, forwarding correspondence with the French Commodore on the working of the *modus vivendi*.

I am, &c.  
 (Signed) EVAN MACGREGOR.

Inclosure 1 in No. 29.

*Captain Sir B. Walker to Vice-Admiral Watson.*

Sir, *"Emerald," at Halifax, October 22, 1890.*  
 IN forwarding the correspondence with the French Commodore on the working of the *modus vivendi*, I have the honour to offer the following explanations:—

1. On the opening of the season I found that there were in all about forty factories in different stages of advancement, and of these about thirty-five were desirous of operating; as a set-off against this great number of English there was only one French factory, and that of small dimensions. Should the French Senior Officer, therefore, withhold his assent and desire the arrangement to be carried out in its entirety the hardship entailed would be very great, and, in many instances, cause the ruin of the small proprietors.

2. The question also of the transference of ownership of a factory from an English subject to a firm claiming to be French, and to have the factory worked under that nationality, further complicated matters, it being situated in the midst of several new English ones.

3. Under the above circumstances, I considered it my duty to see the French Senior Officer, and to make the most advantageous terms possible for Newfoundland.

4. The entire negotiations were carried out verbally, and the exchange of letters that took place was the outcome of decisions previously agreed on. The result of the conference was that in consideration of the recognizing of the new French factory no objections would be made to the small English ones, which were to be treated as non-existent. The Commodore further explained, in view of the great number of new English establishments, he must formally request the closing of the three he notified; he also mentioned that he believed that there were several to the north of Bonne Bay, and he would probably have to request that some of these be closed.

I then informed him that in the case of three, which he requested me to name in my letter, building operations had been suspended since March, and therefore they could not in any case be ready for some time.

5. The new French factory was formally exchanged with an English one, and on my representation of the circumstances relating to the supposed transfer of the McFatrige factory, the Commodore informed me he did not recognize it as a French establishment.

6. The next question that presented itself was the allotment of fishing grounds; this, in the case of St. Margaret's Bay and to the north, owing to the harmony that prevailed, was unnecessary. At John Meagher's Cove, where a boundary already existed, I have had to give way to the disadvantage of the English factory.

The inclosed tracing explains matters. The French Senior Officer stated that last season he claimed the boundary marked in black, whereas I gave that marked in red, so the dotted line was accepted by both.

7. By the above arrangements, which admitted the intermixing of the French and English trawls in St. Margaret's Bay and to the north, complaints of hindrance to the legitimate French fishing were avoided, and, by a compromise in John Meagher's Cove, which satisfied the French, the chance of like complaints on this portion of the coast was avoided.

8. The *modus vivendi* was, I regret to say, broken by McDonald, who has a factory in St. George's Bay on the north side: this closed on the receipt of the order on the 17th June, and remained so until I had left the vicinity, when he recommenced operations, but being on a small scale, he did so unobserved. Mr. Chetwynd, of Halifax, also transferred a portion of his factory from Current Island to Caribou Point, Castor's River,

in the middle of August, but Lieutenant Weigall, on the receipt of the Commodore's letter, very rightly went immediately and ordered him to stop building operations. This he promised to do, and when I visited the place on the 19th September no further work had been done on it. The building erected was the cook-house; the factory proper had not been commenced.

9. With reference to the factories mentioned in the correspondence, I would observe the Coal River one did not come under the prohibition, as it was in operation in June 1889, though it had escaped our notice.

The factory at Eddy's Cove, belonging to Mr. Young, I arranged at Halifax in April last, should have no further steps taken towards its completion.

When the "Emerald" and "Pelican" visited Cow Head, Fearn's factory was incomplete, and no one there. However, it worked later on in the season, and was not objected to by the Commodore, but I am not sure that he visited the place.

No attempt was made to proceed with the buildings at Pond's River, the stage being the only visible portion. Mr. Fearn verbally informed me that he did not complete it, as the traps of the Port Saunders' factory occupied the fishing-grounds.

10. I would most respectfully offer the following suggestions:—

Should no permanent arrangement with reference to the lobster industry be arrived at before the commencement of next season, I think the *status quo* of 1890 should be maintained.

Lobster factories or fisheries not forbidden during this season should be permitted to continue their operations, but no new fisheries nor any transference of factories or fisheries to other sites should be permitted pending a final settlement of the question.

11. Some of the factories at present working, as well as those preparing to do so next season, have the express intention of endeavouring to obtain damages by legal process should the naval officers interfere with their operations. I consider it would be for the general good, and more likely to insure tranquillity on the coast, if powers, about which there could be no question, were given to naval officers for carrying out Treaty obligations, and giving effect to any arrangement that might be entered into between the respective Governments. It would also stop this speculative trade for damages which has been embarked on, encouraged by the present situation, and the false statements circulated in the local press, and inserted in the London "Standard," that damages had been voluntarily paid to James Baird on account of my action in closing the Fischel's Brook factory.

12. Finally, I have much pleasure in testifying to the harmonious working of the arrangement, and the cordial relations that have existed between the officers of the two nations. The conciliatory attitude of the French Commodore, and the officers under him, and the forbearing manner in which they have conducted their duties, notwithstanding considerable provocation due to the misrepresentations of the press, have caused this season, I believe, to be one of the quietest of late years.

I have, &c.  
(Signed) B. W. WALKER.

Inclosure 2 in No. 29.

*Sketch of Castor's Harbour.*

Inclosure 3 in No. 29.

*Captain Maréchal to Captain Sir B. Walker.*

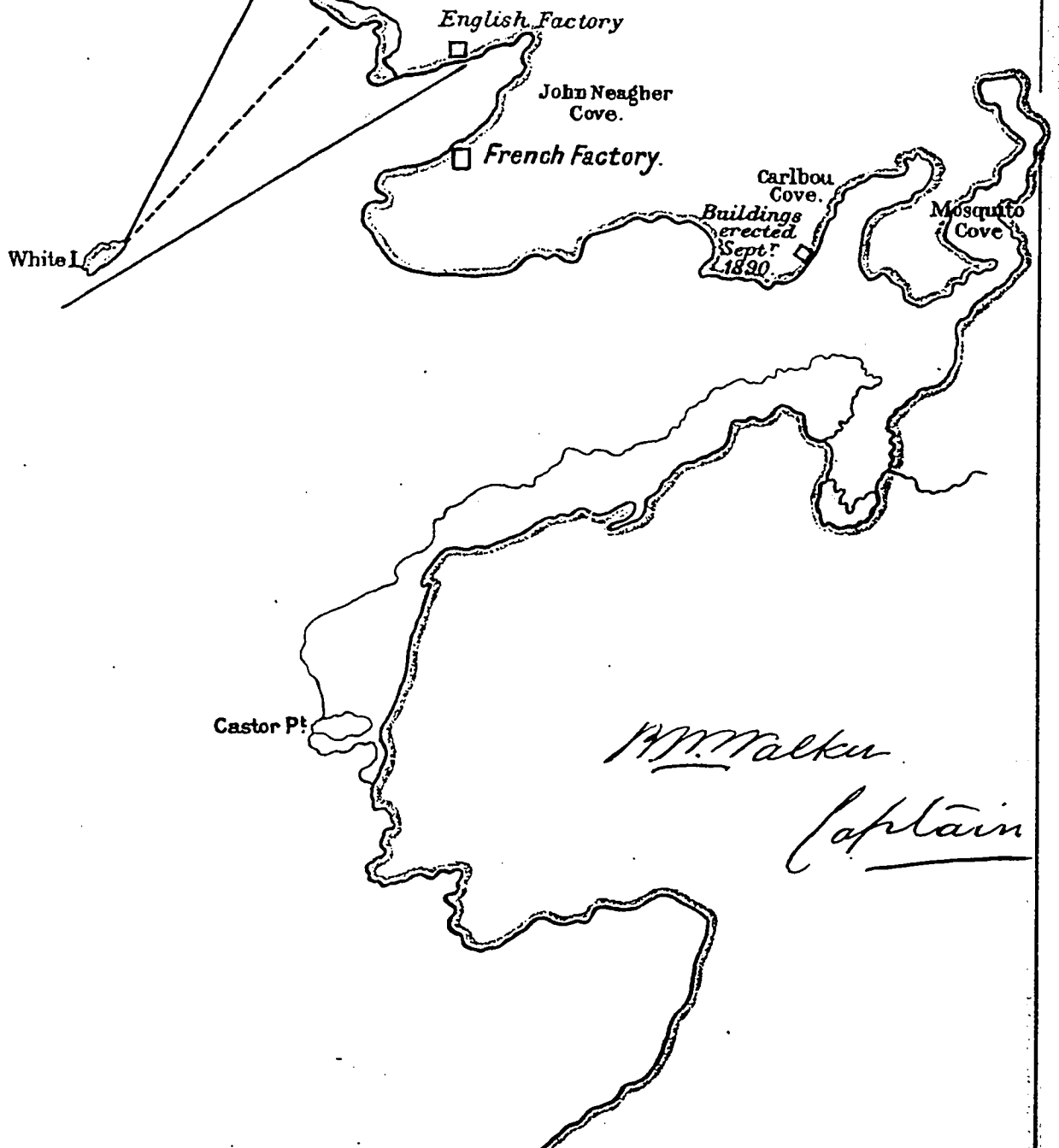
M. le Commandant,

*"Le La Pérouse," Port Saunders, le 13 Juin, 1890.*

PENDANT la tournée que je viens de faire sur la côte ouest de Terre-Neuve, j'ai pu constater que les homarderies Françaises qui y fonctionnent cette année sont les mêmes que celles de l'année dernière, sauf cependant celle qui appartient à M. Tajan, qui est de création nouvelle, et se trouve située dans l'Anse à la Vièrge (Clam Bank Cove), au nord de la montagne de la Tête Ronde de Port-à-Port. Cette petite homarderie n'occupe, d'ailleurs, que trois pêcheurs.

# CASTORS HARBOUR.

Black I.



D'autre part, j'ai à vous signaler l'existence sur la côte des homarderies Anglaises nouvelles suivantes :—

1. Red Brook, côte sud de la Baie Saint-Georges.
2. Ruisseau Fischelle, côte sud de la Baie Saint-Georges.
3. " " " " côte nord de la Baie Saint-Georges (située à 2½ milles environ dans l'est de Ship Cove).
4. Rivière au Charbon, au nord de Port-à-Port.

Je vous proposerai, en conséquence, M. le Commandant, pour nous conformer aux termes du *modus vivendi*, de vouloir bien accepter l'échange suivant. La homarderie Française de Tajan serait autorisée à pêcher, et d'autre part, la même autorisation serait donnée à une usine Anglaise nouvelle, celle de Red Brook, par exemple, qui paraît avoir à peu près la même importance. Quant aux autres usines Anglaises nouvellement établies sur la côte, et qui ne sont pas contre-balancées par des homarderies Françaises nouvelles, je ne vois aucune raison pour ne pas leur appliquer les prescriptions du paragraphe 3 du *modus vivendi*.

Les contrariétés que nous avons rencontrées dans notre tournée par suite du mauvais temps qui a régné, et de la présence dans le golfe d'une quantité inusitée de glaces, ne me permettent pas de considérer mon exploration de la côte ouest comme absolument terminée, et je suis obligé, M. le Commandant, de me réserver de vous signaler dans la suite les infractions nouvelles au *modus vivendi* que je pourrai constater, si toutefois il en existe d'autres.

La pêche étant à peine commencée aucun fait de concurrence ne m'a encore été signalé; il me semble, au contraire, voir poindre de tous côtés des indices de bonne harmonie entre les pêcheurs de homard des deux pays.

Agréé, &c.  
(Signé) A. MARÉCHAL.

(Translation.)

M. le Commandant, "La Pérouse," at Port Saunders, June 13, 1890.

DURING the cruize I have just made on the western coast of Newfoundland I have been in a position to ascertain that the lobster factories at work there this year are the same as those of last year, with the exception, however, of the one belonging to M. Tajan, which is newly established and is situated in the Clam Bank Cove, to the north of the mountain of Tête Ronde at Port-à-Port. I may add that this little lobster factory only employs three fishermen.

On the other hand, I have to draw your attention to the existence on the coast of the following new British lobster factories :—

1. Red Brook, south coast of the Bay of St. George.
2. Fischel's Brook, south coast of the Bay of St. George.
3. " " " " north coast of the Bay of St. George (situated about 2½ miles to the east of Ship Cove).
4. Coal River, to the north of Port-à-Port.

I would therefore propose to you, M. le Commandant, in order to conform to the terms of the *modus vivendi*, that you should agree to the following compromise: The French lobster factory of Tajan should be authorized to fish, and, on the other hand, the same authorization should be granted to some new English factory, that of Red Brook, for instance, which appears to be of about the same importance. As for the other English factories, newly established on the coast, and which are not counter-balanced by new French lobster factories, I see no reason why the provisions of paragraph 3 of the *modus vivendi* should not be applied to them.

In consequence of the difficulties we met with during our cruize owing to the bad weather, and to the unusual quantity of ice in the bay, I cannot consider my exploration of the east coast as absolutely concluded, and I am obliged, M. le Commandant, to reserve to myself the power of calling your attention hereafter to any fresh infractions of the *modus vivendi* which I may ascertain; should any exist.

As the fishing has hardly yet begun, no instance of competition has yet been brought to my notice; it seems to me, on the contrary, that on all sides signs of harmony between the lobster fishers of the two countries are becoming manifest.

Receive, &c.  
(Signed) A. MARÉCHAL.

## Inclosure 4 in No. 29.

*Captain Sir B. Walker to Captain Maréchal.*

Sir, "Emerald," at Port Saunders, June 13, 1890.

IN answer to your letter of the 13th instant, in which you inform me of the existence of a new small French factory belonging to M. Fagan at Clam Bank Cove, Port-à-Port, also suggesting an exchange with the new established English factory situated at the Red Brook, Bay St. George, I have much pleasure in acceding to your proposal, which seems to me to be an equitable one.

With reference to the other new English factories, I have the honour to inform you that the factories in question, situated at Fischel's Brook, south side Bay St. George, Coal River, north of Port-à-Port, shall be forbidden to carry on their operations; intimation to this effect has already been given.

The other one mentioned in your letter has escaped my notice, and, as you are well aware, information on this subject is difficult to obtain; I cannot yet say whether it was established last year or not, but I will make it my immediate business to discover, and, should it be, as you suppose, a newly-established one, it shall cease operations.

I will take care to inform you of the result as soon as I have made my inspection.

Other English factories were in the course of erection, but their further progress has been stopped; these are situated at Old Man's Cove, Eddie's Cove, Bay St. John, Pond's River, Mall Bay, Cow Head.

It is with much pleasure that I am able to indorse your views as to the good feeling which at present exists between the fishermen of the two nations, thus rendering any allotment of grounds unnecessary.

I have, &c.  
(Signed) B. W. WALKER.

## Inclosure 5 in No. 29.

*Captain Maréchal to Captain Sir B. Walker.*

M. le Commandant, "Le La Pérouse," Port Saunders, le 3 Août, 1890.

J'AI l'honneur de vous signaler, pour en obtenir le redressement, une petite infraction aux dispositions du *modus vivendi*.

Les pêcheurs des usines Chetwynd, de Sainte-Marguerite, et Shearer, de Brig Baie, viennent de s'installer depuis quelques jours aux Îles aux Renards et aux Îles Jumelles de la Baie Saint-Jean, inoccupées jusqu'à ce moment.

Pour se conformer aux dispositions du *modus vivendi* nos capitaines s'étaient abstenus d'envoyer des pêcheurs sur ces îles cette année et ils se plaignent vivement aujourd'hui de cette main-mise sur des fonds de pêche de la Baie Saint-Jean, qui engage l'avenir de leurs opérations.

Agréez, &c.  
(Signé) A. MARÉCHAL.

(Translation.)

M. le Commandant, "La Pérouse," at Port Saunders, August 3, 1890.

I HAVE the honour to bring to your notice, with a view to redress, a slight infraction of the provisions of the *modus vivendi*.

The fishermen of the Chetwynd factory of St. Margaret and the Shearer factory of Brig Bay established themselves a few days since on Fox Islands and Twin Islands in the Bay of St. John, which were unoccupied until then.

Our captains, in order to conform to the provisions of the *modus vivendi*, had this year refrained from sending fishermen to these islands, and now bitterly complain of this seizure of the fishing-grounds of the Bay of St. John, which affects the prospects of their future operations.

Receive, &c.  
(Signed) A. MARÉCHAL.



## Inclosure 6 in No. 29.

*Captain Sir B. Walker to Captain Maréchal.*

Sir, "Emerald," at Port Saunders, August 4, 1890.

I HAVE the honour to acknowledge the receipt of your letter, informing me of the infractions under the *modus vivendi*. I regret that the misapprehension as to the arrangement should have occurred, though quite unintentional.

The grounds that were allotted at John Meagher's Cove this year to the English factories were the same as last season, I having issued no fresh instructions, except the slight modification in favour of the French factory, of which you are aware; when giving my orders to the Managers I informed them Fox Island might be occupied, that being their limit; I trust, therefore, this explanation will prove satisfactory. With reference to Twin Islands, I will see that they are vacated immediately. I was unaware that any of the employés of the factories had established themselves on these islands, or I should have taken measures to have them removed.

I have, &c.  
(Signed) B. W. WALKER.

## Inclosure 7 in No. 29.

*Captain Maréchal to Captain Sir B. Walker.*

"Le La Pérouse," Bonne Baie de Saint-Jean,  
le 29 Août, 1890.

M. le Commandant,

J'AI l'honneur de vous informer que depuis le 9 Août courant Mr. Chetwynd a fait élever une nouvelle homarderie dans la Baie aux Castors, sur la Pointe du Caribou.

En agissant ainsi il a sciemment contrevenu aux dispositions du *modus vivendi*, et j'ai l'honneur de vous demander de vouloir bien lui ordonner de supprimer cette construction bâtie sur le rivage du "French Shore," opération qui lui sera d'ailleurs plus facile encore à effectuer que celle qu'il vient de faire.

J'ai remis aujourd'hui, 29 Août, à Mr. Chetwynd lui-même, une protestation officielle, le requérant d'avoir à cesser la construction de son usine, et l'informant que, pas plus cette année que l'année prochaine, il n'aurait le droit de pêcher dans ces parages, où les Français exercent leur industrie, et particulièrement la pêche du saumon de temps immémorial.

Mr. Chetwynd déclare qu'il n'a pas l'intention d'occuper son usine cette année, et qu'il ne compte pêcher que l'année prochaine. Il se place avec préméditation dans les mêmes conditions que Mr. Young, de l'Anse du Vieillard (Eddies Cove).

Vous avez bien voulu, en effet, arrêter la construction de cette dernière usine, mais les maisons déjà élevées restent en place, tous les matériaux nécessaires pour la construction du reste de la factorerie sont sur les lieux, Mr. Young vient de temps en temps s'assurer du bon état de son bien et tout est prêt pour que le *modus vivendi* ayant pris fin, il puisse rapidement achever son œuvre et acquérir un semblant de droit de séjour sur ce point du "French Shore."

