



NOT PUBLISHED

R E P O R T

OF THE

NEWFOUNDLAND ROYAL COMMISSION,

TOGETHER WITH THE

A P P E N D I C E S,

M I N U T E S O F E V I D E N C E,

A N N E X U R E S,

AND

T A B L E O F C O N T E N T S.

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LONDON:  
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,  
BY WYMAN AND SONS, LIMITED, FETTER LANE.

1899.

Xeroxed from copy at the Foreign & Commonwealth Office Library, London, England

# NEWFOUNDLAND ROYAL COMMISSION.

## REPORT.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY,

1. WE, the undersigned Commissioners, appointed to enquire into the operation of certain Treaties in Newfoundland, and to suggest measures for giving effect to their provisions, humbly desire to submit to Your Majesty the following Report.

2. In order that the various branches of the complicated matter referred to us may be most easily referred to, we have divided the Report into the following headings:—

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### I.—INTRODUCTORY.

3. We left Liverpool, as desired, by the steamer of September 3rd, 1898, and arrived at St. John's on the morning of September 12th. We remained there until the 17th as the guests of the Governor, Sir Herbert Murray, who received us with great kindness and hospitality, and who endeavoured in every way to further the objects of our mission. Amongst other things he recommended to us a capable and trustworthy shorthand writer, Mr. F. Marriott, who proved very useful to us.

Arrival at  
St. John's.

4. On September 17th we proceeded by train to the head of Notre Dame Bay, and next morning embarked on board the Government steamer "Fiona," a small vessel of 273 tons gross and 160 tons net measurement, originally built in England for a pleasure yacht, and in her, after calling at Twillingate, where the inhabitants gave us a public reception and address of welcome (Appendix, No. 1), we went round the Treaty Coast, passing Cape Ray at sunset on October 4th, and anchoring soon after in Port aux Basques. We separated there, Sir James Erskine and Lord Westmeath going overland by train to St. John's, and Sir John Bramston returning to that port

Trip round  
the Coast.  
Return.

INTRO-  
DUCTORY.

in the "Fiona," calling at St. Pierre on the way. We all reached St. John's on the evening of October 6th, and remained there until October 29th, taking evidence and discussing matters with the Colonial Government. We reached Liverpool on November 6th, and have since been engaged in preparing this Report.

5. The weather was fine during our cruise in the "Fiona" until we reached Bay of Islands, where we were detained for two days by a violent gale. The third day we visited the establishments in the Bay, and anchored for the night in Lark Harbour. The following morning, on going to sea, a gale from the south-west prevented our landing at Bluff Head, Port-a-Port, Long Point, or Red Island, as we had hoped to do; we were, however, able on a later day to land at Red Island; but, even then, we had to leave unvisited the French factory at Les Vaches, on the mainland opposite. We were the guests of the Colonial Government while on board, and we received every attention and were well and liberally treated in all respects.

Season too  
far advanced.

6. If the visit of the delegates to England could have taken place two months earlier, so that we might have been on the coast in July and August, we should have prosecuted our inquiries with more satisfaction to ourselves. The weather in those months is more settled, and we could probably have landed everywhere that we wished, the fishery, as well as the lobster catching, would have been at their busiest time. As it was, the cod rooms were being dismantled, and the men were about to leave for France, while the lobster season was nearly at its end, and the packers were preparing to return to St. Pierre, to which place the *poiss pêcheurs* had, with the exception of those at Red Island and Tweed Island, already returned.

Commission  
read :  
meetings  
with  
Ministers.

7. Upon September 13th, the day after our first arrival at St. John's, we read our commission publicly at a representative meeting of all classes held in the Legislative Council Chamber, the Governor presiding, when an address of welcome was presented to us by the town (Appendix, No. 2). We furnished the Ministers with a copy of the Commission, and handed them our Instructions for perusal, leaving the latter with them for two days. The Ministers, with whom we held three meetings, urged the advisability of our being accompanied in our cruise by one of their number, in order that the case for the Colony might be placed fully before us, and our inquiry thus made exhaustive. To this we assented, and Mr. Morine, the Receiver-General, was deputed for the purpose. Having to visit Halifax he left us at Bay of Islands on September 28th, and on our arrival at St. George's Bay his place was taken by Mr. Carty, the acting Attorney-General. While on board Mr. Morine handed to us a Memorandum setting forth the argument of the Government (*see* Appendix, No. 3).

Procedure.

8. We examined every witness brought forward by these gentlemen, and to ensure that none of their points were overlooked we invited them, at the close of our examination, to put questions for themselves to the witnesses. We supplemented this evidence by calling other witnesses for ourselves, by personal observation, by referring to official correspondence and other documents, including the careful and accurate reports of the naval officers which are sent every year to the Admiralty, and were placed at our disposal.

9. We would call attention to the evidence of Commodore the Honourable Maurice Bourke, who, during his commission, has taken great pains to make himself acquainted with the details of this involved and complicated question, and furnished us with much valuable information. We also added to our knowledge by conversation with, and personal inquiry from, persons of all classes and callings, including an interesting conversation with M. des Isles, the French agent. By these means we have formed what we hope is a correct view of the state of affairs on the Treaty Shore. We are glad to take the opportunity of acknowledging the courtesy with which the captains of the French rooms and the lobster packers received us, and the readiness with which they described their operations.

Treaty of  
Paris root of  
difficulty.  
Present state  
of fishery.

10. It seems to us that the root of the Newfoundland difficulty is to be found in the Treaty of Paris, February 10, 1763, by which France lost the Canadian fishery. For within a few days from that date she began to claim rights in Newfoundland. In 1713, by the Treaty of Utrecht, France had given up her claims to Newfoundland, and undertook to make no further claim of right to any part of that Island; and by the same treaty England undertook to allow to French subjects the privilege of catching fish and drying them on land. By the Treaty of Paris, 1763, the liberty of fishing and drying, such as it is specified in Article XIII. of the Treaty of Utrecht, was renewed and confirmed to the subjects of France. As soon as this was

signed the French King claimed an exclusive right to the Newfoundland fishery on the Treaty Shore, thus seeking to make sovereign rights out of the personal privileges allowed to his subjects; and this claim has gone on to the present day. Meanwhile, the fishery allowed to French subjects, that is to say, the shore fishery for cod by the crews of ships coming from France, which employed on the East Coast in 1829 9,378 men, brought out to that coast in 1898 only 113, 63 to Rouge, and 50 to St. Juliens. On the West Coast there were, in 1829, 1,182 men from France attached to the cod rooms; in 1898 there were only 158 men, 40 at St. John's Island and 118 at Fort au Choix. The fishery in fact has dwindled away till it has become a drain upon the public funds of France, instead of a source of wealth to that country (*see annexure to evidence, No. 21*). It is in itself no serious burden upon the Colony, but it serves as a pretext for many annoyances on the West Coast, all of which come from St. Pierre. On the other hand, some trouble is caused on the East Coast by local fishermen from the Bays south of Cape St. John.

INTRO-  
DUCTORY.

11. No serious difficulty occurs on the East Coast between the French fishermen and their neighbours, the English settlers, both parties being generally on good terms. The settlers often obtain in the spring gifts of food which are greatly appreciated by these poor folk after the privations of the hard long winter. But we must add that all Frenchmen on the Treaty Shore either carry on the legitimate fishery of cod by vessels coming from France in ways which are in excess of the privileges conferred on them by the treaties, or carry on illegitimate industries as *petits pêcheurs*, or lobster packers, for which the treaties furnish no warrant, and further, that both results are to a great extent due to the French authorities.

12. The evidence and our Report have run to a greater length than we expected, but it was impossible to curtail them owing to the great variety of the questions, all bearing upon one another, which presented themselves as our inquiry proceeded; while the question of the operation of the treaties necessarily involved the consideration of their terms. In writing this Report we have used the word "rights" to signify the public rights which have been claimed by France, as distinguished from privileges, which word we have used to signify the private rights allowed to the French fishermen by the Treaty of 1713.

Rights—  
Privileges.

## II.—THE TREATIES.

13. The terms of the Treaties are—

### Article 13 of the Treaty of Utrecht, 1713.

"The island called Newfoundland, with the adjacent islands, shall from this time forward belong of right wholly to Britain, and to that end the town and fortress of Placentia, and whatever other places in the said island are in the possession of the French, shall be yielded and given up within seven months from the exchange of the ratifications of this Treaty, or sooner if possible, by the Most Christian King to those who have a commission from the Queen of Great Britain for that purpose. Nor shall the Most Christian King, his heirs and successors, or any of their subjects, at any time hereafter lay claim to any right to the said island and islands, or to any part of it or them. Moreover it shall not be lawful for the subjects of France to fortify any place in the said island of Newfoundland, or to erect any buildings there, besides stages made of boards, and huts necessary and usual for drying of fish, or to resort to the said island beyond the time necessary for fishing and drying of fish. But it shall be allowed to the subjects of France to catch fish, and to dry them on land in that part only, and in no other besides that, of the said island of Newfoundland, which stretches from the place called Cape Bonavista to the northern point of the said island, and from thence running down by the western side, reaches as far as the place called Point Riche. But the island called Cape Breton, as also all others, both in the mouth of the river St. Lawrence, and in the gulf of the same name, shall hereafter belong of right to the French, and the Most Christian King shall have all manner of liberty to fortify any place or places there."

Treaty of  
Utrecht,  
1713.

### Article 5 of the Treaty of Paris, 1763.

"The subjects of France shall have the liberty of fishing and drying on a part of the coasts of the island of Newfoundland, such as it is specified in Article 13 of the

Treaty of  
Paris, 1763.

THE  
TREATIES.

Treaty of Utrecht, which article is renewed and confirmed by the present Treaty (except what relates to the island of Cape Breton, as well as to the other islands and coasts in the mouth and in the Gulf of St. Lawrence) and His Britannic Majesty consents to leave to the subjects of the Most Christian King the liberty of fishing in the Gulf of St. Lawrence on condition that the subjects of France do not exercise the said fishery but at the distance of three leagues from all the coasts belonging to Great Britain, as well those of the continent, as those of the islands situated in the said Gulf of St. Lawrence. And as to what relates to the fishery on the coasts of the island of Cape Breton, out of the said Gulf, the subjects of the Most Christian King shall not be permitted to exercise the said fishery but at the distance of fifteen leagues from the coasts of the island of Cape Breton; and the fishery on the coasts of Nova Scotia or Acadia and everywhere else out of the said Gulf shall remain on the foot of former Treaties."

Article 6 of the Treaty of Paris, 1763.

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

Article 4 of the Treaty of Versailles, 1763.

Treaty of  
Versailles,  
1763.

"His Majesty the King of Great Britain is maintained in his right to the island of Newfoundland and to the adjacent islands, as the whole was assured to him by the 13th Article of the Treaty of Utrecht excepting the islands of St. Pierre and Miquelon, which are ceded in full right by the present Treaty to His Most Christian Majesty."

Article 5 of the Treaty of Versailles, 1763.

"His Majesty the Most Christian King, in order to prevent the quarrels which have hitherto arisen between the two nations of England and France, consents to renounce the right of fishing, which belongs to him in virtue of the aforesaid Article of the Treaty of Utrecht, from Cape Bonavista to Cape St. John, situated on the eastern coast of Newfoundland, in fifty degrees north latitude; and His Majesty the King of Great Britain consents, on his part, that the fishery assigned to the subjects of His Most Christian Majesty, beginning at the said Cape John, passing to the north and descending by the western coast of the island of Newfoundland, shall extend to the place called Cape Ray, situated in forty-seven degrees fifty minutes latitude. The French fishermen shall enjoy the fishery which is assigned to them by the present Article as they had the right to enjoy that which was assigned to them by the Treaty of Utrecht."

Article 6 of the Treaty of Versailles, 1763.

"With regard to the fishery in the Gulf of St. Lawrence, the French shall continue to exercise it conformably to the 5th Article of the Treaty of Paris."

British Declaration, Signed at Versailles, 3 September, 1763.

Declarations  
of 1763.

"The King, having entirely agreed with His Most Christian Majesty upon the articles of the Definitive Treaty, will seek every means which shall not only insure the execution thereof, with his accustomed good faith and punctuality, but will besides give, on his part, all possible efficacy to the principles which shall prevent even the least foundation of dispute for the future."

"To this end, and in order that the fishermen of the two nations may not give cause for daily quarrels, His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner by their competition the fishery of the French during the temporary exercise of it which is granted to them upon the coasts of the island of Newfoundland; and he will for this purpose cause the fixed settlements which shall be formed there to be removed. His Britannic Majesty will give orders that the French fishermen be not incommoded in cutting the wood necessary for the repair of their scaffolds huts and fishing vessels."

"The 13th Article of the Treaty of Utrecht, and the method of carrying on the fishery, which has at all times been acknowledged, shall be the plan upon which the fishery shall be carried on there; it shall not be deviated from by either party; the French fishermen building only their scaffolds, confining themselves to the repair of their fishing vessels, and not wintering there; the subjects of His Britannic Majesty, on their part, not molesting in any manner the French fishermen during their fishing, nor injuring their scaffolds during their absence."

"The King of Great Britain, in ceding the islands of St. Pierre and Miquelon to France, regards them as ceded for the purpose of serving as a real shelter to the French fishermen, and in full confidence that these possessions will not become an object of jealousy between the two nations; and that the fishery between the said islands and that of Newfoundland shall be limited to the middle of the Channel."

#### French Counter-Declaration, Signed at Versailles, 3 September, 1763.

"The principles which have guided the King in the whole course of the negotiations which preceded the re-establishment of peace, must have convinced the King of Great Britain that His Majesty has had no other design than to render it solid and lasting by preventing as much as possible, in the four quarters of the world, every subject of discussion and quarrel."

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

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

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

#### Article 15 of the Treaty of Amiens, 1802.

"The fisheries on the coast of Newfoundland, and of the adjacent islands, and in the Gulf of St. Lawrence, are placed on the same footing as they were before the war."

Treaty of  
Amiens, 1802.

#### Article 8 of the Treaty of Paris, 1814.

"His Britannic Majesty, stipulating for himself and his allies, engages to restore to His Most Christian Majesty, within the term which shall be hereafter fixed, the colonies, fisheries, factories, and establishments of every kind which were possessed by France on the 1st January 1792, in the seas, on the continents of America, Africa, and Asia, with exception, however, of the islands of Tobago and St. Lucia, and of the Isle of France and its dependencies, especially Rodrigues and Les Sechelles, which several colonies and possessions His Most Christian Majesty cedes in full right and Sovereignty to His Britannic Majesty, and also the portion of St. Domingo ceded to France by the Treaty of Basle, and which His Most Christian Majesty restores in full right and Sovereignty to His Catholic Majesty."

Treaty of  
Paris, 1814.

#### Article 13 of the Treaty of Paris, 1814.

"The French right of fishery upon the Great Bank of Newfoundland upon the coasts of the island of that name, and of the adjacent islands in the Gulf of St. Lawrence, shall be replaced upon the footing in which it stood in 1792."

#### Article 11 of the Treaty of Paris, 1815.

"The Treaty of Paris of the thirtieth of May One thousand eight hundred and fourteen, and the final act of the Congress of Vienna of the ninth of June One thousand eight hundred and fifteen are confirmed, and shall be maintained in all such of their enactments which shall not have been modified by the Articles of the present Treaty."

Treaty of  
Paris, 1815.

## III.—HISTORICAL SKETCH.

Newfound-  
land a British  
island. Acts  
of dominion.

14. Before considering the effect of these treaties, a short historical sketch will explain the relative position, as we understand it, of the contracting parties at the date of the Treaty of Utrecht, namely, that Newfoundland had been a British possession for 130 years at the least, that the island was for the most part desolate and uninhabited, and that during the last 50 years of this period the French had a time of peace taken possession of parts of the coast, and claimed the whole island. At that date the only valuable part of the island was its territorial waters which teemed with cod fish, and had attracted the fishermen of various European nations. We need scarcely add that the right of fishing in these territorial waters belonged, as in other places, to the Sovereign of the adjoining land, who in this case was the King of England.

15. Newfoundland had been in 1497 claimed for King Henry VII. by an English expedition under John Cabot. Formal possession of the whole island was taken in 1583 by Sir Humphrey Gilbert on behalf of Queen Elizabeth, and he then, by virtue of his Commission, proceeded to make grants of land to various British subjects. Repeated acts of dominion followed. In 1615 a Court of Admiralty was established. In 1623 and previously grants of land were made by the Crown. In 1637 King Charles I. by Letters Patent ordained that 5 per cent. of their catch should be levied from all strangers who used any part of the shore for drying their fish. The French had a few years before obtained leave to fish on the coast, and in 1639 a protest against this tax was made by Monsieur Pomponne de Bellelièvre, the French Ambassador, but without success. The tax was continued till 1672, when it was ultimately remitted by King Charles II.

Partial  
occupation  
by France.

16. There were but few inhabitants in the island, and in 1662 the French, while the two nations were at peace, occupied and fortified Placentia, a settlement on the east side of the large bay of that name on the South coast. They drove out the British settlers and issued commissions to governors purporting to exercise sovereignty over the whole of Newfoundland, notwithstanding the presence of British officials at St. John's. From Placentia the French spread themselves along the South and West coasts for the fishing, but there is no record, so far as we can learn, of any permanent habitations elsewhere than at Placentia; St. John's was temporarily in their possession during the war at the beginning of the 18th century. Eventually all claims to the island and its sovereignty were abandoned by the French in the Treaty of Utrecht.

Blue Book,  
C. 6044.

17. The Marquis of Salisbury goes fully into the subject in his Note of July 9th, 1889, to M. Waddington, the French Ambassador, replying to His Excellency's assertion that the French fishery rights were part of the ancient sovereignty of France which she had never weakened nor alienated (C. 6044, p. 252). That note, we believe, has not been answered, though arguments based upon sovereignty will doubtless continue to appear in French unofficial writings. For, as is well known, French sentiment clings to the coast of Newfoundland, as being the last relic of their North American possessions, without, perhaps, sufficiently realising that Newfoundland was never part of Canada, but always had a separate political existence, and a history of its own.

Deed of  
grant by  
Louis XIV.

18. We have seen a copy, taken from the original, which is still in existence, of a grant dated 11th August 1709, by King Louis XIV. to a French subject, M. Costabelle, described as Governor of Placentia, and his heirs for ever, of Point Verte, near Placentia. The land comprised in this grant was included in the grant made to Sir George Calvert, afterwards Lord Baltimore, by King Charles I. in 1623, of which the boundaries are quoted in Prowse's History, page 131. We are unable to suggest by what means or at what date the land can have passed from one Crown to the other. On this point we would draw attention to the Declaration of War in 1689, in which King William III. stated: "It is not long since the French took licences from the English Governor of Newfoundland to fish in the seas upon that coast, and paid a tribute for such licences as an acknowledgment of the sole right of the Crown of England to that island, and yet, of late, the encroachments of the French upon our said island, and our subjects' trade and fishery, have been more like the invasions of an enemy than becoming friends, who enjoyed the advantages of that trade only by permission." This Declaration, as well as the Act of Parliament of 1699 (10 & 11 William III., Cap. 25), applying to the whole of the island, and forbidding aliens to fish or trade, are cited by Lord Salisbury in his Note (C. 6044, p. 257).

19. As a matter of fact the French can have possessed no valid title either to the land or its sovereignty; but even if they had possessed such a title it was definitely abandoned by the Treaty of Utrecht, which declares (Art. XIII.) that Newfoundland "shall from this time forward belong of right wholly to Britain," and that neither the King of France, his heirs and successors, or any of their subjects "shall at any time hereafter lay claim to any right to the said island or any part of it." . . . . . "But it shall be allowed to the subjects of France to catch fish and to dry them on land."

HISTORICAL  
SKETCH.

20. The right of the British King to the Sovereignty of the Island was again acknowledged by the Treaty of Versailles, 1783, which states (Article IV) that "His Majesty the King of Great Britain is maintained in his right to the Island of Newfoundland and the adjacent island, as the whole were assured to him by the 13th Article of the Treaty of Utrecht, excepting the Islands of St. Pierre and Miquelon."

21. British subjects, in fact, fish by right of the Queen's sovereignty; French citizens by virtue of the personal privileges allowed to them by Treaty, a fundamental distinction which seems to have been at times lost sight of. It follows that while British subjects may do everything connected with the fishery or the use of the land that is not expressly forbidden by the Treaties, the French may do lawfully only such things as are expressly allowed by those instruments. This must equally be the case whether the British sovereignty dates from 1497 or from 1585, or even, if such were the case, only from 1713.

British  
sovereign  
rights.  
French  
privileges.

#### IV.—FRENCH ORDINANCES AND DECREES.

22. Leaving aside for the present the question of buildings and of St. Pierre, attention is invited to the Treaty of Utrecht, which, after declaring that Newfoundland from that time forth "shall belong of right wholly to Britain," and that neither the French King nor "any of his subjects shall at any time thereafter lay claim to any right to the said island or any part of it," or to "resort to the said island beyond the time necessary for fishing and drying of fish," proceeds, "that it shall be allowed to the subjects of France to catch fish and to dry them on land" on certain parts of the coast. The limits of their fishing are now different, having been altered by the Treaty of Versailles in 1783. The French, however, have claimed territorial rights in the island, and an exclusive right to the fishing in the territorial waters which are part of the island, and they have claimed the whole shore line to the exclusion of all British subjects and the stoppage of all British industry along this line. The laws of the colony have not been recognised, the officials of Your Majesty's Government of Newfoundland ignored, and the right of Your Majesty to grant to a British subject a few yards of the coast line for any purpose, even to erect a wharf, or to make a road to the interior, has been denied.

French  
claims of  
right.

23. In support of these claims, forcible acts are from time to time done by French authorities on sea and on land. They habitually visit harbours where no Frenchman is fishing, with the object, apparently, of watching British subjects. The Treaties give no authority for such acts, and we are unable to suggest any, unless they are done in the supposed exercise of French sovereignty or are the outcome of the French laws to which we shall immediately refer. Without going back to earlier instances, we cite the following cases of action against individuals which came under our immediate notice. In 1883 a French man-of-war forced British subjects to stop working a mine at Mings Bight, the officer pointing to the guns of his ship when the Englishmen demurred (Evidence of D. J. Henderson, Answer 1809). In 1888 a French man-of-war ordered two British subjects, named Murphy and Andrews, to take down a lobster factory which they had erected at Hauling Point, White Bay (Evidence of A. McDougall, Answer 2003, and of R. Andrews, Answer 2023), in order that a French citizen might build one at that spot, but this order was not obeyed until repeated by a British Officer. In 1887 the French Commodore sent a warning to the inhabitants of St. George's Bay that in the following year the French were coming to take bait for themselves, and that they were not to interfere. In 1890, at the same place, a French officer required the removal of certain British nets. In 1891 another French officer issued a proclamation forbidding the local fishermen to sell their bait to any but French fishermen

Acts done in  
assertion of  
claims.

FRENCH  
ORDINANCES  
AND  
DECREES.

(paragraph 154). In 1896 a French man-of-war chased some British fishermen ashore (Evidence of the first four witnesses), although no Frenchmen were fishing within five to six miles of the place. In the same year Mrs. Park (page 113) complains that she was compelled to remove her salmon nets in Bay of Islands to make room for French nets, which were at once put down in their place, but in this case it was a question of the limits of a French lobster factory. In 1898 a boat's crew landed from a French man-of-war and took surveys of the line of railway near the mouth of the Humber river, which is 138 miles by water from Port au Choix, the nearest French cod-room, as well as of the railway wharf at the same place (Appendix No. 4). In 1898 also, the French brought out a house in sections, which they erected on the shore of St. George's Bay. They afterwards removed this house, so we did not see it; but our informant who showed us the place, and who was present during its erection and also saw it being taken down, described it as a building of good class with painted panels; it was not a fisherman's hut, but was, so he was informed, intended for the French agent. There is no French cod-fishery nearer than Red Island, 45 miles distant. As there are some 4,000 British subjects living in St. George's Bay, and as there has been no French cod-room in that bay for at least 40 years, we do not understand what such an agent would be doing there, or on what grounds the erection of such a house could be justified. We can only report what we saw and heard.

French Laws,  
1803-1894.

24. The French Government claim that the French fishermen, whether on sea or on the shore, are subject only to French law. They make laws, not only for regulating the relations of French citizens among themselves, including, in case of offences, the exercise by the managers of the functions of a *juge de paix* (Articles 17 and 18 of the Decree of 1894) but for regulating the occupation of the soil by allotting portions of the coast to French merchants for terms of years as though France were owner of the soil, and for doing this in a manner which has had the effect of giving to the same individual a permanent tenure of the same place. These laws also purport to restrict the liberty of British subjects in British waters, and the naval forces of France are employed to enforce these laws.

Allotments  
of land.

25. The laws to which we refer are a series dated 1803, 1815, 1821, 1842, 1852, 1894, styled under the Monarchy, Royal Ordinances (*Ordonnances du Roi*), and, under the Republic, Presidential Decrees (*Décrets du Président*). The ancient method of fishing, from which the Declaration of 1783 forbids either country to deviate, was that the ships of both countries on arriving from Europe chose in order of arrival their places for the season, dried their fish in that place, and had no claim to reoccupy the same place the following year. But the French Ordinance of 1803 established a system by which the fishing merchants meeting in France drew lots for places on the shores of Newfoundland and retained them for three years.

26. An interval of war followed, and after peace was made the term was extended to five years by the Ordinance of 1815, and this term has continued in the series down to 1894, with many minute regulations as to the drawing. The whole coast-line is declared open to selection by all the men sending the larger ships having the first choice, and as these regulations allow for exchange of places, the same men can occupy the same place for 25 years or more in succession. The captain of every ship receives a document of title from the French Government, called a *bulletin de mise en possession*. (See Article 14 of the Decree of 1894.) We submit that this system of regulating the occupation of British soil is not only an infraction of the treaty but an assumption of sovereign rights belonging to Your Majesty.

Improvement  
in buildings.

27. The Treaties specify with particularity the nature of the buildings which the French are allowed to erect on shore. We shall show later that the buildings do not comply with the treaties, as might be expected from the following sentence which is found as far back as the Ordinance of 1821, shortly after the introduction of the five years' system. "Il est même expressément recommandé à tout capitaine d'améliorer la place qu'il occupe." "Every captain is expressly advised to improve the place which he occupies"; an injunction with which he is naturally ready to comply, with the result that the buildings under the present more permanent tenure are of a very different character to the temporary huts which used to be put up for occupation during the five or six summer months of a single fishing season.