Il est donc facile à comprendre que Messrs. Young et Chetwynd veulent se trouver l'année prochaine, au début de la saison de pêche, chacun à la tête d'une usine dans la Baie de Saint-Jean, et qu'ils se préparent dès aujourd'hui d'une manière détournée à violer les Traités au détriment des Français.

Je me permets de vous rappeler, M. le Commandant, que les faits dont je viens vous entretenir sont tellement en désaccord avec les clauses des Traités, et avec l'interprétation qu'en a été faite par la plus haute autorité de l'Angleterre, le Roi George III, que je ne puis croire qu'ils reçoivent l'assentiment du Gouvernement actuel de la Grande-Bretagne; et je vous demande de vouloir bien intervenir et prendre telles mesures que vous jugerez convenables pour prévenir l'action déloyale des entrepreneurs Anglais et assurer à nos pêcheurs de la Baie Saint-Jean, aujourd'hui comme dans l'avenir, le libre exercice de leur pêche, auquel ils ont d'autant plus droit sur ce point qu'ils ne l'ont jamais abandonné.

Agréé, &c.  
(Signé) A. MARECHAL.

(Translation.)

"La Pérouse," at Good Bay of St. John,  
August 29, 1890.

M. le Commandant,

I HAVE the honour to inform you that since the 9th August Mr. Chetwynd has had a new lobster factory constructed in Beavers' Bay at Caribou Point:

In acting thus he has wittingly contravened the provisions of the *modus vivendi*, and I have the honour to ask you to be good enough to order him to demolish this building erected upon the coast of the "French Shore," an operation which, moreover, will be yet easier to him than the one he has just performed.

I have to-day conveyed to Mr. Chetwynd himself an official protest requesting him to cease building his factory and informing him that neither this year nor next will he have the right to fish in that neighbourhood, where the French have plied their business, especially that of salmon-fishing, from time immemorial.

Mr. Chetwynd declares that he has no intention of occupying his factory this year, and that he does not expect to fish till next year. He purposely places himself in the same position as Mr. Young, of Eddies Cove.

You have indeed been good enough to stop the construction of this latter factory, but the houses already erected are still there, all the materials needful for the construction of the rest of the factory are on the spot, Mr. Young comes from time to time to assure himself that his property is in good condition, and all is ready for him to complete his work with speed at the conclusion of the *modus vivendi*, and to obtain a semblance of right of settlement upon this point of the "French Shore."

It is thus clear that Messrs. Young and Chetwynd wish next year, at the commencement of the fishing season, to be each at the head of a factory in the Bay of St. John, and that they are now already preparing in an indirect manner to violate the Treaties to the detriment of the French.

I take the liberty of reminding you, M. le Commandant, that the facts that I have just mentioned to you are so much at variance with the clauses of the Treaties and with the interpretation which has been given of them by the highest authority in England, King George III, that I cannot believe that they have the approval of the present Government of Great Britain; and I beg you to have the goodness to intervene and to take such measures as you may deem suitable to prevent the disloyal action of English capitalists ("entrepreneurs"), and to assure to our fishermen in the Bay of St. John, now as in the future, the free exercise of their fishery, to which they are all the more entitled on the ground that they have never abandoned it.

Receive, &c.  
(Signed) A. MARÉCHAL.

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Inclosure 8 in No. 29.

*Captain Maréchal to Lieutenant Weigall.*

M. le Capitaine,

J'AI l'honneur de vous envoyer ci-joint la protestation que j'adresse au Commandant Sir Baldwin Walker, contre la violation du *modus vivendi* dont Mr. Chetwynd vient de se rendre coupable, en élevant du 9 au 25 Août une homarderie dans l'Anse aux Castors (Beavers' Bay) à la Pointe du Caribou.

Je vous serai obligé de vouloir bien prendre connaissance de ce document afin qu'en l'absence d'un croiseur de Sa Majesté Britannique vous puissiez prendre telle mesure que vous jugerez convenable pour obliger Mr. Chetwynd à respecter les engagements pris par nos deux Gouvernements.

Recevez, &c.  
(Signé) A. MARÉCHAL.

(Translation.)

M. le Capitaine,

I HAVE the honour to send you herewith the protest I am addressing to Captain Sir Baldwin Walker against the violation of the *modus vivendi* of which Mr. Chetwynd has just been guilty, by erecting, between the 9th and 25th August, a lobster factory in Beaver's Bay at Caribou Point.

I should be obliged if you would be good enough to take note of this document, in order that in the absence of a cruizer of Her Britannic Majesty you may be able to take such measures as you may deem fitting to oblige Mr. Chetwynd to respect the engagements undertaken by our two Governments.

Accept, &c.  
(Signed) A. MARÉCHAL.

.Inclosure 9 in No. 29.

*Captain Sir B. Walker to Captain Maréchal.*

Sir, "Emerald," at Port-aux-Choix, September 15, 1890.

I HAVE the honour to acknowledge the receipt of your letter of protest with regard to the erection of a factory by Mr. Chetwynd at Caribou Point, Castor's Bay, and regret the action taken by the above person.

Mr. Chetwynd was expressly informed by me that no factory was to be erected this season, and even should he desire to do so after the termination of the *modus vivendi* it would be at his own risk, with the probability of his being prevented from operating should it interfere with the Treaty rights.

Lieutenant Weigall has already given orders to Mr. Chetwynd to cease the building operations, and the "Pelican" will visit the place to see the orders carried out.

With reference to Mr. Young's factory, I would point out that nothing further has been done towards the completion of this factory since March after the publication of the *modus vivendi*.

I at the same time wish to assure you, on behalf of Her Majesty's Government, that the undisputed Treaty rights of your countrymen will be upheld, and interruption to their acknowledged fishing operations prevented.

I have, &c.  
(Signed) B. W. WALKER.

No. 30.

*Admiralty to Foreign Office.—(Received November 22.)*

Sir, Admiralty, November 21, 1890.

I AM commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State, that a letter from the Vice-Admiral commanding the North American Station dated the 5th instant,\* forwarding the Report of the Senior Naval Officer employed on the Newfoundland fisheries during the past season, has been sent to the Colonial Office, with a request that when this correspondence has been printed copies may be forwarded to your Department as well as to their Lordships.

My Lords desire me to add that they propose to approve of the proceedings of the officers commanding Her Majesty's ships engaged on this service, and they will be glad to learn if the Secretary of State concurs in this proposal.

I am, &c.  
(Signed) EVAN MACGREGOR.

No. 31.

*Colonial Office to Foreign Office.—(Received November 24.)*

Sir, Downing Street, November 22, 1890.

WITH reference to complaints of the interference of Mr. Shearer's lobster fishery with French fishing operations in Newfoundland, I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a letter from the Admiralty, inclosing a Report by Sir B. Walker upon this matter.

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

## Inclosure 1 in No. 31.

*Admiralty to Colonial Office.*

Sir,

*Admiralty, November 14, 1890.*

I AM commanded by my Lords Commissioners of the Admiralty to transmit, for the perusal of the Secretary of State for the Colonies, copy of a letter from Captain Sir Baldwin Walker, dated the 24th October, with copies of its inclosures, respecting alleged interference caused by Mr. Shearer's lobster fishery with French fishing operations.

I am, &amp;c.

(Signed) EVAN MACGREGOR.

## Inclosure 2 in No. 31.

*Captain Sir B. Walker to Vice-Admiral Watson.*

Sir,

*"Emerald," at Halifax, October 24, 1890.*

IN accordance with Admiralty letter of 13th September, 1890, directing me to inquire into the alleged interference with the French fishing operations by Mr. Shearer's lobster fishery, I have the honour to report as follows.

On the 8th June I received the inclosed letter from the French Senior Officer, complaining of the English traps, but I considered the position taken up so untenable that, after having answered the letter, I gave the matter no further consideration, as I felt convinced that, with the precautions adopted, no real interference could possibly occur.

In addition to the arguments used to the French Commodore, I would also point out that Ingarnachoix Bay was enveloped in ice between the 5th and 7th June. During two of these days a large ice-field, which extended from Gargamelle Cove to north portion of Mall Bay, and closed the mouth of Port Saunders' Harbour, effectually prevented any fishing operations.

I have called for a Report from Lieutenant Weigall, who arrived at Port Saunders on the 23rd May, before the French commenced work, from which it will be seen that up to the 4th June there were only two trawls to the seaward portion of Keppel Island.

No further trawls were set in the bay until about the 11th, the fishermen being afraid of the ice.

The French bateaux arrived to seine herring just as the ship was leaving on the 9th, but every trap that could possibly interfere with them had been lifted.

The torpedo-boat was ready with steam up, and Lieutenant Weigall personally saw the seine-master of every boat, and asked him if any trawls were in the way, to prevent the slightest chance of complaint.

When I visited Port-au-Choix on the 14th I saw the French Prud'hommes, and myself asked if their operations had been interfered with in any way, and the answers from them all were in the negative.

When the inclosed tracing, in which the English fishing ground are shaded, is consulted, it will be seen that the assertion that the English traps covered the bay, even supposing the fishermen had availed themselves of the grounds which they were permitted to occupy, would hardly be considered a just representation of the case; but as a matter of fact only two trawls were in the bay, all the rest being set inside a line drawn from Two Hill Point to Hawke Point (the black line in the tracing).

The traps of the Brig Bay factory occupied the same grounds as the French factory at that spot, the trawls being intermixed.

Interference on this portion of the fishery could therefore hardly be sustained.

The fishing-grounds of the other factory situated at John Meagher's Cove are alone left to be dealt with, and except that an English lobster-trawl was set on the ground allotted to the French, and a question under the *modus vivendi* as to the occupation of the Fox Islands and the erection of buildings at Caribou Point, no complaints were made, though the French factory was visited on several occasions and the Prud'homme invariably interrogated.

Referring to the Commodore's letter of the 24th June to Commander Riddel, in which he makes mention of the English traps, especially naming Trapper's Cove, I may add that this portion of the coast is quite unfitted for seining purposes, and the French Senior Officer, previous to this letter, acknowledged it to be the case in course of a conversation with Lieutenant Weigall on the subject of the Port Saunders' factory fishing-grounds.

The beacon to mark the limit of the English fishing-grounds was purposely moved this season close to the west point of Trapper's Cove from a position half-way between that point and Eboulement Point, with a view of preventing any possible interference.

I have, &c.

(Signed) B. W. WALKER.

Inclosure 3 in No. 31.

*Captain Maréchal to Captain Sir B. Walker.*

M. le Commandant,

*Port Saunders, le 8 Juin, 1890.*

EN 1888 M. le Capitaine de Vaisseau Hamond, Chef de la Division Navale Anglaise, reconnaissant lui-même que les pêcheurs Français de morue et de ses appâts étaient gênés par les casiers Anglais de l'usine Shearer de Port Saunders, avait imposé certaines limites à l'exploitation de cette maison.

Au début de la campagne de l'année dernière, vous avez déclaré, M. le Commandant, que ces ordres étaient encore en vigueur, puis revenant sur votre déclaration, vous avez étendu les limites de l'exploitation Shearer au détriment de nos nationaux.

Il résulte de ces mesures que nos pêcheurs sont encore profondément troublés dans leurs opérations de pêche à la Baie d'Ingarnachois. La certitude qu'ils ont d'y rencontrer toujours et partout sur leur chemin des casiers Anglais est pour eux non seulement une gêne permanente à l'action de leur pêche, mais aussi une grande cause de trouble dans l'économie générale de leurs opérations. Comment risquer en effet de perdre son temps à courir après le poisson si, l'ayant aperçu, on ne peut le pêcher qu'après avoir prié Mr. Shearer de retirer ses casiers.

Telle est cependant la situation créée à nos pêcheurs de morue Français dans une baie qu'ils exploitent depuis presque un siècle sous la garantie des Traités et de la Déclaration du Roi Georges.

Le palliatif que vous avez employé en 1889 dans un but de conciliation, je le reconnais, et que vous appliquez de nouveau cette année avec un torpilleur à la place d'une chaloupe à vapeur, n'est vraiment une garantie que pour vos nationaux, car ainsi que j'ai eu l'honneur de vous le dire l'année dernière, pour obliger les pêcheurs Anglais à relever leurs casiers afin de laisser les Français seiner en boîte, ce petit bâtiment commencera infailliblement son œuvre de protection des droits Français en chassant le poisson devant nos pêcheurs. C'est la morue et ses appâts que nos hommes pêchent dans la Baie d'Ingarnachois et c'est la morue et ses appâts que ce petit bâtiment chassera, laissant le champ libre au homard et aux pêcheurs de homard Anglais.

Ce palliatif n'est donc qu'un accroissement de gêne pour nos nationaux, qu'on éloigne ainsi de la Baie d'Ingarnachois sous prétexte de les protéger dans l'exercice de leurs droits.

L'année dernière nos pêcheurs de morue n'ont pas été gênés seulement par les casiers de Mr. Shearer; un vapeur Anglais du Labrador, venu par hasard au moment du caplan, pour y chercher du bois, a opéré sur les fonds de pêche réservés aux Français par les Traités des razzias de boîte au grand détriment de nos capitaines, qui en ont été privés et s'en sont plaints amèrement.

Les pêcheurs à gage de Mr. Shearer de l'Anse de Garganelle se sont empressés d'aider ce vapeur, et rien ne saurait vraiment mieux démontrer la nécessité qu'il y a de rentrer dans le droit que cette violation ouverte des garanties des Traités par le premier passant venu. Pourquoi le "Neptune" plus que Shearer s'inquiéterait-il de la gêne qu'il peut imposer aux pêcheurs de morue Français?

J'ajouterai enfin que ce que les officiers des Divisions Navales Françaises ont prévu se produit: l'établissement de l'usine Shearer dans une baie inhabitée et où jusqu'à ce moment les Français seuls avaient pêché, a créé un centre autour duquel un noyau de population se forme; aujourd'hui, on compte auprès de l'usine Shearer huit ou dix habitations et les bois sont brûlés dans les environs pour commencer les défrichements.

En présence d'une situation qui aggrave chaque jour le trouble apporté à notre pêche de la morue et de ses appâts, je me vois obligé, M. le Commandant, de protester non seulement contre la présence de l'établissement Shearer dans la Baie d'Ingarnachois, mais encore contre la création d'un centre Terre-Neuvien sur ce point au milieu d'une partie de la côte réservée que nos pêcheurs n'ont jamais cessé d'exploiter sans être gênés. Cette double fondation est absolument contraire aux garanties formulées par les Traités que, j'en suis certain, vous n'avez pas moins à cœur que moi de faire respecter.

Agréez, &c.

(Signé) A. MARÉCHAL.

(Translation.)

M. le Commandant,

*Port Saunders, June 8, 1890.*

IN 1888 Captain Hamond, commanding the English Naval Division, recognizing himself that French fishermen engaged in fishing for cod and its bait were hampered by the English traps of the Shearer factory of Port Saunders, imposed certain limits on the operations of that house.

At the commencement of last year, M. le Commandant, you declared that these orders were still in force; then, rescinding your declaration, you extended the limits of Mr. Shearer's operations to the detriment of our countrymen.

The result of these measures is that our fishermen are still greatly impeded in their fishery operations in Ingarnachoix Bay. The certainty that they will always and everywhere find English traps in their way is not only a permanent inconvenience to their fishing, but also a serious cause of trouble to the general plan of their operations. How can they risk the loss of their time in pursuing fish if, when they have sighted it, they can only catch it after having begged Mr. Shearer to withdraw his traps?

Such is, nevertheless, the situation created for our French cod-fishermen in a bay where they have been at work for nearly a century under the guarantee of the Treaties and the Declaration of King George.

The palliative remedy which you employed in 1889 with a conciliatory object I admit, and which you again apply this year by means of a torpedo-boat in place of a steam-launch, is really a guarantee only for your countrymen, for, as I had the honour to point out to you last year, in order to oblige the English fishermen to raise their traps so as to let the French lay their seines for bait, this little vessel will assuredly commence its work of protection of French rights by driving away the fish before our fishermen. It is for cod and its bait that our men fish in Ingarnachoix Bay, and it is the cod and its bait that this little vessel will drive away, leaving the field clear for the lobster and the English lobster fishermen.

This palliative is thus only an additional inconvenience for our countrymen, who are by this means excluded from Ingarnachoix Bay under pretext of protection in the exercise of their rights.

Last year our cod-fishers were not annoyed by the traps of Mr. Shearer alone; an English steamer from Labrador, which happened to arrive in search of wood at the moment when the capelin was sighted, committed raids on the bait fishery grounds reserved to the French by the Treaties, to the great detriment of our captains, who have been deprived of it, and have bitterly complained.

The fishermen in Mr. Shearer's employ at Gargamelle Cove hastened to assist this steamer, and nothing could more clearly show the necessity which exists for a return to law and order than this open violation of the Treaty guarantees by the first comer. Why should the "Neptune" take more notice than Shearer of the inconvenience caused to the French cod-fishers?

I should also add that what the officers of the French naval divisions foresaw has actually occurred; the establishment of the Shearer factory in an uninhabited bay, where hitherto the French alone had fished, has created a centre round which a small population is forming; to-day, one can count eight or ten dwellings near the Shearer factory, and the woods in the neighbourhood are being burnt to commence the clearings.

In face of a situation which daily aggravates the detriment caused to our fishery for cod and its bait, I feel myself obliged, M. le Commandant, to protest, not only against the presence of the Shearer establishment in Ingarnachoix Bay, but also against the creation of a Newfoundland centre at this spot, on a part of the coast reserved to our fishermen, who have never ceased to operate there without interruption. This two-fold establishment is absolutely contrary to the guarantees formulated by the Treaties, the enforcement of which, I am certain, you have no less at heart than myself.

I am, &amp;c.

(Signed) A. MARÉCHAL.

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 Inclosure 4 in No. 31.

*Captain Sir B. Walker to Captain Maréchal.*

Sir,

*"Emerald," June 13, 1890.*

I HAVE the honour to observe, in reply to your letter of the 8th June, in which you complain that your fishermen are much troubled in their fishing operations in Ingarnachoix Bay by the certainty they have of finding in their way always and everywhere the English

PORT SAUNDERS  
AND  
KEPPEL AND HAWKE HARBOURS.

TINTED PORTION SHOW FISHING GROUNDS OF PORT SAUNDERS FACTORY.  
TRAWLS INSIDE BLACK LINE EXCEPT TWO MARKED UP TO 11 JUNE.

*Wm. Walker.*

INGORNACHOIX  
BAY

Beacon erected to mark  
Fishing ground.

PORT SAUNDERS

Factory

Two Mill  
Point

Saunders Pt.  
Beacon

KEPPEL I.

KEPPEL HARBOUR

Beacon  
KeppeL pt.

Hawke Pt.

Beacon  
erected to mark Fishing ground

HAWKE HARBOUR

HAWKE BAY

traps, I am at a loss to understand how the above can occur, as the practical effect of the limitations placed on the grounds of the English factory is that the whole of Ingarnachioix Bay (except about 1 mile of the coast), also Keppel Harbour, is prohibited to English traps; and as only a small portion of the unoccupied waters have been used by your fishermen, I do not feel justified in further restricting the operations of the English factory on the possible contingency of the French being desirous of occupying these waters.

I may add that at no time after the restrictions placed on the English factories by Captain Hamond in 1888, nor during the whole of last season, did the French fishermen show any desire whatever of fishing in the waters now occupied by the English traps, and, moreover, should they do so, the precautions I have taken will insure, without any fear of driving the fish away, the certain and speedy lifting of any traps on grounds that your fishermen are desirous of using.

With reference to the palliative measure which you are good enough to recognize as a *bonâ fide* effort to insure your Treaty rights being observed, I have the honour to point out that the presence of this boat in itself insures my orders being carried out by the inhabitants, thus making the constant outside patrol unnecessary.

I would further add that steam-trawlers are coming more into use every day for fishing purposes, and, far from driving the fish away, they obtain better catches. There has also been no apparent interference with the cod and the bait at New Ferolle and St. Margaret's Bay by the steam-boat connected with the French factory at Brig Bay, though constantly on the move; this has, I hear, worked with such success, that another is this year attached to the French factory on St. John's Island. I, therefore, cannot think that an English steam-boat stationed at Port Saunders, where work will be only occasional, can have the disastrous effects you anticipate. The burning of the woods in the neighbourhood of the factory to which you refer was accidental, and a report of the whole circumstance was made to me last season by the officer stationed at Port Saunders.

The new houses you observed at the above port were those of families who up to the present have been living at Port-au-Choix, and were at some time gardiens for the French rooms there.

With reference to the taking of bait by the "Neptune," the captain of her informed Captain Russell that there were no French boats anywhere near at the time, or he would not have done so, and he expressed his regret that he had caused any hindrance. As to the further matters contained in your letter: as I understand the whole matter is at present under the consideration of our respective Governments, I am sure you will agree that these details had better be left to their decision.

I have, &c.  
(Signed) B. W. WALKER.

Inclosure 5 in No. 31.

*Lieutenant Weigall to Captain Sir B. Walker.*

Sir, "Emerald," at Halifax, Nova Scotia, October 21, 1890.

IN compliance with your order requiring information as to the position of trawls of the Port Saunders' lobster factory, and whether the French had been desirous of occupying the waters in which traps of the above factory were set up to the time of your arrival on the 4th June, I have the honour to report as follows.

From my arrival on the 23rd May until that of Her Majesty's ship "Emerald" on the 4th June, no lobster trawls were laid in Ingarnachioix Bay to the northward of Two Hill Point. Two trawls were laid to seaward of Keppel Island. The first arrival of French bateaux on the look out for herring was on the 9th June. I interviewed the chef of each boat to ascertain if any trawls were in the way. On this and every subsequent occasion they replied in the negative.

In 1889, no seining or fishing operations were attempted by the French in the vicinity of Port Saunders except in Keppel Harbour (middle arm) and Ingarnachioix Bay, at least a mile to the northward of Two Hill Point.

I have, &c.  
(Signed) STEWART C. WEIGALL.

Inclosure 6 in No. 31.

*Tracing of Port Saunders and Keppel and Hawke Harbours.*



No. 32.

*Colonial Office to Foreign Office.—(Received November 29.)*

Sir, *Downing Street, November 28, 1890.*  
 WITH reference to the negotiations with the Government of France for a settlement of the Newfoundland Fishery question, I am directed by Lord Knutsford to transmit to you herewith, for the information of the Marquis of Salisbury, the paraphrase of a telegram which his Lordship has addressed to the Governor of Newfoundland upon the subject.

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

Inclosure in No. 32.

*Lord Knutsford to Governor Sir T. O'Brien.*

(Telegraphic.) *Downing Street, November 27, 1890.*  
 IN pursuance of the wish of the Delegates from Newfoundland who were lately in England, Her Majesty's Government have proposed to the French Government to accept a pecuniary indemnity and a statutory permission to purchase bait as a consideration for renouncing their alleged rights upon the coast and territorial waters of Newfoundland, and abolishing the bounty upon all fish not consumed in French dominions. These proposals have not been accepted. The Government of France intimate that for the settlement of the question they are willing to proceed either by agreement on the lines of the Convention of 1885, or by arbitration. Her Majesty's Government are willing to take whichever of these courses may be preferred by the Colony. But either course will probably occupy a considerable time. An agreement requires lengthened negotiation, and unless a very large discretion indeed is given to the Arbitrator, the preparations for submission to arbitration must be lengthy. A renewal of the *modus vivendi* so as to give time for further action is therefore indispensable. But after what has taken place to renew it would be useless, unless statutory force is given to its provisions. I very earnestly press upon your Government to procure the necessary legislation; the power of Her Majesty's Government to bring this controversy to a satisfactory conclusion will be seriously diminished by a refusal.

No. 33.

*M. Waddington to the Marquis of Salisbury.—(Received December 2.)*

M. le Marquis, *Londres, le 29 Novembre, 1890.*  
 JE n'ai pas manqué de soumettre à l'appréciation du Gouvernement de la République le projet d'arrangement dont votre Seigneurie m'a fait l'honneur de m'entretenir le 17 de ce mois, en vue de mettre fin aux difficultés que rencontre l'exercice des droits de nos pêcheurs à Terre-Neuve.

Dans le courant du mois dernier, M. l'Ambassadeur d'Angleterre à Paris avait déjà remis à son Excellence, M. Ribot, une note de votre Seigneurie contenant des ouvertures dans le même sens. Ces ouvertures ne furent pas accueillies, ainsi qu'il résulte de la réponse de M. le Ministre des Affaires Étrangères, en date du 29 Octobre, mais Lord Lytton a pu se rendre compte une fois de plus, à cette occasion, des sentiments de conciliation dont le Gouvernement de la République n'a jamais cessé d'être animé dans la discussion de cette importante question.

Les propositions que vous m'avez demandé de communiquer à mon tour à M. Ribot diffèrent de celles que lui avait transmises Lord Lytton, lesquelles prévoyaient, en échange de l'abandon de nos droits sur le "French Shore," soit une indemnité pécuniaire, soit des facilités à accorder à nos pêcheurs pour l'achat de la boëtte, tandis que votre Seigneurie nous offre aujourd'hui l'indemnité et les facilités dont il s'agit, mais réclame en revanche, avec l'abandon de nos droits sur le "French Shore," l'abolition des primes qui encouragent en France l'exportation des morues dans les pays que baigne la Méditerranée.

Je n'avais pas cru devoir attendre les instructions de M. Ribot pour vous faire pressentir l'accueil dont ces dernières propositions ne pouvaient manquer, à mon sens, d'être l'objet de la part du Gouvernement de la République, et je n'ai pas caché à votre Seigneurie qu'elles ne constitueraient certainement pas la base de négociations que nous nous efforçons de part et d'autre de trouver. La réponse que je reçois de M. le Ministre des Affaires Étrangères à ma communication précitée confirme entièrement mes prévisions.

Je ne reviendrai pas sur la question du rachat de nos droits et sur les facilités que la Colonie de Terre-Neuve prendrait l'engagement d'accorder à nos pêcheurs en ce qui concerne la boëtte ; votre Seigneurie connaît notre manière de voir, à cet égard.

En ce qui touche l'abolition de nos primes, je me bornerai à vous faire observer que cette question ne saurait offrir une base de discussion, non seulement parce qu'elle est d'ordre intérieur, mais parce que le Parlement Français s'est, récemment encore, prononcé pour le maintien de la prime. Il ne dépendrait donc pas du Gouvernement de la République de modifier nos Tarifs en faveur des habitants de Terre-Neuve et au détriment de nos pêcheurs.

Telle est, M. le Marquis, la réponse que je suis autorisé à faire au projet d'arrangement dont vous avez bien voulu me tracer les grandes lignes ; ce projet émane des Délégués de Terre-Neuve, et il s'inspire, par suite, presque uniquement des intérêts de la Colonie ; il ne tient, pour ainsi dire, aucun compte des nôtres, qui sont pourtant considérables, consacrés en outre par les Traités, et garantis par la double signature des Gouvernements Français et Anglais. Dans ces conditions, je ne puis que vous renouveler l'assurance que j'ai eu l'honneur de vous donner déjà à maintes reprises, à savoir, que nous sommes toujours disposés à entrer avec le Gouvernement de la Reine dans la voie d'un accord, mais il va de soi que cette entente n'aura des chances de se produire que si les droits et les intérêts des deux parties sont équitablement mis en balance, et si on n'attend pas du Gouvernement Français des concessions auxquelles il lui soit impossible de souscrire. Je suis persuadé, M. le Marquis, qu'en faisant appel à votre haute impartialité il sera possible à bref délai de mettre un terme à des difficultés dont le Gouvernement de la République poursuit depuis longtemps avec un incontestable bon vouloir la solution définitive.

Veuillez, &c.  
(Signé) WADDINGTON.

(Translation.)

M. le Marquis,

*London, November 29, 1890.*

I DID not fail to submit to the consideration of the Government of the Republic the proposed arrangement which your Lordship did me the honour to discuss with me on the 17th instant, with a view to putting an end to the difficulties encountered by our fishermen in the exercise of their rights in Newfoundland.

In the course of last month the British Ambassador at Paris had already transmitted to his Excellency M. Ribot a note from your Lordship containing overtures in the same sense. These overtures were not favourably received, as appeared from the reply of the Minister for Foreign Affairs dated the 29th October, but Lord Lytton on this occasion will have again seen proofs of the conciliatory spirit which has never ceased to animate the Government of the Republic in the discussion of this important question.

The proposals which you requested me, in my turn, to communicate to M. Ribot differ from those transmitted to him by Lord Lytton, which contemplated, in exchange for the abandonment of our rights on the "French Shore," either a pecuniary indemnity or the grant of facilities to our fishermen for the purchase of bait, whereas your Lordship now offers us the above-mentioned indemnity and facilities, but demands in return, with the abandonment of our rights on the "French Shore," the abolition of the bounties which encourage in France the exportation of cod to the countries bordering the Mediterranean.

I did not think it necessary to await the instructions of M. Ribot before warning you of the reception which, in my opinion, these latter proposals could not fail to meet on the part of the Government of the Republic, and I did not conceal from your Lordship that they certainly could not constitute the basis of negotiation which both parties are endeavouring to arrive at. The reply which I have received from the Minister for Foreign Affairs to my above-mentioned communication entirely confirms my expectations.

I will not again discuss the question of the purchase of our rights and of the facilities which the Colonial Government of Newfoundland would undertake to afford to our fishermen with regard to bait ; your Lordship is acquainted with our views on this subject.

As regards the abolition of our bounties, I shall confine myself to pointing out to you that this question could not form a basis of discussion, not only because it is a matter of

internal administration, but because the French Parliament has only recently pronounced in favour of the maintenance of bounties. It would not, therefore, be in the power of the Government of the Republic to modify our Tariffs in favour of the inhabitants of Newfoundland, and to the detriment of our fishermen.

Such is the reply, M. le Marquis, which I am authorized to make to the proposed arrangement of which you have been good enough to trace the main features. This project emanates from the Delegates of Newfoundland, and is, therefore, almost solely inspired by the interests of the Colony; it does not take into consideration, so to speak, our interests, which are, nevertheless, considerable, and recognized, moreover, by the Treaties and guaranteed by the twofold signature of the French and English Governments. Under these circumstances I can only renew the assurance which I have had the honour on several occasions to give to you, that we are always ready to consider the best means of attaining an agreement with the Government of Her Majesty, but it is a matter of course that this understanding can only be arrived at if the rights and interests of the two parties are equitably balanced, and concessions are not expected from the French Government to which they could not possibly subscribe. I feel assured, M. le Marquis, that by making an appeal to your high sense of impartiality it will be possible in a short time to put an end to the difficulties the final solution of which the Government of the Republic have long pursued with unquestionable good-will.

I have, &c.  
(Signed) WADDINGTON.

### No. 34.

*Colonial Office to Foreign Office.—(Received December 12.)*

(Extract.)

*Downing Street, December 11, 1890.*

WITH reference to the letter from this Department of the 28th ultimo, inclosing the paraphrase of a telegram addressed to the Governor of Newfoundland communicating to him the views of the French Government upon the proposals for a settlement of the Newfoundland Fishery question, made by the Delegates of the Colonial Government recently in this country, I am directed by Lord Knutsford to transmit to you the paraphrase of a telegram received from the Governor in reply, conveying the decision of his Ministers in regard to the suggestions for arbitration and a renewal of the *modus vivendi*.

[Inclosure in No. 34.

*Governor Sir T. O'Brien to Lord Knutsford,*

(Telegraphic.)

*(Received December 5, 1890.)*

MINISTERS desire to call the attention of Her Majesty's Government to the rejection by the Colony of the Arrangement of 1885 as constituting a reply to the second proposal of the French Government for a settlement based upon that Arrangement. With respect to the proposal for a settlement by arbitration, if it is upon the basis proposed by Delegates in July last, my Ministers assent; if otherwise, they wish for information as to the meaning of the phrase "settlement by arbitration." My Government cannot assent to any arbitration which does not include withdrawal of the French from the coast; that the granting of facilities for procuring bait be considered only with the modification of bounties. Whilst my Ministers recognize the necessity for sufficient time being allowed for complete negotiations after they take definite form, they beg to remind Her Majesty's Government of the emphatic protests made by them, the Legislature, and the public, as well as by the Delegates, against the *modus vivendi*, as being most hostile to interests of Colony, and they are not, therefore, prepared to give legislative sanction to the *modus vivendi*.

*The Earl of Lytton to the Marquis of Salisbury.—(Received December 22.)*

My Lord,

Paris, December 20, 1890.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, the text of a question put by Admiral Veron yesterday, in the course of a debate on the Budget in the Senate, with reference to the negotiations between England and France on the subject of the Newfoundland fisheries; and of the reply of the Minister for Foreign Affairs thereto.

M. Ribot, while declining to enter into detail, stated that the French Government had been unable to accept the proposals made by Her Majesty's Government in so far as pecuniary indemnity and the abolition or reduction of French fishing bounties were concerned, but that they were prepared to examine any further proposals that might be submitted. It was not for the French Government to take the initiative or to appear in a hurry. They were enforcing their rights, and there was no reason to modify their view ("nous n'avons pas à apporter des modifications à notre manière de voir") until the new proposals spoken of were received. Far from having neglected the interests of the French fishermen in these regions, the number of which was yearly increasing, it was now admitted that everything had been done by the Government and the French Commander on the station to protect them. The question was a difficult and thorny one which could not be solved in a day. In the meantime, the French Government would continue to hold its position ("nous resterons sur le terrain où nous sommes"), resolved with firmness and prudence to defend the rights of their countrymen.

I have, &c.

(Signed) LYTTON.

Inclosure in No. 35.

*Extract from the "Journal Officiel" of December 19, 1890.*

M. l'Amiral Veron.—Messieurs, je saisis l'occasion que m'offre la discussion générale du Budget du Ministère des Affaires Étrangères pour monter à cette tribune et entretenir de nouveau le Sénat de la grosse question de nos pêcheries de Terre-Neuve; il faut que je la considère, en effet, comme bien importante pour revenir encore une fois vous prier de m'accorder quelques instants de votre bienveillante attention. (Parlez! parlez!)

Je ne remettrai pas sous vos yeux la démonstration de nos droits de pêche sur la partie nord de l'Île de Terre-Neuve, droits indiscutables résultant de Traités ratifiés à diverses époques par les Gouvernements de France et d'Angleterre; le Sénat a été déjà plusieurs fois saisi de cette question, ainsi que des difficultés qui nous ont été suscitées dans ces derniers temps par nos voisins et qui, si on en croyait les bruits répandus, seraient arrivées à l'état aigu.

Je ne vais pas demander à M. le Ministre où en sont les négociations à ce sujet, car il y a des négociations en cours. Il me répondrait, comme il l'a fait à la Chambre des Députés, que, certes, il a hâte d'en finir, mais que, pour le moment, il ne peut rien dire. Je comprends son silence.

Seulement, M. le Ministre voudra bien me permettre de discuter aujourd'hui les diverses combinaisons qui ont été essayées dans ces dernières années, qu'on a plus ou moins officiellement connues et dont ont parlé les journaux de France, d'Angleterre, et d'Amérique, combinaisons proposées par les Anglais, toujours se défendant de vouloir nier ni contester nos droits inscrits dans les Traités, mais en fin de compte ayant pour but évident de nous faire abandonner le "French Shore." C'est parmi ces combinaisons qu'ils espèrent encore trouver aujourd'hui une solution acceptable pour nous. Je crois qu'ils se trompent.

Je ne sais si M. le Ministre a l'intention de soumettre au Parlement le Traité ou l'Arrangement à venir, avant sa ratification par le Président de la République, contrairement à ce qui a été fait pour les arrangements dernièrement conclus avec l'Angleterre à propos de Zanzibar (5 Août, 1890) et des territoires de la Côte Occidentale d'Afrique (10 Août, 1889); j'applaudirais à cette intention; car, on ne peut que regretter amèrement cette exclusion des Chambres dans la discussion de ces derniers Traités qui, certes, auraient donné lieu à de vives critiques quand on songe que nous n'avons pas su, au cours de ces négociations, nous faire attribuer la possession de la Gambie, ce coin enfoncé dans le flanc de notre Colonie Sénégalaise, comme l'a dit M. le Ministre.

Même dans cette hypothèse, je crois que l'examen auquel je vais me livrer aurait certains avantages.

Parmi les combinaisons proposées par les Anglais, je veux retenir les principales et prouver qu'aucune n'est acceptable. En première ligne, je mettrai l'Arrangement qu'ils nous avaient fait accepter en 1884-85 et que, par bonheur pour nous, le Parlement de Terre-Neuve ne voulut point ratifier. J'ai eu connaissance de cet Arrangement ! Nous accordions à nos copartageants la permission d'installer, dans la plupart de nos havres de pêche, de petites colonies destinées à exploiter les soi-disant mines se trouvant justement dans nos meilleures baies. C'était, nous disait-on, un moyen de donner satisfaction aux populations ouvrières de l'île, sans gêner notre industrie de la pêche. Eh bien ! pour qui connaît les exigences de nos pêcheries, il n'y a pas de doute que celles de l'industrie minière n'eussent absorbé les premières. Nous n'aurions pas tardé, ne pouvant plus vivre côte à côte avec ces voisines incommodes, à abandonner ces baies. Le but était atteint.

Et que nous proposait-on en échange de ces concessions si naïvement accordées ? La propriété entière des Nouvelles-Hébrides, archipel que nous n'avions pas su prendre quelques années avant, au moment où les Anglais prenaient sans façon le bel archipel du Fidji. Qu'aurions-nous fait des Hébrides et que faisons-nous aujourd'hui de ce cimetière de moitié avec les Anglais ? Il était aussi question de quelques petites Iles Sous-le-Vent de Taïti.

On vous propose peut-être, Monsieur le Ministre, de reprendre cet Arrangement avec quelques modifications dans les territoires à céder. J'ai entendu dire que l'on essayait. Puissiez-vous ne pas juger cette question, comme l'avait jugée votre prédécesseur de cette époque ; je n'insiste pas et je passe à la deuxième combinaison.