28. The Decree of 1894 (*see* Appendix 5) has introduced a further innovation, for in its 5th Article it says:—

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ORDINANCES  
AND  
DECREES.  
Red Island.

“Par exceptions aux dispositions qui précèdent, le havre de l'Île Rouge situé à la côte Ouest de Terre Neuve fera l'objet d'un tirage à part auquel seront admis tous les armateurs, sans distinction, mais seulement à titre individuel.”

“La durée de la concession de l'Île Rouge sera de cinq ans comme pour les autres places, et, pendant cette période, l'occupation en sera obligatoire pour le concessionnaire, qui ne pourra, dans aucun cas, faire occuper ce havre par un autre armateur. Un personnel de 90 hommes au moins sera affecté à l'exploitation du dit havre quatre places de bateau y seront réservées ainsi que dans le havre de Codroy situé à la même côte aux pêcheurs de St. Pierre et Miquelon qui voudront exercer leur industrie sur ces deux points.”

*Translation.*—“As an exception to the preceding arrangements, the harbour of Red Island, situated on the West coast of Newfoundland, shall be the subject of a separate drawing, to which all armateurs shall be admitted without distinction of residence, but solely as individuals (à titre individuel).”

“The concession for Red Island shall last for five years, as for other places, and during that period the grantee (concessionnaire) is bound to occupy, and cannot under any circumstances cause this harbour to be occupied by another armateur.”

“Ninety men at least shall be attached to the fishery in the said harbour; four places for boats shall be reserved there, as well as in the harbour of Codroy, situated on the same coast, for the fishermen of St. Pierre and Miquelon, should they wish to exercise their industry at these two points.”

29. It is not at first sight apparent why this new article should have been introduced in 1894, for no fishermen from France have been allowed to occupy Red Island for the last fifty years, as is shown by a note to the Tableau de Repartition (Schedule of Allotment) for 1852, stating that Red Island, as well as Codroy and St. George's Bay, were to continue to be reserved for the little schooners of St. Pierre and Miquelon. It even appears that the French Government had, about that date, given a concession in perpetuity of Red Island to the Compagnie Générale Maritime de France, which seems to have been an association formed at St. Pierre, for the concession formed the subject of indignant protests by some of the merchants at their meeting on the 6th of January 1857. It seems, however, probable that the mention in the Article of the boats of St. Pierre and Miquelon furnishes the clue, and that the object of the new rule was to give an appearance of regularity to the incursion of the *petits pêcheurs*, who have no business to be on the coast at all (*see* paragraph 120). A. M. Poirier of St. Pierre had for a good many years held Red Island, but he abandoned it at the end of 1896, and in 1898 it was occupied by M. Chrétien with a party of 24 Petits Pêcheurs.

30. Still more worthy of notice is the 19th Article of this Decree, in which the following paragraph for the first time appears:—

Restrictions  
on British  
subjects.

“Aucun sujet Anglais ne devra pêcher sur les points où les Français pratiquent cette industrie, et les capitaines des bâtiments non titulaires de place ont au même titre que ceux pourvus d'une concession le droit de s'opposer à la concurrence illicite des indigènes ou des goélettes nomades. Les capitaines auront le devoir de signaler les délinquants aux croiseurs de la station.”

*Translation.*—“No British subject may fish at the points where the French practice this industry, and the captains of vessels to which a room is not assigned have equally with those which are provided with rooms the right to resist the illicit competition of the native settlers or of the nomadic schooners. It will be the duty of the captains to report the offenders to the cruisers on the station.” There is little doubt that not only the captains of rooms, but also the lobster catchers and *petits pêcheurs* from St. Pierre, act up to the spirit of this regulation, and it will be seen from the evidence of the first three witnesses and of Edward White (Answers 354-402) how the commanders of the French cruisers interpret this Article. The complaint of Elias Burt (Appendix No. 6) shows what occurred in 1898. We obtained a copy of the Decree of 1852 from which we worked back to 1803, the three first being in the *Bulletins des Lois* for their respective years, while those of 1821 and 1842 are contained in the State papers, Vol. 47. So far as such laws deal only with the relations of the French fishermen among themselves, they do not seem to furnish

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AND  
DECREES.

ground for objection; but the case is different in so far as they purport to give titles to British soil, especially in an island where the Treaty of Utrecht forbids France to make any claim of right, or so far as they purport to give authority to captains of French fishing vessels to interfere with British subjects in British waters. The Decree of 1894 seems to have been brought to notice by our asking for a copy. The 19th Article appears to have gone further than any, and it is evident that such a provision can have no validity in Newfoundland without the express sanction of Parliament, and we are not aware that it has been brought under its cognizance.

Possible  
effect of  
making laws.

31. Although the inconvenience caused by the permanent tenure may not have been sufficient to require that serious notice should be taken of this infraction, yet it does seem that this claim to make laws restricting the liberty of action of British subjects in British waters and to enforce such laws by the naval forces of France might justify Your Majesty in treating as forfeited the privileges of fishing granted to French fishermen by the 13th Article of the Treaty of Utrecht, upon the principle that the non-observance of an International agreement by one party *ipso facto* releases the other party.

32. But even if Your Majesty should be unwilling to deny the coast to French fishermen on the ground that their privileges have been abrogated by the action of their own Government, yet, we shall submit presently that the British Crown is released from the Declaration of 1783. Before proceeding to this branch of the subject we propose to examine the French claim of exclusive rights upon its merits apart from the legal aspect to which we have referred.

#### V.—FRENCH FISHERY : EXCLUSIVE RIGHTS.

Extent and  
nature of  
shore line.

33. The Treaty Coast extends from Cape St. John to Cape Ray passing by the north, and the Admiralty Hydrographer calculates that, by keeping from headland to headland, a ship would steam a distance of 445 miles, while by following the high water mark over the same extent of coast round all its sinuosities, but omitting all the islands, and the very minor irregularities which a man would have to follow if he walked it, the total distance would be 1,388 sea miles. Upon this basis the shore line would, if these islands and minor indentations were included, probably not be less than 2,000 miles. It must, however, be understood that a great portion of this coast line is from its exposure unsuited to the drying of fish by the crews of ships from France. These ships require a sheltered anchorage where they lie in a harbour possessing sufficient open ground for drying, and where their stages are not likely to suffer from storms in the open months, or to be destroyed by the drift ice in the winter. Past experience has shown where these places are to be found.

Very little  
used by  
French.

34. There are, however, at the present time, some 14,000 British subjects living on the shore between the two capes. There were in the past season, within these limits, only four French establishments carrying on the legitimate fishing for cod by the crews of vessels coming from France; and allowing the liberal estimate of half a mile to each establishment, they only occupy two miles of the shore. Adding the lobster-men and the *petits pêcheurs*, not more than ten miles out of the whole were occupied by Frenchmen in 1898. We are within the mark in naming ten miles, and it will be seen what a fraction of the strand is really used by the French, although they claim exclusive rights over the whole.

Meaning of  
French  
claims.

35. We have endeavoured to trace the origin of these alleged rights, for the claims which have at times been advanced would, if established, appear to mean that during part of the year France would possess sovereign rights on sea and on land as regards the fishery, while Britain would retain all other rights of sovereignty, as well as the entire responsibilities of the sovereign power, and on the departure of the French fishermen would resume that part of the sovereignty which had been temporarily held by France, to which power it would again revert at the opening of the next fishery season.

36. The Treaty precludes the French from resorting to the island in the winter months, so that during that period the British Crown must have full sovereignty, and indeed France does not claim sovereignty at that time, for on June 27, 1764, M. de Guerchy, the French Ambassador, writes to the Earl of Halifax: "Je déclare de

nouveau à Votre Excellence que le Roi mon maître abandonne à la justice de Sa Majesté Britannique tous pêcheurs François qui sous prétexte de garder des effets de pêche, s'aviseroient de rester pendant l'hiver sur les côtes de Terre Neuve."

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FISHERY:  
EXCLUSIVE  
RIGHTS.

It is evident that a position so anomalous could not be created except by very precise language in some Treaty between the two countries, but the words of the Treaty of Utrecht are: "The Island of Newfoundland . . . shall from this time forward belong of right wholly to Britain, . . . Nor shall the most Christian King, his heirs and successors, or any of their subjects, at any time hereafter lay claim to any right to the said island and islands, or to any part of it or them . . . But it shall be allowed to the subjects of France to catch fish and to dry them on land."

37. So far as we can learn, this claim of exclusive right, which is simply in itself a breach of the undertaking not to lay claim to any right, rests upon nothing more definite than the assertions of French officials, assertions continually repeated for more than a hundred years, and as continually denied by Britain. The claim seems not to have been heard of for the first fifty years after the signature of the Treaty of Utrecht, but on March 1, 1763 (Appendix No. 7), three weeks after the signature of the Treaty of Paris, the Earl of Egremont (Secretary of State) writes to the Duke of Bedford (Ambassador at Paris) recording an extraordinary conversation which he had held a few days before with the Duc de Nivernois (French Ambassador), in which the latter claimed that by the Treaty of Utrecht the French had an exclusive right to the fishery from Cape Bonavista to Point Riche. On referring to the Treaty of Utrecht without effect he desired to look at the Treaty of Commerce, but on turning this over he found no mention of Newfoundland in it. The Duke of Bedford, in his reply on March 8, 1763 (Appendix No. 8), reported that the Duc de Praslin had expressed himself as grieved at the dispute which had arisen on this subject, "especially as by the words of the 13th Article of the Treaty of Utrecht renewed in the present Treaty, France could solely found her claim of fishing and curing on a specified part of the Island of Newfoundland to which they did not pretend to have an exclusive right, and, consequently, there seemed to be no occasion at this time of laying claim to a right which was not even disputed by them." The Duc de Praslin, however, appears to have modified this disclaimer a few weeks later, and the claim was soon revived in full force to be only rejected by England whenever it was advanced.

Exclusive  
right claimed  
by the Duc  
de Nivernois  
but not trace-  
able in Treaty  
of Utrecht.

38. In a Memorandum from the French Government of May 8, 1766, we find the expression "L'objet des plaintes énoncées . . . porte sur la violation du droit territorial, un bâtiment Anglais armé s'étant emparé d'un navire soit Anglais ou Français (car la différence de la nation n'y fait rien) . . . sur les côtes appartenantes à la France." This language, and without multiplying instances, the claim of sovereignty raised by M. Waddington in December 1888, and the attitude of the French smuggler who in October 1898 (see Appendix 9) defied the Customs officers on the ground that he was on French soil, seem to be impossible to be reconciled with the plain words of the Treaty of Utrecht.

Claims not  
reconcilable  
with the  
Treaty.

39. On February 21, 1776, Viscount Stormont, writing from Paris to Viscount Weymouth, records a conversation which he had held with M. de Vergennes, who had said: "I doubt M. de Guines did not put the thing upon the proper footing; there may be no direct violation of the Treaty, but Treaties between Great Powers that mean to live in friendship are always to be construed in a fair, liberal manner. If we were to interpret the right of fishing which the Treaty of Utrecht gives us into an exclusive right of fishing upon that coast, it would be a strained and false construction. If on the other hand, you, by settlements which may not be directly contrary to the letter of the Treaty, preclude us from the exercise of the right that is given us, you act unkindly and in effect take that right away."

French view  
in 1776.

40. It seems also that in 1783 France again admitted that no exclusive rights existed, for the correspondence relating to the negotiations shows that the French failed to obtain the introduction of the word "exclusif" into the Treaty of Versailles or into the accompanying Declarations. In proof that no exclusive right existed, we beg to refer to the Third Article of the Treaty of Peace with the United States, signed on September 3, 1783, the same day as the Declaration of Versailles, by which King George III. gave to American citizens the right of fishing in the waters of Newfoundland, the words being: "The inhabitants of the United States shall

England  
refuses to in-  
sert exclusive  
rights in  
Treaty of  
Versailles.

**FRENCH  
FISHERY :  
EXCLUSIVE  
RIGHTS.**

Treaties with  
U.S.A., 1782  
and 1818.

“ have liberty to take fish of every kind on such part of the Coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that Island).”

41. It will be observed that this language is wanting in precision, and disputes arose between the two Signatories as to its effect. These disputes were arranged by a subsequent Treaty signed in London on October 30, 1818, of which the first Article states that “ Whereas differences have arisen respecting the liberty claimed by the United States, for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbours and creeks of His Britannic Majesty's Dominions in America, it is agreed between the High Contracting Parties, that the inhabitants of the said United States shall have, for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the Southern Coast of Newfoundland which extends from Cape Ray to the Rameau Island; on the Western and Northern Coast of Newfoundland, from the said Cape Ray to the Quirpon Islands.” . . . Drying was permitted in certain unsettled bays and harbours, but not on the Treaty Shore. It must be added that the French opposed the American fishermen, and that correspondence ensued between those countries.

Later  
Treaties with  
France, 1802,  
1814, 1815,  
1857, 1895.

42. It will be seen that the subsequent Treaties of 1802, 1814, and 1815, while reaffirming do not enlarge the privileges allowed by the Treaty of Utrecht, and neither the Convention of January 14, 1857, nor the Agreement of November 14, 1885, came into operation. It thus appears that the French claim of exclusive right has now no more basis than in 1763, when the Duc de Nivernois was unable to find it in the Treaty of Utrecht, or in 1783 when England declined to insert it in the Treaty of Versailles, and by a Treaty of the same date gave certain fishery privileges to America within the waters of the Treaty coast.

43. The Convention of 1857 would, with other privileges, including bait, have given to the French fishermen the exclusive right of fishing on a great part of the Treaty coast, and the exclusive use of the strand of a still larger portion. The Agreement of 1885 would, with other privileges, including bait, have given them the exclusive right to the strand for fishery purposes; for though the Agreement recognised a concurrent right of fishery for the British, it forbade them to erect any works for drying fish, though existing ones might remain. The English text of both the Convention and Agreement are annexed (Appendices 10 and 11). As, however, International Conventions which affect the interest or property of British subjects do not take effect *proprio vigore*, but before they can come into operation require the sanction of Parliament, or in the case of a self-governing colony as Newfoundland is, of the Legislature of that dependency, or, failing that, of Parliament. Both these instruments when submitted to the Colonial Legislature failed to receive its sanction, and consequently remained inoperative.

## VI.—FRENCH FISHERY : BRITISH OBLIGATIONS.

Alleged  
rights are  
only personal  
privileges of  
French sub-  
jects.

44. It is indeed difficult to see upon what basis a claim of exclusive right could rest, for the Treaty of Utrecht, after declaring that “ neither the French King nor his subjects should claim any right to the island or any part of it,” allows the French subjects to catch fish and dry them on land. It is evident that these liberties are not given to the French King as a right of his crown, but to the French fishermen as individuals, and that they take them direct from the British Crown and not through their own sovereign, who, it will be seen, only obtained a promise that his subjects should be allowed these privileges. So that if this promise were broken and the fishermen were deprived of their privileges, or interfered with in their enjoyment of them, the French King could only make remonstrances, and, if these were unheeded, enforce them by war. No other course would seem to be open to him under the rules of international law as we understand them; and this position is not affected by the fact that in the 5th Article of the Treaty of Versailles the French King “ renounces the right of fishing which belongs to him in virtue of the aforesaid Article of the Treaty of Utrecht from Cape Bonavista to Cape St. John,” for that Article gave him no right, but only accorded privileges to his subjects.

Instructions  
to Governors  
to protect  
French  
fishery.

45. The real protection to the French fishermen for their privileges was the good faith of the British Crown. Accordingly we find that while resisting the French claim of right, and maintaining intact his own sovereignty, King George III. was always willing, as an administrative act, to take all such measures as might be necessary to

secure to French subjects the uninterrupted exercise of their fishery. The instructions to Governor Byron of May 11, 1770, contain the following passages: "It is therefore the King's pleasure, first that you should take great care that the subjects of France be not hindered from or obstructed in resorting to any part of those harbours in Newfoundland which lie within the limits above mentioned, provided they be contented with such a just and moderate use of those privileges as is warranted by the letter and spirit of Treaties; and that they conform to those Regulations which are prescribed by your instructions founded on the said Treaties, and calculated to preserve that fair and equitable concurrence in the fishery which is the peculiar object of them. Secondly that they be not included within any of those restrictions which are in their nature peculiar to, and were originally intended for, the fishery of His Majesty's subjects only." . . . And thirdly, that you do use your utmost vigilance, pursuant to the 28th Article of His Majesty's instructions to you, to prevent any exclusive possession being taken, as private property, of any lands, rivers, or islands in the northern parts of Newfoundland between Bona Vista and Point Riche, taking especial care that such ships and vessels as shall resort of both nations to that part of the said Island of Newfoundland, for carrying on the fishery do chuse their stations as they respectively arrive, and that they do occupy such space only of beach as shall be proportioned to the number of their boats."

FRENCH  
FISHERY:  
BRITISH  
OBJECTION.

46. Similarly in the Instructions to the Governor of Newfoundland, dated March 8, 1776, we find this paragraph:

"It is therefore Our express will and command that you do, upon pain of Our highest displeasure, use your utmost vigilance and authority to prevent Our subjects from taking any exclusive possession whatever, as private property, of any lands, rivers, or islands in the northern parts of Newfoundland, between Bona Vista and Point Riche, or from making any settlement or forming any establishments there, which may in any degree have the consequence to prejudice the fisheries of the subjects of France as allowed by Treaty, or to render ineffectual those instructions We have already repeatedly given, that in each and every season such ships and vessels of both nations as shall resort to those parts of Newfoundland for carrying on the fishery do choose their stations as they respectively arrive, and that they do occupy such space of the beach as shall be proportioned to the number of those boats, according to ancient usage and practice, doing strict justice without partiality to the subjects of both Crowns, according to the letter and spirit of the Treaty of Paris in that respect."

47. The policy embodied in these instructions received definite expression in the declaration of September 3, 1783, which after the French had unsuccessfully endeavoured to insert the word "exclusive," runs as follows, in respect to interruption of the French:—

"The King having entirely agreed with His Most Christian Majesty upon the articles of the Definitive Treaty, will seek every means which shall not only insure the execution thereof, with his accustomed good faith and punctuality, but will besides give, on his part, all possible efficacy to the principles which shall prevent even the least foundation of dispute for the future."

Declaration  
of 1783.

"To this end and in order that the fishermen of the two nations may not give cause for daily quarrels, His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner by their competition, the fishery of the French, during the temporary exercise of it which is granted to them upon the coasts of the Island of Newfoundland; and he will for this purpose cause the fixed settlements which shall be formed there to be removed. His Britannic Majesty will give orders that the French fishermen be not incommoded in cutting the wood necessary for the repair of their scaffolds, huts, and fishing vessels."

"The thirteenth Article of the Treaty of Utrecht, and the method of carrying on the fishery, which has at all times been acknowledged, shall be the plan upon which the fishery shall be carried on there; it shall not be deviated from by either party; the French fishermen building only their scaffolds, confining themselves to the repair of their fishing vessels, and not wintering there; the subjects of His Britannic Majesty, on their part, not molesting in any manner the French fishermen during their fishing, nor injuring their scaffolds during their absence."

48. This Declaration, in fact, it will be seen, was little more than a formal promise by King George III. to keep the promises which were already binding upon him under

FRENCH  
FISHERY  
BRITISH  
OBLIGA-  
TIONS.

the Treaty of Utrecht, with one addition, namely, that for this purpose he would remove fixed establishments. The Declaration was written in French, the words "fixed establishments" being the translation of the words "établissements sédentaires" in the original. These words have formed the subject of constant controversy, the French declaring that no building of any sort, even a wharf, should be erected on the Treaty shore, and that if any were erected they should be removed. If this had been the meaning of the framers of the Declaration they would probably have said so, and would have used some such expression as "tous les établissements." The use of a qualifying adjective shows that something more limited was intended; and further difficulty is caused by the use of such an adjective as *sédentaire*, which, in its natural sense, has no application to buildings, and so is doubtless intended to have some technical meaning.

Meaning of  
"établissements  
sédentaires."

49. We, indeed, believe that nothing more was intended by *établissements sédentaires* than establishments from which the *pêche sédentaire* was carried on. The phrase *pêche sédentaire* occurs in the *Traité de la Police* (Paris 1719), which contains a full report upon the fisheries prepared for the King of France in 1702, and which in Titre XXVII, Section 2, deals with "la pêche de la morue en pleine mer aux environs de l'Île de Terre Neuve." It is there applied to the fishery from the shore of the settlers living on the south coast of the Island, who possessed no vessels for the Bank fishery. The phrase occurs again in a Despatch of 1776 with reference to the fishery of the local settlers, which it was not desired to encourage. In the later Decrees of 1852 and 1894 we find it again, as distinguished from the *pêche nomade*, which consisted in the ship following the fish up the west coast, while the *pêche sédentaire* was carried on by the men established in the cod-rooms. As the *pêche nomade* is not mentioned in the previous ordinances it was apparently an industry of recent invention, and this is borne out by the Ordinances of 1821 and 1842, which forbid a ship to go from France to fish on the coast unless a place had been assigned to it. This mode of fishing has since been abandoned. In confirmation of this evidence from French sources as to the meaning of the *établissements sédentaires* in the Declaration, we would refer on the British side to the Act of 1788 (28 George III.) which was passed to give effect to that Declaration, and is consequently a contemporaneous interpretation of its meaning. That Act gives discretionary powers to the King in Council to order the removal of British fishery establishments, and mentions no others. (See appendix No. 12). The accepted use of the phrase *pêche sédentaire* as signifying a fishery carried on from the shore seems to explain the selection of this adjective for use in the Declaration which was directed against stages, flakes, and buildings for the fishery which were on the ground before the arrival of the ships from Europe. These would have been either such as were erected by the local residents after the close of the previous season, or such as had been used by crews of ships from England, and had been placed under the charge of caretakers during the winter, so as to be available for the same ship upon its return in the following spring.

Method of  
fishing.

50. For, as is shown by the Instructions quoted above, the method of fishing consisted in ships of both nations coming from Europe and selecting in order of arrival places which they desired to occupy for the season, the fishery being carried on by hook and line. In 1769 the French Government complained that this principle was violated "en ce que les Anglais laissent chaque année à la côte des matelots pour y garder des places pour l'année suivante, et que ces places devraient être *primo occupanti*." This complaint shows that the principle was then recognised by both countries, and, indeed, it is still remembered in France, for the Decree of 1894 begins with the words: "Les havres et places avec les graves qui en dépendent continueront de n'être pas au choix du premier arrivé, ni du premier occupant. "La répartition en sera faite entre les armateurs, tous les cinq ans, par voie d'un tirage au sort." There had always been a considerable French fishery on the coast conducted on this principle, especially after 1763, and the Ordonnance de la Marine of King Louis XIV. of 1681, Chapter 5, prescribes rules for regulating the proceedings of the French vessels on their arrival. Each was to proceed or to send a boat to Croc, a small harbour north of Cape Rouge, and there to affix a notice of the place which it had chosen and the date of its arrival. The building of stages and huts and other proceedings on arrival are described in the *Traité de la Police* to which we have referred above.

51. The ship selecting a particular place was allowed to appropriate any salt or oil left by the occupant of the previous year, who was held to have abandoned them.

but if any boat was thus left it remained at any rate for that year the property of its original owner. The English fishery on the same coast was less extensive. In 1770 there were, as we learn from a Report by Captain Palliser, 45 ships and 2,867 men as against 109 French ships and 7,351 French fishermen. We also learn from this Report that the English habitually fished in harbours which were not resorted to by the French fishermen, and it appears that the quarrels referred to in the Treaty and Declaration of 1783 began after the French Government had granted bounties to their ships for making use of new harbours.

FRENCH  
FISHERY:  
BRITISH  
OBJEC-  
TIONS.

52. Captain Palliser's report is an enclosure in a memorial from the Board of trade to the King dated May 4, 1770, from which we take the following extract:—

“It is not for us to suppose that the bounties given by the Court of France to vessels that should resort to new harbours could have any other intention than to extend and improve their fishery as allowed by Treaty; but it is evident that the effect of these bounties has been to aggravate those subjects of contention to which the concurrent fishery is in its nature but too liable; and indeed we cannot but concur in opinion with Captains Byron and Palliser that they have been principally the foundation of the claims and disputes now a question therefore, we are not without hope that the Court of France will be induced to desist from the regulation which, in the opinion of the most sober even of their own fishermen, could have no other consequence than what we have stated; and that they will rest satisfied of the uprightness of Your Majesty's intentions in the instructions which have been already given, and with the great advantages they derive from the stipulations of those Treaties upon which they are founded.”

53. It was the policy of the British Government to check the inhabitants of the Colony in their settlement of the Coast, in the interest of the fishing ships of both countries coming from Europe; but as there was no legal power to prevent the spread of the population, which had gradually crept up the coast, the limits of the French fishery were by the Treaty of Versailles extended on the West Coast from Point Riche to Cape Ray, and reduced on the East Coast from Cape Bona Vista to Cape St. John, beyond which point there were then few if any British settlements.

54. It will be seen that the circumstances which the Declaration was intended to meet were the presence of fishermen of both nations in the same waters competing in their fishery, and both opposed to the practice of preserving places by means of caretakers, as well as to the spread of a resident population, as either class, being on the spot, would be in possession of the best drying grounds before ships of either nation arrived from Europe. The French fishermen preponderated largely, and the King undertook in solemn form to make his subjects give way to the French whenever the two came into competition. There were in 1786, between Quirpon and Cape St. John, 7,859 French fishermen, and on the west coast 780 men.

Prepon-  
derance of  
French  
fishermen.

55. The English continued to fish within the limits of the Treaty Shore in 1784 and 1785, and serious collisions occurred, and much damage was done to the French fishery establishments by the inhabitants who used them for the winter fishery. Accordingly, in the following year, instructions were given to the Governor to take more stringent measures: and in 1788, in order to provide the necessary legal powers, an Act was passed (28 Geo. III. c. 35) which, after reciting the Treaty and Declaration of 1783, empowers the King in Council to give such orders as he should deem proper and necessary to fulfil the purposes of the Treaty and Declaration; and if it should be necessary for that end to give orders for the removal of any stages, flakes, or other works erected for the purposes of carrying on the fishery by British subjects on the Treaty Coast, together with the ships and boats belonging to British subjects, and in case of refusal to remove the subjects themselves. That Act is of almost even date with the Declaration, and the powers conferred by it are limited to matters connected with the fishery and to such measures as the King should think necessary. Fishing was the only industry then known on the coast, so nothing else could have been contemplated, and the British sovereign was to be the judge of what was necessary for the purposes of the Declaration. We annex a copy of the operative part of the Act (Appendix 12). It was no doubt felt that, in view of the number of French fishermen, the best way to prevent interruption to their fishery by undue competition was to remove the British competitor during the time the French were on the coast. The winter seal fishing remained open to the British.