Comme la boîte ou appât est indispensable à nos nombreux bâtiments qui pêchent sur le grand banc de Terre-Neuve et sur les bancs plus rapprochés de notre petite colonie de Saint-Pierre et Miquelon ; que cette boîte, nous la trouvons dans la baie du "French Shore," les Anglais nous disaient : Abandonnez-nous vos havres dans lesquels vous n'avez plus que de rares navires, et nous prendrons l'engagement de vous fournir de la boîte qui arrive chez nous en prime saison ;—nous annulerons le "Bait Bill" qui défendait à nos nationaux de vous en vendre ; et alors, ces havres abandonnés par la morue n'auront plus aucune valeur pour vous . . .

En retour de ce bon procédé, nous vous laisserons désormais libres de vous livrer à la pêche sur le grand banc de Terre-Neuve ! Oui, Messieurs, les gros bonnets de l'agitation Terre-Neuvienne font semblant d'ignorer que le grand banc est à 100 lieues de la côte de la grande île, et que, par conséquent, les nombreux navires de toute nationalité qui s'y livrent à la pêche, usent d'un droit incontestable et incontesté. Cette solution est trop puérile pour s'y arrêter.

On a songé aussi à nous donner une compensation en argent, à nous proposer le rachat de nos droits. Mais à qui reviendrait cet argent ? Certes, je connais plus d'un armateur qui, s'ils ne songeaient qu'à leurs intérêts, accepteraient avec empressement l'occasion de se retirer d'une industrie qui est soumise à des vicissitudes diverses.

*M. le Comte de Treveneuc.*—Et nos populations maritimes, que deviendraient-elles ?

*M. l'Amiral Veron.*—Mais nos armateurs n'abandonneraient pas, le cœur léger, tous ces braves marins qui, de père en fils, vivent de ces grandes pêches . . .

*M. le Comte de Treveneuc.*—Il s'agit de 10,000 familles, c'est-à-dire de 50,000 personnes à peu près.

*M. l'Amiral Veron.*— . . . Et dans les mêmes maisons d'armement. Et puis, notre Gouvernement a là des intérêts qui ne se payent pas.

Du reste, en ce moment, l'espoir renaît parmi nos marins de voir reflourir la prospérité de leur industrie. Cette année la morue, à Terre-Neuve, a fait comme la sardine sur notre littoral, elle est revenue à la côte, comme l'on dit. Et si l'armateur se voyait assuré pour l'avenir de la possession paisible de ses droits, je ne doute pas que plusieurs navires nouveaux ne se dirigeassent vers ces côtes, durant la campagne prochaine. Cette solution proposée ne peut donc être acceptée.

Parmi les hommes du parti modéré de Terre-Neuve qui jugent bien qu'un moyen radical n'a pas de chance de réussite pour nous faire abandonner nos droits, il y en a qui songent à détruire notre industrie en la rendant incapable de lutter avec les pêcheurs Anglais. Alors ils ont imaginé de faire pressentir notre Gouvernement sur la possibilité d'enlever la prime à nos armements. Comme nous sommes obligés d'aller pêcher à 900 lieues de chez nous, de tout emporter sur nos navires pour vivre sur une côte inhospitalière et inhabitée : vivres, bateaux appelets de pêche, objets de toutes sortes pour la préparation

et l'exportation du poisson, il nous serait difficile de produire à aussi bon compte que les Terre-Neuviens installés chez eux et attendant tranquillement que la saison vienne ! Alors sans la prime, il va de soi que nous abandonnerions la côte. Je n'ai pas besoin de rappeler ici les raisons majeures que, depuis si longtemps, on a fait valoir dans le Parlement pour justifier de conserver la prime à nos grandes pêches.

Je ne pense pas que pour plaire à nos voisins nous renoncions à une loi qui donne tant de force vive à notre marine militaire.

Enfin, on nous proposera, devant notre résolution de garder les Traités intacts, de prolonger le *modus vivendi* adopté l'an dernier par les deux Gouvernements.

Ah ! Monsieur le Ministre, ce n'est pas vous qui avez signé cet Arrangement provisoire, je l'espère, et je vous en félicite, car ce provisoire pourrait bien être le commencement de la déchéance de nos droits. Il nous éloigne bien, en tout cas, de la déclaration faite à cette tribune par deux de vos prédécesseurs.

En résumé, dans cette discussion, nous sommes en face de l'Angleterre qui a la tutelle de ses Colonies. A la tête de la petite Colonie de Terre-Neuve se trouve un Parlement turbulent qui paraît fort peu s'inquiéter des difficultés que ses revendications intempestives peuvent créer à la mère-patrie. Les habitants de Terre-Neuve oublient que nos droits exclusifs de pêche, nous les possédons après avoir cédé à l'Angleterre le sol sur lequel ils vivent. Mais pour modifier un Traité il faut le consentement des deux Parties Contractantes, et je reste convaincu que si, nous trouvant en présence de propositions inacceptables, nous continuons à revendiquer l'exécution intégrale de ce Traité, l'Angleterre qui, dans les dernières années, a prêté une oreille trop indulgente aux prétentions mal fondées de sa Colonie, saura lui imposer désormais une réserve dont elle ne la laissera plus sortir. (Très bien ! très bien ! à Droite.)

M. le Président.—La parole est à M. le Ministre des Affaires Étrangères.

M. Ribot (Ministre des Affaires Étrangères).—Messieurs, je comprends très bien l'intérêt manifesté par M. l'Amiral Veron à l'égard des populations maritimes qui trouvent à Terre-Neuve non seulement une école admirable pour se former à la marine militaire, mais aussi des ressources précieuses, nécessaires à la richesse de plusieurs de nos départements.

Le Sénat sait à quelles vives discussions cette question de Terre-Neuve, qui date de si longtemps, a donné lieu dans ces derniers mois.

La population de Terre-Neuve a envoyé à Londres des Délégués qui ont fait des efforts multipliés pour amener le Gouvernement Anglais à prendre une attitude un peu différente de celle qu'il avait eue jusqu'à présent vis-à-vis de nous, une attitude plus pressante.

Le Gouvernement Anglais a cru devoir se faire, auprès de nous, l'interprète de ces intentions.

Je n'ai pas à entrer dans le détail de ses propositions. Je dois dire seulement au Sénat—et il le soupçonnait d'avance—que nous les avons repoussées. (Très bien ! très bien !)

Nous n'acceptons pas, par exemple, qu'on nous offre, en échange de l'abandon de nos droits, une indemnité pécuniaire. (Nouvelles marques d'approbation.)

Nous n'acceptons pas davantage que l'on veuille intervenir, même d'une manière détournée, dans notre législation intérieure et qu'on nous demande, sous quelque forme que ce soit, l'abolition des primes, ou seulement la diminution de primes que nous sommes maîtres de fixer, suivant notre appréciation, dans un intérêt supérieur, celui du développement de notre marine. (Applaudissements.)

Je ne crois pas que le Cabinet Anglais ait été très surpris de notre réponse, très ferme mais en même temps très amicale.

Il nous a annoncé qu'il étudierait d'autres propositions et qu'il nous les soumettrait.

Quand elles nous seront faites, nous les examinerons avec soin. Ce n'est pas à nous qu'il appartient de prendre les devants ni de paraître pressés. (Très bien ! très bien !)

Dans cette question, nous jouissons d'une situation qui a été souvent déterminée à cette tribune. Nous exerçons nos droits, nous n'avons pas à proposer des échanges. Nous n'avons pas à apporter de modification à notre manière d'être, tant que les nouvelles propositions qu'on nous annonce ne nous auront pas été soumises.

En attendant, il est à noter que les pêcheurs Français qui, à certaines époques, ont ait valoir des motifs de plainte, sont satisfaits de la campagne dernière ; ils ont été plus nombreux que jamais ; nous nous plaisons à le constater ici, le nombre de nos vaillants marins qui vont soit au Grand Banc soit au "French Shore" chercher des moyens d'existence et développer les grandes qualités de notre race, s'augmente d'année en année. (Approbation.)

Ils se sont plaint quelquefois, disions-nous, que leurs droits n'étaient pas défendus

avec assez de vigilance. Cette année—je fais appel aux représentants de ces populations maritimes—je les ai entendus, ils ne me contrediront pas, si j'affirme qu'elles sont absolument satisfaites, non seulement des résultats de leur pêche, mais de la manière dont leurs droits et leurs intérêts ont été soutenus par le Commandant de notre flotille et par le Gouvernement Français. (Très bien ! très bien !)

Dans cette situation, nous continuerons à attendre des propositions. La question est difficile, épineuse ; elle remonte déjà à une époque très ancienne, nous ne pouvons pas avoir la prétention de la résoudre en un jour. Je le répète, nous attendrons les propositions qui nous seront faites et en les attendant, nous resterons sur le terrain où nous sommes, très résolus à défendre avec fermeté et prudence les intérêts de nos nationaux. (Applaudissements sur un grand nombre de bancs.)

*M. le Comte de Tréveneuc.*—Monsieur le Président, je demande à répondre un mot de ma place.

*M. le Président.*—Vous avez la parole.

*M. le Comte de Tréveneuc.*—Nous prenons acte des bonnes paroles que vient de nous dire M. le Ministre des Affaires Étrangères ; mais je lui ferai remarquer qu'il y a bien longtemps qu'on nous donne de bonnes paroles et rien de plus !

Notre industrie maritime est presque anéantie. Dans un port important, qui est voisin de l'endroit que j'habite, il y avait huit grands navires faisant la pêche à Terre-Neuve il y a quelques années ; il n'y en a plus un seul aujourd'hui ; il ne reste plus que quelques navires armant pour l'Islande.

Quant au *modus vivendi* dont nous a parlé M. le Ministre des Affaires Étrangères, il me paraît absolument déplorable, car on viole nos droits depuis longtemps, et on dit : il faut rester comme cela, nous verrons plus tard.

Voilà un *modus vivendi* que vous acceptiez dans une certaine mesure ; on attend et rien n'arrive ! Je demande que les promesses que vient de nous faire M. le Ministre des Affaires Étrangères deviennent des actes, et que, dans un avenir très prochain, nos armateurs sachent à quoi s'en tenir, parce que, cette année, comme le disait tout à l'heure M. l'Amiral Veron, les morues qui ne venaient pas depuis longtemps à la côte, y arrivent en abondance. Si un arrangement favorable à nos marins avait été fait, il y aurait certainement eu des armements pour la prochaine pêche, et avec la situation actuelle, ils ne se feront pas.

*M. le Ministre des Affaires Étrangères.*—Je constate, Messieurs, que nos armements, loin de diminuer, sont en progrès ; et que, si l'on prend les statistiques des dernières années, on voit que le nombre des marins employés à cette pêche a été en croissant.

*M. le Comte de Tréveneuc.*—Elle était tombée absolument !

*M. le Ministre.*—Elle a pu tomber à une certaine époque, mais elle se relève dans des proportions tout à fait rassurantes pour l'avenir.

Je constate, en second lieu, que ni M. le Ministre de la Marine ni moi n'avons reçu aucune plainte sur la manière dont la pêche s'est exercée dans la dernière campagne, et j'ai eu la satisfaction de recueillir, de la bouche même des Sénateurs et des Députés représentant ces régions, le témoignage que les intérêts et les droits de nos marins n'étaient nullement en souffrance.

*M. le Comte de Tréveneuc.*—Je suis également, M. le Ministre, le représentant d'un pays maritime, et je vous assure que dans les Côtes-du-Nord et dans la Manche il n'en est pas ainsi ; nous n'armons plus ; nos navires se louent pour le cabotage.

*M. le Président.*—Personne ne demande plus la parole ? . . . .

Nous arrivons, Messieurs, au chapitre premier.

## No. 36.

*Colonial Office to Foreign Office.—(Received January 1, 1891.)*

Sir,

Downing Street, December 31, 1890.

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a letter and its inclosures from the Admiralty respecting an action threatened against Sir B. Walker for closing the lobster factory of Messrs. Payzant and Fraser, at St. Paul's Bay, Newfoundland.

I am, &c.

(Signed)

R. H. MEADE.

## Inclosure 1 in No. 36.

*Admiralty to Colonial Office.*

Sir, *Admiralty, December 16, 1890.*  
 I AM commanded by the Lords Commissioners of the Admiralty to transmit, for the information of the Secretary of State for the Colonies, a letter from Captain Sir Baldwin Walker, of Her Majesty's ship "Emerald," dated the 19th November, forwarding correspondence relative to the alleged closing of a lobster factory belonging to Messrs. Payzant and Fraser, situated in St. Paul's Bay, Newfoundland.

I am, &c,  
 (Signed) EVAN MACGREGOR.

## Inclosure 2 in No. 36.

*Captain Sir B. Walker to Vice-Admiral Watson.*

(Extract.) *"Emerald," at Bermuda, November 19, 1890.*

I HAVE the honour to inclose correspondence that has taken place having reference to a lobster factory belonging to Messrs. Payzant and Fraser, situated in St. Paul's Bay, Newfoundland.

This factory, when visited on the 28th May by the "Pelican," was in the course of erection, and the manager was given the notice of the 10th May, warning him of the *modus vivendi*. On the 3rd June I visited Messrs. Payzant and Fraser's factory at Bonne Bay and saw Mr. Payzant himself, with whom I had some conversation as to the fishing grounds claimed by Messrs. Mokeler and Holahan, but no mention was made of the St. Paul's Bay factory, nor was any request to be allowed to work made.

Mr. Payzant, in his interview with Commander Riddel, informed him that some officer told him in August that he might continue working, but he is mistaken in the date, as neither the "Pelican" torpedo-boat nor this ship visited Bonne Bay in August, and, as a matter of fact, no officer except Lieutenant Simpson had any intercourse with him or his manager on the subject, and he only on the 17th June.

In conclusion, I beg to add that I have received service of no writ, nor have I authorized any solicitor to accept service on my behalf.

## Inclosure 3 in No. 36.

*Commander Riddel to Captain Sir B. Walker.*

Sir, *"Pelican," at Halifax, November 9, 1890.*

I HAVE the honour to forward herewith a communication, dated the 8th instant, addressed to me by Messrs. Drysdale, Newcombe, and McInnes, solicitors, of this city, who have been instructed to represent Messrs. Payzant and Fraser in regard to a claim which they make by reason of the non-working of their lobster factory at St. Paul's Bay, Newfoundland.

2. The factory in question, a new one, was one of those on which notices not to work until your sanction had been obtained was served, the date of service being the 28th May.

3. From information obtained at Bonne Bay at the latter part of September, this factory was worked from the 4th to the 28th September, 1890.

I have, &c.  
 (Signed) D. M. RIDDEL.

## Inclosure 4 in No. 36.

*Messrs. Drysdale, Newcombe, and McInnes to Commander Riddel.*

Dear Sir, *35, Bedford Row, Halifax, November 8, 1890.*  
 WE have been consulted by Messrs. Fraser and Payzant, and retained to represent their interest with regard to their claim for damages sustained by reason of the closing of their lobster factory at St. Paul's Bay, Newfoundland, in May last. We are



instructed that you are the officer under whose direction their operations were stayed, and have no doubt that you are familiar with the whole situation. By reason of what was done, our clients have lost their season's business at the factory in question, the profits upon which would, according to their estimation, and having regard to the catch of previous years, have amounted to 5,000 dollars. They claim this amount, and it is our opinion that you or Sir Baldwin Walker, under whose command we believe you were acting, are the only persons against whom our laws give redress. Unless, therefore, you are in a position to hold out reasonable assurance of compensation through another source, we are instructed to institute an action in the Supreme Court here against you (or Sir Baldwin if he prefer to assume the responsibility) to recover the amount of damage sustained.

We are instructed to say to you, however, and we wish it understood, that our clients make no complaint against you or any of the British officers of harsh treatment, but fully recognize that what has been done was in pursuance of duty having regard to instruction received. We merely claim that there is no justification to be found in any British or Colonial Law or Treaty for the course which has been adopted, and, therefore, that all who have taken part in staying the lawful operations of our lobster packers on the coast of Newfoundland are wrong-doers.

As you will, we understand, be leaving this port within a few days, we must ask for an immediate reply, with a statement of your intention in this matter, and if the claim is to go in suit, we would like the name of your solicitor here who will accept service.

We remain, &c.  
(Signed) DRYSDALE, NEWCOMBE, AND MCINNES.

Inclosure 5 in No. 36.

*Mr. Grant to Messrs. Drysdale, Newcombe, and McInnes.*

Gentlemen,

"*Emerald*," at Halifax, November 10, 1890.

I AM directed by Captain Sir Baldwin Walker to acquaint you that he has been informed by Commander Riddell of the substance of your letter of the 8th instant to that officer relative to a claim made by Messrs. Fraser and Payzant for compensation for damages sustained by reason of the closing of their lobster factory.

In reply thereto, Sir Baldwin Walker directs me to inform you that Commander Riddell was acting under his instructions in this matter, and that he (Sir Baldwin) is prepared to assume all responsibility, and requests that any action taken may be against him.

I am also to inform you that Sir Baldwin Walker is unable, at this moment, to advise you how he intends to act in this matter, but will do so at the earliest possible date.

I remain, &c.  
(Signed) GEO. GRANT, Assistant Paymaster.

Inclosure 6 in No. 36.

*Messrs. Drysdale, Newcombe, and McInnes to Captain Sir B. Walker.*

Dear Sir,

35, Bedford Row, Halifax, November 10, 1890.

WE beg to acknowledge your letter of this date in reply to ours of the 8th instant to Commander Riddell.

We understand that you will be leaving here to-morrow, and it is necessary, in order to give our Court jurisdiction in this matter, that the writ should be served in this province. We do not wish to give the writ to the Sheriff if you are willing to name a solicitor here. Will you be good enough, therefore, to advise us immediately as to whether you will authorize a solicitor here to accept service for you, and who the solicitor is; otherwise, we see no course for the protection of our clients but to have the writ served to-day in the usual manner. If you desire that this claim should stand as at present for a short time, say, two or three months even, we shall agree, provided only you will undertake that in the event of no settlement a solicitor here will accept service for you.

Awaiting your reply, yours, &c.

(Signed) DRYSDALE, NEWCOMBE, AND MCINNES.

*Colonial Office to Foreign Office.—(Received January 6.)*

Sir, *Downing Street, January 5, 1891.*  
I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, copies of the Reports of the naval officers on the Newfoundland fisheries for last season.

Copies of these Reports have been forwarded to the Governor of the Colony in a despatch, of which I am to inclose a copy, calling the attention of his Government to certain points in them; and Lord Knutsford has informed the Lords Commissioners of the Admiralty that he concurs in their proposal to express approval of the proceedings of the officers.

I am to request that you will invite Lord Salisbury's attention to paragraph 2 of Sir B. Walker's letter as to the detrimental effects of the illicit traffic in spirits conducted by the masters of certain French vessels frequenting the coast. It is for his Lordship's consideration whether this matter should not be brought to the notice of the French Government, with a view to securing their co-operation in putting down this traffic by restrictions on the export of spirits from St. Pierre and Miquelon.

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

Inclosure 1 in No. 37.

*Admiralty to Colonial Office.*

Sir, *Admiralty, November 21, 1890.*  
I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the perusal of the Secretary of State, a letter from the Vice-Admiral in command of the North American Station, dated the 5th instant, on the subject of the Newfoundland fisheries.