FRENCH  
FISHERY :  
BRITISH  
OBLIGA-  
TIONS.  
Removal of  
British.

After the passing of the Act the Governor was instructed to permit no fishery operations on the part of the British either by land or sea within the French limits, and to give immediate notice to all British subjects, and to compel all who refused to depart from the limits, as the Act empowered. It is not clear to us whether fishing vessels continued to arrive from England, but there is little doubt that the French had practically, if not altogether, the sole use of the Treaty Shore for their fishery before the outbreak of war in 1793. The Treaties of 1814 and 1815 again placed the French fishermen in possession of their privileges under the Treaty of Utrecht, and they returned to the Island in large numbers.

Governor  
Hamilton's  
proclama-  
tion.

56. Owing to the reduction of the fleet after the long war no British man-of-war was on the coast, and the French were again in practically undisturbed possession of the fishery. The ships from England had abandoned the fishery, but it appears that such inhabitants as had established themselves on the coast during the war remained in their settlements. In 1822 Governor Hamilton issued a Proclamation, to which the French frequently refer in support of their claim to the exclusive right of fishery on the shore; but this Proclamation, after reciting that depredations had been committed upon and annoyances given by British subjects to the French fishermen, merely gave notice that the latter were to have full and free enjoyment of their fishery as secured to them under the Treaty, directed the magistrates to prevent any obstructions or interruptions to the French, and warned all British subjects to abstain from all interruptions on pain of removal of themselves and their boats and fishing apparatus. This proclamation is, in fact, merely an executive order securing to the French the enjoyment of their privileges. If the state of affairs on the coast were the same to-day as it was then, or, as we shall see later, as it was in 1837 and 1856, it might be necessary to consider how far similar measures were required. But matters are now very different. The Treaty of Versailles and the Declarations came to an end at the outbreak of the war, and the Act of 1788, which was passed for giving effect to them, also lost its force. In 1824 an Act was passed (5 Geo. IV., cap. 51), of which Section XII. reenacted in the same terms the provisions of the Act of 1788, and thus provided authority for carrying out the instructions of Governor Hamilton. This Act was allowed to expire in 1835, and the matter was left to the newly formed Colonial Legislature.

Law officers'  
opinions;  
1835.  
1837.

57. In 1835 the Law Officers advised that the French did possess an exclusive right of fishery, but the matter being again referred to them in 1837, the same Law Officers gave their opinion as follows:—

“On referring to the opinion expressed in our Report of the 30th May 1835, we think we went further than the circumstances of the case fairly warrant.

“Attending to the Treaty of 1783, and the accompanying Declaration, the subsequent Treaties and the Act of Parliament, we think Great Britain has bound herself to permit the subjects of France to fish during the season, in the allotted district, free from any interruption on the part of British subjects.”

“If there were really good room within the limits of the district in question for the fishermen of both nations to fish without interfering with each other, then we do not think that this country would be bound to prevent her subjects from fishing there. It appears, however, from the Report of Admiral Sir P. Halket, that this is hardly practicable; and we are of opinion that, according to the true construction of the Treaty and Declaration, British subjects are precluded from fishing if they thereby cause any interruption to the French fishery.”

58. Lord Palmerston, in a well-known despatch, dated July 10, 1838, again resisted the claim of exclusive right, which had once more been brought forward by France. In 1843 Lord Stanley instructed Governor Sir John Harvey that: “Great Britain is bound to permit the subjects of France to fish during the season, in the district specified by the Treaty and Declaration of 1783, free from any interruption on the part of British subjects; but that if there be room in these districts for the fishermen of both nations to fish without interfering with each other, this country is not bound to prevent her subjects from fishing there.” In July 1856 Governor Darling reported that “There is, then, unquestionably no room for the fishermen of both nations to fish and dry fish within the French limits without interfering with each other, and the French have therefore always had, and have at the present, the right practically to enjoy the fishery, to the exclusion of British subjects, as completely as if that right was confirmed to them in express terms.”

59. In 1857 Your Majesty was pleased to enter into a convention with the Emperor of the French, by which French subjects would have obtained exclusive right, but that Treaty did not take effect. We shall refer to its provisions later. Since 1857 the French fishery has continuously declined, until it reached its present low condition.

FRENCH  
FISHERY:  
BRITISH  
OBLIGA-  
TIONS.  
Convention  
of 1857.

60. In resuming their fishery in 1815, the French definitely abandoned the ancient method from which they were bound by the Declaration not to deviate, and in place of the arrangement by which the first comer chose his place for one season, and for one season only, the French Government instituted the five-year system which we have already described. This was effected by Article I. of the "Ordonnance du Roi de France, portant Règlement sur la Police de la Pêche de la Morue à l'Isle de Terre Neuve," of November 21, 1815, which says: "Chaque armateur conservera pendant cinq ans la jouissance du havre et de la place qui lui auront été adjudés, tant qu'il continuera d'expédier le même nombre de navires de bateaux ou d'hommes pour la pêche de la morue."

The French  
in 1815 aban-  
doned the  
ancient  
method of  
fishing.

"Il conservera, pendant le même temps, la propriété des échafauds dépendances et grèves qu'il aura fait préparer dès la présente année 1815."

61. They have also abandoned the ancient hook-and-line method of fishing, of which a description is given in the *Traité de la Police* of 1702, and authorised the use of cod seines and harouelles (Answers 2136-7). The result of this change of system appears to be that France by abandoning the ancient method of fishing was breaking her engagement under the Declaration, and was releasing England from her engagement under it, and that the French by fixing their establishments at specified places for definite periods destroyed the *raison d'être* of the Declaration, which, as will have been seen, aimed at keeping the coast clear for the ships from Europe so that they should not on arriving to choose their places for the season find themselves forestalled by the stages and flakes of the fishermen on the spot; and further, as the drawings were held only once every five years, that the French, by giving notice of the harbours which would be occupied during the ensuing five years, thereby also gave notice of the places which would not be so occupied, and thus signified to the Colony the localities at which competition could occur, and so virtually indicated the places at which settlement would not interfere with the French fishery.

Results.

62. Certain harbours on the West Coast, namely Port-a-Port Bay, Bay of Islands, Bonne Bay, Cow Head and St. Margaret's Bay, with New Ferolle Cove and Flowers Cove, were by the Decree of 1852 declared to be common to all ships, including the schooners of St. Pierre and Miquelon, for whose benefit the rule was possibly really intended, with a view to retaining some hold on that coast where the fishery was not good enough to attract men from France. In 1852 there were 25 ships from France on the West coast as against 108 on the East, the number in 1829, as reported by Governor Sir Thomas Cochrane, having been on the West coast 32 ships and 228 on the East. We found no traces of the common fishery permitted by the last-mentioned Decree having interfered with the spread of the British population. We saw towns at Bonne Bay and Birchy Cove in the Bay of Islands with churches, chapels, schools, courthouses, wharves, and with magistrates and other public officials; all these places being situated many miles from the nearest French room and at places where no Frenchman fishes for cod except the *petits pêcheurs*, on Tweed Island, in the Bay of Islands.

Common  
Harbours.

63. At Bonne Bay, where there is an estimated population within the heads of 1,132 (Evidence of Mr. Avery, J.P., Answer 664), after the French leave the coast, there is a considerable autumn fishery for herring. At Bay of Islands the population within the heads is estimated at 2,500 (Answer 903), and here there is also an export business of frozen herrings to America; they are exposed for the night and are then carried across and eaten as fresh fish (Evidence of Mr. L. March, Answer 913). It will be seen from the evidence that as the fishery regulations of the Colony are not enforceable on this coast, the practice of throwing into the harbours herring which have become spoiled by a warm night cannot be prevented, and we also heard that owing to the want of supervision the packing is sometimes so badly done that the whole trade suffers.

British win-  
ter fishery for  
herring.  
Bonne Bay,  
Bay of  
Islands.

FRENCH  
FISHERY :  
BRITISH  
OBLIGA-  
TIONS.  
St. George's  
Bay.

64. At St. George's Bay the population along the shores of the Bay is estimated, we were told, at 4,000. The town in St. George's Bay is at Sandy Point, which is the residence of a Roman Catholic bishop, and which does a large export trade in herring, reaching to 19,548 barrels (Appendix No. 13). Similarly there is a small town at Codroy where the French no longer fish. These are all on the West coast, as is an Agricultural Settlement at Stephenville, in St. George's Bay, and a Settlement of French-speaking British subjects from Canada, near Cape St. George.

Settlements  
on the East  
Coast.

65. On the East coast, at La Scie, the first place we visited north of Cape St. John, where there has been no French room during the last eleven years, there are now forty-two English families established. Similar settlements have grown up under the same circumstances at Coachman's Cove and Fleur de Lys, near to La Scie, and further up the coast we found them at Conche and at St. Anthony's, besides various smaller collections of settlers. The French have indeed brought about a certain amount of settlement in the neighbourhood of their own rooms by encouraging the natives of the Colony to act as caretakers of their establishments during their absence: The population continues to grow by natural increase and by accretions from Canada. The numbers are now estimated at 14,000 persons between Cape Ray and Cape St. John.

State of coast,  
Port au Choix  
to Cape Ray,  
658 miles.

66. Forty years ago, in 1859, when the Joint Commission of the two nations went round the Treaty Coast, there were between Port au Choix and Cape Ray only two places at which the French landed their fish, namely, Codroy and Red Island. This is the stretch of coast to which most of the complaints respecting the inability to open mines apply. The shore line between these two places is given to us by the Admiralty Hydrographer, omitting islands and minor indentations as in paragraph 33, as being 658 sea miles in length. Codroy has been long abandoned, and Red Island is excluded from this calculation, which relates only to the shore of the mainland. In 1898 there were on these 658 miles four lobster factories, Les Vaches and Black Duck Brook in the neighbourhood of Cape St. George, and Middle Arm and North Arm in Bay of Islands. These four factories, according to Annexure to Evidence No. 20, were worked by 62 men from St. Pierre, crediting Middle Arm and North Arm with half the men working at the factories belonging to the same owner. A fifth St. Pierre factory at Lark Harbour was not working. No codfish is dried on this shore by French fishermen, though 86 Petits Pêcheurs settle on the coast during June and July and make green fish, 78 at Long Point, and eight at Woody Bay. We find it impossible to say what ground of necessity exists, under such circumstances, for shutting up 658 nautical miles of British territory.

French pro-  
tests.

Ming's Bight.

67. It may be of interest to quote a few of the cases in which France has interfered with the industry of British subjects on the plea that they were interrupting French fishermen. We have spoken in paragraph 25 of the stoppage of the works at Ming's Bight, the reopening of which formed the subject of correspondence between the owners and Her Majesty's Government in 1891 and subsequent years. In the course of this correspondence Captain Cunningham in a letter to Sir William White-way, dated 17th July 1891, stated that on one occasion he found the French flag hoisted by the side of one of the shafts. We visited the spot and found a cliff, perhaps fifty feet high, rising almost sheer from the water, but receding a little at one point and leaving about 15 yards of beach (Answer 1866), and here the shaft for gold, spoken of by the witness, was sunk. It will be seen that there was no room here to dry a cargo of fish. The copper mine is on top of the cliff. The site was pointed out at which there had formerly been a French stage and cod room some way off on the other side of the Bight. This room seems to have been occupied in 1879 (Answer 1958), but in 1883 there was no French room nearer than La Scie on the one hand, 15 to 20 miles off, and Fleur de Lys on the other, which is still further (Answer 1868). The room has not since been occupied, and in 1890, as in 1898, the nearest French room was at Rouge, 60 miles distant.

Sop's Arm.

68. We did not land at Hauling Point, as the French factory which replaced that of Messrs. Murphy and Andrews had disappeared. We mention it here as those men did not comply with the orders of the French officer until they were enforced by a written order from the Commander of Her Majesty's Ship "Forward," whose action, we understand, did not meet with the approval of his superiors. The day after our visit to Ming's Bight we went to Sop's Arm, where the sawmill was made the subject of a formal protest by Commander Reculoux in 1897. This mill began working in

the autumn of 1897, after the French Commodore's visit. It is situated at the south-west end of White Bay, and was established with the knowledge of the Colonial Government partly with a view to finding work for the settlers in the winter. It is even further from Rouge than Ming's Bight, and in 1852 was not included in the list of places drawn for. We were informed that no French fishing had taken place in that locality within the memory of the present generation.

FRENCH  
FISHERY :  
BRITISH  
OBLIGA-  
TIONS.

69. In 1892 the inhabitants of the Gravels in St. George's Bay were anxious to put up a small harbour of refuge in Isthmus Bay for their safety. The Roman Catholic priest, Father O'Rorke, discussed the matter with Captain Parfait of the "La Clocheterie," who recognised the advantage of the work, but he subsequently altered his views, and made it the subject of a formal protest, being afraid that it might be used in shipping minerals. The locality is thus described by the British Commodore: "As I have already stated, the shore about there is useless for fishing purposes—it never has and never will be used as such; the harbour of refuge therefore cannot on that account be a hindrance; the benefit to be derived from its construction is undoubted."

Isthmus Bay.

"The proposed harbour would consist of a pier 300 feet long, with an arm running in a north-easterly direction 70 feet long, thus giving shelter from the south-east to south-west winds, which are those causing the most dangerous seas."

70. In June, 1896, the French Commodore protested against the projected line of railway approaching the head of St. George's Bay on the ground that the noise of the train would frighten away the fish. We can hardly suppose that this was meant to be taken too seriously, but he at the same time protested against the projected building of a pier at Turf Point on the ground of its being a serious hindrance to the French fishery. The railway contractor, however, did build his pier, which, after it had served its immediate purpose of landing the material for the construction of the railway, was partially destroyed by the winter ice. We crossed the harbour to Turf Point, and walked on to what remains of the pier, of which only about a third had been destroyed. There is no cod fishing at this point, but for three weeks in the year there is a large take of herrings which come in to spawn. As might have been expected, the construction of the pier had not the slightest effect upon the herrings, which in 1898 came in as in other years, and our boatman showed us the spot where he had anchored his nets, close up to the pier, and had taken a better catch than usual.

Turf Point.

71. In June, 1897, the manager of the Halifax Chrome Iron Company commenced building a wharf for the purposes of his mine at Bluff Head Cove, which would altogether have extended 120 feet into the sea. The French Naval Officer protested, and the British Naval Officer felt himself obliged to stop the construction of the wharf, which was afterwards destroyed by a storm. Full details are given in a letter to our Secretary from Mr. Lewald, Appendix No. 14. Bluff Head Cove is a small indentation of the coast exposed to the weather, and no drying of fish takes place there, though the *petits pêcheurs* from Long Point, which is five miles off, fished in the neighbourhood during ten days of 1897.

Bluff Head.

72. It will be seen that none of the matters which formed the subject of these protests constituted in any sense a hindrance to any French fishermen, or were any real advantage to France; and they would appear to have been only put forward in assertion of the French claim to have the whole coast kept vacant under their interpretation of the Declaration of 1783, which instrument, if it is still to be regarded as of any force, will, we trust, receive careful consideration at the hands of Your Majesty's Government.

## VII.—DECLINE OF THE FRENCH FISHERY.

73. The decline of the French fishery in the last 70 years is very remarkable, and the figures which we have been able to find show it to be continuous. We have endeavoured in various ways, but without success, to obtain statistics at regular intervals during this period, but the following are all that we can find, but they will probably be sufficient to justify the above statement, for if there was any increase in the numbers at any time it could only have been temporary. In 1829 Governor Sir Thomas Cochrane reported that on the East coast there were 228 ships with 9,378

Decline of  
the French  
fishery.

1829.

DECLINE OF  
THE FRENCH  
FISHERY.

1836.

men, and on the West coast 32 ships with 1,182 men. In 1836 or 1837 Admiral Sir P. Halkett reported that it was not practicable for the fishermen of both nations to fish within the Treaty limits without interfering with each other. (See Law Officers opinion cited in Paragraph 57). We can supply no figures for the intervening years down to 1852, but for that year we have the official *tableau de répartition*, or schedule of allotments, which shows that there were 193 ships with 6,237 men on the East coast, and 25 ships with 947 men on the West coast

1852.

74. In 1857 Mr. Perley's report states that the *tableau de répartition* shows 88 ships and 5,205 men on the East coast. He was unable to give equally precise information with regard to the West coast, owing to the fishery being both *nomade* and *sédentaire*; but he gives the number of men on that coast as 750, of whom there were from St. Pierre, 160 at Codroy, and 220 at Red Island, with 250 at Petit Port apparently engaged in the *pêche nomade*. In 1872 Sir Anthony Hoskins, then the British Senior Officer, reported that he had found 61 rooms with 69 ships and 3,271 men. In 1874, Sir James Erskine, who was then Senior Officer on the coast, obtained some notes from a Colonial official which show that in that year there were 46 rooms occupied on the Treaty shore between Cape St. John and Port au Choix, and calculating the number of men in each room upon the basis of those of which the notes give the exact number, we estimate the total number of men at 2,870. We have found no record of numbers down to 1885 but from that year the figures for each year extracted from the Naval Reports are given in Annexure to Evidence No. 13, showing that although there were certain fluctuations the number of 1,750 in 1885 was never again reached, until in 1898 we found, as already stated, only 320 as the total for the year of men from France engaged in cod fishing on the Treaty shore, and it seemed uncertain whether that number would again appear in 1899. They are only entitled to use the shore for the purpose of drying fish, and we doubt whether the 51 men engaged in the *pêche nomade* did not make green fish instead of dry; in any case the whole 320 did not occupy at most more than two miles of the strand of the Treaty shore, which, including the islands and minor indentations, must be 2,000 miles in length.

1872.

1885.

1898.

Cause of  
decline.

75. This decline is doubtless due to overfishing and the use of destructive engines. See evidence of Rev. Dr. Harvey (Answer 1615) R. Nielson (Answer 1700) and R. Prowse (Answer 2091). The French law of 1803 expressly upholds the use of cod-seines (*l'usage des seines à morue est maintenu*), provided the mesh is not less than 50 millimètres, measured on the square, *entre noeuds au carré*. The Decree of 1894 allows a mesh of 48 millimètres, and Article 26 prescribes that 20 meshes when pulled out shall measure 1<sup>m</sup> 920, which gives something like 3 $\frac{1}{4}$  inches for the mesh measured diagonally, which would only allow the smallest codfish to escape. The Decree of 1803 took, we fear, the first step towards the destruction of the French fishery. These instruments are nets let down into the sea, and swept round a shoal of fish, but not hauled ashore. Their length and depth are by the Ordinances left to the option of the owner, but the size of the mesh is prescribed. They are large and costly appliances requiring a numerous crew to work them, and form an important item in the cost of fitting out. They are from 80 to 100 fathoms in length, and the cost is about 1*l.* per fathom. In 1821 the boats with seines were obliged to keep at a distance of at least 120 fathoms (brasses) from boats fishing with hook and line. This distance was reduced in 1842 to two oars length, subject to a penalty of 500 fish to be paid by the seining boat. In 1852 the position is reversed, and it was the hook and line men who had to give way to the seining men, subject to a penalty of 1,000 fish. The Decree of 1852 sanctioned *harouelles* or *lignes de fond* on both coasts. These implements are also used by the colonists under the names of *bulbous* or trawls, and are long lines of 700 fathoms (Answer 568), with hooks fixed at intervals, which are anchored in the sea and taken up as required. The bait lies near the bottom, and these lines are said to be deadly to the female fish when heavy with spawn. (See Answer 2137). The fishermen receive a bounty of 20 francs, on every metric quintal = 220 lbs. of cod roes imported into France, where they are used as bait for the sardine fishery on the coast.

French  
seines.

76. We cannot speak as to the use of cod seines by the colonists as nothing definite on the subject came under our notice; but we think that they are not much used. The colonists do, however, use numerous cod traps, square enclosures of net of 4-inch regulation mesh, sunk in the sea and having a wing to lead the fish

into the trap. The French complain that these traps have destroyed the fishery. (See *Statistique des Pêches Maritimes* for 1886, page 14). The colonists maintain (See Answer 2122) that the mischief is caused by the French cod seines. We learn from Mr. Prendergast's report to the Colonial Government in 1857 that there were in that year 178 cod seines in use by the French on the East Coast between Cape St. John and Cape Norman. The gravamen of the complaint on each side is that the engine, whether trap or seine, kills the immature fish before they reach the age for spawning. It is not for us to decide between them, but we may point out that the cod seines were authorised for some 80 years before the traps were used. The latter appear to have been first used about 1878, but not to any great extent until 1884. They are certainly of recent origin, as is further shown by the mention of "the practice of these recent years" (*la pratique de ces dernières années*) in Count d'Aubigny's Note of April 20, 1887, complaining of the use of cod traps by the colonists (C. 6044, page 101). But be the cause what it may, on the north-east coast the average weight of a codfish when dried is now less than 14 oz., for it takes 130 fish to make a quintal of dry (see paragraph 82). Very few Frenchmen come to catch them, and in some places the resident settlers cannot live through the winter on the produce of their summer fishing without relief from the Government, which in 1883, as we have heard since our return, took the form of bringing the able-bodied men down to White Bay to be employed in road making.

DECLINE OF  
THE FRENCH  
FISHERY.  
Colonial  
traps.

77. After this report was sent to the printer, our attention was called to an article published by M. Garreau, Senator for Ille et Vilaine, in which he attributes this decline of the fishery to the temporary migration of the cod fish, and he anticipates that in a few years France will have as great interests in the Treaty shore as ever. He also speaks of enormous English lobster traps (*casiers énormes*) in which the French nets get entangled. There would seem, however, to be some misapprehension as to the facts, for there has been a progressive decline of the shore fishery during the last 70 years, so that its present depleted condition cannot be accounted for by a recent and temporary migration of the fish of which we may add we heard nothing while we were in the colony. And as to the injury done to French nets by British lobster traps, we would point out that lobster traps are shallow wooden cages, measuring about 4 feet by 2 feet, and that the British factories are carefully delimited with the approval of the French Naval Officers in order that they shall not interfere with the French fishery, and further, that the traps may not be set outside the limits of the factories. On the East coast, where the French do use nets (seines) for taking cod, there are no lobster traps, as no lobsters are taken on that coast, while on the West coast, where all the factories are situated, nets, if we rightly understood the managers, are not used by the French for taking cod, and the only two French rooms are also lobster factories. The two industries of cod-drying and lobster canning are at these places carried on in the same establishment which will probably be accepted as sufficient proof that lobster catching does not interfere with cod fishing, and so cannot be held responsible for the decline of the latter industry.

M. Garreau's  
opinion of the  
decline.

78. In consequence of this decline of the fishery, the number of Frenchmen engaged in it is now very small, and where there are no Frenchmen there is no competition, and no one to be interrupted, and when there is no competition and no interruption, there is, we submit, no need and no obligation under the British Declaration of 1783 to remove anybody or anything. If that Declaration is still in force (see paragraph 226), the stringent measures which the British Government thought necessary in 1788 and 1822, and in later years while the harbours were full of French ships and French fishermen, are clearly not required at the present day, and it seems only to be requisite to select such measures as appear proper and sufficient to prevent interruption. If that Declaration has lost its force, a similar obligation rests upon British good faith. Nothing therefore appears to exist which need preclude Your Majesty from resuming control of this British territory for the benefit of British subjects, provided they do not actually interrupt the French when fishing under the Treaty.

Removal of  
British establish-  
ments  
unnecessary.

#### VIII.—THE FRENCH SQUADRON.

79. We have already referred to the presence of a French squadron operating in British waters against British subjects and ignoring the British officials, a situation which we believe to be without parallel. The French ships have to be met by a British squadron of, at least, equal strength. The officers of both nations, at any

British and  
French  
squadrons.

THE FRENCH  
SQUADRON.

rate at present, are on the best of terms and discharge their duty with much tact, but the presence of two armed forces confronting each other in narrow limits involves an element of danger which might lead to disastrous results.

80. In 1898, four English ships with a total complement of 511 officers and men, and three French ships with 515 officers and men (Evidence of Commodore Bourke, Answer No. 2249)—we do not include the *Caravene*—were engaged in this service at the same time.

BRITISH.		FRENCH.	
Ship.	Complement.	Ship.	Complement.
"Cordelia" - - - - -	265	"La Clocheterie" - - - - -	204
"Pelican" - - - - -	145	"Amiral Rigault de Genouilly" - - - - -	193
"Partridge" - - - - -	76	"Manche" - - - - -	118
"Columbine" - - - - -	25	"Caravene" - - - - -	100
	511		615

*Note.*—The "*Amiral Rigault de Genouilly*" only came to serve on the coast of Newfoundland after the departure in August of the "*Caravene*" for France. The "*Manche*" serves each season on the Iceland fishery until the latter end of July. All French men-of-war leave St. Pierre for France each season on or about the 25th September.

Crews of the  
squadrons  
more numer-  
ous than the  
fishermen.

81. At the same time the Frenchmen on the Treaty shore were only 659 all told, as against 1,026 men-of-warshipmen, English and French. But if from the total of 659 there be deducted 137 *petits pêcheurs* and 104 lobster men from St. Pierre, together with 55 lobster men from France, at St. John's Island, 9 at Port au Choix (these are the manager's figures), and 34 at Bartlett's Harbour (as reported by the Naval Officers) there remain 320 who are pursuing the legitimate industry of cod fishing in ships from France, including the crews of two ships *défilant le golfe*, 51 in number, who left in June and July, and who are not likely to return, so that each fisherman had more than three men-of-warshipmen to look after him.

Value of the  
catch.

82. The catch of these 320 men was 390,000 fish on the West coast and 190,000 on the East coast, and taking 40 fish on the West coast as the equivalent of a quintal (= 112 lbs.) of dry fish, and 130 as the equivalent on the East coast, where the fish are smaller, we get a total of 11,215 quintals, which at the average market price at St. John's of 14s. per quintal, gives 7,850l. as the total value of the legitimate fishery for this year, carried on under the protection of seven warships. We have taken the number of fish from the Naval Reports, and have obtained the proportionate weights and average value from Mr. Bowring, the resident partner of the largest firm in St. John's. We must, however, add that the British fishery on the East coast was very bad in 1898, and the local men dispute the accuracy of the figures given to us by the naval officers which are supplied by the captains of the cod-boats, and allege that the French catch was very much less than 190,000 fish. If this be the case the value of their catch will have been even less than 7,850l. We cannot give the cost of the squadron for the months of the Fishing Service, but the English ships spent in the Island in ready money over 12,000l. (see Annexure to Evidence No. 25), so that it is evident that the cost to the two countries of their respective squadrons must be much more than the value of the produce of the legitimate fishery.