A letter from the Captain of Her Majesty's ship "Emerald," dated the 29th October, forwarding his Report on the fishery season of 1890, which formed the inclosures to the Commander-in-chief's letter before quoted, is also attached.

My Lords desire me to add that they propose to approve of the proceedings of the officers commanding Her Majesty's ships engaged on the Newfoundland fisheries this season, and they will be glad to learn if the Secretary of State concurs in this approval.

I am, &c.  
(Signed) EVAN MACGREGOR.

Inclosure 2 in No. 37.

*Vice-Admiral Watson to Admiralty.*

Sir, *"Bellerophon," at Halifax, Nova Scotia, November 5, 1890.*  
I HAVE the honour to submit Reports on the Newfoundland fisheries for the season of 1890, from Captain Sir Baldwin W. Walker, Bart., of Her Majesty's ship "Emerald," and the officers commanding Her Majesty's ships "Pelican" and "Forward," who were serving under his orders.

2. In my letter of the 10th December, 1889 (paragraph 4), forwarding the Reports for the year 1889, I advocated the establishment of telegraphic communication between Brig Bay and Port Saunders, but this has not been done, and Sir Baldwin Walker reports having found the want of it most inconvenient; I therefore again strongly recommend it being at once established.

3. The coal depôt at Port Saunders has been established, and has proved of the utmost benefit.

4. Whilst controversy is going on it is absolutely necessary to have a steam-boat employed on the coast, with head-quarters at Port Saunders, and I would strongly recommend that a picket-boat should be sent from England early next spring, so

that she may be fitted under Captain Walker's supervision to take the place of second class torpedo-boat No. 62, which was lost.

5. As will be observed by Sir Baldwin Walker's Report, paragraph 9, no steps whatever have been taken in respect to the marking of schooners, and I would most earnestly suggest the desirability of the Newfoundland Government being called upon to enforce this very necessary provision.

6. The season has passed off quietly, and this is due to the great moderation evinced by the French Commodore and his officers, and to the tact shown by Sir Baldwin Walker, to whom great credit is due, and he appears to have worked most harmoniously with his French *confrères* assisted by Commander Riddel, of Her Majesty's ship "Pelican," and Lieutenant Gray, of Her Majesty's ship "Forward."

I have, &c.

(Signed) G. W. WATSON.

Inclosure 3 in No. 37.

*Captain Sir B. Walker to Vice-Admiral Watson.*

Sir, "Emerald," at Halifax, October 29, 1890.

HEREWITH I beg to forward the Fishery Reports of Her Majesty's ships "Emerald," "Pelican," and "Forward," employed on the Newfoundland Division during the season of the present year.

2. Her Majesty's ships "Pelican" and "Forward" have been stationed almost entirely on the portion of the coast subject to Treaty obligations.

3. Both Commander Riddel and Lieutenant-Commander Gray have done their work zealously, and ably seconded my efforts to obtain full information on the allocation of the inhabitants of the Treaty Shore. Of the north-east portion, of which less is known, a very rough estimate of the agricultural value of the land was attempted. This, with other information at present incomplete, I hope to forward shortly.

4. The season has been, till the latter part, a fine one, and comparatively free from fogs, but large quantities of ice were met with throughout, which rendered navigation dangerous. The Straits of Belle Isle were not clear till July, and even to the end of September icebergs of large size and in great numbers were met with.

5. The number of occupied French rooms on the north-east coast has further decreased, there being four this year against six last, and of these one was only occupied till the 25th July, the crew going on the Banks after that date. On the west coast there has been an increase in the numbers, the lobster factories at Brig Bay and John Meagher's Cove having men engaged in the cod fishing, in addition to the lobster industry.

6. Sixteen French vessels visited St. George's Bay, but only thirteen for bait; of these, never more than twelve were present at one time, and they had obtained all they required by the 26th May. Several American and Canadian vessels likewise came to this bay for baiting purposes.

The other occurrences at this place have formed the subject of separate Reports.

7. I would call especial attention to Lieutenant-Commander Gray's Report with respect to the size of the mesh of cod-traps and nets used on the north-east coast; it is not to be wondered that the shore fishing should fail year after year when such ruinous methods are pursued.

Although ground bultows, which catch the spawning fish, may not be injurious where proper means of regulating the fishery exist, when used in conjunction with cod-traps and other nets, the meshes of which are small enough to catch the immature fish, nothing but exhaustion can result, and that such is the case in some of the bays of Newfoundland I do not think will be denied by any one. The east coast is the one that has especially suffered, and is the coast on which nets, &c., of illegal size have been principally used. In the Fishery Report of 1883 attention is called to the illegality of the nets due to the smallness of the mesh, showing the evil to be of some standing.

The jigger to which Commander Graham called attention last year, and of which the French Commodore complains—this should also be made illegal.

Cod seines and cod nets are condemned as most injurious by all the fishermen whose opinion is reliable.

I believe it is contemplated by the Legislature to give local option in the matter of the methods of fishing. I feel sure it would be most beneficial and popular, for in many places they already have local regulations, though unable to enforce them should one of the community prove obstinate. But no legislation of this sort is of much real use that does not deal with the question of the wandering schooners; these follow the fish, to the detriment of the residents, disregarding all laws.

8. The rivers are gradually being ruined by the systematic barring and netting, the cod-traps lending valuable aid in hastening the extinction of salmon.

9. The nameless vessels have again formed the subject of written and verbal complaints on the part of the French Senior Officer. Several of these vessels have no papers, no colours, and are not properly marked, turning wreckers when opportunity offers, and committing acts which are an outrage to civilization, and which would be tolerated in no other country or Colony. Affidavits of the masters of several vessels improperly marked have been obtained, showing that the Custom-house authorities took no measures for enforcing even the present inadequate laws.

In some instances vessels had a Custom-house clearance, but no registry or colours.

The fact of the "Ready," in 1889, having marked some of the offending vessels which she met at Kirpon is given as a proof that they were unable to comply, but I beg to submit that this inference is not a correct one, for Kirpon, being on the Treaty Shore, was neither their port of registry nor of clearance, and that some are marked, or partially so, shows it is not inability, but wilful culpability.

10. The alleged interference by the traps of the Port Saunders factory, and the working of the *modus vivendi*, have formed the subject of special letters.

11. A quarrel which commenced in 1889 between Captain Philippe, "Prud'-homme" of Brig Bay, and Louis Gareau, about the price to be paid for the use of Garoux's fishing stage and the amount of compensation for some smuggled brandy which was stolen by some of Philippe's men, at one time threatened to become a serious menace to the otherwise quiet season. I was, however, able to arrange it by arbitration, and the sum of 20 dollars was paid Gareau in satisfaction of all claims for 1889.

I, at the same time, desire to call attention to statement of account on p. 25, which speaks for itself. I may add that this illicit traffic in spirits is especially detrimental, and adds much to the poverty and misery of the inhabitants.

12. The correspondence on the supposed outrages by the French at Port-à-Port shows how garbled were the accounts of the various incidents as published by the press. These descriptions were truthful as compared to some of the reports, for which, in many cases, there was absolutely no foundation, the announcements often emanating from the agents of members of a rejected political party.

13. A further Report as to the French fishery and claims for compensation for lobster factories which closed owing to the *modus vivendi* will be forwarded as soon as all the necessary details are obtained.

14. The torpedo-boat which was this season stationed on the north-west coast, with her head-quarters at Port Saunders, I found of the greatest assistance, the fact of her having steamed since leaving Halifax till she broke down off Port-à-Port, when the low-pressure cylinder cover cracked, upwards of 2,500 miles, shows her utility.

I have much pleasure in bringing to your notice the satisfactory manner in which Lieutenant Weigall performed, for a second time, the special duties intrusted to him.

I have, &c.  
(Signed) B. W. WALKER.

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Inclosure 4 in No. 37.

*General Remarks.*

THE season on the Banks has been a very poor one, worse than last year. Six Newfoundland bankers were missing when I left St. John's; five since the gale of the 25th September.

The shore fishery has been only fair, but better than the previous season; on portions of the Treaty Shore it has been very fair, especially in the neighbourhood of St. George's Bay and Port-à-Port. The French at Red Island have not done well.

At Port-au-Choix, at the commencement of the season, cod was very plentiful, but during the latter part bait was scarce, and comparatively little was done after the middle of August.

The early herring were abundant in St. George's Bay, though late in striking in, but the price is low.

The salmon fishery on the east coast is the best for the last ten years, notwithstanding large quantities of ice late in June, which interfered considerably with the nets.

Capelin were plentiful on the east coast, but not so on the west. Squid were scarce throughout the Treaty Shore.

The season on the Labrador, though very late in commencing, has been one of the best for twenty years, the take of cod exceeding last year's catch by about 50 per cent.; the fish were also much finer and thicker than usual, but the herring were scarce.

A small portion of this coast, of which Red Bay is the centre, was the exception to the general rule; on this portion the cod fishing was a failure, and herring very scarce. The people will, in consequence, require assistance during the coming winter.

(Signed) B. W. WALKER, Captain,  
Her Majesty's ship "Emerald."

Inclosure 5 in No. 37.

*Commander Riddel to Captain Sir B. Walker.*

Sir, "Pelican," at Sydney, October 15, 1890.

I HAVE the honour to make the following Report on the fisheries of the west coast of Newfoundland for the season of 1890.

2. On the whole the fishery this year was a better one than 1889, though not good. The season was late in commencing, and herring did not strike the coast till much later than usual.

3. There was a better take of cod in Bay St. George, and the French rooms at Port-au-Choix and St. John's Island have done fairly well.

4. The herring fishery in St. George's Bay did not commence until the 22nd May, and the catch made by the residents amounted to about 20,000 barrels, or a slight excess over last season's; 2,000 barrels were disposed of to Canadian and American vessels, thirty-one of whom visited St. George's Harbour; 500 barrels were sold to French vessels.

Only thirteen French baiters arrived this year, against seventy-one in 1889, and they had completed their baiting by the 26th May.

5. The summer and autumn herring fishery has not been good, and a scarcity of bait has prevailed. Capelin struck the coast late and not so generally as usual.

6. The number of French vessels (including two schooners at Red Island) was 12, manned by 636 men, 115 of whom were at Red Island.

7. The French at Red Island made no complaints against British vessels or subjects, but those at Port-au-Choix and St. John's Island complained of the arrival of British schooners, both in Gargamelle Cove, Old Port-au-Choix, and in St. John's Harbour, their crew fishing and otherwise interfering with them, and they also complain that the crews of these schooners used to throw overboard in the harbour the offal of their fish.

In each case the masters of the schooners were warned not to impede, or do anything which would interfere with, French fishing, and these warnings seem to have had a salutary effect.

8. The weather was fine from the latter part of June and free from fog, but in September, especially towards the end of that month, strong gales prevailed, which must greatly have hampered all fishing operations.

9. A complaint made by the inhabitants of St. George's Bay against Capitaine de Frégate Marquis, of the "Indre," for ordering up their herring-nets on the 22nd May, has already been the subject of correspondence.

10. So far as I could ascertain, the French brought out supplies of bait from Dunkerque, and afterwards they were largely supplied from St. Pierre and Magdalen Islands. It is very evident that the bankers proceeded direct to the Banks

from France, and this is proved by the fact that seventy-one vessels baited at St. George's last year, and only thirteen this season.

11. With reference to the opinion of fishermen as to the use of cod-traps, nets, seines, and bultows, I beg to report it is impossible to form an accurate idea, those possessing the particular means of fishing advocating them, whilst others, who are not able to procure them, protest against their use. As regards cod-traps, many fishermen say there is not much harm in them if a 4-inch mesh is used.

The majority are of opinion that cod-nets set on fishing-grounds are the worst contrivances possible. Cod-seines, now practically done away with, are universally condemned as useless, and only liable to frighten away the fish. Bultows: as in traps, those possessing them advocate their use, and *vice versa*.

That they do keep the fish off the shore, and catch fish heavy with spawn, is evident, and in this way must do harm.

12. The usual size of meshes of salmon-nets is 6 inches; cod-nets, 6 inches; cod-traps, 4 inches.

I have, &c.  
(Signed) D. M. RIDDEL.

Inclosure 6 in No. 37.

LIST of French Vessels Fishing on the West Coast of Newfoundland in 1890.

Name of Vessel.	Name of Master.	Number of Crew.	Catch of Cod.	Remarks.
Le "Laborieux" ..	Philippe ..	82	Quintals. 160	Took away the catches of "L'Hyppolite" and "La Vedette."
La "Marguerite" ..	Landgren ..	23	..	
Le "Puget" ..	Dameral ..	98	1,000	The schooners carry the cod to St. Pierre, where they are sold.
"L'Hyppolite" ..	..	62	1,000	
"L'Alcyon" ..	Badouard ..	32	1,000	
La "Vedette" ..	..	32	1,000	
Le "Duc" ..	Belin ..	62	3,000	
Le "Sans Souci" ..	Vilala ..	64	2,500	
Le "Jeune Adolphe" ..	Bodin ..	32	1,300	
"L'Émilie" ..	La Laude ..	34	1,400	
Red Island schooners (two in number)	Pourrier ..	115	2,500 (about)	
Total ..	..	636	14,860	

(Signed) D. M. RIDDEL, Commander.  
"Pelican," Bay St. George, October 9, 1890.

Inclosure 7 in No. 37.

Lieutenant-Commander Gray to Captain Sir B. Walker.

Sir, "Forward," at St. John's, October 8, 1890.

IN forwarding my Fishery Report, I have the honour to make the following remarks:—

2. Though the season commenced very late, and in the latter part of it bait (squid) was very scarce, on the whole the cod fishery has been a fairly good one, and considerably better than last year.

3. During the run caplin were exceptionally plentiful.

4. In spite of more than usual trouble with ice, the salmon fishery was very good, especially from St. Anthony to Canada Bay, and at Fleur-de-Lys and La Scie. I reported my seizure of three small-mesh nets across the river at Sops Arm, but regret I was not fortunate enough to catch any in Westbrook and Salmon River, Ariège Bay. I was informed that these latter have been most successfully netted, the fish taken lately with spawn running out of them.

5. Herring, early in the season, were plentiful, but in the autumn, when this fishery is prosecuted, they were everywhere reported as very scarce, except at La Scie, where they had just set in with very good prospects, the fish being large and plentiful. This was the last port visited on the Treaty coast, which I left on the 5th October, at 6 A.M. At Kirpon it was stated by some fishermen that it was no use catching many, as the necessity for a licence had greatly checked the number of Nova Scotian schooners visiting the port, and their market was therefore gone.

6. The result of inquiries from some 240 fishermen along the whole coast proved a majority (including several owners) in the proportion of two to one against cod-traps, three to one against cod-nets, and nearly six to one against ground bultows, but generally in favour of floating ones if properly attended. The reasons are given in another Report. The jigger was also greatly condemned. In many places the inhabitants have a local agreement against the use of one or other or all of these, but this cannot be enforced against coasting vessels, they being the subject of general complaint.

7. If cod-traps are allowed, it was considered a 5-inch mesh would be best. Generally one from  $2\frac{3}{4}$ -inch to 4-inch is used. The mesh of nearly all nets is smaller than allowed by law, and caplin nets are constantly used for herring, herring nets for cod, and so on. In fact, if the law as to mesh were enforced, there would be very few nets used at all.

8. Only four French rooms were occupied this year, and one was vacated after only a month's fishing, the men leaving for the Banks about the 25th July.

The rooms at Croc, in addition to those at Fischot, St. Julien's, and Rouge, are expected to be occupied next year. The total catches for the last three have been 600, 1,000, and 700 quintals respectively. All three captains in charge said that salt bait is not nearly so good as fresh. On the coast, if they have not fresh they do not fish. Of the salt, squid is best, but herring is mostly used. Sardines from France also are fair, but most bankers get their supply of salt bait from St. Pierre.

9. The lobster factories, state of French rooms, and information as to number of houses, inhabitants, boats, &c., called for in your Memorandum of the 26th July, are in separate Reports.

10. The affidavits of a number of masters of improperly marked schooners were taken, and in all cases the vessels had received their Customs clearance and left port as I found them.

11. The boarding of the schooner "Aggie" by the French was the subject of special correspondence. The "Indre" was the only French man-of-war met with on my station, and my relations with her Commander were of a most cordial and friendly nature.

I have, &c.

(Signed) SCOTT W. A. H. GRAY.

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Inclosure 8 in No. 37.

*Protest.*

To his Excellency Lieutenant-Colonel Sir J. Terence O'Brien, K.C.M.G.,

Humbly sheweth:

THAT we, the undersigned inhabitants of Greater Cove, Trinity Bay, unanimously protest against the use of bultows or trawls. Our fishery, which looked very promising this voyage, the past month, since the use of that appliance, has been a total failure.

The bultow has been proven by the Undersigned to be the most detrimental to our fisheries of any in use at the present day, and if not remedied, it must certainly end in destitution and poverty of this our settlement. It is useless to put down the boat or hand-line on our shores at present, as the trawls have the codfish drawn down to a depth of 200 fathoms of water, and so much bait continually kept there, the cod are continually falling from our fishing ground. The mother fish is, and have been from year to year, caught at their spawning, causing a scarcity more and more according as the seasons roll round, and will now end in completely clearing our shore of the codfish.

May it please your Excellency in Council to grant your petitioners a limit of 3 miles coast-line west, and 3 miles east of our settlement, and 6 miles wide, to be cleared of this damaging appliance, and pronounce a fine of 200 dollars.

And it is the prayer of your petitioners that your Excellency in Council will give it due consideration and grant them a speedy reply.

And in duty bound your petitioners will ever pray.

(Signed by 159 inhabitants.)

August 8, 1890.

Inclosure 9 in No. 37.

*Commander Riddel to Captain Sir B. Walker.*

Sir,

"*Pelican*," at Birchy Cove, July 14, 1890.

I HAVE the honour to report that having heard rumours of an outrage on the part of French fishermen at Fox Island River, I communicated with that place on the 13th instant, and ascertained that on or about the 9th June last several French schooners anchored off the river, and that the master of one of them, the "*Beaulieu*," of St. Malo, landed in the forenoon, and broke into the factory belonging to Messrs. Abbott and Hill, smashing the windows, lighting a fire on one of the tables, stealing the locks off the doors of the factory and store-house, as well as some fish, ducks, and ducks' eggs. There appears to have been only one person at the factory at the time, the caretaker, named Dennis Benoit, whose written statement I beg to attach hereto.

2. Benoit also reports that there were rumours to the effect that trawls, the property of Leech, at Bear Cove, had been cut off that place, but by whom it was impossible to say, the persons who committed the act not having been seen whilst so engaged.

I have, &c.

(Signed) D. M. RIDDEL.

Inclosure 10 in No. 37.

*Statement of Denis Benoit, Caretaker of Abbott and Hill's Lobster Factory, Fox Island River.*

ABOUT the 9th June several French schooners came and anchored off the river. Captain Bily, of the brig "*Beaulieu*," from St. Malo, landed about 9 o'clock, and in the morning entered the factory by forcing open the door, took out a board belonging to myself, and his crew broke the windows. Before leaving the factory they lit a fire on one of the tables, but extinguished it on being told not to burn down the factory. Before returning on board they took the locks off the factory and my store-house, also some fish, and the ducks that were sitting on some eggs were turned off the nest and the eggs and ducks stolen. I have been informed that some trawls belonging to Leech, at Bear Cove, were cut, but it could not be ascertained whether the culprits were French or English, but the general opinion is that they were French.