As to neces-  
sity for  
French war  
ships.

83. Your Majesty has been pleased tacitly to grant every year permission for the presence of the French squadron by receiving without objection a list of the ships of which it is to be composed during the coming season. This annual permission would have been unnecessary if either the Convention of January 14th, 1857, between Your Majesty and the Emperor of the French, or the arrangement of November 14th, 1885, had taken effect. The French naval officers would have obtained specific and permanent authority in the waters of the island. Neither instrument, however, came into operation, and it is at any time open to Your Majesty, when choosing the means for giving effect to Your Majesty's obligations under the Treaties, to consider whether, under existing circumstances, the assistance of the French Navy is required.

84. In the earlier part of this century, when there were few English fishermen and no men-of-war on the Treaty Coast, while there were thousands of French fishermen

there (they numbered 10,560 in 260 ships in 1929, and 7,184 in 133 ships in 1852), it was reasonable that French warships should keep order among their countrymen. But that state of affairs has passed away, and with it, we submit, the *raison d'être* of the French men-of-war. It must, however, be remembered that at the present time the French naval officers possess certain powers under the *Modus Vivendi* for the delimitation of lobster factories. But if that instrument, when it expires in 1899, is not renewed, as we hope may be the case, their presence on the coast will no longer be required for that purpose.

THE FRENCH SQUADRON.

## IX.—COD FISHING.

85. In dealing with this division of our subject it is necessary to keep distinct the three branches which make up the Newfoundland fishery. These are:—

Three branches.

1. The shore fishery, which is prosecuted in the territorial waters of the island, *i.e.*, within three miles of the coast. This fishery is allowed to the French between Cape St. John and Cape Ray.

Shore.

2. The Labrador fishery, which is prosecuted in the territorial waters of that part of the coast of Labrador which belongs to Newfoundland. This fishery is confined to British subjects.

Labrador.

3. The Bank fishery, which is prosecuted on the Banks of Newfoundland, and is open to all nations. This is a deep-sea fishery, and occupies many thousands of Frenchmen. It is thus as distinct from the shore fishery as the deep sea fishery on the Dogger Bank in the North Sea is from the inshore fishery on the coast of Devonshire, and the operation of the Treaties will not be understood unless it is clearly seen that they affect only the fishery on the coast of the island, which is now of very small importance.

Bank.

86. The distinction is one which appears to be not fully recognised in France, where the Shore and Bank fishery seem to be regarded as one industry. The books of statistics to which we had access did not enable us to distinguish the products of the two fisheries, and we endeavoured to obtain information with the help of a gentleman who is resident in France. An enquiry respecting the quinquennial drawing at St. Servan for places on the shore led to our being referred to a notice in a French newspaper, reporting that the annual drawing for places on the Banks had just taken place at St. Malo. We were also told that Fécamp had sent 46 ships in 1897; but it is evident that all these ships went to the banks, for there was no ship from Fécamp engaged in the Shore fishery for 1897. Similarly we learnt that 31 ships had gone from Granville in 1898, of which none were on the Shore fishery; so all must have gone to the Banks. We were further informed that, in addition to 17 firms engaged in the business at St. Malo, St. Servan, and Cancale, most of the traders and men of business are interested in it, and it gives many hands their only winter's work; while, as a matter of fact, in 1898 only two firms at St. Malo, and one at St. Servan, sent ships to the Treaty Shore for the cod-fishing.

Distinction not always recognised in France.

87. We have noticed, too, that the "Matin" of December 29, 1898 contains the following passage:—"En second lieu, le droit de pêche a une valeur spéciale pour la France. C'est sur les côtes de Terre Neuve que se forment, tous les ans, ces milliers d'excellents marins qui composent la meilleure partie des équipages de notre flotte de guerre." The numbers, however, of men from France, including lobster catchers, have since 1887 been counted by hundreds only (*see* Annexure to Evidence, No. 13), and the 320 men engaged in cod fishing in 1898 (*par.* 81) included men of all ages, from boys of 15 or 16 to elderly men of, apparently, 50 years of age or thereabouts. We also take the liberty to observe that catching lobsters in shallow water by men who live on shore cannot be a valuable training for sailors.

88. Even the people engaged in the business do not seem always to apprehend the distinction between the two classes of fishery, for some few years ago, when the inhabitants of St. Pierre advocated the abandonment of the shore fishery in return for a supply of bait, the suggestion was strongly opposed in France by several of the Channel ports which are interested in the fishery. We take the following passages from a letter officially addressed to the French Government by the Chamber of Commerce of St. Brieuc, on May 29, 1889:—

"Cette industrie constitue, en effet, un des éléments les plus féconds et les plus précieux de notre inscription maritime, et est, par conséquent, intimement liée du

COD  
FISHING.

“développement de notre puissance navale.” . . . “Nous ne parlons ici que des pêcheries de la côte, car on a évalué à 2,740,000 quintaux la quantité de poisson pris annuellement sur les bancs et le long des côtes de Terre Neuve, ce qui fait une moyenne de 342,500,000 morues environ.” (See the Cahiers Coloniaux of 1889, by Henri Mager, p. 201.) It is only necessary to point out that in the year when this letter was written there were on the Treaty Shore only 887 men from France, including lobster catchers, and 418 in 1898; and assuming the proportion of men actually engaged in cod fishing to be the same in both years, it will be seen, from paragraph 81, how small a share in the great totals just quoted is represented by the Shore fishery, the great bulk of the produce coming from the Banks, far away from the Treaty Coast.

The Banks.

89. The principal Banks are the Great or Grand Bank, lying to the south-east of the island, at a distance of 35 miles from Cape Race, and distant 320 miles from Cape St. John, the nearest point of the Treaty Shore; the St. Pierre Bank, distant 120 miles from Cape Ray, and Banquereau, 150 miles from Cape Ray. The Newfoundlanders fish very little on the Banks (Evidence of R. Prowse, Answers 2060-5). The Shore and the Labrador fishery supply the export of the colony, some cargoes from the Labrador coast being sent direct to foreign markets, other cargoes being brought to colonial ports, where they are sorted and shipped to the market. The Labrador fish is dried on the shore as it is on the coast of the colony, and is sent in large quantities to Spain, Italy and Greece, where it meets the French fish caught on the Banks (Answers 2117-2121). Some of the French fish is dried at St. Pierre, but the bulk is salted on board and sent to France, where it is stored, and as required washed and dried, and sent in small parcels to the customer, receiving from French funds an export bounty (see par. 126), which enables it to undersell the Newfoundland fish.

90. It is for the fishermen engaged in the Deep Sea fishery that St. Pierre was meant to serve as a shelter. The island is not used by nor is it required for shelter to the men engaged in the shore fishery, from which it is distant more than a hundred miles. These men establish themselves in some one of the sheltered harbours which abound on the coast of the island; the vessel which has brought them from France in May is anchored in this harbour, the room, consisting of stages, flakes, storehouses and dwellings, is situated on its shore, and the men remain there till the end of the season, about September 20th, when they re-embark in their vessel, and return to France with their fish. They receive no bounty upon fish intended for sale in France, but an import duty of 44 to 60 francs per 100 kilogrammes on salted codfish is charged and excludes all Newfoundland or other foreign caught fish; and the French consumer no doubt pays accordingly. If any of the French fish caught in Newfoundland is sent to a foreign market, it receives the export Bounty.

Norwegian  
fish.

91. It must not be forgotten that Norway is also a competitor in foreign markets, and in some places a successful one, though the colonists say that they are not afraid of this competition, as it is conducted on equal terms. (Answer 2098). We were, however, told that the Norwegian fish has the advantage of being sent to market in a better state, as in that country it is prepared in establishments confined to that purpose, the fishing being a separate business. We also heard that this difference could be avoided if more care was taken in the drying of the Labrador fish. (See Annexure to Evidence, No. 15.)

Meaning of  
the word  
“fish.”

92. The words of the Treaty are “The French shall be allowed to catch fish and dry them on land,” and to this day “fish” in Newfoundland parlance means only cod. It has even been held by the Supreme Court that in a policy of marine insurance the word fish did not include cases of preserved salmon. It is pretty clear that the framers of the Treaty had only the cod fishery in view, for in the early correspondence, the cod, “la morue,” alone is mentioned, and is frequently referred to. We select one instance from M. de Guerchy’s note of June 27, 1764 (Appendix, No. 12), where he says, “Je finirai cette lettre, my Lord, par vous dire que s’il est échappée dans mes Mémoires, quelque trait qui vous ait paru porter la moindre atteinte à la propriété de l’Angleterre sur l’Isle de Terre Neuve, ça a été contre mon intention, et celle de ma cour, et pour vous tranquilliser entièrement là-dessus, je vous déclare que le Roy mon maître reconnoit conformément au Traité d’Utrecht la propriété de l’Angleterre sur l’Isle de Terre Neuve, et les isles adjacentes, excepté celle de St. Pierre et de Miquelon, qui lui ont été cédées en toute propriété par le Traité

“ de Paris, sans préjudice de la liberté de la pêche de la morue réservée aux Français pendant un certain tems de l'année sur une partie des côtes de Terre Neuve, conformément à l'Article XIII. du Traité d'Utrecht.”

COD  
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93. Further proof is supplied by the Ordonnance de la Marine of Louis XIV., 1681, of which the sixth chapter relates to “La pêche des Molucs. aux côtes de l'Île de Terre Neuve” while the headings of the French Ordinances and Decrees down to 1852 speak of “la police de la pêche de la morue à Terre Neuve,” and it is not till 1894 that the title is changed to “Décret concernant le tirage au sort des places et la police de la pêche à Terre Neuve.” The change is suggestive, coming as it does after the introduction of the lobster question, but the adoption of a new phrase by France in 1894 can scarcely affect the meaning of the words used by both countries in 1713.

94. The meaning of drying on land is self evident; a cargo of fish could not otherwise be taken to France, the process of making green fish (*salaison en vert*) was then unknown, and the privilege of catching fish would, in 1713, have been useless unless fish could be dried, and for this purpose the use of some portion of the shore was necessary. Cod also, and its congeners ling, hake, and haddock, are, we believe, the only fish which admit of being thus dried in the sun. The process is going on still on every part of the coast where cod are taken, except at the spots occupied by the *petits pêcheurs*; and it was for this use of the shore that the tax of 5 per cent was levied, by the Stuart Kings.

Drying of  
fish.

95. The men go out in boats, returning with their catch to the stage (*chauffaud*), which is a wharf built of poles, to which access is obtained by climbing up the transverse poles which hold together and strengthen the uprights; the top is floored with similar poles, in some cases with boards over them, and over its entire width, and generally over its whole length, a shed of boards is built. The shed is roofed with canvas, which is taken down when the men leave. In 1702, as we learn from the *Traité de la Police*, the mainsail of the vessel formed the canvas covering. This structure is identical with those in use at the Treaty of Utrecht, as will be seen from the sketch opposite to page 49. The fish is then placed upon rough tables and split, the bone and entrails removed, and allowed to fall through apertures into the water, the livers and tongues being first saved. It is then salted and stacked in heaps to allow the pickle, *i.e.*, the liquid formed by the salt and the moisture in the fish, to drain away; it is then washed by being plunged in the water to remove impurities, and is then again sprinkled with salt and afterwards spread out in the sun to dry. The drying is done either upon flakes, rough platforms of poles thinly covered with boughs, or upon the ground on which flat stones are spread. During the drying the fish is turned, and is collected at night, and when finally dry it is stored in a shed until put on board ship for transport to France.

96. Every step of the process is an art in itself: too much salt burns the fish, too little prevents its drying; if the bone is carelessly removed the fish is injured, for the blood is under the bone, and if a few inches of bone is left the blood under it stains the flesh and spoils its appearance and value. In the French rooms each man is told off to a separate part of the work, which is consequently better done than it can be by the settlers, who with the help of their families do everything for themselves, or in some cases on the Labrador coast where there is said to be haste and want of care and a less efficient supervision.

97. We make no report upon the British fishery or the condition of the settlers on the East Coast, for this subject is not included in our Commission, but we visited the only four French drying establishments on the Treaty Shore, of which two are on the West Coast, and the other two on the East Coast—one at Rouge employing two ships and 63 men, the other at St. Julien's, with one ship and 50 men. Rouge is 66 miles in a straight line north of Cape St. John; St. Julien's is further north and 41 miles distant from Cape Bauld, the north-east point of the Island. There were on the East Coast, in 1829, 228 French ships and 9,378 men, in 1857 88 ships and 5,205 men. At Rouge, where the room had been worked by the same captain for 12 years, the party in 1898 had had poor success with their seine in the first part of the summer, but had saved their season by a good catch with hook and line during August and September. They had taken altogether 1,000 quintals of dry fish, which

East Coast.

Rouge.

(11)  
FISHING.  
St. Julien's.

at 14s. a quintal (par. 82) makes 700*l.* for the year's operations. At St. Julien's they had only taken 650 quintals with 50 men. Some years ago with 100 men they had taken 5,000 quintals. Mr. Eyon, the manager, had had charge of the room for the past 18 years.

Fishery gov-  
erned by the  
movements  
of the fish.

98. The cod is a migratory fish, and the fishery is governed by its movements, which again are regulated by the migration of the bait fishes and the temperature of the water. For the cod (Evidence of R. Nielsen, Answer 1706) are seldom found at a higher temperature than 60 Fahrenheit, and when the water falls to 31 degrees the fish sickens, and it dies if the temperature reaches 30 degrees. The cod, therefore, on the approach of the cold weather, disappears into deep water, where at a depth of 80 to 100 fathoms the temperature remains at 33 or 34 degrees, however great may be the cold on the surface. On the South Coast, which is free from ice, fish are taken during the winter at a depth of 90 to 100 fathoms (Evidence of Judge Prowse, Ans. 1886), and at Bonne Bay on the West Coast, where the Admiralty Chart shows a depth of 7 fathoms, fish are taken in the winter through holes cut in the ice, which here, as in the other bays of the colony, attains a great thickness.

99. In the spring the herring appear on the South Coast, and the cod come in attracted by them, and by the returning warmth. The spring fishery then opens, and frequently we were told gives good results to the local fishermen before the French fishery begins, on the Treaty Coast. In May the herring spawn in St. George's Bay, and the coasts being by this time free from ice, they are found on both sides of the island, and by the time the French arrive the cod are on the coasts. In June the capelin, a small fish like a sardine, come in immense shoals with a singular regularity in date, and being an Arctic fish (ans. 1703) they work northward, drawing the cod after them, up to Hopedale on the Labrador coast, which is their furthest limit (Answer 2113). The cod, however, move further north for hundreds of miles, in search no doubt of some kind of food brought down by the northern currents. They are found, we believe, in Hudson's Bay; at any rate at Cape Chudleigh, the eastern headland of that bay; there is a short but good season in August and September for about three weeks. After that the increasing cold of the water drives the fish away, and, as we understand, they gradually disappear from the coast as the cold comes south till even at St. John's the fishery is practically over by the end of October.

100. The capelin is succeeded by the squid, a kind of cuttlefish, which with such herring as could be taken, formed the bait in use on the coast during our visit. In the absence of bait on the northern part of the Coast of Labrador, the fish are taken by dropping and raising bare hooks of special shape called jiggers. This process is used also, we have heard, on the Norway Coast north of the Lofoden Islands, but it is not entirely satisfactory, for many fish are wounded without being caught.

Pêche  
nomade.  
Pêche  
sédentaire.

101. In the middle of the present century during the capelin season the French on the West Coast carried on a moving fishery, *pêche nomade*, by which instead of settling for the season in some harbour, which they called *pêche sédentaire*, they followed the fish up the coast, landing as they required to dry their catch. This movement of the cod was caused by the capelin moving northwards towards the Labrador coast, so that the *pêche nomade* came to an end when the fish had gone beyond the Treaty limits, and the French ships finished their season on the banks. The Joint Commission which visited the coast in 1859 found that the only places where the *pêche sédentaire* was carried on were Codroy, Red Island, and New Port au Choix. On the East Coast the fishing was entirely sedentary. The *pêche nomade*, which is also called *défilant le golfe*, has been abandoned, and an attempt to resuscitate it in 1898 was a failure. (Evidence of Commodore Bourke, ans. 2253). The French Decrees of 1852 and 1894 distinguish this *pêche nomade* from the *pêche sédentaire* of the occupants of cod-rooms.

Fishing  
grounds.

102. This outline will give a general idea of the conditions of the fishery, but we found no one who professed to know the laws which govern all the movements of the fish. They sometimes move southward, and on one day will be on one fishing ground, and the next day may have deserted it for another; sometimes there is plenty of fish and no bait, at other times no fish but plenty of bait, or again plenty of both fish and bait, but the fish, voracious as they are, are so glutted with food that they will not take a bait. The summer fishing is carried on in comparatively shallow water at from 20 to 30 fathoms, or even less in some places such as Red Island. The fish frequent various localities well known to the fishermen.

who speak of them as fishing grounds; and it is to these places that the men look for making their season. The best of these on the West Coast are round Red Island, and at Long Point, Port à Port, and Little Harbour near the entrance to Bay of Islands, the three latter during part of the season only, so that they are not suitable for the *pêche sédentaire* and farther north, Port au Choix. On the North-East Coast, the best are within a stretch of about 25 miles including Cremallière, St. Julien's, Cape Rouge, and the waters round the Fischot Islands, and this is now the only part fished by the French.

CON  
FISHING.  
West Coast.

East Coast.

103. It is in connection with these 25 miles that the questions of interruption arise at the present day. No serious difficulty occurs between the French and the resident settlers. The French room on the Fischot Islands contains what is said to be the best drying ground on the Coast. This room was unoccupied in 1898; opposite to it on the other side of a narrow channel, about 200 yards wide, is an English settlement of nine families with their stages, flakes, and other appurtenances for drying fish. These people told us that they have no trouble with the French, who never interfere with them so long as they keep clear of the French seines. At St. Julien's, M. Eyon, the captain, said that the settlers caused him no annoyance, and at Rouge an amicable arrangement has been effected. This place is an instance of a peculiar feature of the Newfoundland Coast. Two bays, in this case Rouge and Conche, separated by some miles of sea, are divided at their heads by a neck of land, sometimes, as here, not half a mile across. Another instance is Port au Choix on the West Coast, but perhaps the most striking instance is Port a Port Bay, which is separated from St. George's Bay by a quarter of a mile of land (Evidence of H. H. Haliburton, Ans. 1220), while to travel from one side of this strip to the other by sea entails a voyage of not less than      miles.

104. Cape Rouge Harbour adjoins Conche Bay where there is a considerable British settlement, and no traces remain of the French establishments of former days. At Rouge there used to be thirteen French rooms, six on one side of the harbour, and seven on the other side. The latter have disappeared, and of the six which formerly stood side by side with their drying grounds behind divided from one another by a pathway, only one was occupied, the buildings of another which was in use in 1897 were standing empty, the other four being distinguishable only by the remains of the flat pieces of stone laid out over the sloping ground to form the area on which the fish were laid out in the sun to dry. In 1894, Commodore Curzon-Howe, to put an end to the disputes which resulted from the close vicinity of Conche and Rouge, arranged with the people of both harbours that Cape Fox, a headland between the two, should be the dividing mark of their respective fisheries, and this arrangement still exists and appears to work well, the English fishermen being at times driven back by the French when they cross the line, but M. Pedron, the French captain, spoke of these incursions as a matter of no consequence.

Rouge Har-  
bour.

105. In fact, on the North-East Coast the settlers and the French live amicably together, but both complain of the nomadic schooners, and of men from the South who camp in one of the harbours and fish from the shore in the manner described by the first two witnesses. The schooners are fitted out in one of the Southern Bays, generally Bona Vista or Notre Dame Bay, and either fish up and down the coast (Evidence of Edward White, ans. 334), or try for a cargo to carry back to port, before proceeding to the Labrador fishery, which, owing to ice, opens later than on the coast of the Island. The naval officers report that in 1897 there were as many as 127 of these schooners on the North-East Coast, while in 1898 there were only 56 (Answer 1996) owing to the Labrador Coast having been clear of ice at an unusually early date. These vessels carry, as a rule, six dories, always one and sometimes two or three cod-traps beside hooks and line (see Answers 435 and 1965), and their operations are described by Commodore Bourke in Fishery Report, 1896, thus:—"The presence of nomadic schooners on the North-east coast has produced trouble between English and French fishermen, but I have been able to partially settle the question for this season. The descent these schooners make from Bona Vista and Notre Dame bays on to the North-east coast has from year to year formed the subject of much complaint and correspondence. They are always a rough lot, and not only fish in everyone's way, English and French alike but also start their ballast, and split and gurru their fish on the best fishing grounds." This is however denied by the schooners (Answer 1398).

Nomadic  
schooners.

COD  
FISHING.

106. Their movements are uncertain, and it will be evident that the arrival of 50 schooners at a given point, within the 25 miles on the North-east coast which includes the limit of French operations, equipped as described in Answer 1965, anchoring near the fishing grounds outside the harbours, with their boats all round them, and their cod-traps set, might seriously interfere with the operations of the French boats or the local settlers. The presence of a larger number might increase the trouble, and it will be readily understood that the French constantly complain of these vessels to the commanders of the British cruisers. If removed by the cruisers as interfering with the French, they claim that as British subjects they have a right to fish in British waters, and it is clear that they are not the occupants of fixed establishments. The problem is a difficult one, for the claim appears justified provided they do not interfere with the French. The complaints of the British settlers is a matter to be dealt with by the local government, who are not disposed to take action against the schooners, and who urge as a grievance that the Fishery Regulations of the Colony are not by direction of Your Majesty's Government allowed to apply to the fishery on the Treaty shore, so that any rules they might make for this or any other purpose would not be enforceable. It is a distinct hardship on British fishermen, whether livers or nomads, who gain their livelihood by fishing, that they are prohibited by law from using cod traps on any portion of the Treaty shore, notwithstanding that they are legal instruments by colonial laws and regulations on all other parts of the Newfoundland coasts.

107. The question whether the French fishermen have on any occasion been interrupted in their fishing depends, as we have shown above (par. 102), upon the circumstances of the particular day, the governing factor being not so much the number of schooners as the relative abundance or scarcity of the fish. Consequently, the distance at which one boat can approach another without interfering with its fishing cannot be determined by any fixed rule, and really can only be decided by some person on the spot, who, by going among the fishermen, can see what they are doing, or whether any undue interruption to the operations of the French fishermen has been caused by a given number of cod traps set in the vicinity of the fishing-grounds. Indeed, the naval officers report that when fish are plentiful no complaints are made. The French Government furnishes some evidence on this point, for (paragraph 75) the Ordinance of 1842 lays down two oars' length as the distance to be kept between the seining boats and the hook-and-line boats. The duty of enforcing our treaty obligations and preventing undue interruption of the French in the exercise of their fishing privileges has hitherto devolved solely on the Naval Officers, and it is shown by the evidence of Commodore Bourke, as well as by former Naval Reports, that the utmost care has been at all times taken to investigate cases of alleged interruption, and that no nomadic schooner has of late years been warned or ordered off the Treaty Shore on the North-east coast except within the 25 mile limit of French operations, and then only when after investigation on the spot the Naval Officer has considered, from all the surrounding circumstances of the case, that undue interruption has taken place. See Answers 1988-1993.

West Coast.

108. There were in 1898 no Frenchmen fishing for cod either in ships from France, or as *petits pêcheurs* from St. Pierre, between St. Julien's, on the East Coast, and St. John's Island, on the West Coast. In 1852 there were between these points 57 rooms, occupied by 60 ships with 3,352 men.

St. John's  
Island.

109. At St. John's Island we found a large establishment of 95 men, in charge of M. Mary, who had been there for eight years in succession. Of these men 40 were employed in cod fishing, and 55 in lobster catching, though it is probable that the men are transferred occasionally from one work to the other. In this harbour of St. John's Island there appeared to be, in 1852, five cod-rooms, but when the Joint Commission visited the coast in 1859 they found that the place had been abandoned some four or five years before, as the French had found the harbour inconvenient for their vessels and fishing boats. There was then a small English settlement of eight families, who went every year to the Labrador fishery. The place was reoccupied by 1874, when there were five rooms, but it must have been again abandoned, for it was occupied in 1890 by M. Mary for the sake of the lobsters, when he had to remove his factory, which had been working for a year in the neighbourhood of Port au Choix. They had made a heavy loss, as much, we understood, as 20,000 francs (800*l.*) upon the codfish, but had more than retrieved it by an excellent

catch of lobsters, of which they had taken 2,500 cases, worth 112,500 francs, or 4,500*l.*, one case being worth, as he told us, 45 francs. In fishing for cod on this coast they do not use cod seines but fish with hook and line, or after the 15th of August with *lignes de fond (bultows)*; this date is fixed by the Decree of 1894 (Art. 25). The stage and sheds were of the same character as at Rouge and St. Julien's; the dwelling house we shall speak of under the head of Buildings.

COD  
FISHING.

110. On leaving St. John's Island we anchored in old Port au Choix and walked across the neck of land to Port au Choix, where the remaining cod-room of the four in use in 1898 is situated. The captain is M. Villala, who has been there for 25 years, having under him 127 men, of whom 9, he told us, were employed in catching lobsters. He did not mention the amount of his catch, but we learned from the Naval Reports that he had taken 315,000 fish. The dwelling house we shall mention later under the heading of Buildings. This was the only fishing room of the four at which the shed over the stages still retained its canvas cover. The boats were out fishing but the work for the season was nearly over, the catch for the last few days was being salted as green fish, and we noticed here a much greater quantity of salt remaining for the next year than at any of the other places.

Port au  
Choix.

111. Port au Choix has always been a favourite harbour, and it will be seen from Answer No. 648 that there is a special formation in the bed of the gulf which leads to this point being frequented by the cod, and which probably is a reason for the absence of cod-rooms further south. On the stretch of coast between Port au Choix and Cape Ray the harbours are less numerous than on the East Coast and the fishery is less productive, though the fish are larger, being better fed. Accordingly we find in the lists for 1852 few places assigned to ships, and it was here that the method of *défilant le golfe* was in use. At the present day there is no French cod-fishing south of Port au Choix, except that of the *petits pêcheurs*. We visited two of their establishments, one at Tweed Island the other at Red Island, which are associated and managed by two brothers. At Tweed Island there were 10 men; this was the only place where we found the work actually in progress; the boats had just come in with their fish which were being cleaned in the open air, and what remained of the fish previously taken was lying in salt in a small store. The earlier portion of the season's catch had already been sent to St. Pierre as green fish.

Tweed  
Island.

112. The head establishment is at Red Island, where we succeeded in landing ten days later. Here also the fish were cleaned at a place on the shingle in the open air and were similarly stacked away in a store in salt without being dried. The men's quarters were under the cliff a few feet above the actual beach; the rest of the buildings, except the fish stores, were at the top of the cliff, and access was obtained by a sort of ladder let into the ground, the side pieces acting as slides up which goods are hauled to the top by a windlass, which also served to haul up the fish for drying when that process was employed at this place (*see picture facing page 31*).

Red Island.

We shall recur to this establishment under the head of buildings. We here mention these two places because they are somewhat in the nature of cod rooms, and the work differs from the operations of the individual *petits pêcheurs*, who had left the coast and whose places we were unable to visit.

## X.—PETITS PÊCHEURS.

113. The phrase *petite pêche* is applied to the fishing on the Coast of France as distinguished from the *grande pêche* at Iceland, Newfoundland, or the Dogger Bank. In connection with the subject of our report, the *petit pêcheur* is a man whose ordinary avocation is to fish for cod off the Islands of St. Pierre and Miquelon, but who comes to the Treaty shore with his boats and fishes there during part of the season, although England does not admit that the inhabitants of St. Pierre are entitled to share in the shore fishery under the Treaties. In 1893 the French devised a scheme for the "ré-occupation du French shore," as it is termed in the official *annuaire de St. Pierre* of 1898, by which the men were sent from St. Pierre to live on the shore of Newfoundland, and to carry on an individual fishery from the shore in boats which they bring with them, some in schooners from St. Pierre, some in the steamer "Pro Patria" which plies ordinarily between St. Pierre and Halifax. These men are entitled from French funds to the Prime d'Armement of 50 francs a head; and in order to induce them to undertake the fishery, they also receive 50 francs a man from the local funds of St. Pierre.

Petite Pêche

PETITS  
PÊCHEURS.

114. The fishery is not remunerative and it is unpopular, as the men would prefer to fish near their own homes. (See evidence of Commodore Bourke, Answer No. 2254; and see also his letter to Admiral Fisher, commanding the station, dated June 23rd, 1898. Annexure to Evidence No. 21.) Accordingly in 1898 a further sum of 4,000 francs was voted from the local funds of St. Pierre. The number in the past season increased by 28 men, of whom 15 went to Long Point, the stronghold of the ordinary *petit pêcheur*. Red Island and Tweed Island were, for the first time, worked together by Chrétien, and this may account for the alteration in the figures at those two places. The numbers of men employed in this new form of encroachment are reported by the naval officers to have been as follows:—

PLACE.	1893.	1894.	1895.	1896.	1897.	1898.
Long Point (Beach Point) - - - - -	13	71	113	99	63	78
Tweed Island - - - - -	—	—	14	—	24	15
Woody Bay - - - - -	—	—	4	8	8	8
Little Port - - - - -	—	—	—	—	—	—
Woods' Island - - - - -	—	—	9	—	—	—
Red Island - - - - -	—	—	12	2	14	36
	13	71	152	103	109	137

Note.—Of the 159 men in 1896, 61 came from France in the early Spring, and took employment under the St. Pierre armateurs for this work; of the 109 men in 1897, 50 came from France in the same way.

Protest by  
Her  
Majesty's  
Government.

115. Your Majesty's Government have more than once protested against the presence of individual fishermen from St. Pierre, and a note from the Earl of Kimberley to Baron de Courcel, dated June 22, 1895, concludes with the following words:

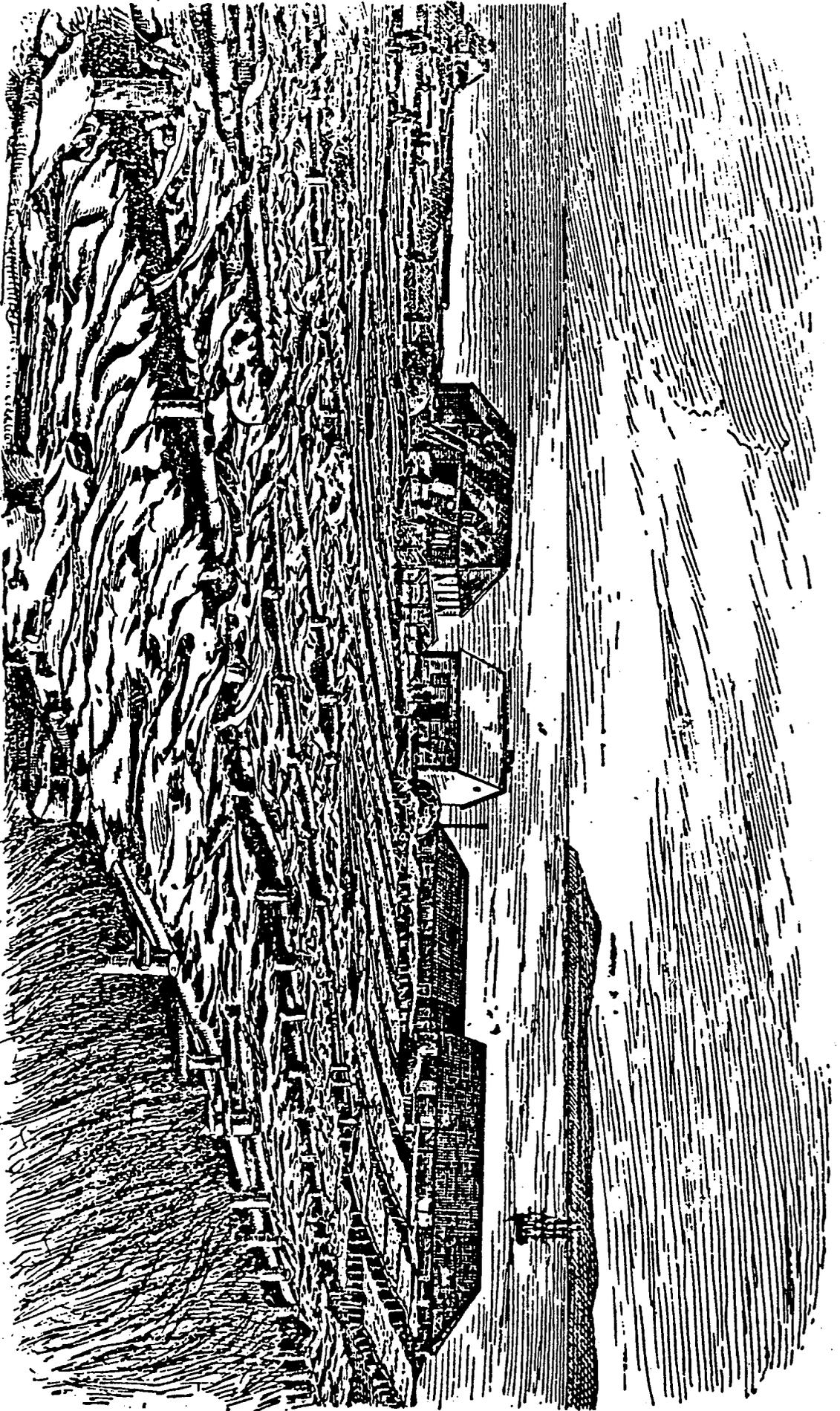
"For the reasons adduced in this and previous communications to your Excellency's Government, this claim is one which cannot be admitted by Her Majesty's Government, and I must renew a formal protest against such proceedings. Her Majesty's Government maintain that it rests with the Government of France to show that the inhabitants of St. Pierre are entitled to participate in the liberty of fishery allowed to French subjects on the Treaty shore, and they hold that their action in setting up a new method of fishery, differing entirely from that which alone the French are entitled by Treaty to use, constitutes a distinct encroachment on the sovereign rights of the British Crown, and involves an interference with the rights of individual British subjects which it is the duty of Her Majesty's Government to protect." But the later protests have, we are informed, not been answered, and the evil continues. We venture to point out that the day may come when the increased bounties from the funds of St. Pierre would make this fishery a profitable one, and one which would then be undertaken by an increased number of men.

Destruction  
of property.

116. The inquiry at Lark Harbour (see Evidence generally, pages 114–118) shows that the local fishermen have had to complain of serious destruction of property committed by these *petits pêcheurs*, and further, that at Long Point Your Majesty's subjects are prevented by these men from carrying on the fishery at all. (See Evidence of H. H. Haliburton, Answer No. 1242). The *petits pêcheurs* had left Long Point some months before our arrival, and unfortunately the weather prevented our landing to see the buildings which they occupy, but we were told that these are only log huts, inferior to the houses attached to the cod-rooms, or to those occupied by the lobster catchers.

Fish not  
dried.

117. We desire expressly to point out to Your Majesty that even if the presence of these men on the Island of Newfoundland could be justified, their proceedings are in themselves another and a distinct breach of the plain words of the Treaty. They come on the pretence of catching and drying their fish. The latter, as we have



BACK VIEW OF THE PRINCIPAL BUILDINGS AT RED ISLAND (IN THE FOREGROUND FISH DRYING ON THE FLAKES).  
See PARAGRAPH 118. FROM A PHOTOGRAPH, 1891.

already pointed out, requires a certain amount of land for the success of its operation; they do not, however, even attempt to dry any of the fish; it is simply salted and sent back to St. Pierre, to be there dried in the artificial drying places for export to the French Colonies or to North America, or to be sent to France as green fish.

PETITS  
PÊCHEURS.  
Fish not  
dried.

118. The numbers in Paragraph 114 include the 36 men working at Red Island. The establishment at this Island has for quite 50 years been worked by men from St. Pierre, who have kept all English away (Answer 2195) and the table of French rooms assigned to French amateurs, and officially published in 1852, shows that Red Island was to continue to be reserved for the small schooners from St. Pierre and Miquelon. In 1857 there were, as reported by Mr. Perley, 220 men engaged in drying fish on the Island. We are unable to exactly state up to what time the practice of drying was continued; it existed in 1891, for the picture on the opposite page is taken from a photograph of that year showing the fish on the flakes, and up to 1896 the Island was worked as a room under a manager for the firm of Poirier of St. Pierre.

Red Island.

119. In 1897 the naval officers report that the only men on the Island were 14 *petits pêcheurs*, and in the two preceding years there were 12 in addition to the men working the room. In 1898 we found the Island occupied by M. Chrétien, a resident of St. Pierre, who had formerly been Poirier's Agent at Tweed Island, and who is now working Red Island on his own account with, as he told us, 35 or 36 men under him, of whom 10 were lobster men employed at Les Vaches on the mainland, the remainder being *petits pêcheurs*. He had gone to considerable trouble and expense in renovating the buildings which had evidently fallen into a very bad state by the time M. Poirier gave up the place. The fish taken round the Island is not dried, but like that of the other *petits pêcheurs* it is salted and sent in that state to St. Pierre. This, as well as the condition of the buildings, is a manifest infringement of the Treaty, but as the man has apparently in good faith succeeded to an establishment which had been in existence for many years, Your Majesty may possibly be disposed to treat this as an exceptional case, and allow him to remain for some definite period, subject to his not being found to be concerned in any smuggling operations.

To be treated  
exceptionally

120. But as regards the rest of the *petits pêcheurs*, we submit to Your Majesty that as an alien has no inherent right to occupy British Territory\* against the will of the Sovereign, and as these people are not present in the exercise of any Treaty right, and are paid by the St. Pierre authorities to come, the time has arrived for refusing them access to the Island of Newfoundland.

## XI.—FRENCH BOUNTIES.

121. The French Government gives the following bounties for the development of maritime pursuits:

Bounties on  
maritime  
pursuits.

1. To encourage shipbuilding, *Prime de Construction*, omitting vessels not suitable to the fishery, there is a bounty of 40 francs per ton for wooden sailing ships of 150 tons or over, and of 30 francs per ton for those under 150 tons.

2. For encouragement of seamanship, omitting again other vessels, a "*Prime à la Navigation*," a bounty for wooden sailing ships of 1.70 francs per ton per thousand miles sailed, decreasing annually from date of construction by .08 francs per ton, till the bounty is worked out. The merchants at St. John's (Evidence of R. Prowse, Answer 2164) spoke of this bounty as paid to the French banking vessels, but it seems from a note on page 483 of the *Tarif des Douanes 1897*, that this bounty is not payable to the fishing fleet.

3. To encourage the fishing industry, *Prime d'Armements*, bounty on outfit of fishing vessels, 50 francs for each member of the crew employed in (a) The Bank fishery; (b) Fishery on the shore of Newfoundland; (c) Fishery at St. Pierre and Miquelon, in each case with drying, or 30 francs per man on the Great Banks without drying (*Salaison à bord*), i.e., salting the fish and stowing them in the hold as green fish.

122. This bounty was extended to the *petite pêche* of St. Pierre and Miquelon by the Decree of 17 Sept., 1881, "une innovation qui est un véritable bienfait pour la population de ces îles," as it is styled in *Les Colonies Françaises*, 1889, p. 287,

Prime  
d'Armement  
extended to  
St Pierre in  
1881.

\* Musgrove v. Chun Teong Toy. L.R. Appeal Cases, 1891. Page 272.

FRENCH  
BOUNTIES.

conditional on the fishery lasting 120 days between April 1st and September 30th. The *petit pêcheur* who goes from St. Pierre to Newfoundland receives another 50 francs from local funds, and in 1898, as the numbers were falling off, a further subsidy of 4,000 francs was voted from those funds. These men do not remain in Newfoundland for 120 days, and they apparently make up their time for the Metropolitan bounty by fishing round the Island of St. Pierre.

123. The salt for use in fishing is given to the outfitter free from internal duties, subject to certain conditions, as well as certain drawbacks on the import duties (Tarif des Douanes, 1897, p. 67). See also Board of Trade Journal, 1898, page 664. It will thus be seen that the French armateur starts his summer campaign at a great advantage over the colonial merchant, who is further weighted by the heavy import duties in the colony upon fishing gear, provisions, and other necessaries of his outfit.

124. It is frequently urged that these bounties which go to the outfitting merchant, and not to the men, are given to the fishery as it serves as a nursery for seamen for the Navy, and this again is put forward as an argument for preserving the shore fishery. We doubt, however, looking to the nature of the war vessel of the present day, whether this view is still held in France by persons in responsible positions. The *conscription maritime* takes the lads of 20 for their three years' service, whatever their previous avocations may have been and the work on the Banks is not universally regarded as especially adapted for training sailors. We notice that M. Yves Guyot in "Le Siècle" of November 12th, 1898, says: "Les uns vont à Terre Neuve. Le bateau qui les transporte n'est qu'un hotel mobile. Ils ne sont que des passagers. Arrivés sur les bancs, ils descendent dans de petites barques appelées *doris* et ils pêchent à la ligne. Ils viennent se reposer dans le navire ou ils emmagasinent leur pêche. Ce sont des canotiers. Cette pêche ne forme pas des marins." These remarks seem to apply with even greater force to the shore fishery, where the men return at night to sleep on the shore, and where the work of at any rate part of the crew, consists of cleaning the fish and spreading it in the sun to dry. We think, however, that M. Guyot hardly does justice to the hardihood of his countrymen from Normandy and Brittany, for the work on the banks is both severe and dangerous.

Amount of  
these  
bounties.

125. It may be of interest to state the very large item which these bounties form in the public budget. The following figures, which are not confined only to the fishing fleet, give the actual expenditure for 1896, taken from the "Annuaire Statistique de la France," 1897.

## Primes à la Construction, 1896.

(Extracted from the "Annuaire Statistique de la France," 1897).

	Nombre de Navires.	Nombre de Tonneaux.	Nombre de Kiloga.	Primes.
				Francs. c.
Navires en fer ou en acier, 65 francs le tonneau . . .	39	41,998 <sup>54</sup>	—	2,620,709 39
Navires en bois. { de 150 tonneaux et plus, 40 francs le tonneau . . . . .	12	2,964 <sup>85</sup>	—	113,827 52
{ de moins de 150 tonneaux, 30 francs le tonneau . . . . .	827	11,667 <sup>74</sup>	—	335,915 74
Machines et renouvellement de chaudières, 15 francs les 100 kiloga. . . . .	—	—	7,115,200	1,024,588 80
Augmentation de jauge. { Navires en fer ou en acier, 65 francs le tonneau . . . . .	5	179 <sup>62</sup>	—	11,207 85
{ Navires en bois. { 150 tonneaux et plus, 40 francs le tonneau . . . . .	—	—	—	—
{ moins de 150 tonneaux, 30 francs le tonneau . . . . .	3	3 <sup>50</sup>	—	100 80
Total . . . . .	—	—	—	*4,106,349 90

\* Does not add. Sic. in original.

Primes à la Navigation, 1896. (Loi du 30 Janvier, 1893).

FRENCH BOUNTIES.

(Extracted from the "Annuaire Statistique de la France," 1897).

Application de la loi du 30 Janvier 1893.		Flotte ayant pris part à la prime établie par la loi du 30 Janvier 1893.		Montant des Primes.	
		Nombre de Navires.	Tonnage.		
<i>A.—Long Cours.</i>					
Navires de construction française.*	Navires à vapeur	en bois	77	225,356 <sup>30</sup>	8,354,865 65
		en fer	86	26,506 <sup>52</sup>	216,694 45
	Navires à voiles	en bois	43	51,897 <sup>81</sup>	1,215,125 38
		en fer	42	10 <sup>860</sup> 32	923,253 61
Navires de construction étrangère.	Navires à vapeur	en bois	20	8,375 <sup>09</sup>	20,092 47
		en fer	25	34,639 <sup>90</sup>	401,451 11
	Navires à voiles	en bois	214	440,239 <sup>14</sup>	1,419,821 31
		en fer	56	10,933 <sup>88</sup>	14,991 68
<i>B.—Cabotage.</i>					
Navires de construction française.	Navires à vapeur	en bois	20	33,794 <sup>93</sup>	8,435 68
		en fer	20	33,794 <sup>93</sup>	8,435 68
	Navires à voiles	en bois	56	10,933 <sup>88</sup>	14,991 68
		en fer	20	33,794 <sup>93</sup>	8,435 68
<i>Totaux nets</i>					9,574,731 34
Versements à la Caisse des Invalides de la Marine, effectué en vertu de la loi du 30 Janvier 1893 (Art. 12)					567,772 87
<b>Total des primes à la Navigation</b>					<b>10,142,504 21</b>

\* Ou navires de Construction étrangère assimilés aux navires de construction française, comme français avant la loi du 29 Janvier 1881.

*Note.*—The estimated bounties on construction and navigation for the year 1897 amounted to 17,921,944 francs.

Extracted from "Annuaire Statistique de la France," 1897.

Primes d'Armement (Pêche), 1896.

	Taux de la Prime.	Nombre de Navires.	Jauge.	Nombre de Marins.	Somme.
	<i>Francs. c.</i>				<i>Francs.</i>
1 <sup>er</sup> Grand banc de Terre Neuve	50 00	370	32,768 <sup>59</sup>	7,996	399,800
Mers d'Islande	50 00	213	18,675 75	3,927	196,350
Grand banc de Terre Neuve (salaison à bord)	30 00	—	—	—	—
Dogger-Bank	15 00	181	2,132 83	692	10,380
Ensemble	—	—	—	—	606,530

\*\* 171 barques non pontées, montées par 1,031 marins des îles Saint-Pierre et Miquelon, ont en droit, à raison de 50 francs par marin, à une prime de 51,550 francs.

N.B. — Ces dernières primes sont allouées sans condition de jaugeage. (Loi du 15 Décembre 1890, et décret du 17 Septembre 1891).

FRENCH  
BOUNTIES  
Commercial  
countries on  
produce of  
the fishery ;  
their effect.

126. At the end of the campaign the French merchants have still another advantage over the colonial merchants, for bounties are given upon the produce of French fishery when taken to markets outside of France. It is these of which the colonists complain. In support of these complaints they appeal to the following extracts from letters written by British Consuls and merchants.

Leghorn.

"The following is from A. P. Inglis, Esq., British Consul at Leghorn, and is dated 28th February, 1887 :—

"During 13 months ended 31st January 1887, the quantity of French cured codfish imported at Leghorn was 63,500 qtls., whereas as recently as 1883 it was only consumed here in small quantities, early in the season, before the English fish came in. The bounty given by the French on fish landed at Leghorn is 16 frs. for 100 kilos. The amount of bounty paid during the above period was 20,612½ sterling. Rates of bounty vary at different ports, the bounty at Genoa being 14 frs., at Naples 11 frs. The object in giving a higher bounty for Leghorn was, no doubt, to encourage the French curer to send his fish to the market where the English fish had taken such a firm hold.

"It seems also that the French curers have only lately become fully alive to the advantages to be reaped from a trade thus liberally subventioned, as the imports noted above are quite unprecedented. The whole of it is not intended for consumption. In this district a large portion goes to Genoa by rail; it is landed here to take the higher bounties.

"I beg leave to add that the impulse thus given to the French curer is exercising a very baneful effect on our own Newfoundland trade, and I am informed by one of our principal importers that during this month he had actually re-shipped to England 1,200 bales of Newfoundland codfish."

Genoa.

127. "From Genoa the British Consul forwards information from Messrs. Garnet, Brown & Co., as follows :—

"The French tariff accords a premium to French codfish, whether imported to consuming countries direct from French fishery stations or French ports, of 12 frs. per 100 kilogs. if discharged in a port of the old Sardinian States, but of 16 frs. if discharged in other European ports of the Mediterranean.

"To obtain the larger bounty the French send their fish to Leghorn, which is not included in the old Sardinian Kingdom; from thence it goes to other ports of the Mediterranean.

"The premium paid by the French Government was, up to 1884, only upon fish imported by sea direct from fishing stations and in French vessels, but owing to quarantine regulations which prevented imports by sea from France the bounty was transferred to shipments by rail.

"The great increase in French shipments is to be attributed to the bounty, which used to be paid only on direct imports now refunded to establishments set up in French ports.

"The large premiums paid by French Government present great inducements to capitalists. According to the price ruling in 1886, 40 and 50 per cent. was added to the selling price, this selling price being the lowest figure at which English fish, its chief rival, can be imported into Europe.

"Under present circumstances, therefore, the sale of English fish is so unfavourably placed that its gradual cessation must be only a question of time.

"The duty in Italy is 5 frs. per 100 kilogs. Newfoundland appears to have suggested the best manner of protecting its fishermen, viz., that of prohibiting the sale of bait to the French; and until the bounty is removed or much reduced we cannot consider this means of retaliating for the injury done by the French unjustifiable."

Naples.

128. Mr. E. H. B. Hartwell, the British Consul at Naples, writes :—

"In former years French codfish was unknown here, as the catch of the French was barely sufficient for the requirements of home consumption in France, but with the stimulus given to French shippers by additional bounties, larger numbers of vessels were fitted out, and the surplus in these last few years has had to be forced on Italian and other foreign markets. In 1884 the French imports into

“ Genoa were but a few small parcels ; in 1885 they rose to 5,300 qtls., or 13 per cent. of the total import ; and in 1886 the imports further increased to 19,800 qtls., as against 25,600 qtls. of English fish, or 44 per cent. of the entire quantity imported. During 1886 the average price of Labrador codfish was 14s., cost, freight, and insurance, which price must have entailed a heavy loss on British shippers. On the other hand, the French bounty of 16 frs. brought French fish to 20s. 6d., or nearly 50 per cent. over and above that obtained by British shippers ; and it is quite evident that unless some means are devised for protecting British shippers from the prejudicial effects of the French bounty system, the extinction of the Labrador fish is only a question of time.”

“ The British consuls in Italy and other parts of the Mediterranean, of Spain and Portugal, tell the same story. Those at Valencia and Alicante say that the cheapness of French fish is driving out the Newfoundland cure. We specially call the attention of our readers to the following :—

“ As a proof of the utter impossibility of competition with French fish it will suffice to mention the fact that French shippers have actually offered and sold fish to Spain for NOTHING in Bordeaux, and Spanish buyers, therefore, have actually obtained it merely for the cost of carriage and Spanish duties, while the French shippers were satisfied with the bounty which they received from their Government. This being the case, the complete destruction of the Newfoundland trade with Spain is, of course, only a question of time.”

\* \* \* \* \*

129. “ Writing from Naples, under date 3rd March, Messrs. Maingay, Robin & Co., Naples. the principal consignees there, state :—

“ In former years French codfish was not imported here, but with the stimulus given to French shippers the importation of French codfish is rapidly increasing, with a corresponding decline to British importations.”

130. “ Leghorn.—The principal fish agent at this port, Mr. J. G. Tago, writes as follows, under date 21st February, 1887 :—

“ The French have almost entirely taken hold of this market for fish. Their imports for 1886 have been 64,540 cwts., on which they have received a sum of bounty of 513,320 frs. Our sales of Newfoundland fish have this week been 200 cwts.; against 1,800 in the corresponding week of last year. I have had to ship to England the entire cargo of the ‘ Robert,’ and, although only some 2,500 cwts. remain in store, I doubt much if an outlet can be found for this before Lent terminates. French fish keeps pouring in, and usurps the place formerly held by British cure. It is evident something must be done to protect the English fisheries, or the sooner they are abandoned the better.”

131. The following information was published by the colony, but we do not know from what sources it was obtained :—

“ Naples.—The imports into this port show for 1885—

Newfoundland -	-	-	-	-	-	-	35,000 cwts.
French -	-	-	-	-	-	-	5,300 „
							Total - - - 40,000 „
For 1886—							
Newfoundland -	-	-	-	-	-	-	25,600 cwts.
French -	-	-	-	-	-	-	18,800 „
							Total - - - 44,400 „

“ or an increase of French cod of over 300 per cent. in the latter year.

## FRENCH BOUNTIES.

## " Genoa—

In 1885 were imported	- - - - -	25,999 cwts.
In 1886 were imported	- - - - -	45,887 "

" This is independent of fish sent into Genoa by rail, *viâ* Mont Cenis Tunnel, the quantity of which it is impossible to ascertain, but the best informed estimate is at 50,000 cwts.

" Valencia.—Until last year this market was free from French competition. There were imported in 1885—

Newfoundland	- - - - -	35,000 cwts.
French	- - - - -	None.