(Signed) DENIS BENOIT, his X mark,  
Caretaker of Abbott and Hill's Lobster Factory.

Witnesses to mark :

(Signed) FREDERIC G. BIRD, Sub-Lieutenant.  
A. ELLIS, Petty Officer.

July 13, 1890.

Inclosure 11 in No. 37.

*Captain Sir B. Walker to Captain Maréchal.*

Sir,

"*Emerald*," at St. John's, July 17, 1890.

I HAVE the honour to bring to your notice the following complaints.

The first has reference to the destruction of property and robbery committed at Fox Island River by the master of the brig "*Beaulieu*," of St. Malo; the evidence of the caretaker Denis Benoit is inclosed.

The other complaint is against some of the crew of the "*Marie Emilia*" of St. Pierre, the evidence of Philip Steele and Francis McHearn being as follows:—



On the morning of the 22nd June they observed a dory hauling their traps; a boat was immediately launched by them in order to ascertain who the offenders were. On their approach being observed, the culprits ceased their depredations and pulled for the "Marie Emilia," and having secured the dory alongside went on board, previously throwing a covering over the lobsters (at least fifty in number) in the bottom of the boat. Steele and McHearn followed the dory to the vessel and lifted this covering in order to convince themselves that no mistake had been made; they then spoke to the master of that vessel on the subject, but he ordered them away from his ship.

I would ask you to deal with the offenders in such a manner as to deter others from committing such acts, also to be good enough to cause the property stolen from the factory to be restored, or compensation for its loss awarded.

I have, &c.

(Signed) B. W. WALKER.

Inclosure 12 in No. 37.

*Captain Maréchal to Captain Sir B. Walker.*

*Croiseur "Le La Pérouse," Port Saunder,  
le 4 Août, 1890.*

M. le Commandant,

J'AI l'honneur de vous accuser réception de votre lettre du 17 Juillet, relative à deux plaintes contre des pêcheurs Français, qui vous ont été adressées.

La première, est du nommé Denis Benoît, gardien d'une factorerie abandonnée appartenant à MM. Abbott and Hill, et située à la Rivière à Benoît ("Fox Island River"), Port-à-Port.

Ce gardien accuse le Capitaine Bily et l'équipage du brick le "Beaulieu" de St.-Malo, d'avoir, le 9 Juin :—

Forcé la porte de la factorerie.

Pris une table lui appartenant.

Essayé d'incendier la factorerie, en faisant du feu sur une table.

Enfin, volé les serrures des portes, ainsi que du poisson, des canards, et des œufs.

Le "La Pérouse" a mouillé devant la Rivière à Benoît le 18 Juin, à côté de douze navires pêcheurs Français venus sur ce point pour y chercher du capelan, et parmi lesquels se trouvait le "Beaulieu."

Un officier a visité tous les navires, et je suis descendu à terre, où une partie des équipages Français se trouvait rassemblée autour des feux allumés sur la plage pour se réchauffer, en attendant l'arrivée du capelan.

J'ai visité l'usine abandonnée, qui ne m'a paru nullement dévastée; tout y était encore en place, sauf les chaudières.

Enfin, j'ai eu une conversation assez longue avec Denis Benoît lui-même, qui ne m'a fait aucune réclamation, quoique je fusse là en même temps que l'équipage incriminé, et qu'une enquête eût été facile à faire. Cependant, dans le courant de la conversation, Denis Benoît fit en effet une vague allusion à la tentative d'incendie de la factorerie, mais elle était si vague que je n'y pris pas garde et si la tentative a réellement eu lieu, il faut avouer que nos pêcheurs n'avaient pas une volonté bien arrêtée d'incendier l'usine qu'on pourrait brûler avec une simple allumette.

Il m'est donc permis de croire, Monsieur le Commandant, que dans ces conditions, le récit des méfaits du "Beaulieu" est une pure invention entrant dans le plan de campagne de calomnies entreprises cette année par certains habitants de Terre-Neuve contre les Français qui pêchent à Terre-Neuve. Le dernier paragraphe de la plainte de Denis Benoît ne laisse d'ailleurs aucun doute à cet égard :—

"Des harouelles Anglaises ont été coupées à l'Anse à l'Ours; quel est le coupable? Est-il Anglais, est-il Français? Personne ne le sait, mais l'opinion générale est qu'il est Français."

En ce qui concerne la plainte contre la "Maria Amélie" de St.-Pierre, elle présente telle qu'elle est formulée, le caractère d'un fait positif avéré.

Il reste à entendre le témoignage du capitaine du navire Français; et je m'empresse, en arrivant à St.-Pierre, de le faire interroger. Vous pouvez être certain, Monsieur le Commandant, que si réellement la conduite du capitaine de la "Maria Amélie" a été aussi indigne qu'elle le paraît d'après les dépositions de Philippe Steele et de Francis MacHern, il lui sera infligé le blâme sévère qu'il mérite.

Agréé, &c.

(Signed) A. MARÉCHAL.

(Translation.)

*On board the cruiser "La Pérouse," Port Saunders,  
August 4, 1890.*

M. le Commandant,

I HAVE the honour to acknowledge the receipt of your letter of the 17th July relative to two complaints against French fishermen which have been addressed to you.

The first comes from one Denis Benoît, caretaker of a deserted factory belonging to Messrs. Abbott and Hill, and situated on the Fox Island River, at Port-à-Port.

This caretaker accuses Captain Bily and the crew of the brig "Beaulieu," from St. Malo, of having on the 9th June—

Forced open the door of the factory.

Taken a table belonging to him.

Attempted to set fire to the factory by lighting a fire on the table.

Lastly, of having stolen the locks of the doors, as well as fish, ducks, and ducks' eggs.

The "La Pérouse" anchored off the river at Benoît on the 18th June, alongside of twelve French fishing-vessels which had come to that place in search of capelin, and amongst which was the "Beaulieu."

An officer visited all the ships, and I landed where a part of the French crews were assembled around fires lighted on the shore to warm themselves whilst awaiting the arrival of the capelin.

I visited the deserted factory, which appeared to me to have been in no way ransacked; everything was still in its place, with the exception of the boilers.

Lastly, I had a rather long conversation with Denis Benoît himself, who made no complaint whatever to me, although I was there at the same time as the accused crew, and although it would have been easy to make an inquiry. In the course of conversation, however, Denis Benoît did, indeed, make a vague allusion to the attempt at setting fire to the factory, but it was so vague that I took no notice; and if the attempt really took place, it must be admitted that our fishermen could not have had any serious intention of setting fire to the factory, which could be burnt down by means of a simple match.

Under these circumstances, therefore, M. le Commandant, I may be allowed to think that the report of the misdeeds of the "Beaulieu" is a pure invention belonging to the series of calumnious attacks which have been made this year by some inhabitants of Newfoundland against the French who fish in Newfoundland. Moreover, the last paragraph of Denis Benoît's complaint leaves no doubt on the subject:—

"Some English trawls were cut at Bear Cove; who is the culprit? Is he English, is he French? Nobody knows; *but the general opinion is that he is French.*"

As regards the complaint against the "Maria Amélie" from St.-Pierre, it bears, in the shape in which it is put forward, the character of a positively asserted fact.

It only remains to take the evidence of the captain of the French vessel, and on my arrival at St.-Pierre I shall lose no time in causing him to be interrogated. You may be sure, M. le Commandant, that, if the conduct of the captain of the "Maria Amélie" has been really so disgraceful as appears to be the case from the depositions of Philip Steele and Francis MacHern, he will be reprimanded as severely as he deserves.

Receive, &c.

(Signed) A. MARÉCHAL.

Inclosure 13 in No. 37.

*Commander Riddell to Captain Sir B. Walker.*

Sir,

*"Pelican," at St. John's, August 15, 1890.*

WITH reference to my letter dated the 14th July, 1890, relative to a report made to the effect that the factory of Messrs. Abbott and Hill at Fox Island River had been broken into by the crew of a French fishing-vessel, the "Beaulieu," and that considerable damage had been done thereby, also that certain British property had been stolen by the same persons, I have the honour to report, for your information, that I visited Fox Island River on the 5th instant, and inspected the factory in question.

I found that two out of the three windows had been broken, and that the third had been removed.

A small door had been broken down and the lock taken off.

There was no table in the factory, nor were there any signs of a fire having been lighted in the place.

I interviewed Denis Benoit, a resident of the place, who on the 13th July had made and signed a statement to the effect that the crew of the French fishing-vessel "Beaulieu" had broken into the factory by forcing open the door, breaking the windows, stealing a board and locks, some ducks and ducks' eggs, and had lighted a fire on the factory table; and on questioning him I found that on that date he was fishing at Shag Island and did not witness any of the acts which he asserted the French had done, but that he made the statement from hearsay evidence only. Under these circumstances I beg to submit that the statement is valueless, and that no credence can be attached to the report as alleged against the French.

I have, &c.

(Signed) D. M. RIDDEL.

Inclosure 14 in No. 37.

*Captain Maréchal to Captain Sir B. Walker.*

*Croiseur "Le La Pérouse," Port Saunder,  
le 3 Août, 1890.*

M. le Commandant,

UN déserteur Français, le nommé Gareau, s'est établi à Brig Baie, où il a construit des deux côtés du havre plusieurs habitations avec leurs dépendances, magasins et chauffauds.

L'une d'elles a été louée à Mr. Shearer pour y établir son usine à homard; une autre est bâtie sur les emplacements des établissements Français de la Pointe de Brig Baie, concédés depuis deux ans au Capitaine Philippe pour y exercer la pêche.

En 1889, dès le début de son installation, notre Capitaine, pour bien démontrer son désir sincère de se livrer paisiblement à ses opérations de pêche et de faire le moins de tort possible à un résident de la côte, préféra s'arranger avec Gareau plutôt que de réclamer l'exercice strict de son droit garanti par les Traités. Quoique gêné à la plage par les chauffauds de Gareau, il s'installa le mieux qu'il put et loua même des magasins de cet homme. Celui-ci se montrait alors on ne peut plus aimable et empressé à aider le Capitaine Philippe.

Depuis, le déplorable caractère de Gareau ne tarda pas à se faire jour, et il ne fut plus possible à nos hommes de conserver de bonnes relations avec lui.

Cette année la situation s'est aggravée à ce point qu'elle est devenue aujourd'hui intolérable; Gareau ne se contente plus d'injurier le Capitaine Philippe, d'exciter ses hommes à la révolte, il est tout prêt à se livrer à des actes de violence.

Il mouille une trappe à morue au milieu des fonds de pêche du Capitaine Philippe, refuse de la lever, et embarque ostensiblement dans sa pirogue deux fusils et un pistolet qu'il charge sur la plage devant tout le monde, criant à haute voix: "Qu'on vienne toucher à ma trappe maintenant!"

Il menace de tuer le gardien Anglais Shepperd des établissements du Capitaine Philippe, et si j'insiste sur ces menaces, Monsieur le Commandant, c'est que cet homme violent est capable de les mettre à exécution, ainsi que le disent les résidents Anglais de la côte, qui le redoutent eux-mêmes. Il aurait déjà en effet, entre autres méfaits à son actif, à moitié assassiné d'un coup de fusil un résident Anglais habitant aujourd'hui Les Fleurs.

Enfin, si je dois en croire l'opinion publique à Brig Baie, Gareau, déjà renié par son propre pays comme déserteur, serait à peu près considéré comme un malfaiteur par les habitants de sa nouvelle patrie.

En résumé, Monsieur le Commandant, le Capitaine Philippe est doublement troublé dans l'exercice de son droit de pêche par Gareau:—

1. Parce que ce dernier s'est établi sur le poste de pêche attribué au Capitaine Philippe par le Gouvernement Français, et s'est approprié les constructions Françaises qui y existaient.

2. Parce qu'il pêche sur les fonds où opèrent nos pêcheurs, les empêche d'exercer tranquillement leur industrie et cela même avec des engins prohibés, la trappe à morue.

3. Parce que par ses outrages, ses violences continuelles, Gareau a créé à

Brig Baie une insécurité qui est devenue absolument intolérable, et dont les autres résidents Anglais eux-mêmes sont victimes tout comme les pêcheurs Français.

Je vous demanderai, en conséquence, Monsieur le Commandant, de vouloir bien prescrire les mesures nécessaires pour que Gareau ne trouble plus la pêche de nos nationaux à Brig Baie, tant par ses opérations de pêche que par son usurpation des plages qui nous sont réservées conformément aux Traités.

Quant aux projets homicides de cet énergumène, dont le caractère violent touche presque à la folie, je pense qu'il devient prudent d'en tenir un certain compte, et qu'il y aurait lieu de prendre, vis-à-vis de Gareau, des mesures préventives, tels que le désarmement, par exemple, qui le rendraient inoffensif.

Agréé, &c.  
(Signé) A. MARÉCHAL.

(Translation.)

*Cruizer "Le La Pérouse," at Port Saunders,  
August 3, 1890.*

M. le Commandant,

A FRENCH deserter, named Gareau, has established himself at Brig Bay, where he has constructed on both sides of the harbour several dwellings, with their annexes, shops, and scaffoldings.

One of them has been let to Mr. Shearer for the establishment of his lobster factory; another is built on the sites of the French establishments at Brig Bay Point, granted two years ago to Captain Philippe for the exercise of his fishing.

In 1889, at the commencement of his occupation, the Captain, in order to show clearly his sincere desire to carry on his fishing operations peacefully, and to do the least possible amount of harm to any resident on the coast, preferred to settle matters with Gareau rather than to demand the strict exercise of his right as guaranteed by the Treaties. Although inconvenienced by Gareau's scaffolding on the shore, he established himself as best he could, and even hired some shops from this man. The latter at that time showed himself as amiable as possible, and anxious to assist Captain Philippe.

Since then the disreputable character of Gareau was not long in showing itself, and it became no longer possible for our men to keep on good terms with him.

This year the situation has become so aggravated, that it is at present intolerable. Gareau is no longer content with abusing Captain Philippe, and exciting his men to revolt; he is quite prepared to have recourse to acts of violence.

He moors a cod-trap in the midst of Captain's Philippe's fishing grounds, refuses to raise it, and ostentatiously puts two guns and a pistol on board his boat, which he loads on the beach before every one, exclaiming loudly, "Now let them come and touch my traps!"

He threatens to kill Shepperd, the English overseer of Captain Philippe's establishments, and if I lay stress on these threats, M. le Commandant, it is because this violent man is capable of putting them into execution, as the English residing on the coast say, who are themselves in fear of him. He is said indeed, amongst other misdeeds to his account, to have already half-murdered, by a gun-shot, an English resident now living at Les Fleurs.

Finally, if I may believe public opinion at Brig Bay, Gareau, already disowned by his own country as a deserter, has come to be considered as a criminal by the inhabitants of his new country.

To sum up, M. le Commandant, Captain Philippe is doubly impeded by Gareau in the exercise of his right of fishing:—

1. Because the latter has established himself on the fishing station allotted to Captain Philippe by the French Government, and has appropriated the French erections which existed there.

2. Because he fishes on the grounds where our fishermen operate, prevents them from quietly pursuing their industry, and that too by means of forbidden implements, the cod-trap.

3. Because by his outrages and continual violence, Gareau has created at Brig Bay a state of insecurity which has become absolutely intolerable, and of which the other English residents themselves are just as much victims as the French fishermen.

I shall therefore request you, M. le Commandant, to be so good as to take the necessary measures for preventing Gareau from impeding the fishery of our countrymen at Brig Bay, both by his fishing operations and by his illegal occupation of the shores which are reserved to us by virtue of the Treaties.

As to the homicidal intentions of this demoniac, whose violent disposition amounts

almost to insanity, I think it becomes advisable to take some note of them, and that preventive measures, such as disarming him, might be adopted towards Gareau, which would render him incapable of further harm.

Believe me, &c.  
(Signed) A. MARECHAL.

Inclosure 15 in No. 37.

*Captain Sir B. Walker to Captain Maréchal.*

Sir, "Emerald," at Port Saunders, August 4, 1890.  
I HAVE the honour to inform you that, as soon as the weather clears, I will proceed to Brig Bay, and make full inquiries into the complaints against Gareau, and will take such steps as may be necessary to prevent any danger of violent action on his part.

I have, &c.  
(Signed) B. W. WALKER.

Inclosure 16 in No. 37.

*Captain Sir B. Walker to Captain Maréchal.*

Sir, "Emerald," August 5, 1890.  
IN accordance with your request, I have this day visited Brig Bay, in order to inquire into the conduct of Louis Gareau, and I have the honour to inform you that I have taken measures to insure the future good behaviour of the above person. He has also been induced to give up his fire-arms.

These steps will, I think, prevent Captain Philippe being further troubled by this person.

I would, at the same time, earnestly request that not only Captain Philippe, but all the French fishermen, should be desired to hold as little intercourse with Gareau as possible, and so prevent any further cause for future irritation.

An officer will constantly visit Brig Bay to insure the peace, which Gareau has been bound over to keep, being preserved.

I have also the honour to say that the cod-trap complained of has been lifted some considerable time, and I have forbidden any further interruption to the French operations on his part.

I have, &c.  
(Signed) B. W. WALKER.

Inclosure 17 in No. 37.

*Captain Maréchal to Captain Sir B. Walker.*

M. le Commandant, Croiseur "Le La Pérouse," Forteau, le 5 Août, 1890.

PERMETTEZ-MOI de vous remercier du très aimable empressement que vous avez mis à aplanir les difficultés soulevées à Brig Baie par la conduite du nommé Gareau, ancien déserteur Français, établis dans ce havre.

La suppression que vous avez ordonnée des armes à feu de cet homme violent, trop enclin à s'en servir contre ses semblables, ramènera la sécurité à Brig Baie, tant pour les pêcheurs Français que pour les résidents Anglais eux-mêmes.

D'autre part, la défense que vous lui avez faite d'employer sa trappe à morue et de continuer à troubler les pêcheurs Français, fera disparaître les seuls obstacles à sa pêche dont le Capitaine Philippe se plaignait.

Ce Capitaine a, d'ailleurs, défendu à ses hommes d'avoir aucune espèce de relation avec Gareau, et dans ces conditions je pense comme vous, Monsieur le Commandant, que toute cause de plainte future est supprimée.

Agréez, &c.  
(Signé) A. MARECHAL.

(Translation.)

*On board the cruiser "Le La Pérouse," Forteau,  
August 5, 1890.*

M. le Commandant,

ALLOW me to thank you for the very amiable promptitude which you have displayed in removing the difficulties at Brig Bay arising from the conduct of one Gareau, a late French deserter, established in that harbour.

The destruction ordered by you of the fire-arms belonging to this violent man, too much inclined to use them against his fellow creatures, will restore a sense of security amongst the French fishermen, as well as amongst the English residents themselves, in Brig Bay.