In 1886—

Newfoundland	- - - - -	22,000 cwts.
French	- - - - -	20,000 "

" Alicante.—In this market the sale of Newfoundland codfish has most materially declined through its displacement by French-caught fish. Alicante was formerly a most valuable market to the Newfoundland trade, being a port of distribution for fish to Madrid, Saragossa, &c. These places are now almost wholly supplied with French fish, that for Madrid and northern places being sent through Bilbao and Passages, to which it goes by rail from Bordeaux at a very cheap rate. A large part of the fish caught by the French in Newfoundland is shipped in an uncured state to Bordeaux, and is there cured, a continuous supply being sent from there, chiefly by rail, into the Spanish markets. The quantity thus received from France in 1885 was 56,723 cwts., and in 1886, 82,600 cwts.

" Malaga.—French fish is also being shipped to Malaga, which market was formerly supplied by Newfoundland, from which the importations are now of small account."

## Details of bounties.

132. The bounties vary according to destination; if exported to Transatlantic countries, or to the French colonies in America, India, or West Africa, either direct from the fishing grounds or through a French warehouse, the bounty is 20 francs per metric quintal, = 100 kilos; this metric quintal is almost double the Newfoundland quintal of 112 lbs., 50 kilos being equal to 110 lbs. If the fish is sent to the above-mentioned countries or colonies from ports in France without being warehoused the bounty is 16 francs; if sent to foreign countries or to Mediterranean ports, except the old kingdom of Sardinia and Algeria, the bounty is also 16 francs. If sent to Sardinia or Algeria the bounty is only 12 francs. There is also a bounty of 20 francs per 100 kilos on cod roes, the produce of French fishery, imported into France.

## Amount of commercial bounties.

133. The actual expenditure for 1896 taken as before from the "Annuaire Statistique de la France," 1897, was as follows:

*Primes d'importation aux colonies et dans les pays transatlantiques.*

	Frs.	c.
8,230,649,900 venant directement des lieux de pêche, prime 20 francs per quintal mét.	1,646,129	98
791,395,450 venant de France (avec entrepôt), prime 20 francs	158,279	09
918,076,950 venant de France (sans entrepot), prime 16 francs	146,892	31
Total	1,951,301	38

*Primes d'exportation à destination des pays européens et des États étrangers sur les côtes de la Méditerranée.*

	Frs.	c.
16,044,072,500 de France dans les pays étrangers et les États européens prime 16 francs	2,711,051	60
1,491,708,500 de France en Sardaigne et en Algérie, prime 12 francs	179,005	02
Total	2,890,056	62

*Primes d'importation de roques de morue.*FRENCH  
BOUNTIES.

	Fr.	c.
617,041'450, prime 20 francs les 100 kilog. - - - - -	123,408	29
Total des primes - - - - -	5,622,816	29

*Note.*—The estimated bounties in connection with Fisheries (Armement) for the year 1897 amounted to - - - - - 5,534,606 francs

134. These bounties on the produce of the fishery are obviously of a less general character than those above referred to, which are, with the exception of the Prime d'Armement, distributed among the whole mercantile marine, while these are given only to that section of the mercantile world which is engaged in the fish trade, so that they are in fact rather a commercial than a maritime subsidy. We may refer in this connection to the letter from the Bordeaux merchant to a correspondent at Leghorn, which was written, as we learn, in October or November, 1896, and is quoted in Annexure No. 19, put in by Mr. John Harvey, Answer No. 2179, in which he says: "At last we may now say the battle is fought and the day won. *The dream of my younger days has been verified.* I foresaw the result, but never expected that in so short a time not only Italy, but Greece and the Iberian Peninsula should become our customers to the entire annihilation of the British fisheries, which are now doomed to oblivion. In three years hence the Newfoundland and Labrador fisheries will be looked upon as things of the past."

135. The business, we are informed, is in few hands. Four firms at Marseilles appear to be engaged in it—one at Port de Bouc, two at Cassis, while at Bordeaux it occupies some thirty firms, besides, as we understand, twenty houses who do the work of washing and drying the fish and preparing it for exportation by the merchant firms. There was formerly considerable business done at Cette, and the import of cod in 1852 was 8,794,681 kilos. This seems to have been the largest importation in any year, and the trade, which was subject to considerable fluctuation, was after 1889 transferred to Bordeaux, which is the headquarters of the trade, much of the fish caught on the banks by vessels from Fécamp, Granville, Cancale, Saint Malo, Saint Brieu, and other Channel ports being taken there direct or sent on after its arrival. The codfish imported into Bordeaux in 1897 was, from the Banks 31,979,704 kilos, from Iceland 4,092,646 kilos, making a total of 35,172,350 kilos. The exportation from Bordeaux for 1897 amounted to 26,751,744 kilos, the difference between import and export being due no doubt partly to home consumption and partly to the loss of weight in drying for export. Mr. R. Prowse in his evidence (Answer No. 2079 et seq.) gives the loss as 22 per cent.

French firms  
engaged in  
the business.

136. These figures show the magnitude of the trade. The sum total of the bounties which we have quoted above, which includes the Iceland and Dogger Bank fishery, viz., 4,964,766 francs, or nearly 200,000*l.* for 1896 (the figures for 1897 not being available) bear out the complaint of the colony that the owners of this bounty-fed fish are able (Answers 2104, 2107, and evidence of Mr. E. Bowring, Answer 2305, &c.) to keep the price in the foreign market below that at which Newfoundland fish, which has no such assistance, can be sold profitably (see specially the letter from Mr. Jago, of Leghorn, read by Mr. Bowring, Answer 2307, and also Answer 2358).

Effect on  
colonial  
trade.

137. Within the last few days we have received from a merchant of St. John's a copy of part of a letter written by a Leghorn merchant to Messrs. Goodridge and Son, dated 1st December, 1896, which quotes the Bordeaux letter, and, with reference to the actual condition of his port, states: "The French seem to have it all their own way; steamers with entire cargoes reach this twice a week, and their fish is distributed in all parts of the country in twenty-four hours. The shippers are now offering to contract for deliveries in January and the two following months at 35 francs per 100 kilos, which at present rate of exchange is equal to 13*s.* 9*d.*" This price of 13*s.* 9*d.*, when compared with the 14*s.* quoted to us by Mr. Bowring as the average price of a dry quintal in St. John's, supports the colonial complaint, which is further confirmed by the fact that it takes one-fourth fewer fish to make up a quintal by the French process than it does by the ordinary drying process in the colony (see Answers 2106 and 2107 cited above).

FRENCH  
BOUNTIES.

138. Mr. R. Prowse (Answer No. 2,084) gives the bounty at 70 per cent. of the value of the fish, but even if we take it at 50 per cent. it will be seen that the French merchant would be able to sell at 30 per cent. below the cost of production and still make a profit of 20 per cent. We have not had access to any complete figures since 1896, but the bounties are still increasing. In the budget for 1898 there were voted 3,875,000 francs for Encouragements de Pêche Maritime, and 3,000,000 for Construction de Navires. In the estimates for 1899 there is a sum of 5,000,000 francs for Encouragements de Pêche Maritime (an increase of 1,125,000), and a sum of 4,000,000 francs for Construction de Navires (an increase of 1,000,000 francs). The amount of the primes d'importation et d'exportation are, of course, regulated by the quantity of fish that comes forward for shipment.

## XII.—THE BAIT QUESTION.

Bait a com-  
mercial ques-  
tion.

139. The bait question, of which so much is heard, has nothing to do with the shore fishery for cod which the French fishermen enjoy under the Treaties. It is a question of commercial rivalry between the merchants of St. John's and the merchants of Bordeaux and Marseilles, the trade of the latter being fostered by large bounties from public funds. The bait used for the shore fishery is taken on the spot by the fishermen themselves and employed by them for catching fish in the immediate neighbourhood, a few miles only from the cod room to which the fish when caught is carried shortly after it is taken. No one disputes the right of the fishermen to supply themselves with bait in this way.

140. The bait, however, now in question is caught on the south coast of the island, and is required for the bank fishery, which, as we have shown in paragraph 89, is carried on at a distance from the Treaty shore of from 120 miles to 320 miles, and competes with the Labrador fishery of the colonists in the Mediterranean markets, especially in Spain and Italy, to which, as Catholic countries, most of the fish is sent.

Supply of  
bait to  
foreigners.

141. The question of supplying bait to foreigners is by no means a new one, for the second article of an Order in Council of King Charles II., dated 1670, is in these words: "That no alien take bait." The Act of 1699 (10 & 11 Will. 3, c. 25, s. 1) enacts that "no alien or stranger not residing in England or Wales should at any time hereafter take any bait or use any sort of trade or fishing whatsoever in Newfoundland . . ." and in 1786 the Act of Parliament (26 Geo. 3, c. 26, s. 14) prohibited the sale or barter of bait as well as boats and fishing gear to any but British subjects. This Act remained on the Statute Book until repealed in 1871. An Act passed in 1824 (5 George IV. c. 51) declared (Sec. II.) that "no alien or stranger whatsoever shall at any time hereafter take bait, or use any sort of fishing whatsoever in Newfoundland," with a saving for any fishery privileges granted to any foreign Power by Treaty. This Act was allowed to expire in 1835, when the Colony obtained legislative power.

142. The Colonial Legislature, as soon as it was formed, dealt with the subject by putting an export duty on bait, in 1836. The Colonial law remained in force until the participation of the United States fishermen in the fisheries in Colonial waters, under the Reciprocity Treaty of 1854 necessitated its repeal, and we presume that this may have led to the Convention of 1857 reversing in favour of France the ancient policy, although the giving of bait for the bank fishery had no connection with the shore fishery which the French fishermen enjoyed under the Treaty.

Statistics.

143. The growth of the St. Pierre fishing fleet under the stimulus of bounties seems to have brought this matter again to the front, if we may judge from a Report made in 1886 by a joint Committee of the two Houses of the Colonial Legislature. Bait is a necessity for a successful bank fishery, and the French were in the habit of obtaining a supply from the southern bays of the colony, and they paid large sums of money to the local fishermen for herring. This supply was especially valuable as, owing to the ice, bait could not be obtained so early on the west coast of the Treaty shore, and by reason of the shorter distance from the south coast to the Banks less time was lost in getting to the fishery. In 1887 the Colonial Parliament, as a counterpoise to the bounties, passed an Act forbidding the sale of bait to the French, and it was claimed as a beneficial result of this Act not only that it lessened, though it did not altogether stop, the improvident destruction of bait fishes which had previously taken place, but that it also diminished the produce of the French fishery.

THE BAIT QUESTION.

The quantity of the catch varies, of course, according to whether the year has been a good one or the reverse, so that statistics may not be an infallible test as to the result of this measure, but it will be seen from the table which follows that from 1888 to 1891, while the Act was in force, the French fishery fell off in quantity and rose again as soon as the Act was suspended, and that during the same years the price per quintal of the Colonial fish, which had fallen during the years previous to 1887, increased during the years when the Bait Act was in force, and fell again as soon as it was suspended, and to a marked degree in 1894, 1895, and 1896.

YEAR.	Newfoundland Exports of Codfish (Dry Quintals and Value in £.).	French Catch in Kegs (Dry).
	£.	
1882	1,027,269 = 1,036,297	12,783,889
1883	1,163,984 = 984,577	15,229,027
1884	1,197,637 = 984,268	20,230,207
1885	1,034,710 = 689,917	24,864,214
1886	1,088,004 = 714,998	28,719,579
1887	913,145 = 783,661	22,652,956
1888	953,537 = 871,380	16,906,430
1889	889,574 = 814,001	16,568,760
1890	1,040,916 = 809,770	15,830,899
1891	947,575 = 840,042	12,070,497
1892	Records destroyed by fire.	13,476,572
1893	1,160,335 = 901,771	17,158,693
1894	1,107,696 = 771,529	16,013,919
1895	1,026,636 = 661,485	18,488,417
1896	1,436,083 = 883,089	23,312,357

Bait Act in force.

Bait Act suspended.

144. The quantity and price of the Colonial fish are taken from the Board of Trade Statistical Abstract, 1882—1896, and the quantity of the French fish from the table appended to the Memorandum of the Merchants of St. John (Annexure to Evidence, No. 18). This memorandum deserves attention, as stating, in a short compass, the effects which the merchants attribute to the imposition of the bounties after they were extended to the St. Pierre fishing fleet.

145. As soon as it became known that the Bait Bill was a contemplation great excitement was caused in France. The French Government in a note, dated November 21st, 1887, intimated their firm resolve to reserve for French fishermen during the whole fishery season the catching of bait along the whole extent of the Treaty shore, and the French officers took strong measures at St. George's Bay, as will be seen under the next heading. The Act was reported to have had the effect of diminishing the French Bank fishery during its operation; but the tension has ceased of recent years. For in March 1892 the Bait Act was suspended, and a temporary Act was passed in the Colony, replaced in the following year by a perpetual Act, No. 56 Vict. c. 6, entitled "An Act respecting Foreign Fishing Vessels," whereby provision was made for the issuing of licences to foreign vessels enabling them to purchase bait proportioned to their requirements for fishing purposes. This Act, we may say, was partly intended to preserve the bait fishes themselves from destruction, as the herring were getting scarcer every year (Answer 1857). The matter is now regulated on the same principle by rules issued by the Governor in Council on June 1, 1898, under the last mentioned Act. Owing to the want of a Protection Service the bait was carried out to the French by Newfoundland, Canadian, and American schooners. In 1898 the Protection Service was employed, and many French vessels took advantage of the Act.

Foreign Fishing Vessels Act.

146. The question has been somewhat modified by the discovery of a new bait in the shape of a shellfish some three inches long, locally called the Winkle (Fr. *bulot*) which the French take for themselves on the Banks in a kind of trap which they bring out with them from France; the winkle is so plentiful that many of the ships from France do not even go to St. Pierre to get bait. Doubts, however, were expressed of the permanency of the supply of this substitute for the usual bait fishes (See Answer No. 2149). Should this supply fail, we fear that the bait question may again revive in an unpleasant shape.

The winkle.

THE BAIT QUESTION.  
How the question might be settled.

147. We have drawn attention to the very large amount of bounties paid upon the produce of the French fisheries, and the comparatively few hands to which it passes, and if, in 1901, when the question again comes before the Chambers in Paris, they should come to the conclusion that it is unnecessary to tax their country so highly to enable a small section of the French merchants to enrich themselves by selling fish, below its market value, to the Spaniards and Italians, and should consequently discontinue the bounties on produce (Prime d'importation et d'exportation), we feel satisfied that they would put an end to the bait question, and that the colony would meet them fairly in the matter. In the meantime no one can justly complain if Newfoundland makes difficulties about supplying bait to be used in furthering a commercial policy by which the only important trade of this small British Colony is, in the opinion of the colonists, seriously damaged.

### XIII.—BAIT AT ST. GEORGE'S BAY.

Baiting season for three weeks.

148. The baiting season at St. George's Bay is an episode distinct from the general Bait question, and has only come into notice since 1887 as an item of the French disputes. For about three weeks in the month of May in each year enormous shoals of herring come in to spawn on a particular strip of shore, about two miles long, between Barachois Brook and Turf Point. This strip is opposite to the main settlement on Sandy Point. A few minutes' sail in a boat took us across from one to the other.

How bait is taken.

149. The local fishermen use straight nets anchored parallel with the shore, so close as almost to touch one another, and the herrings coming in with the tide are caught by the gills in countless thousands. They are subsequently picked out of the nets, which process is locally called "shaking" the nets, and taken away to the packing establishments or for sale as bait. The French use seines for taking herring. By local custom the use of seines is forbidden, for experience has shown that they seriously injure this brief harvest. For they not only break up the shoals, and so diminish the catch (Answer No. 1515), but as many herrings are killed in the seine (Answer No. 1524), these dead fish foul the bottom, and other shoals which would follow and spawn there do not come in on this foul ground. The use of seines by the French is consequently a well-founded ground of complaint which was urgently pressed upon us. The fish are so abundant during this short period that for years they have supplied a considerable export trade in salted herrings, averaging 15,530 barrels a year during the six years in 1884-1889 (see Appendix No. 11). In 1890 the quantity fell to 11,970 barrels.

French first came for bait after 1887.

150. After the passing of the Bait Act the French had to look to other sources for their bait. In June 1887, Commodore Humann wrote to Dr. Howley, Prefect Apostolic at St. George's Bay (Appendix No. 15), announcing his intention of occupying the harbour of St. George's Bay in the following year for the purpose of taking bait, and stating that two hundred ships would anchor there; at the same time he requested Dr. Howley to warn his flock that anyone interfering with the French fishery would have to retire, a point upon which he insisted. He denied the legality of the presence of the magistrates there, and therefore would not communicate with them.

151. In April of the same year a circular was issued to a similar effect by M. Carpentier, Commander of the Porle, to the captains of the French fishing ships on the coast (Appendix, No. 16). Accordingly in 1888, French banking vessels to the number of a hundred and thirty-two came in during May, but they were not provided with nets, so they purchased what they wanted and left without any trouble arising.

152. In 1880 the bankers from France fell off to about 60, but these were supplemented by a number of vessels belonging to the local fishing fleet of St. Pierre, and in that year the French began to take bait for themselves, using seines and other nets. Serious disturbances might have occurred if the commander of the English cruiser had not in execution of his orders to prevent interruption to the French fishery required the English fishermen to take up their nets during the stay of the French baiting fleet. The occurrence still forms a subject of complaint which was specially brought to our notice; and we do not hesitate to say that enforcement of these orders was a distinct hardship on the local fishermen to whom this three weeks catch of

Lifting of British nets.

herrings is of so much importance. We shall venture presently to consider how far, if at all, such orders are necessary under the Treaties. At the same time, if the Treaties do include the right to take bait for use in the Bank fishery as distinguished from the shore fishery, it is to the interest of the local men that the French should be supplied as rapidly as possible so as to get them out of the Bay, and to secure to the inhabitants the full benefit of the rest of the baiting season.

BAIT AT ST.  
GEORGE'S  
BAY.

153. The year 1890 furnishes an illustration of this. In May, a French officer, in the absence of a British cruiser, demanded that a certain number of nets should be removed from about 300 yards of the shore. This was done, and the French vessels, twelve only in number, obtained their bait and left. This action of the French officer created immense excitement among the inhabitants, but as reported by Commodore Sir Baldwin Walker, who made special enquiry into the circumstances, the occurrence was actually beneficial to the locality. It so happened that the herring came in later than usual that year, and the Frenchmen had left before the bulk of the herring arrived; and the local fishermen, instead of losing their season as they feared, made a good catch.

Proceedings  
of French  
officers.

154. The year 1891 was remarkable in another way, as the commander of the "Drac" issued a proclamation on May 12, informing the British fishermen that he intended that they should sell their fish only to the French boats under penalty of prevention of fishing, and, if necessary, of removal of their nets (*see* Appendix No. 17).

French pro-  
clamation.

This proclamation produced a protest from the American consul, and much correspondence ensued between the British and French Governments. British nets were plundered and in some cases destroyed by the French fishermen, and the loss to the residents by robbery, injury to property, and forced sales, was estimated by the British commodore at not less than 4,200 dollars; but we need not pursue the subject.

155. In 1892 the Bait Act was suspended, but the French continue to come to St. George's Bay for bait, though in diminished numbers. In 1898 there were only eight ships. It will be seen from the evidence that even in that year there was trouble between the fishermen of both nations, and it is customary for an English man-of-war to be present during the baiting season, and sometimes, also, a French man-of-war is there.

Suspension  
of the Bait  
Act.

156. Before we reached St. George's Bay we had heard much complaint of the action of the British naval officers in making rules and in compelling the resident fishermen to sell bait to the French at lower prices than could be obtained from other vessels. Strong measures were doubtless necessary for the sake of peace in the first years of this baiting trouble, but as the stories of more recent occurrences told by the witnesses who were brought before us did not seem conclusive, we called Commander Lyon, of H.M.S. "Pelican," whose ship was in the Bay, and it appears from his evidence (Answer No. 1536) that in the last two years it has been the practice for the fishermen to agree among themselves as to the price they would take for their bait and then to appoint a representative who arranged matters with the captain of the English cruiser. No representative was appointed in 1898 as there had been difficulties about his remuneration. Accordingly, Commander Lyon presided at a meeting of about 150 fishermen, at which rules were drawn up regulating the sale of bait for the season. A copy of these rules is given in Answers 1520 and 1521, and it will be seen that only Rule No. II. prohibiting the use of cod-traps was inserted by Commander Lyon, and it appears (Answer No. 1978) that the low prices were really the result of the men's privately underselling one another.

Alleged  
actions of  
British  
officers.

157. We do not feel satisfied that the orders to the naval officers to allow this catching of bait by the French and to protect them from interruption while so doing were really required under the Treaties, especially as the bait was to be used, not for catching fish to be dried on shore, but to be exported to St. Pierre and Miquelon for use in the coast fishery of those Islands and to the Banks for use in the fishery there. It certainly seems open to question whether the French fishermen had the privilege under the Treaties of coming to St. George's Bay to take bait for use out of the colony, instead of for use in the shore fishery, of which it was a necessary incident. The Order in Council of Charles II. (paragraph 141) absolutely prohibits all foreigners to take bait; this prohibition is confirmed by the Act of William III., and this Act, which distinguishes the taking of bait from other fishing, was in force at the date of the Treaty of Utrecht; so that if the Treaty had been meant to give to French fishermen a privilege which was then forbidden by Statute, some words to

Foreigners  
prohibited  
from taking  
bait.

BAIT AT ST.  
GEORGIE'S  
BAY.

that effect would have appeared in the provisions of the Treaty of Utrecht or of some of the later Treaties, as the Act was in force until 1824, when it was partially repealed by the Act 5, George IV., which again prohibited the taking of bait by foreigners. But we find, on the contrary, that in 1786, immediately after the Treaty of Versailles and the Declaration, Parliament added an additional prohibition, viz., that foreigners were not to be allowed even to buy bait, as though purchase had been introduced as a means of evading the prohibition to take bait. The French never came into the Bay to take bait until 1887, and the manner in which they gave notice of their intentions beforehand, seems to indicate a feeling of uncertainty as to the propriety of the step which they were about to take.

Argument of  
the Colony.

158. The Colonial Government pressed this point upon us (see Appendix No. 3), and their view is set out very fully in a work published in London in 1890 by the colonial delegates, entitled "French Treaty Rights in Newfoundland. The Case for the Colony," from which we take the following extract:—"It is contended upon the part of Newfoundland that the French have no right under the Treaties to catch bait fishes upon the coasts of Newfoundland, to be used as bait in the Bank fishery. The 13th article of the Treaty of Utrecht (1713) conferred upon the French the liberty 'to catch fish and to dry them on land.' The 5th Article of the Treaty of Paris (1763) expressly restricted the French to an exercise of their right conformably to the 13th Article of the Treaty of Utrecht. The 5th Article of the Treaty of Versailles (1783) provided that 'the French fishermen shall enjoy the fishery which is assigned to them by the present article, as they had the right to enjoy that which was assigned to them by the Treaty of Utrecht.' The Declaration of His Britannic Majesty, which accompanied the Treaty of Versailles (1783) declared that 'The 13th Article of the Treaty of Utrecht, and the method of carrying on the fishery, which has at all times been acknowledged, shall be the plan upon which the fishery shall be carried on there. It shall not be deviated from by either party; the French fishermen building only their scaffolds, confining themselves to the repair of their fishing vessels, and not wintering there.' The Treaties of Paris (1814 and 1815) confirmed the fishery rights of the French under previous treaties. Now it is contended, and no successful contradiction is possible, that to catch bait fishes upon the coast of Newfoundland, and export them for use of bait upon the Banks (1) is not catching fish and drying them; (2) is not the method of carrying on the fishery which obtained before the Treaty of Versailles; and (3) is a deviation from that method which the French agreed in 1783 to abide by. No bait fishes were ever taken from the Newfoundland Coasts upon which the French have Treaty rights to be used as bait upon the Banks, until the Bait Act of 1887 was called into force; and the catching and transportation of them in such a manner, and for such a purpose, is therefore an entirely new industry. Undoubtedly, the French have a right to catch bait fishes upon the coasts of Newfoundland, over which they have fishery rights, to be used as bait in their fishery upon the said coasts, just as they have a right to cut wood for the construction of their stages and huts, for to do so is a necessity to the conduct of the fishery in the method which obtained prior to 1783. But, on the other hand, the French have no more right to take these bait fishes for use in the Bank fishery than they would have to take wood from Newfoundland to erect stages and huts in St. Pierre and Miquelon. As a necessity to that taking of fish (cod) permitted by the treaties, the taking of bait fishes is also permissible to the French under the treaties; and as a necessity to that drying of fish permitted by the treaties, the cutting of wood is also permitted to them under the treaties; but as a necessity to a taking of fish in places not included under the treaties, and not contemplated by them, the taking of bait fishes should not be permitted any more readily than the cutting of wood to construct flakes or huts for the drying of fish in places not included under the treaties, and not contemplated by them. Would Newfoundland be expected to allow the French to cut wood upon its coasts, to erect flakes and huts in St. Pierre for the purposes of the Bank fishery solely because the French have under the treaties a right to cut wood in Newfoundland, to erect flakes and huts upon its own coasts for the purposes of the fishery there? Assuredly not; and if not why should a similar thing be expected of Newfoundland as regards her invaluable bait fishes."

Importance  
of the ques-  
tion.

159. The question is one of great importance, and we submit it to the careful consideration of Your Majesty's Government as a matter to be dealt with should any future arrangement be come to.

## XIV.—SALMON FISHING.

160. The French have not, in the view of Her Majesty's Government (a view which appears not to have been shared by the Administration of 1843), the right to catch salmon, which, indeed, cannot be dried on stages and flakes, still less to fish in the rivers and brooks of the island. Yet in Article XLVII. of the Ordinance of 1842 we find that salmon are only to be taken by means of barring the rivers and brooks; and in 1852 and 1894 there is provision for the occupants of cod rooms in the neighbourhood of salmon rivers drawing lots among themselves for the salmon fishing in these rivers. In 1852 we find the same provision as in 1842, but in 1894 the following paragraph is substituted:—

“La pêche du saumon, au moyen de barrages ou de rets, pourra se faire dans les ruisseaux, ainsi que dans les rivières, mais jamais le long des côtes.”

*Translation.*—“Salmon fishing by means of weirs or nets may be carried on in the brooks and in the rivers as well, but never along the coast.”

161. The French do, nevertheless, set their nets along the coast: we saw at one place cases of salmon ready packed for shipment to France, and at North Arm, Bay of Islands, we visited a favourite salmon post where an English family, from father to son, had caught salmon for, it was said, nearly a hundred years, but had within the last two years to withdraw their nets, as the place was within the limits of a French lobster factory, the owner of which at once put his own nets down in their place (Evidence of Mrs. Park, page 113). When the French were more numerous they fished the rivers frequently for salmon. The Ponds River was habitually barred. Captain Kennedy, R.N., reported in 1879, on the authority of the magistrate at Bay of Islands, corroborated by the testimony of men living on the spot, that after the close of one season as many as five hundred dead salmon were seen in this river above the weir, being unable to get back to the sea after spawning. The late Mr. Murray, the well known geological surveyor of the colony, in his Report for 1875, gives a graphic account of the habitual practice of the French in barring the rivers, and sweeping the brooks with nets. He also mentions night spearing, a practice illegal by the law of the Colony, but on the Treaty Coast, he believes, “legalised and encouraged by the French authorities.” It will be seen above that Mr. Murray was correct in his belief. We may add that the commander of H.M.S. “Plover” reported, also in 1879, that a Frenchman named Parnie and his men had fished the main brook in Hare Bay for five years at least, barring the river with nets of 3½-inch mesh; and that Parnie did not permit any of the inhabitants to set their nets on any of the islands at the mouth of this river. In October 1888, Captain Hamond, R.N., reported (C. 6044, p. 214), that “again this year French fishermen were found fishing for salmon in the fresh waters of both Ponds and Castors Rivers, and also in the mouth of a lake above Castors River, using nets of 3½-inch mesh, which is two inches too small, and although Lieutenant de Vaisseau Carpentier exhorted them to do so, yet by that date the run of salmon was probably over, and the damage done in preventing them ascending to their spawning beds.”

162. It was said that this Castors River had been barred with nets, and the lake dragged during the past season; but we were unable to verify the story. It should be noticed that the French on one occasion pretended that they had an exclusive right of fishing for salmon in the rivers. (See M. Waddington's note of 3rd March 1888, C. 6044, page 151).

## XV.—LOBSTERS.

163. The French claim to set up lobster factories on the Treaty shore, on the ground that having caught fish they are entitled to dry them on land. But lobsters are not fish, and they are not dried, and they necessitate more elaborate buildings than the stages and flakes contemplated by the Treaty. They are prepared by being boiled in water, the shells are then broken, and the meat is taken out and washed in two waters, one fresh and one salt, and is then put into a tin which is closed, and boiled for a certain time; a hole is made to allow the steam to escape; the tin is then closed again and boiled once more. Some persons add a little water to keep the meat bright (Answer 863), but the practice is falling into disuse. The British maintain that this process is not included in the privileges allowed to France by the Treaties.

Right of the French to take salmon not admitted.

Barring of rivers by the French.

French claim to set up lobster factories. Mode of preparing.

LOBSTERS.  
British  
rights.

164. British subjects may, as we have shown above do anything which is not forbidden by Treaty ; but the French assert that the British may not catch lobsters, because it is a breach of their exclusive right, and may not cure them, because the Declaration of 1783 requires the removal of all fixed establishments (*établissements sédentaires*). The first of these objections is, we hope, sufficiently dealt with in the previous part of our Report, and as to the second we need only point out that even conceding that the words of the Declaration cover anything beyond the stages and buildings required for the *pêche sédentaire*, it would still be for Your Majesty, if the Declaration has not lost its force, to determine in each case whether the removal of any British factory was necessary as being an interruption of the French fishery. There is no lobster catching on the east coast between Cape St. John and Cape Norman, the only two factories that we know to have existed having been the French one at Hauling Point, which failed (Answer : 307), and a small venture at Sop's Arm, which was carried on in the sawmill, and which was given up, so the owner informed us, as profitless after a dozen cases had been packed as an experiment.

First French  
factory, 1886.  
Earlier  
British fac-  
tories.

165. The first French factory was established in 1886 at Port-au-Choix, but whether it was started on its own merits, or as a reply to the Bait Bill which came under discussion in that year, we cannot say. The first permanent British factory was in 1873 at St. Barbe, started by Messrs. Rumkey and Co., of Nova Scotia, who afterwards sold it to Messrs. Forrest and Shearer, also of Nova Scotia. The latter firm bought another factory at Brig Bay in 1881, and these, with two establishments at Port-au-Port, and one at Bonne Bay, were the only British factories before 1886.

French pro-  
tests.

166. The factory at St. Barbe appears to have been carried on for seven years without question, but in 1880 Commodore Devarenes complained of its existence as "constituting an infraction of the existing Treaties between France and England, which reserve to the French fishermen the enjoyment of the whole of the sea coast comprised between Cape Ray and Cape St. John, passing by the north." In 1881 this complaint was supported by the French Ambassador in London, who protested against the occupation by British establishments of harbours which, whether occupied or not, ought to be expressly reserved for the quinquennial drawing of lots, and who also appealed to the duty of Her Majesty's Government, with regard to the Declaration of 1783, to put an end to such infractions.

167. Messrs. Forrest and Shearer continued to work this factory as well as others which they either purchased or erected in 1881, as well as in subsequent years, and by 1886 they seem to have been working four factories, including one at Port Saunders. In 1887 there were 16 English factories, and at the close of the season of 1888 there were 26 at work. Captain Hamond in his Report of 10th October, 1888 (C. 6044, page 205), states that "there is only one factory on the whole coast which can possibly in any way interfere with the temporary fishing rights of the French," namely, the one at Port Saunders, which is about 10 miles distant from the French cod-rooms at Port-au-Choix. Owing, it seems, partly to personal animosity between the parties, Messrs. Belin and Villala, captains of the French cod-rooms at Port-au-Choix, complained that the lobster-traps prevented their supplying themselves with bait at certain spots, and the British naval officers prohibited the fishermen from using the harbours and coves complained of, but after the prohibition the complainants did not use these coves for bait.

168. In the year 1887 the French Commodore Humann informed Lieutenant Masterman, of H.M.S. "Bullfrog," that next year Port Saunders would be occupied by a ship from France, and requesting him to warn Mr. Shearer that he must close his factory, and that if he did not do so, he, the Commodore, would feel himself obliged to interfere with Mr. Shearer's operations from the beginning of the season. No French ship, however, appeared in 1888, so Commodore Humann complained that some French nets had been destroyed by the lobster traps, and for this reason demanded the closing of the factory. The British Commodore, however, was able to satisfy himself that the nets were rotten, but he nevertheless ordered Mr. Shearer to refrain from setting his traps except in certain waters where the French did not usually fish. British officers kept observation over the waters from which the British were excluded, and reported that not only did these waters remain unfished by the Frenchmen for the remainder of that season, but next year were able to show that the French from Port-au-Choix "did not use waters where the traps of the Port Saunders factory are set."

169. In 1888 there were 29 English factories at different points, from Codroy on the south to St. Barbes on the north. There were then only four French factories, two at Port-au-Choix and two at St. John's Island, these being then as they were in 1898, the only places, except Red Island, on the whole of the west coast at which French cod-rooms existed. Three of the French factories were worked by Lemoine, of St. Malo, and the fourth by Guibert, also of St. Malo, these two merchants being also the owners of the cod-rooms, as we found them to be in 1896.

LOBSTERS.  
French factories only at Port-au-Choix and St. John's Island.

170. In 1889 Messrs. Forrest and Shearer erected a factory at Bartlett's Harbour, which is very near Port-au-Choix, and the British Commodore in June of that year directed them not to set their traps within a certain line drawn from the south end of their factory, and also renewed the order respecting the limits at Port Saunders. In this year a French factory was opened at Brig Bay. Some months before a French naval officer had given notice to Mr. Shearer, whose factory had existed there since 1880, that his waters had been assigned to a French firm, and that he was to "cesser de gêner la pêche" of M. Philippe, who was manager for the Société des Pêcheries de Terre Neuve, which intended to open the factory.

Brig Bay.

171. In the same year another French factory was opened by Lemoine at Bartlett's Harbour, and it is worthy of notice that up to that time all the French factories were close together, between Port-au-Choix and St. Margaret's Bay, and were worked on behalf of merchants of France, none of the St. Pierre merchants having yet started in the business, whereas in 1898 of the 15 authorised factories on the west coast only four were worked from France, the St. Pierre factories being found as far south as St. George's Bay. The English factories in 1889 increased to 38. This year was remarkable owing to the French cruisers "Bisson," at Port Saunders, and the "Drac," at St. Margaret's Bay, having lifted the lobster-traps of British subjects, although a British cruiser was in one case known to have been in the neighbourhood, and in the other case was expected shortly. The "Drac" lifted no fewer than 314 pots, which were left on the beach below high-water mark, and consequently many of them were damaged.

Lifting of British traps.

172. It will be observed that the incidents just recorded, as well as that at Hauling Point mentioned in Par. 23, occurred in the same years as the troubles over the baiting in St. George's Bay, which were the results of the Bait Act, and we cannot refrain from noticing that the development of the trade owing to the bounties on the produce of the fishery dates from 1885, and was thus coincident with the negotiations by which France hoped to secure bait by treaty from England, and to earn the bounties which the colonists regard as intended to injure the colonial trade. That the colony should take active measures in its own defence was evidently unexpected. The situation had become serious, and negotiations took place between the two countries for referring to arbitration the questions connected with the lobster industry.

173. In January, 1890, the French Government proposed that, as the arrangements for the arbitration could not be concluded before the commencement of the fishing season, some *modus vivendi* should be arranged for that season only, and pending the settlement of the question at issue. The British Government agreed, and in March, 1890, the terms of the document were accepted by both parties, and by it no lobster factories which were not in existence on 1st July, 1889, were to be allowed, except by the joint consent of the British and French naval commanders; but by such consent the places might be changed or new factories erected. The agreement was to last for that year only, the French naval officers thus obtaining joint authority on the Treaty coast, though only in respect of lobster factories.

Modus vivendi.

174. The negotiations for arbitration continued, and on 11th March, 1891, a convention was signed providing for the Commission of Arbitration, and continuing the *modus vivendi* for the coming fishery season. In the meantime, however, the question had become complicated in an unforeseen manner. Before or in the early part of the season of 1890 various British subjects had made preparations for opening, or had actually opened, new lobster factories, and the French Commodore having refused his assent to the opening, amongst others, of a factory at Fischel's Brook, on the south side of St. George's Bay, which is, as will be seen, many miles south of the nearest French factory at Port-au-Choix, the British Commodore, Sir Baldwin Walker, felt himself obliged to stop forcibly the working of this factory, which was being run in the interest of Mr. James Baird, of St. John's, the mortgagee. Mr. Baird brought

Bill introduced into House of Lords.

LOBSTERS.

an action against Sir Baldwin Walker for the stoppage of the factory, in which he was ultimately successful, for the Act of 1824 (5 Geo. IV., c. 51), which replaced the Act of 1788, had been allowed to expire many years before, when the colony obtained legislative powers, and there was no Act specially confirming the *modus vivendi*, so that there was no legal sanction for that agreement or power to close factories under it. This result was foreseen as soon as the facts had been ascertained, and in the spring of 1891 a Bill was introduced into the House of Lords for re-enacting the provisions of the statute of 1824. A delegation from the colony, headed by its Prime Minister, Sir William Whiteway, appeared at the Bar of the House and protested against a measure which they contended was unsuited to the circumstances of the present time. The Bill was accordingly suspended to allow the passage of a temporary Act in the colony giving sufficient power to Her Majesty to enforce the treaties, as well as the *modus vivendi*, pending the arbitration. This Act was duly passed and laid before both Houses of Parliament in July, 1891 (S., 6488).

Rejection of permanent Bill by the Colony.

175. The Convention for Arbitration required the sanction of the legislatures of both countries, and as the French Government would not proceed with this matter in the absence of a permanent British law empowering Her Majesty to carry out the decisions of the arbitrators, the English Bill was allowed to drop, so that the proposed arbitration came to an end. A permanent Bill had been drafted in England, after discussion with the delegates, providing, amongst other things, for a Fishery Court to decide disputes. This provision, as well as others for the enforcement of the treaties, proved so unacceptable to the Colonial Parliament that the Bill was rejected almost unanimously. We hope we may be pardoned for saying that, with the knowledge which we now possess of the matter, this Bill, to which we refer again in Par. 246, was not a suitable measure, and would, we fear, have complicated rather than have simplified the situation. A succession of temporary laws have been passed from time to time in the colony, of which the latest will expire in 1899. The *modus vivendi* has also been continued up to the present time from year to year by agreement between the two Governments.

Continuance of *modus vivendi* a misfortune.

176. The acceptance of the *modus vivendi* in 1890 seems to have been regarded by the people of St. Pierre as a settlement of all questions connected with the Treaty shore in favour of themselves, as will be seen from the amusing letter which we annex (Appendix 18), in which the writer appears to suppose that any person hailing from that colony might displace any British subject without reference to a superior authority of any kind. The original *modus vivendi* was devised as a temporary expedient in view of the arbitration which it was hoped would have taken place almost immediately, and was sufficiently suitable for that purpose; but its continued renewal has, we venture to think, been a misfortune to the colony, and it certainly has given rise to much trouble.

St. Pierre factories.

177. It had not been anticipated on the coast that the *modus vivendi* would continue beyond the year for which it was originally made, and the British naval officers report in October, 1890, that many British subjects—they mention 20 cases—were only waiting for its expiry to open factories. During that year the St. Pierre men first made their appearance in connection with the lobster industry, and a M. Tajan put up factories in Port-à-Port Bay. He arrived at the end of January, 1891, and made arrangements for opening other factories in a position which would have shut in those of British subjects. His presence there at this season of the year was in itself a breach of the Treaty, and on his proceedings coming to the knowledge of the British Government instructions were given to the naval commander not to authorise the proposed factories. The carrying out of these orders appears to have led to greater strictness on the part of the French officers, and as the renewal of the *modus vivendi* was not known on the coast until July, much trouble and hardship was caused, for a very large number of new British factories, chiefly small ones, had been started, the naval officers reporting that since the 1st of July, 1889, no fewer than 112 had been put up. Of these some had to be stopped, and 334 people were thrown out of employment. It will thus be seen how rapidly the industry spread among the residents on the west coast. By this time one of the six original French factories at work in 1889, namely, one of the two at St. John's Island, had been closed, and four new ones had been set up by men from St. Pierre at Port-à-Port, Long Point, Red Island and the neighbourhood. During the season the factory at Brig Bay operated by M. Philippe was closed.

178. In 1892 the industry appears to have been carried on quietly, no new factories, either British or French, having been added to the number, but eight English and one French were transferred to other sites. The British Commodore in his report at the end of the season drew attention to the necessity which must ensue for a strict delimitation of the lobster ground on the establishment of a new factory, and on the transfer to another site of an authorised one. Such a delimitation was accordingly made in the following year, and the system has continued to the present day; and the difficulties which it was intended to meet were replaced by others of a different character.

LOBSTERS.  
Delimitation  
of factories.

179. The limits of the French factories as they were laid down in 1896, and as they existed in 1898, are shown on the map which is attached to this Report. The 14 factories have had allotted to them 191.7 miles of water. The naval officers prevent any British subjects from fishing within the limits of a French factory, and regard these waters as open to all Frenchmen; but as none are there except the men working under the factory owner, these owners, of whom there are only eight, viz., three amateurs from France holding four factories, and five men from St. Pierre holding ten factories, have thus a virtual monopoly of 191 miles, and claim to exclude British subjects even though not using the whole of their waters (Answer 1125). Three of the St. Pierre factories were not working in 1898, namely, St. Barthe, Lark Harbour, and Red Island. The French factories preserved 4,487 cases and the St. Pierre factories only 2,636 cases (*see* Annexure to Evidence No. 20), and from various things we heard it seems doubtful whether this industry is a profitable one to the latter.

180. The British factories pay no licence and observe no rules or regulations issued by the Newfoundland Government or Fishery Commission; they obtain leave to operate from the naval authorities under the *modus vivendi*, and are so far solely and entirely under naval jurisdiction. The factory owners claimed a monopoly of the waters attached to their factories (Answers 586, 904), but as they had no means of preventing other British subjects from coming within the limits, they insisted upon these men selling only to them, and as they gave inadequate prices (Answers 596, 748, 1872, 2269), numerous unauthorised factories sprang up, some on so small a scale that on the appearance of a man-of-war the whole plant could be carried away into the woods, to be replaced as soon as the ship left. The result was a perpetual conflict among British subjects along the coast, and wherever we went we received complaints from the small settlers of their inability to make a living out of the waters in front of their own homes. It is evident that ill-feeling has been produced by such a state of affairs, which is by no means diminished by the fact that many of the factory owners are strangers who come from Nova Scotia; while if, as sometimes happens, the boundaries of a factory are altered or its position changed, a fresh source of trouble at once arises within the new limits, of which the naval officer has to bear the odium. Matters were improved in 1898, for Commodore Bourke, having made enquiries as to the position of the parties, gave it to be understood that men might catch lobsters anywhere outside the limits of a French factory and sell to whom they pleased (Answer 904), and the price paid by the owners rose from 60 to 70 cents in 1896 to a minimum of 1 dollar 50 cents and a maximum of 2 dollar 25 cents in 1898, a price which pays the men better than to can illegally (Answer 2269).

Constant  
trouble  
among  
British sub-  
jects.

181. The catching of lobsters is prosecuted so vigorously that in the opinion of many people the industry is already failing and is doomed to extinction some day, as happened on the Canadian coast, and it is said that the lobsters are decreasing both in numbers and size (Answer 606, 1079 *et seq.*, 1225, 1343, 1716). At the same time the want of a close season, which in the absence of regulations cannot be enforced, leads to the putting up of lobsters which are not properly fit for the market (Evidence of Mr. Carter, Page 114, and Answers 1223, 1342, and 1714).

Decrease of  
lobsters.

182. Both British and French factory owners seem to look upon the continuance of the *modus vivendi* as a matter of course, one of the Frenchmen telling us that he could stay where he was as long as he chose, provided he did not abandon the place for two seasons; and among the British the factories are bought and sold freely, so that questions of vested rights are beginning to arise (Answer 1343), and one of the men, Mr. Seeley (Answer 855), already talks of compensation if the *modus vivendi* comes to an end. As, however, these gentlemen have bought on the faith of an instrument which on the face of it was only to last for one fishing season, their claim does not seem a reasonable one, and we sincerely hope that this arrangement will not last beyond the season of 1899, if, indeed, it must be continued during the season of this year.

Vested  
rights.

## XVI.—BUILDINGS AND MINOR MATTERS.

Buildings  
authorised  
by the  
Treaty.

183. By the 13th Article of the Treaty of Utrecht, French subjects are not to erect any building besides stages made of boards and huts necessary and usual for drying of fish. The British Declaration of 1783 contains the words: "His Britannic Majesty will give orders that the French fishermen be not incommoded in cutting the wood necessary for the repair of their scaffold, huts and fishing vessels; the 13th Article of the Treaty of Utrecht and the method of carrying on the fishing, which has at all times been acknowledged, shall be the plan upon which the fishing shall be carried on there; it shall not be deviated from by either party, the French fishermen building only their scaffolds, confining themselves to the repairs of their fishing vessels, and not wintering there, the subjects of His Britannic Majesty on their part, not molesting in any manner the French fishermen during their fishing, nor injuring their scaffolds during their absence."

Present  
character of  
buildings.

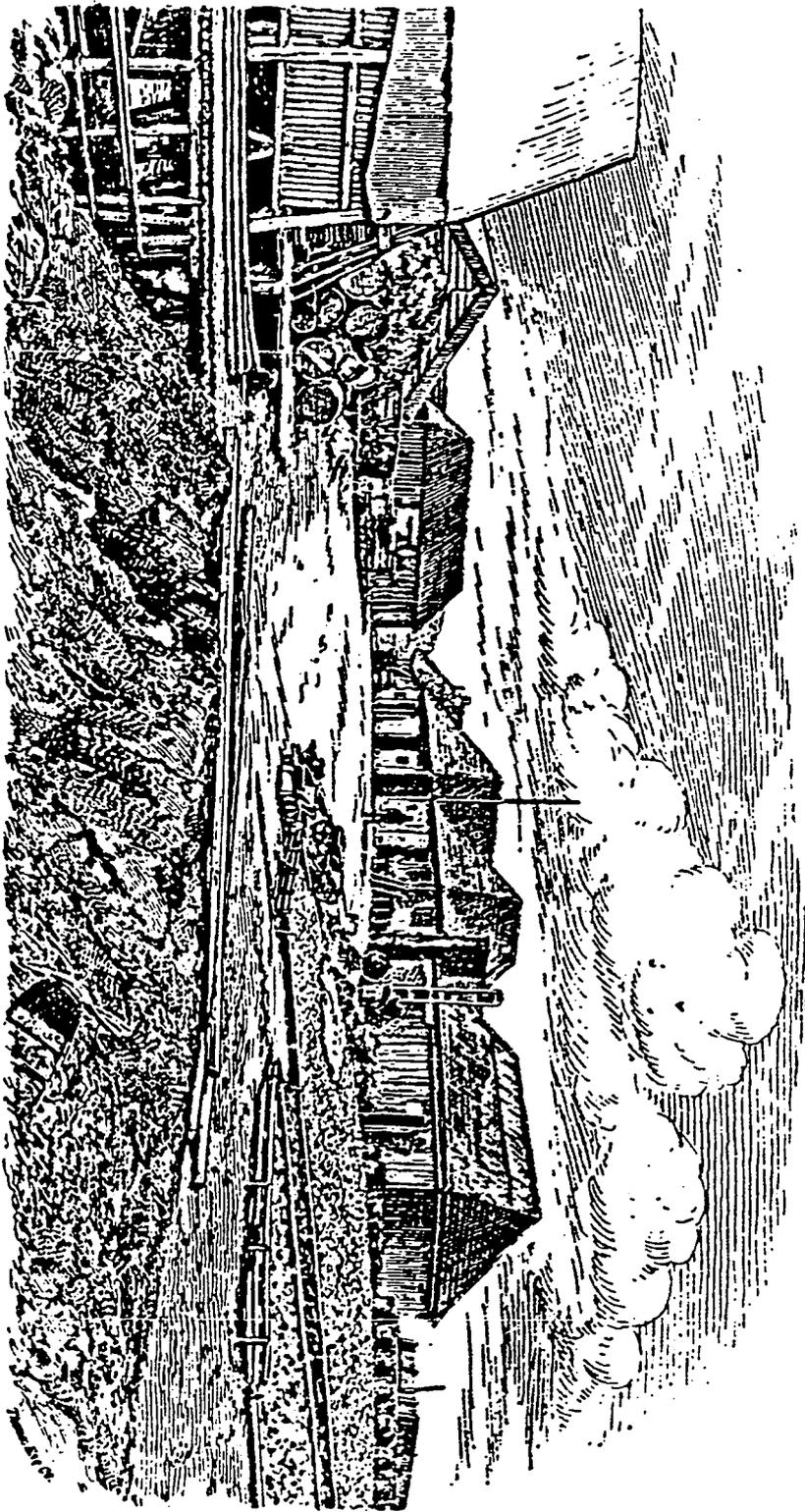
184. The method of fishing, as we have already pointed out, only contemplated their occupying the shore for one summer, the place so occupied being open the next year for selection by the first comer. It is evident that under such circumstances any dwelling-place would be a hut of the most temporary and primitive nature. The *Traité de la Police* of 1702 describes how the captain of the first ship who landed in any harbour became admiral there for the season with certain privileges, including that of appropriating any boat or wood left over from the previous season, and how on the arrival of a ship the crew proceeded to build a dwelling for the captain, and others for themselves, using planks and branches of trees and clay, and to that of the captain they added a few planks. "Un navire étant arrivé sur les lieux les gens de l'équipage travaillent à faire sur la côte un logement pour leur capitaine et d'autres logemens pour eux; ils y employent des troncs, les branches d'arbres & la terre; & à l'égard de celui du capitaine, ils y ajoutent quelques planches." It is only necessary to see the glass windows and brick or stone fireplace, with which every house is now furnished, in order to realise how completely the character of the buildings has changed from that contemplated by the Treaty. This is of course the natural result of the system by which the French have given themselves a five years tenure of parts of the shore, and of the direction given to the captains to improve the places which they occupied. (See par. 27).

185. The French cod-rooms which we saw consisted of the stage, with the cod and salt rooms built upon it, roofed with a moveable cover of canvas, and the flakes as we have described them in paragraph 95; the captain's house containing living-rooms and office, a mess-room for the men, whose sleeping quarters form a separate building, storehouses for provisions, dried fish and spare fishing gear, a bakehouse containing a large oven built of bricks imported from France, and a garden for growing vegetables of about half an acre. The arrangements varied in each room. At Rouge the buildings stood in no particular order; at St. Julien's they were neatly arranged to form three sides of a square facing the stage; the garden here was particularly well kept, and the whole place in better order than the others. (See the picture on the opposite page.) At St. John's Island the buildings were in a row facing the south, the lobster factory being on the other side of a narrow creek.