On the other hand, your forbidding him to use his cod-trap and to continue to impede the French fishermen will obviate the only obstacles to Captain Philippe's fishing of which the latter complains.

Moreover, this captain has forbidden his men to hold any kind of communication with Gareau, and, under these circumstances, I agree with you, M. le Commandant, in thinking that all cause for future complaint has been removed.

Receive, &c.  
(Signed) A. MARÉCHAL.

Inclosure 18 in No. 37.

BRIG BAY.

CAPTAIN PHILIPPE to LOUIS GAREAU.

Date.		Dr.	Cr.
1889.		Dol. c.	Dol. c.
May 15	To 6 panes glass, 10 c. .. ..	0 60	
"	1 spar for launch .. ..	1 00	
"	3½ quarts kerosine oil .. ..	0 35	
"	20 yds. sail cloth, at 18 c. .. ..	3 60	
"	1 broom, 30 c., 6 barrels (20 c.), 1 dol. 20 c. .	1 50	
"	22 panes glass, 10 c. .. ..	2 20	
"	6 lbs. rape, 20 c. .. ..	1 20	
"	1 lot screws .. ..	0 10	
"	3 lamp chimneys, 15 c. .. ..	0 45	
"	3 quarts kerosine oil .. ..	0 30	
"	39½ lbs. s. tarred rope, 20 c. .. ..	7 90	
"	100 wharf longers, 5 c. .. ..	5 00	
"	2½ quarts kerosine oil .. ..	0 25	
"	4 lbs. nails, 32 c.; 11 lbs. sugar, 18 c., 1 dol. 98 c. .. ..	2 30	
"	1 quart molasses, 16 c., 2 lbs. nails, 16 c. ..	0 32	
"	2½ quarts kerosine oil .. ..	0 25	
		27 32	
"	By 5 quarts brandy .. ..	..	1 50
"	36 ditto .. ..	..	10 80
"	15 ditto .. ..	..	4 50
June 27	36 ditto .. ..	..	10 80
"	50 lbs. pitch .. ..	..	0 50

Inclosure 19 in No. 37.

*Captain Maréchal to Commander Riddel, June 24, 1890.*

[See Inclosure 1 in No. 19.]

## Inclosure 20 in No. 37.

*Commander Riddel to Captain Maréchal, June 26, 1890.*

[See Inclosure 2 in No. 19.]

## Inclosure 21 in No. 37.

*Lord Knutsford to Governor Sir T. O'Brien.*

Sir,

*Downing Street, January 5, 1891.*

I HAVE the honour to transmit, for communication to your Ministers, copies received through the Admiralty of Reports in connection with the Newfoundland fisheries, and the proceedings of Her Majesty's ships for their protection during the season of 1890.

I have again to invite the attention of your Ministers to some of the points which I brought to their notice when forwarding similar Reports in respect of the season of 1889.

They will not fail to observe that Vice-Admiral Watson renews his recommendation as to the establishment of telegraphic communication between Brig Bay and Port Saunders. I regret that your Ministers have not as yet taken any steps in this matter, the importance of which, in the interests of the proper regulation of the fisheries and the preservation of peace, is pointed out in these Reports, and I trust that before the next season commences they will have given effect to the wishes of Her Majesty's Government in this matter.

The subject of the marking of fishing-vessels, as to which I addressed you in my despatch already referred to, is again raised by these Reports. It would appear that, in disregard of the orders issued by your Ministers, the provisions of the Merchant Shipping Act on this point are still largely neglected. I need not remind your Ministers of the complaints made by the inhabitants of various parts of the coast, as well as by the French, as to the lawless proceedings of these unmarked vessels, and I trust that your Ministers will not only compel a stringent compliance with the Merchant Shipping Act, but will supplement that Act by a measure dealing with the smaller vessels to which that Act does not apply.

The only other point to which I have to call special attention is the question of the employment of cod-traps, bultows, and jiggers. There can be no question as to the advisability in the permanent interests of the fishery of enforcing stringent regulations as to the use of these instruments, if not of prohibiting them altogether, and I should be glad if your Government would take the matter into consideration, with a view to its being permanently settled in a manner consistent with the due preservation of the fishery, in which so great a part of the interests of the Colony is involved.

I have, &amp;c.

(Signed) KNUTSFORD.

## No. 38.

*Foreign Office to Admiralty.*

Sir,

*Foreign Office, January 10, 1891.*

WITH reference to your letter of the 17th November last, inclosing a copy of Captain Sir B. Walker's Report of the 22nd October last, upon the working of the *modus vivendi* during the late fishing season in Newfoundland waters, I am directed by the Marquis of Salisbury to state to you that it appears to his Lordship that Sir B. Walker has shown much tact and discretion in his dealings with the French Naval authorities, and with the local fishermen.

I am, therefore, to request you to move the Lords Commissioners of the Admiralty to convey to that officer a formal approval of his proceedings, on behalf of Her Majesty's Government.

I am, &amp;c.

(Signed) T. H. SANDERSON.

*The Marquis of Salisbury to the Earl of Lytton.*

My Lord,

Foreign Office, January 14, 1891.

I LEARN from Her Majesty's Secretary of State for the Colonies that, in a recent Report by Captain Sir B. Walker, the Senior Naval Officer on the Newfoundland Station, notice is again drawn to the illicit traffic in spirits which is being carried on in Newfoundland by the masters of certain French vessels frequenting the coast.

Sir B. Walker states that, in settling by arbitration a dispute between Captain Philippe, "Prud'homme" of Brig Bay, and Lewis Garrow, a small local trader, he had received a schedule showing that no less than 92 quarts of brandy had been received by Garrow from Philippe in exchange for miscellaneous stores supplied in May 1889.

This case is an instance of a constant and general practice to which the attention of the French Government has formerly been more than once drawn; and it will be remembered that in the course of the negotiations at Paris, which resulted in the unratified Arrangement of 1885, the French Commissioners were authorized by their Government to declare that, immediately after the ratification of that Arrangement, instructions would be sent to the Commandant of the Colony of St. Pierre and Miquelon for the prohibition to schooners and boats fitted out there for fishing purposes to ship a greater amount of spirituous liquors than should be deemed necessary for the requirements of the crew.

Although the Convention has never come into effect, Her Majesty's Government cannot doubt that the French Government will be ready to do what is in their power to prevent a trade which is not only injurious to the revenues of the British Colony, but indirectly tends to the increase of misery and destitution amongst the inhabitants of the coast, and leads not unfrequently to disputes between British and French subjects.

They have the more reason for confidence in this respect, as the French Declaration of Versailles of 1783 contained a pledge of "constant attention to prevent the Islands of St. Pierre and Miquelon from becoming an object of jealousy between the two nations."

I have to request your Excellency to call the attention of the French Government to the continued existence of this illicit traffic, and to press urgently for the adoption by them of adequate measures for its repression.

I am, &c.  
(Signed) SALISBURY.

*Lord Knutsford to Governor Sir T. O'Brien.*

Sir,

Downing Street, January 15, 1891.

I DULY received your despatch of the 25th June last, inclosing an Address to the Queen passed on the 10th of that month by the Legislative Council and Assembly of Newfoundland,\* having reference to the French rights of fishery on part of the coasts of Newfoundland, and to the *modus vivendi* concluded with the French Government for the fishing season of last year in connection with the lobster fisheries.

I had opportunities of mentioning this subject to the Delegates of the Colonial Government while they were in this country, and it did not appear to me desirable to reply in detail to that Address while other points more urgently requiring attention were under consideration.

The Address commences by referring to the previous Address passed by both Houses of the Legislature in 1889, which denies the right of the French to take lobsters or to erect factories for their preservation: it alludes to the reply returned to that Address which expressed the concurrence of Her Majesty's Government in this view; and proceeds to express surprise and alarm at the arrangement made for a temporary *modus vivendi*. After stating that there is no law under which the French are permitted to erect lobster factories on any part of the coast of Newfoundland, the Address goes on to submit that the Colonial Legislature has full power to legislate for

\* See Inclosure in No. 13.



the fisheries, and refers to two Acts passed in the Sessions of 1889 and 1890 for creating a Fisheries Commission, and for repealing the Act prohibiting the use of cod-traps.

With regard to the proposal for submitting the question of the lobster fishery to arbitration, the Address affirms that there is no question for arbitration, and that the Colony would "be satisfied with nothing short of the immediate removal of every French lobster factory from the shores of Newfoundland." After offering observations on the effect of the French bounties and the exaggerated pretensions of the French in regard to their Treaty rights, and upon the refusal of the French Government to allow a British Consul at St. Pierre and Miquelon, which islands are alleged to be centres of smuggling, the Address concludes by praying that Her Majesty will be pleased to assent to the two Acts above referred to, and that Her Majesty will relieve Newfoundland from its most anomalous and injurious position in relation to the French claims.

Her Majesty's Government have given the views put forward in this Address their very careful consideration, and on many of the points referred to therein as regards the French rights of fishery on the coast they are in accord with the opinions of the two Houses of the Legislature, as is shown in the voluminous correspondence with the French Government, which was presented to the Imperial Parliament last Session; but Her Majesty's Government regret to observe that the Legislature of Newfoundland fails to appreciate the difficulty of urging its views on the Government of France, inasmuch as that Government holds diametrically opposite opinions on the language of the Treaties and Declarations in regard to the rights of French subjects.

Thus, in regard to the lobster fisheries question, Her Majesty's Government agree that the French have no right to erect on the coast lobster factories, or, indeed, any constructions other than those specified in the Treaties; but, on the other hand, it must be remembered that the British Declaration of 1783 undertakes that "in order that the fishermen of the two nations may not give cause for daily quarrels, His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner by their competition the fishery of the French during the temporary exercise of it, which is granted to them upon the coasts of the Island of Newfoundland; and he will, for this purpose, cause the fixed Settlements which shall be formed there to be removed;" and the French Government contends that the British lobster factories, which are alleged to interfere with the French fishing operations, are consequently altogether unlawful, and should be removed.

Whilst this difference of opinion exists between the two Governments, it is impossible for Her Majesty's Government, as was pointed out in my despatch of the 10th November last,\* to "force upon a friendly Power the renunciation of its Treaty rights, to compel the acceptance of an interpretation of those rights which Her Majesty's Government uphold, but which is at direct variance with the interpretation upheld by that Power."

I request that you will communicate that despatch to the Legislature, as well as my despatch to you of the 24th June last. The former explains the result of the interviews which took place with the Delegates of the Colonial Government who were recently in this country, and the latter was written in reply to the Petition to the Queen, signed by a large number of the inhabitants of Newfoundland, and deals with some of the points to which the present Address refers.

In accordance with the wish of the Delegates, Her Majesty's Government lately proposed to the French Government that they should accept a pecuniary indemnity and a statutory permission to purchase bait, as a consideration for renouncing their alleged rights upon the coast and territorial waters of Newfoundland, and abolishing the bounty upon all fish not consumed in French dominions. Her Majesty's Government regret, however, that these proposals have not been accepted.

With regard to the prayer of the Petition, that Her Majesty's assent may be given to the two Acts of the Colonial Legislature respecting the use of cod-traps and the Fisheries Commission, you will inform the Legislature that Her Majesty's Government cannot depart from the instructions which have already been communicated to you with reference to these Acts.

You will inform the Legislature that the Address has been presented to the Queen, who was pleased to receive it very graciously.

I am, &c.  
(Signed) KNUTSFORD.

\* See Inclosure in No. 26.

No. 41.

*Admiralty to Colonial Office.*

Sir,

*Admiralty, January 15, 1891.*

WITH reference to your letter of the 10th November, requesting that inquiries may be made respecting the nature of the French establishment at Le Croc, Newfoundland, I am commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the perusal of the Secretary of State, copy of a letter from the Captain of the "Emerald," dated the 22nd ultimo, on this subject.

I am, &amp;c.

(Signed) EVAN MACGREGOR.

Inclosure in No. 41.

*Captain Sir B. Walker to Vice-Admiral Watson.*

Sir,

*"Emerald," at Bermuda, December 22, 1890.*

WITH reference to the Report called for in your letter of the 17th November, 1890, on the nature of the French establishment at Le Croc, I have the honour to inform you that the buildings at this place have been in existence for some years, and are of a permanent character, being built of stone and roofed.

The establishment in question contains, as represented by the Newfoundland Government, store-houses and gardens.

It has been the custom up to last season for the French to buy their cattle, sheep, &c., at Sydney, Cape Breton, and land them at Le Croc for the use of their cruizers, for until quite lately it was very difficult to obtain fresh meat and vegetables on the coast, and although it is now sometimes procurable, the quantity is limited, and often in very poor condition; vegetables in sufficient quantities are almost unobtainable.

Three men from one of the ships used to be landed and left in charge of the place during the season, being removed again previous to their vessel leaving the coast.

The question of fixed establishments having been brought into prominence of late, the French Commodore decided not to use the dépôt at Le Croc this season, and I have every reason to believe that it will not be occupied again.

The number of French rooms on the east coast is new so small that, except for surveying purposes, the French vessels are very little on it, being principally on the west coast, when Sydney, Cape Breton, answers all their purposes admirably.

When the French Commodore last visited Le Croc he informed the person that it was probably the last time that she would see the French vessels in there. I may add that the payment to the care-takers has always been punctual and liberal, this last season being no exception to the rule.

Should I find that the dépôt at Le Croc is again utilized, I will make an immediate Report of the case.

I have, &amp;c.

(Signed) B. W. WALKER.

No. 42.

*Foreign Office to Colonial Office.\**

Sir,

*Foreign Office, January 16, 1891.*

THE telegrams which have recently been received by the Secretary of State for the Colonies from Newfoundland show that the course of action suggested by his Lordship to the Government and Legislature of that Colony is not likely to meet with acceptance at their hands, and I am desired by the Marquis of Salisbury to request that you will call Lord Knutsford's attention to the mode in which those replies affect the foreign relations of this country.

\* Copy sent to Governor of Newfoundland, January 19, 1891.

The rights which were reserved to France on the western shore of Newfoundland when the portions of the island in French occupation were surrendered in 1713, and which have been confirmed and developed by subsequent international stipulations, were imperfectly defined; and the obscurity of the language used has long been felt to be a serious practical inconvenience. For the past sixty years constant efforts have been made to clear up the disputed points, and to substitute a series of precise rules for the vaguely-worded engagements which at present exist. The views of the Colonists on the one hand, and of the French Government on the other, however, have diverged so widely, that up to very recently negotiations were wholly unsuccessful. In 1885, an arrangement dealing equitably with all the points in dispute was negotiated by Commissioners appointed by Earl Granville, and a modification of it framed to suit the wishes expressed by the Colonial Government was sanctioned by Lord Salisbury shortly after the change of Government in that year. But though it was signed by the Commissioners of England and France, it took no practical effect. Before its signature it had received the approbation of the Government of the island; but a general election and a change of Ministry took place there, and after the signature the Colony, acting under a power reserved to it by Her Majesty's Government, refused its assent to the arrangement which the two Governments had made.

The language of the Colonial Government has been uniformly adverse to any attempt to revive the stipulations which were thus condemned; nor have they suggested any others of a similar kind for the acceptance of the Government of France. During the present year, two members of the Colonial Government who were in England suggested that an attempt to close the controversy should be made, by asking the Government of France to accept, in lieu of all their rights on the shore or in the waters of Newfoundland, some pecuniary satisfaction, and a perpetual engagement to permit the supply of bait to French fishermen for fishing in the open sea. This suggestion, however, was fettered by a stipulation, that the French Government should abandon the system of bounties by which they at present encourage the importation of fish by French fishermen into the French dominions, or should at least limit its application to fish actually consumed in French territory. These proposals, as Lord Knutsford is aware, have been unequivocally declined by the Government of France.

It may be concluded, therefore, that the resources of direct negotiation have been exhausted, and that no method of bringing the controversy to an end by any proposal on the part of Her Majesty's Government to the French Republic now remains. The only method of doing so which is now apparently open to us is to refer the disputed points of Treaty interpretation to an Arbitrator, and to obtain his decision as to the real significance of the stipulations by which this country is bound. In 1889, the conviction had forced itself upon Her Majesty's Government that recourse to this method of settlement was likely to become inevitable in respect to the lobster fishery, and unofficial discussions had taken place with the Representatives of the French Republic in this country, which appeared to make it probable that no great difficulty would be found in devising a reference to an Arbitrator which should be mutually satisfactory. The Colony, however, showed itself very averse to arbitration, and at the request of the Colonial Ministry the matter was put off until after the visit of Sir William Whiteway and Mr. Harvey to this country, in order to give them an opportunity of making proposals by which, in their belief, the difficulty could be arranged. Experience has shown that hope to be unfounded. We are in the presence of the same state of facts as those which confronted us in the winter of 1889. The differences between the conception formed of the meaning of the Treaties by the Colonists and that formed by the French authorities have become so sharp, and apply to practical interests so urgent, that unless they can be settled disorders and conflicts of a serious kind are almost certain to ensue. In view of this state of facts, Her Majesty's Government have asked the Colony to co-operate for the purpose of negotiation or of arbitration, and in the latter event to give legal validity to some intermediate arrangement which should keep the conflicting interests apart until a settlement has been made. In reply to this request, the Colonial Government have taken up an argumentative position which had been more than once obscurely indicated, but never so clearly explained until now. They do not seek for any interpretation of the Treaty stipulations which regulate the rights of the French upon the western shore, and they will not co-operate in any form of accommodation, be it by negotiations or be it by arbitration, which has not the cessation of those rights as an indispensable condition. They dispute the French view of the Treaties; but they object to have the dispute decided by the only peaceful method known to International Law, unless the French will accept a condition which we have no right to impose, and which the French Government have declared in the plainest

terms their intention of refusing. This determination by the Colonial Government is expressed with a clearness and an emphasis which unfortunately leaves no room for doubt as to its signification.

It is impossible not to sympathize with the Colonists in their impatience at the burden of stipulations which seriously interfere both with the economical development of the island and with the prosecution of its most important industry. It is deeply to be regretted that advantage was not taken of the occasions on which, without difficulty, the rights of the French might either have been extinguished, or at least defined. But we have to deal with the facts as they stand before us. The issue raised by the attitude of the Colony is no longer the question which is the right interpretation of the summary language used by the Treaty of Utrecht, or the Declarations of Versailles. It is the question whether the French shall be allowed to exercise any rights whatever over the western shore and its territorial waters.

The existence of some French rights, whatever their exact interpretation may be, is a matter of absolute certainty. The signature of England has been pledged again and again to their acknowledgment. They cannot be repudiated so long as the binding force of any Treaty obligations made in the past is admitted. The honour of England is committed to the acceptance of them, and the nation certainly would never consent to a breach with France incurred in the support of what would be a plain infraction of Treaty right.

It is quite conceivable that the Colonial Ministers should dislike to incur any responsibility in support of Treaty rights which they have no interest in upholding, and the cogency of which may be imperfectly understood by the population of Newfoundland. But their refusal to give us their co-operation in the matter does not relieve this country from the obligations which it has incurred.

Lord Salisbury considers that Her Majesty's Government must take the shortest and plainest method of ascertaining what our international engagements in this matter are, and of carrying those engagements into effect. It appears to him that no time should now be lost in making proposals to the French Government which may lead to arbitration upon, at all events, the most urgent of the matters which are in contest between them. It is hardly to be hoped that this process can be complete before the ensuing fishing season commences. It may be therefore necessary to conclude some intermediate arrangement, which probably would follow the lines of the arrangement made last year, omitting those portions of it which have become inapplicable through the lapse of time. It will be necessary to apply to Parliament to obtain the powers for giving effect to any such arrangement; as it appears from the course of legal proceedings that there is at least doubt whether our officers, in taking steps for that purpose, would be adequately protected against an action at law. The Statute of the fifth year of George IV's reign, which unfortunately was allowed to lapse, will probably furnish the best model for legislation upon this point, as it only aims at securing the performance of international obligations, and does not interfere with the internal affairs of the island.

I am, &c.  
(Signed) T. H. SANDERSON.

No. 43.

*Colonial Office to Foreign Office.\*—(Received January 19.)*

Sir, *Downing Street, January 19, 1891.*  
I AM directed by the Secretary of State for the Colonies to acknowledge the receipt of your letter of the 16th instant, in which, by the direction of the Marquis of Salisbury, you call Lord Knutsford's attention to the mode in which the foreign relations of this country are affected by the replies lately received from the Government of Newfoundland in regard to the French Fishery question.

Lord Knutsford concurs in the conclusion arrived at by Lord Salisbury, that as it has not been possible to come to a friendly arrangement with France in accordance with the stipulations of the Newfoundland Government, it has become necessary to ascertain definitively, without further delay, what are the international engagements of this country in the matter; and that, for this purpose, proposals for arbitration should be made to the French Government. And as some time must elapse before the opinion of an Arbitrator can be given, Lord Knutsford agrees that some provisional arrange-

\* Copy sent to Governor of Newfoundland, January 19, 1891.

ment must again be made for the current year; and that any doubts which may exist as to the legality of the acts done by Her Majesty's officers in controlling the fisheries should be removed by legislation.

His Lordship is considering the provisions of a Bill for this purpose, and is disposed to think that it should be on the lines indicated in the last paragraph of your letter.

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

No. 44.

*Admiralty to Vice-Admiral Watson.—(Received at the Foreign Office, January 20.)*

Sir, *Admiralty, January 20, 1891.*

I AM commanded by my Lords Commissioners of the Admiralty to request that you will convey to the officers in command of Her Majesty's ships "Emerald" (Captain Sir B. Walker, Bart.), "Pelican" (Commander Daniel McN. Riddel), and "Forward" (Lieutenant Scott W. A. H. Gray) the expression of their Lordships' approval of the satisfactory manner in which they have carried out their duties, in connection with the protection of the Newfoundland fisheries during the past season, in which approbation the Secretaries of State for Foreign and Colonial Affairs have signified their concurrence.

2. My Lords also desire that you will inform Sir Baldwin Walker that the Secretaries of State for Foreign and Colonial Affairs have further signified their sense of the tact and discretion shown by him in his dealings with the French Naval authorities and with the local fishermen in Newfoundland, and in these expressions my Lords desire to add their entire concurrence.

I am, &c.  
(Signed) EVAN MACGREGOR.

No. 45.

*The Marquis of Salisbury to M. Waddington.*

M. l'Ambassadeur, *Foreign Office, January 20, 1891.*

I HAD the honour to confer with your Excellency on the day before Christmas Day with reference to the present position of the negotiations respecting Newfoundland; and I conveyed to you the probability that, in view of the recent failure of all attempts to close the question by agreement, we should take an early opportunity of inviting the French Government to refer the principal questions in dispute to arbitration. You expressed a general concurrence in this policy, and intimated your willingness to receive any proposals I might have to make.

I now submit to your Excellency, for the consideration of the Government of the Republic, a proposal to refer the extent and limits of the rights secured to France by the Treaty of Utrecht and subsequent stipulations to the decision of an Arbitrator. The principal questions which separate us on the subject of Newfoundland were stated in my despatch to Lord Lytton of the 24th September, which was communicated by him to M. Ribot.

Taking them in the order of their urgency at the present time, they are as follows:—

1. Do the words "permis de pêcher et de sécher le poisson," employed in the XIIIth Article of the Treaty of Utrecht, apply to all kinds of animals found in the sea; if not, to which kinds is the application limited?

2. Whether Great Britain, by granting to France the right of drying fish and cutting wood along a portion of the shore of Newfoundland, and by promising the removal of "établissements sédentaires," has engaged to prohibit her subjects from erecting any kind of building on that part of the shore, or only those buildings which are concerned with the fishery; and, if so, whether lobster factories are included in the prohibition?

3. Do the Treaties, by prohibiting French subjects from any construction on the shore beyond "échafauds et cabanes nécessaires et usités pour sécher le poisson," prohibit them from erecting removable lobster factories?

4. To what depth inland do the prohibitions against building on the part of British subjects, whatever they may be, extend?

5. Whether, under the true interpretation of the Treaties, Great Britain, in virtue of her sovereignty over Newfoundland, possesses on that part of the coast rights of fishery concurrent with those of France, and equal to them; or only rights which must be so exercised as not to disturb the fishery of France?

The controversy is too familiar to the French Foreign Office for it to be necessary for me to accompany this summary of the questions to be referred by any commentaries or explanations. If there are any amendments to this statement which would, in the view of the Government of the Republic, make it a more satisfactory basis of reference, I shall be happy to consider them. But if, on the other hand, I receive from you an intimation that, for the present at least, this statement of our differences would, in the opinion of the French Government, furnish an adequate material for the judgment of an Arbitrator, and would give the Arbitrator an opportunity of setting at rest the most difficult of the controversies in which we are engaged, I would then proceed to submit, for your consideration, suggestions with regard to the mode in which that Arbitrator should be chosen, and as to the precise terms in which the questions should be placed before him.

I have, &c.  
(Signed) SALISBURY.

No. 46.

*The Marquis of Salisbury to the Earl of Lytton.*

My Lord,

*Foreign Office, February 11, 1891.*

THE French Ambassador called at this Office this afternoon and made the following communication on behalf of his Government in reply to the proposal I had addressed to him for submitting to arbitration the questions at issue between the two Governments in regard to the Newfoundland fisheries.

The French Government accept arbitration as the means of putting an end to the difficulties in regard to the Newfoundland Fisheries which the two Governments desire to adjust. They agree at once that the Arbitrators shall adjudge any questions which may be submitted to them by either Cabinet in regard to the capture and preparation of lobsters.

They think there would be considerable difficulty in settling beforehand the exact issues to be submitted, and that it should be open to either Government to submit to the Arbitrators any question connected with the western shore of Newfoundland, provided that it is one which concerns the capture and preparation of lobsters. They propose that the Board of Arbitration should consist of three jurists, with the addition of one or, if necessary, two members appointed on either side. These latter would act as the mediums of communication between the Tribunal and the two Governments, but would also themselves vote as Arbitrators.

The French Government make their consent to the arbitration dependent upon two preliminary conditions, namely, that the *modus vivendi* agreed upon for last fishing season shall be renewed for the present year, and that they should receive an assurance from Her Majesty's Government that effect will be given to the decision of the Arbitrators whatever it may be.

I informed M. Waddington that these proposals would receive due consideration, and that a reply would be sent to him after consultation with the Cabinet.

I am, &c.  
(Signed) SALISBURY.

No. 47.

*The Marquis of Salisbury to the Earl of Lytton.*

My Lord,

*Foreign Office, February 14, 1891.*

IN accordance with the instructions of the Cabinet, I have to-day informed M. Waddington that Her Majesty's Government agree generally with the French Government in regard to the proposed arbitration on the Newfoundland fishery question.

I had some conversation with his Excellency as to the Arbitrators to be chosen, and as to the place where they should meet.

I said that the best plan would appear to be that the names of several jurists belonging to neutral nations should be suggested by the two Governments, and that three should then be selected from the list. It would, I thought, be necessary to choose persons well acquainted with both English and French.

I added that, speaking from first impressions, it appeared to me that the best meeting-place for the Tribunal of Arbitration would be Brussels.

I am, &c.  
(Signed) SALISBURY.

No. 48.

*Colonial Office to Foreign Office.—(Received February 27.)*

Sir, *Downing Street, February 27, 1891.*

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, an extract from the "Canadian Gazette" of the 12th instant, containing a Notice said to be circulating on the west coast of Newfoundland, alleging that the naval officers have no legal authority for enforcing the provisions of the Treaties with France, and recommending legal proceedings against them.

I am also to inclose copies of telegraphic correspondence with the Governor of Newfoundland on the subject of this Notice.

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

Inclosure 1 in No. 48.

*Extract from the "Canadian Gazette" of February 12, 1891.*

THE NEWFOUNDLAND DIFFICULTY — A REMARKABLE DOCUMENT. — We have received from an unknown quarter through the post this strange document, which we give in its entirety.

It bears this indorsement:—"Copy of document now in circulation among the inhabitants of the west coast of Newfoundland":—

*"Notice.*

"The fishermen and managers of lobster factories on the western coast of Newfoundland, falsely called the 'French Shore,' are earnestly requested to hoist British flags on their boats, nets, and factories during the coming fishing season, to claim the protection of British war-vessels if interfered with by French vessels, and to report as promptly as possible any refusal of British officers to protect them, being careful to give full and true particulars as to circumstances, place, and date.

"It cannot be too widely known that the Act which enabled successive British Governments to enforce French 'claims' has been repealed many years ago, and no power given by the Imperial Parliament or by the local Legislature to enforce those claims exists. Naval officers interfering with British subjects in the exercise of their rights as citizens of the Empire do so at their own risk. Any complaint should be laid before the local Magistrate or Justice of the Peace, who, as representing the civil authority, has more legal power than naval officers, and the officer arrested by warrant if necessary. If an officer 'confiscates' nets, lobster-pots, &c., as has often been done, have him arrested for theft and brought before a Magistrate like any common offender, no matter what his rank.

"No order from the British Admiralty can override the Constitution of Newfoundland. Magistrates and Justices of the Peace are urged to do their duty in asserting the civil power, as no authority exists for 'naval law' as hitherto administered. Civil authority is superior to military or naval, except in time of war.

"Fishermen are cautioned not to sign any paper given by British officers, or make

any promise not to fish in their own waters. No British officer has the power to extort such promises or agreement.

"Pass the word up the coast, that the Empire, especially the Colonies, of which Newfoundland is the oldest, 'expects every Newfoundlander to do his duty.'

"Newfoundlanders! your interests are sacrificed, not by the present or former Newfoundland Governments, but by the English Foreign Office, because it prefers the interests of the rich bankers and bondholders, who have invested their money in Egyptian securities, and want no trouble with France.

"No capital or enterprise will come into Western Newfoundland until the French are out of it!

"Now's the day, and now's the hour!"

"Reliable information should be sent to any of the following:—

"The Patriotic Association, St. John's, Newfoundland.

"Reuter's agent, St. John's, Newfoundland.

"Central News Office, London, England.

"'Newfoundlander,' c. o. Hayward's Exchange, Bristol, England."

Inclosure 2 in No. 48.

*Lord Knutsford to Governor Sir T. O'Brien.*

(Telegraphic.)

*Downing Street, February 19, 1891, 4.40 P.M.*

NEWSPAPER report Notice circulated on west coast, pointing out that naval officers have not legal authority for enforcing provisions of Treaty, and recommending legal proceedings against them. Inquire into truth of report, and send copy of Notice.

Inclosure 3 in No. 48.

*Governor Sir T. O'Brien to Lord Knutsford.*

(Telegraphic.)

*(Received February 20, 1891, 7.23 P.M.)*

REFERRING to your telegram of the 19th February, I caused inquiry to be made from all Stipendiary Magistrates on west coast, who report by telegram that nothing known of reported Notice. They have not seen nor heard of it. Local newspapers yesterday evening published extract from Halifax daily paper giving copy of alleged Notice, which was first time I received intimation.

Inclosure 4 in No. 48.

*Governor Sir T. O'Brien to Lord Knutsford.*

(Telegraphic.)

*(Received February 23, 1891.)*

REFERRING to my telegram of the 20th February, Notice referred to appears to have been handed to Halifax daily papers by John Silver and Company, of Halifax, owners of factories on Treaty Shore.



No. 49.

*Colonial Office to Foreign Office.—(Received March 6.)*

Sir,

*Downing Street, March 6, 1891.*

WITH reference to the letter from this Department of the 27th ultimo, I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, copies of two further telegrams from the Governor of Newfoundland reporting that the Notice advising resistance to the naval officers is now being circulated on the west coast.

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

Inclosure 1 in No. 49.

*Governor Sir T. O'Brien to Lord Knutsford.*

(Telegraphic.)

*(Received March 3, 1891.)*

REFERRING to your telegram of 19th February and mine of 20th and 23rd February: Stipendiary Magistrate at St. George's Bay reports by telegram that Notice referred to is being circulated. I have sent by mail extract from Halifax daily papers containing copy of Notice.

Inclosure 2 in No. 49.

*Governor Sir T. O'Brien to Lord Knutsford.*

(Telegraphic.)

*(Received March 4, 1891.)*

REFERRING to my telegram of 3rd March: Bonne Bay to-day reports by telegram that Notice has arrived there, so that I presume it is being circulated on the whole coast.

No. 50.

*Agreement between Great Britain and France. Signed March 11, 1891.*

THE Government of Her Britannic Majesty and the Government of the French Republic having resolved to submit to a Commission of Arbitration the solution of certain difficulties which have arisen on the portion of the coasts of Newfoundland comprised between Cape St. John and Cape Ray, passing by the north, have agreed upon the following provisions:—

1. The Commission of Arbitration shall judge and decide all the questions of principle which shall be submitted to it by either Government, or by their Delegates, concerning the catching and preparation of lobsters on the above-mentioned portion of the coasts of Newfoundland.

2. The two Governments engage, in so far as each may be concerned, to execute the decisions of the Commission of Arbitration.

3. The *modus vivendi* of 1890 relative to the catching and preparation of lobsters is renewed purely and simply for the fishery season of 1891.

LE Gouvernement de Sa Majesté Britannique et le Gouvernement de la République Française ayant résolu de soumettre à une Commission Arbitrale la solution de certaines difficultés survenues sur la partie des côtes de Terre-Neuve comprise entre le Cap Saint-Jean et le Cap Ray, en passant par le nord, sont tombés d'accord sur les dispositions suivantes:—

1. La Commission Arbitrale jugera et tranchera toutes les questions de principe qui lui seront soumises par l'un ou l'autre Gouvernement, ou par leurs Délégués, concernant la pêche du homard et sa préparation sur la partie susdite des côtes de Terre-Neuve.

2. Les deux Gouvernements s'engagent, chacun en ce qui le concerne, à exécuter les décisions de la Commission Arbitrale.

3. Le *modus vivendi* de 1890 relatif à la pêche du homard et à sa préparation est renouvelé purement et simplement pour la saison de pêche de 1891.

4. As soon as the questions relative to the catching and preparation of lobsters shall have been decided by the Commission, it may take cognizance of other subsidiary questions relative to the fisheries on the above-mentioned portion of the coasts of Newfoundland, and upon the text of which the two Governments shall have previously come to an agreement.

5. The Commission of Arbitration shall be composed :

(1.) Of three Specialists or Jurisconsults designated by common consent by the two Governments.

(2.) Of two Delegates of each country, who shall be the authorized channels of communication between the two Governments and the other Arbitrators.

6. The Commission of Arbitration thus formed of seven members shall decide by majority of votes and without appeal.

7. It shall meet as soon as possible.

Done at London, the 11th day of March, 1891.

(Signed) SALISBURY.  
WADDINGTON.

4. Une fois que les questions relatives à la pêche du homard et à sa préparation auront été tranchées par la Commission, elle pourra être saisie d'autres questions subsidiaires relatives aux pêcheries de la partie susdite des côtes de Terre-Neuve, et sur le texte desquelles les deux Gouvernements seront préalablement tombés d'accord.

5. La Commission Arbitrale sera composée :

(1.) De trois Spécialistes ou Jurisconsultes désignés d'un commun accord par les deux Gouvernements.

(2.) De deux Délégués de chaque pays, qui seront les intermédiaires autorisés entre leurs Gouvernements et les autres Arbitres.

6. La Commission Arbitrale ainsi formée de sept membres statuera à la majorité des voix et sans appel.

7. Elle se réunira aussitôt que faire se pourra.

Fait à Londres, le 11 Mars, 1891.

(Signé) SALISBURY.  
WADDINGTON.

# No. 51.

*M. Waddington to the Marquis of Salisbury.—(Received March 11.)*

M. le Marquis,

Londres, le 11 Mars, 1891.

A LA suite de l'arrangement que nous avons signé en date de ce jour, en vue de soumettre à une Commission Arbitrale la solution de certaines difficultés survenues sur les côtes de Terre-Neuve, le Gouvernement de la République et celui de Sa Majesté la Reine ont désigné d'un commun accord les trois Arbitres dont les noms suivent :—

1. M. de Martens, Professeur de Droit des Gens à l'Université de Saint-Petersbourg.

2. M. Rivier, Consul-Général de Suisse à Bruxelles, Président de l'Institut de Droit International.

3. M. Gram, ancien membre de la Cour Suprême de Norvège.

Les frais généraux de l'arbitrage et les honoraires des trois Arbitres seront supportés par moitié par les deux Gouvernements. Il est bien entendu que la Commission, sauf dans le cas prévu par l'Article 4, écartera de ses discussions les questions qui lui seraient soumises et qui ne seraient pas relatives à la pêche du homard et à sa préparation.

Il est également entendu que le Gouvernement de la République réserve expressément avant la mise à exécution de l'arrangement précité, l'approbation des Chambres Françaises.

Veillez, &c.  
(Signé) WADDINGTON.

[For Translation, see No. 52, which is identical.]

*The Marquis of Salisbury to M. Waddington.*

M. l'Ambassadeur,

*Foreign Office, March 11, 1891.*

WITH reference to the arrangement which we have signed on the 11th of this month for the purpose of submitting to a Commission of Arbitration the solution of certain difficulties which have arisen on the coasts of Newfoundland, Her Britannic Majesty's Government and the Government of the French Republic have designated by common consent the three Arbitrators whose names follow:—

1. M. de Martens, Professor of International Law at the University of St. Petersburg.

2. M. Rivier, Consul-General of Switzerland at Brussels, President of the Institute of International Law.

3. M. Gram, formerly member of the Supreme Court of Norway.

The general expenses of the arbitration and the remuneration of the three Arbitrators shall be borne in equal moieties by the two Governments. It is well understood that the Commission, except in the case provided for by Article 4, shall exclude from its discussions any questions which may be submitted to it which do not relate to the catching and preparation of lobsters.

It is equally understood that Her Britannic Majesty's Government reserve expressly the approval of the British Parliament before the above-mentioned arrangement is put into execution.

I have, &c.  
(Signed) SALISBURY.

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FRANCE. No. 2 (1891).

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FURTHER CORRESPONDENCE respecting the  
Newfoundland Fisheries: 1890-91.

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*Presented to both Houses of Parliament by Com-  
mand of Her Majesty. March 1891.*

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