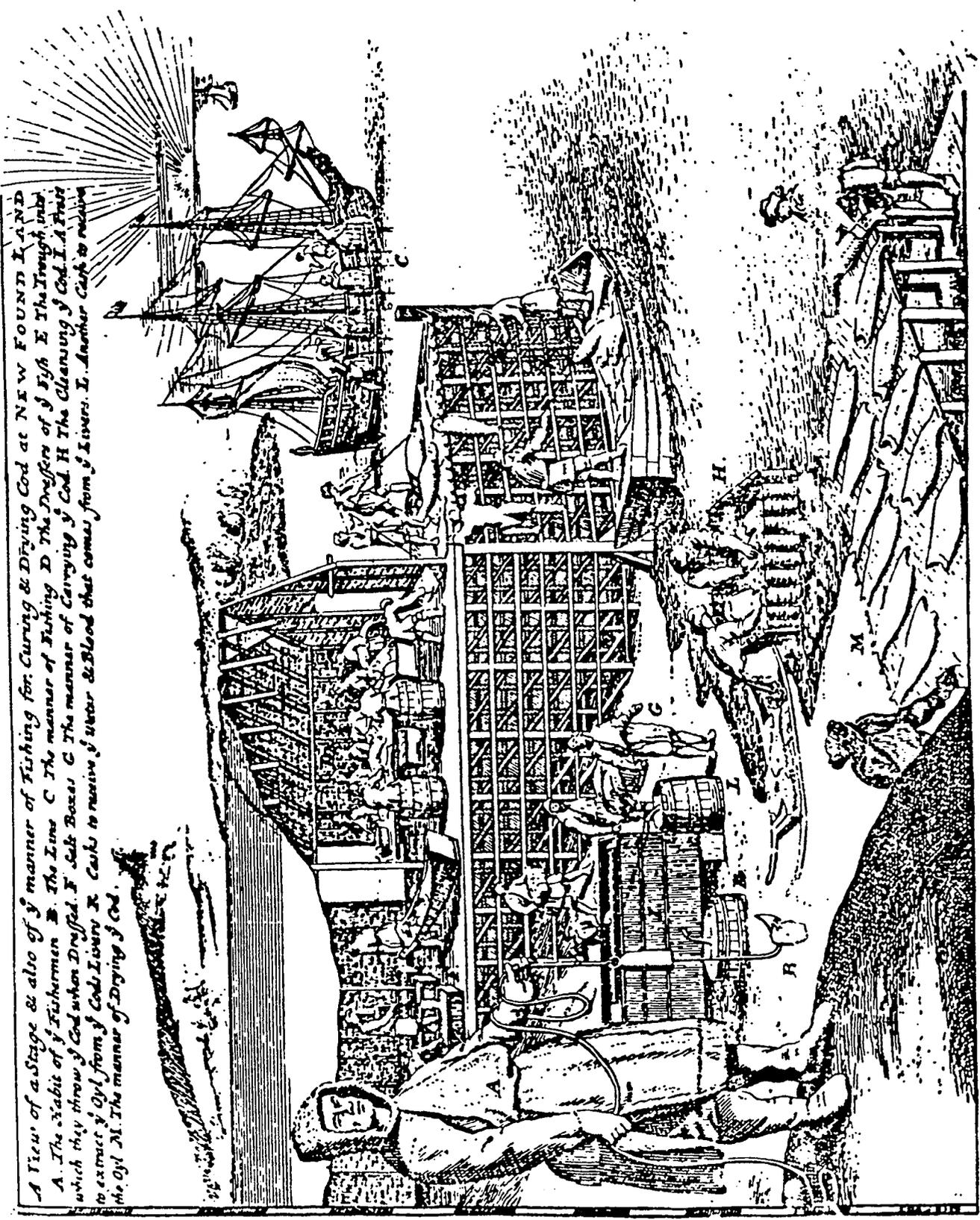
186. At Port-au-Choix the buildings were in two lines, one behind the other; in every case they were strongly built of wood, and would last many years with care. The stages and the huts upon them were essentially the same as at the date of the Treaty, though they are probably more solidly built; and the picture which faces this page portrays the stages on to which we climbed in September last. This picture is copied from one in the margin of Hermann Molls' map in the British Museum. The date of this map is fixed by its being dedicated to John, Lord Sommers, President of Her Majesty's Privy Council, an office held by that nobleman from November 1708 to September 1710, so that the sketch is of a slightly earlier date than the Treaty.

187. The dwelling-house at Rouge was a plain building containing the mess-room. At St. Julien's it was of a better class, but at St. John's Island we found a smart-looking building which had been brought out in pieces from France. It contained a

*To face page 48.*



BUILDINGS AT ST. JULIENS.  
See PARAGRAPH 133. FROM A PHOTOGRAPH, 1891.



A View of a Stage & also of y<sup>e</sup> manner of Fishing for Curing & Drying Cod at NEW FOUND LAND  
 A. The habit of y<sup>e</sup> Fishermen B. The Line C. The manner of Fishing D. The Dressers of y<sup>e</sup> Fish E. The Trough into  
 which they throw y<sup>e</sup> Cod when Dressed. F. Salt Boxes G. The manner of Carrying y<sup>e</sup> Cod. H. The Cleansing of Cod. I. A Pair  
 to extract y<sup>e</sup> Oyl from y<sup>e</sup> Cod. J. A Cart to receive y<sup>e</sup> Oyl & Blood that comes from y<sup>e</sup> Livers. K. Another Cart to receive  
 the Oyl. L. The manner of Drying y<sup>e</sup> Cod.

AN ENGLISH FISHING STAGE, 1710.  
 See PARAGRAPH 186.

sitting-room, and a comfortable bed-room; its walls were papered, while at Port-au-Choix the house had a verandah in front, and inside a staircase leading to an upper story. The men's quarters were in every case wretched places; they consisted of huts strongly built of weather boards or upright planks divided lengthways by a partition down the centre, each half having two double tiers of bunks the whole length with only a few feet of space between the rows, and in this gangway were the men's chests, and in one place tubs with their private store of fish; the whole very dirty and uncomfortable.

BUILDINGS  
AND MINOR  
MATTERS.

188. The materials for the buildings at Rouge and St. Julien's had been originally obtained, as we understood, by the caretakers in the woods during the winter, but they have been in existence for many years. At St. John's Island, which was re-occupied eight years ago, the material was in some part the salvage from a vessel which went ashore, but was got off when lightened of its deck cargo of timber, and the salvors, including these Frenchmen, received the timber as a reward. The house at Port-au-Choix was built of timber got in by the caretaker from the woods, and was put up by him a few years ago, with the assistance apparently of other British subjects. (Answer No. 553). The lobster factories at these two last-mentioned places were of a similar character to the rooms built on the stages, but with fixed roofs, and altogether more substantial and durable.

189. We did not visit the lobster factory at Bartlett's Harbour, and the captain could not take the "Fiona" into St. Margaret's Bay, where there was a French factory, but it is due to the St. Pierre lobster men whose establishment we visited south of Port-au-Choix, as well as to the *petits pêcheurs* of Tweed Island and Red Island, to say that the quarters they provide for their men, though plain, showed some regard to considerations of health and comfort, especially so at Red Island, where Chrétien had built new quarters this year. The buildings of these lobster factories were in every case, except perhaps at Middle Arm, of a more permanent character than the temporary structures allowed by the Treaty, and mostly so at Red Island, where the house and the stores were of a superior character to what we saw elsewhere. The new material at this island, and that for the buildings at the other St. Pierre factories, were partly imported from St. Pierre, partly obtained in the woods during the winter by British subjects, and made up by them, and partly from the saw mill in the Bay of Islands; the wood for their lobster traps was also obtained from these three sources. We heard nothing of the employment of British subjects in the service of the men who came from France except as caretakers during the winter, or for getting in wood and making traps, but the St. Pierre lobster packers make use of two or three colonial girls at each factory for putting the lobsters into the tins, and of men to help them in their general work (*see Answer 707*); but they are not allowed, so they told us, to employ men at a greater ratio than one to every four Frenchmen.

Buildings of  
the St. Pierre  
factories.

190. Besides the timber used in buildings, and in repairs both of buildings and boats, and in making lobster-pots, the French on the west coast cut wood to build boats even for purposes other than fishing. See the evidence of J. F. Bancroft, Customs officer (*Answer 845 et seq.*). We found no trace of Frenchmen being left behind at the end of the fishery season, except at Lark Harbour, where M. Hacala leaves his premises in charge of Frenchmen, on one occasion to the number of six (*see statement of H. Nerman, and evidence of W. Gabriel; Answers 1185 et seq., also 1239*); and except that the late occupier of Red Island was said to have left a Frenchman in charge there during the winter; in all these cases the offenders came from St. Pierre. We heard here and there of a Frenchman who had stayed behind to marry a Newfoundland girl, and thus became absorbed in the general population. At every cod-room boats, fishing gear, salt, and formerly, if not now, spirits (*Answer 712*), are left in charge of a British caretaker, and there is little doubt that these men, as well as British subjects who are employed to do work of other kinds are paid with provisions and other goods, probably including a little spirits on which no import duty has been paid. We inquired as to whether spirits were left during the winter, but were informed that such a thing was now impossible, for recently they had been forbidden to bring in any vessel more than a limited amount proportionate to the number of the crew. These orders are contained, we find, in a Circular dated 6th February 1896, from the Minister of Marine. This Circular, of which we annex a translation (*Appendix No. 19*), was issued after the seizure by the Newfoundland Custom officers, in the winter of 1895 of a large quantity of liquor which had been left at Port-au-Choix

Employment  
of British  
subjects.

French Cir-  
cular as to  
shipment of  
spirits.

BUILDINGS  
AND MINOR  
MATTERS.

without having paid duty. As regards the east coast we see no reason to doubt that these orders are complied with by the ships sailing from France, and on the west coast too as regards these ships, but there is nothing to prevent their supplementing their supply to any extent with liquor from St. Pierre by means of the trading schooners which are constantly on the coast (*see* Answer 713).

191. At Lark Harbour, in Bay of Islands, we saw a large lobster factory, bought from an Englishman, James Bagg (Answer 934), by M. Hacala, who also owns factories at Tweed Island and Middle Arm. The buildings were of a more than usually substantial character, and by the side of them was the most solid work we saw anywhere, namely, a quay 75 feet long, formed of trunks of trees, and backed by a plot of land which M. Hacala had reclaimed and filled in (*see* statement of H. Norman). We gathered in conversation that the lobster men and the cod fishers believe that they have a right to occupy their places indefinitely, so long as they do not leave them vacant for any two consecutive seasons; judging from what we saw we feel pretty sure that in any repairs the new work is an improvement on the old which it replaces, and this again tends to create a superior class of building to what was originally contemplated by the Treaties.

192. The disregard of Treaty obligations in these minor matters appears to us not to be of any serious consequence in itself, but it is an infraction which it is our duty to bring to notice. And to illustrate the extent to which modern ideas have diverged from those of the negotiators at Utrecht we may mention a casual remark made by one of the lobster catchers from St. Pierre, who told us that he was thinking of next season getting his butter from St. John's by rail, in small quantities as he required it, instead of laying in the whole season's supply beforehand from America.

Buildings at  
Croc.

193. Before leaving the subject of buildings it is right to mention that we anchored for a night in the harbour of Croc, and inspected the buildings of the little farm which a good many years back was used by the French Government for the purpose of supplying their cruisers with fresh meat, and was afterwards closed in 1889. The question of its re-opening in 1895 gave rise to diplomatic correspondence. The buildings consist of a comfortable dwelling-house, with a small lawn in front between the house and the water of the harbour, and two sheds, with closed doors, for housing cattle, connected by a path with a small watering-place made in the bed of a brook a short distance away. Upon the attention of the French Government being called to the fact that such buildings were not authorised by the Treaty, they abandoned their intention of reopening them, rather than accept the offer which was made to them of a lease at a nominal rent from the Colonial Government, to whom Your Majesty has delegated the power to dispose of the Crown lands of the Colony. It does not seem necessary for us to make any further observations upon this.

## XVII.—MINING AND OTHER INDUSTRIES.

Importance  
of mining in  
of recent  
date.

194. It is only within the last 25 years that the question of mining on the Treaty shore has acquired much importance, though, as will be seen from the evidence, it is now attracting considerable attention, due in some measure to the opening of a railway. This may in part be attributed to the success of the mines which are worked on the east coast south of Cape St. John, especially at Bell Island in Conception Bay, and at Tilt Cove. The export returns give the following values :—

For the 10 years from 1854 to 1864 - -	Total, 63,428 Dollars.
For the year 1870 - - - - -	„ 202,482 „
„ „ 1880 - - - - -	„ 441,680 „
„ „ 1890 - - - - -	„ 340,482 „
„ „ 1897 - - - - -	„ 853,135 „

It must be noticed, however, that Bell Island, which is the principal source of this export is of a special geological formation which does not extend to the rest of the colony. We need not, however, refer at greater length to places which are off the Treaty shore.

195. The backbone of the island, running from near Port-aux-Basques to the north coast in the vicinity of Cape Norman, is composed of granite or Laurentian rocks, and between this backbone and the sea on the west coast there lies a strip of land varying in width up to about 25 miles, and along the whole length of this strip various minerals have been found in almost its whole extent. The witnesses spoke of gold, copper, lead, barytes, plumbago, nickel, iron, chrome iron, hematite iron, pyrites, gypsum, mica, asbestos, serpentine, marble, limestone, freestone, sandstone, besides extensive coal measures, and last but not least, mineral oil, of which there seems to be a considerable development. The quantity and value of all these mineral deposits cannot be stated, and it is only right to add that opinions differ as to their richness, though Mr. Howley, the Geological Surveyor to the colony, and others, believe that a great future is before the colony on account of its mines.

MINING AND  
OTHER  
INDUSTRIES.  
Mineral on  
West Coast.

196. Some of the deposits are clearly of a very extensive character. We annex (Appendix 20) the postscripts to a letter (of which the body was on other subjects) written on 8th February, 1894, by Mr. C. R. Bishop, describing in detail the vast amount of ore which can be seen (Answer 1436). Mr. Howley, to whom it was written, speaks of this mine as "an enormous deposit of magnetic iron, one of the largest in North America." The French claims prevented the sale of the property (Answer 2240). The same gentleman speaks of the copper running to 80 per cent. of metal on the east side of Port-à-Port Bay (Answer 2223), and of having heard (Answer 2227) that the band of ore at Middle Arm, Bay of Islands, was 45 feet thick. This is confirmed by Mr. Reid, the owner, who (Answer 2368) said that they had cut a 50 feet drift across the property, and had got samples from the end of that drift which analysed 49 per cent. of sulphur, and the balance iron.

Magnetic  
iron.

197. One of the principal mining properties of which we were constantly hearing was the copper district in the neighbourhood of York Harbour, Bay of Islands, under the Blow-me-Down Mountains. The extent of this district we cannot specify, but the firm of Harvey and Co. are interested in about seven or eight miles. They had done a good deal of work, but had not yet attempted to ship ore, but the indications are described by Mr. John Harvey as superior to any indications that appear in Newfoundland anywhere, not excepting Tilt Cove (Answers 1651-1655).

Copper near  
York Har-  
bour.

198. In addition to these Mr. Harvey told us (Answer 2276) that he had been working with Mr. De Wolff, of London, with reference to the gypsum deposit at Romaine's Brook, and this gentleman, who had obtained from the Keystone Plaster Company in the United States an offer to take 25,000 tons a year, had also written to the witness that he was convinced there would be no difficulty in marketing 100,000 tons per annum. Mr. Howley, who is an expert, speaking of the coal measures in the St. George's Bay district, estimates that for each square mile of area, this coal field may be found to occupy an aggregate thickness of 27 feet, and if persistent should contain about 25,000,000 tons (Answer 2208). He also informed us (Answer 2199) that at the Humber River Valley some 12 or 14 miles of true coal measure had already been traced; and, as regards oil, an excellent quality had been obtained at Port-à-Port, and also at St. Paul's, near Cow Head, and Parson's Pond, Shallow Bay (Answers 2212-2217). Mr. Lindsay, the owner of the Parson's Pond property, states (Answer 1694) that he had spent 40,000 dollars in developing it, and that he was in treaty with a company who were to spend 50,000% in further development before putting it in the market. He also stated that if the company were formed it would be necessary to run a line of pipes to Bonne Bay, a distance of 35 miles, and then, we may add, the question of shipping difficulties may arise if matters remain as they are. In addition to this testimony we would call special attention to the practical statement respecting his mines furnished to us by Captain Cleary (*see* Annexure to Evidence 11), who was unable to appear personally, and who furnished further instances of the inability to obtain capital for the development of his minerals owing to the French.

Gypsum.

Coal  
measures.

Mineral oil.

199. On all sides complaints were general that the uncertainty caused by the French claims was an absolute bar to development. In fact the greatest grievance brought before us, alike by the Government and by individuals, was the inability to obtain a clear title to a portion of the shore, however small, to be used for the shipment of minerals. The system under which exploration is carried on consists in the granting

MINING AND  
OTHER  
INDUSTRIES.  
Mining  
Licences and  
leases.

by the Colonial Government of a licence to search over an area of three square miles, the licence having the right to claim a lease of one square mile out of the three, and eventually to claim a grant in fee if sufficient money is expended on the leasehold. But as every such lease or grant would, under present arrangements, be made subject to the French Treaty rights, and to a condition that no buildings shall be erected within half a mile of the shore, except by the permission of your Majesty's Government, few leases are taken out, and capital cannot be obtained for working the mines.

Mr. Bennett's  
lead mine,  
1873.

200. The earliest instance of mining brought to our notice was a lead mine at Port-à-Port, worked with every prospect of success by Mr. Charles Fox Bennett, then Premier of the colony in 1873. The direction of the mine was seawards, and the best part of the mine was below high-water mark; but owing to the objections raised by the French Commodore the works were stopped in that year by the authority of the British Government, and have not been resumed. The claim on which this mine was being worked was only one out of 24 claims owned by Mr. Bennett; the whole are now held in abeyance until the Government can give a clear title. (See Evidence of Alexander Mackay, Answers No. 1586-1595, and a letter from Colonel Young, executor to Mr. Bennett, Appendix No. 21).

French  
claims as to  
development.

201. In addition to the cases where works have been stopped after having actually commenced, we heard of various cases where expert reports were favourable as to the prospects of the minerals, but no attempts had been made to work, owing to the uncertainty caused by the insertion in the grants of the phrase "subject to French treaty rights." In one class of cases the owners had refrained from all attempts to develop their minerals (Answer 1657), and in another class capitalists who had seen and been satisfied with expert reports declined to go further in the matter. (See Evidence of R. K. Bishop, Answer 1584, H. Le Messurier, Answer 1600, Rev. M. Harvey, Answer 1631, Hon. A. Harvey, 2337.)

Manufacture  
of pulp.

202. Besides minerals, including the working of coal, other industries came under our notice; it will be seen from Mr. Reid's evidence (Answers 2362-2367) that he contemplates starting a pulp factory at Grand Lake on a very large scale, of which the outlet would be at the mouth of the Humber River, and shipping facilities for so bulky a commodity are evidently of the first importance. For the prosecution of this industry he requires pyrites from his mine at Middle Arm, and lime which he would obtain from the marble works in the neighbourhood of the Humber. It is, therefore, essential that freedom of communication between these different properties should be secured. The locality is especially favourable for this industry, and it will be seen from the letter of Mr. Withers (Appendix 22) that besides Mr. Reid other persons have turned their attention to the manufacture of pulp also in the neighbourhood of Bay of Islands, and that here also French claims stopped the enterprise. Mr. Reid (Answer 2398) told us that there would be room for two more mills at Grand Lake and Deer Lake on as large a scale as the one he was contemplating.

Acetylene.

203. In addition to the pulping mill, Mr. Reid proposes to undertake the manufacture of acetylene, and in a letter addressed to the chairman, dated January 4th, 1899, since our return to this country, he writes: "To manufacture acetylene, coke, lime, and electricity are required; all these can be got near Grand Lake. One of the water powers there would generate enough electricity to produce 24,000 tons of this product annually, which I understand is worth from 60 to 75 dollars per ton in Europe at present. The point of shipment for export would be Bay of Islands."

The timber  
trade.

204. There is as yet no great development of the timber trade upon the Treaty Shore. Besides the saw-mill at Sop's Arm, which we visited, and which is not very large, there is only the saw-mill in one of the arms of Bay of Islands which we did not see; but there is good timber in the Humber valley and round Grand Lake (Answer 2236). A great part of the Colony is thickly timbered, indeed the railway train was continually passing through trees which in most places, owing to forest fires or to poverty of the soil, are too small to create a trade in lumber, but we heard that there is a better class of timber between the St. George's River and the West Coast. We did not however enquire very deeply into this branch of the question. We were to have visited a large saw-mill at Benton on our way from St. John's to Notre Dame Bay, but it was after dark when we reached the place. We did however inspect a very large concern at Botwoodville in Notre Dame Bay, the timber of which comes from Exploits River. As will be seen, neither of these places is on the Treaty Shore.

205. With this exception every one of the industries which we have mentioned would find its outlet at some point of the shore line of the main island of Newfoundland between Cape Ray and Port-au-Choix, and would do so without interfering in the least with the French fishery. This shore line is, as we have stated, 658 nautical miles in length; no Frenchman dries codfish upon it, and the only French establishments except those which the *petits pêcheurs* occupy during part of the season are five small lobster factories worked from St. Pierre. One was not working in 1898, and the other four employed 61 men in all. There is a considerable quantity of agricultural land along this stretch of shore chiefly on the northern part of St. George's Bay, and between Bonne Bay and Port Saunders, where it lies to the width of several miles between the mountains and the sea. There is also very good land along the Humber River, and by combining agriculture and fishing the people could make a good living.

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OTHER  
INDUSTRIES.

Agricultural  
land.

206. We have so far spoken only of the west coast, on which the chief mineral discoveries have been made, but although the explorations have been less complete on the east coast there is no doubt that minerals to some extent have already been discovered there, and would be worked if it were not for the uncertainty caused by the French claims. Wherever we landed the people spoke of there being a mine in the neighbourhood, but the information was never very definite, and we only mention it to show the general impression that the whole country is metalliferous. There are, however, actual finds on that coast. We have spoken of Ming's Bight, where the gold mine was stopped by the French in 1883 and where the copper mines on top of the cliff remain unworked, and it will be seen from the evidence of R. J. Rendell (Answer 1644) that there are iron mines in Sop's Arms, White Bay, which the owner cannot put into the market because of the restrictive words "subject to French rights" which occur in his licence. The same obstacle stopped the actual sale of a mine on an island near Ming's Bight, the transaction having fallen through upon investigation of the title, the restrictive clause being held to be a fatal objection (see Evidence of R. Parsons, Answer 1668).

Minerals on  
the East  
Coast.

207. On this coast there are claims also to deposits of iron pyrites at Pistolet Bay, near St. Anthony's (Answer 1685), and there are indications of copper in the neighbourhood of Hare Bay (Answer 2233A) as well as of oil near Pistolet Bay, and of pyrites at Bay Verte near Ming's Bight. This coast has not been fully explored. Mr. Howley, however, tells us that marble is found at Canada Bay, on the east coast, and runs right across the island to Bay of Islands on the west (Answer 2235), and serpentine rock is found at Pistolet Bay and Hare Bay.

208. We cannot, however, pass from the subject of minerals without observing that the French throw every obstruction in the way of mineral development, even preventing the creation of a small harbour of refuge (see Para. 69) of which the necessity was acknowledged by the French naval officer, lest it might be used for putting minerals on board ship, while at the same time the population which lives by fishing increases in the same districts without producing any formal protest, chiefly in the three large bays of Bonne Bay, Bay of Islands, and St. George's Bay, where there has been no French room for many years. It must however be pointed out, as will be seen from Annexure to evidence No. 24, that except in Bonne Bay and Bay of Islands the places where wharves can be built without danger from the drift ice are comparatively few, and are mostly on the east coast. The British Government has hitherto been content not to question too closely the grounds upon which these objections are founded, but it seems scarcely possible to allow this state of affairs to continue. The continuous abandonment of the coast by the French fishermen, who make no use of many hundred miles of the shore line, shows that in their interests such objections are really unnecessary, and on the other hand it has become of importance to find new industries for the population of the island. Its numbers have since 1816 grown from 51,605 to 200,000 in 1898, while in the same period its fish exports, which in the former year were valued at 4,019,040 dollars, had by 1898 only increased to 5,226,933 dollars. We submit that all similar objections, unless their necessity can be proved, need not be entertained, and that this is equally the case whether the Declaration of 1783 is in force, or whether it has lost its vitality.

French  
obstruction.

## XVIII.—ST. PIERRE AND MIQUELON.

Terms of  
cession in  
Treaty of  
Paris, 1763.

209. The Treaty of Paris, 1763, ceded to France in full right the Islands of St. Pierre and Miquelon, to serve as a shelter to the French fishermen, the French king engaging not to erect fortifications or any buildings except for the convenience of the fishery, or to keep a guard of more than 50 men. The French king was allowed to retain his fishery in the Gulf of St. Lawrence, but only at a distance of three leagues from all British territory, except at Cape Breton, where the distance was to be 15 leagues. The negotiations which are printed in "Nouvelles causes célèbres du droit des gens," by Martens, Vol. I. (1843), shows that these islands were given for the purpose of forming a shelter to the fishermen in the Gulf of St. Lawrence, and in the English view the cession of the Island did not carry with it any right of fishing. It is interesting to note, with reference to the meaning of the term fish (piscés) in the Treaty of Utrecht, that in these negotiations, when referring to the 13th Article of that Treaty, the phrase "pêcher et sécher la morue" is used.

Treaty of  
Versailles,  
1783.

210. In the Treaty of Versailles (1783, Art. 6), the islands are ceded in full right without the restrictions as to fortifications and the guard, but it will be seen that the Declarations, if read together, show that these islands were ceded and accepted to be used as a real shelter ("pour servir réellement d'abri") to the French fishermen, and as places which were not to become an object of jealousy between the two nations. Both of these conditions, however, have long since disappeared. Miquelon is still only a resort for fishermen; it has a beach suitable for taking bait, it possesses no harbour, and has a bad reputation for shipwrecks.

Present  
condition of  
St. Pierre.

211. St. Pierre, however, has become a very different place from what was contemplated in 1783. It is now a French colony of 6,000 inhabitants with a local Budget, a Governor, a Judge, and a numerous body of public officials; it sends a Deputy to the Chamber in Paris, and has a local fishing fleet of 204 vessels manned in great part by men who come by steamers from France in the spring, returning at the end of the season. Its port, which is a roadstead open to the north and north-east with a small inner harbour, is the starting point for many of the banking vessels from France, which obtain bait and supplies and fill up their crews at this place. It is virtually a free port, and is the centre of a large smuggling traffic openly carried on to the United States, Canada, and Newfoundland. The names are known of 10 firms who are engaged in this business. No British Consul is allowed to reside there. The presence of such an official would, we hope, be sufficient to protect British subjects and their vessels from the ill-treatment and confiscation which Mr. Le Messurier, Deputy Minister of Customs, reported to us in his evidence (Ans. 1808).

British  
Consul not  
allowed to  
reside at  
St. Pierre.

212. It is understood that the appointment of a Consul would be permitted if Newfoundland would agree to some arrangement; in other words, if the colony would give to France some valuable concession for what in other parts of the world is a matter of course between friendly nations. In the meantime, M. des Isles, a Consul-General in the French service, resides at St. John's, and, except that he is not officially recognised, discharges all the duties of a Consul; he flies the French flag when it pleases him, and keeps his Government informed of all matters passing in the island. On the other hand, when the Colonial Government a few years ago sent an agent to live at St. Pierre he was soon obliged to withdraw, and the experiment has not been repeated. (Answer 1778). It is to be hoped that this state of things will not be continued indefinitely. It is true that Newfoundland is the part of the Empire which would gain most from the presence of a British Consul, but the refusal is addressed to Your Majesty, and it is the more marked seeing that the United States have for some years been allowed to have a Vice-Consul residing at this port.

Smuggling.

213. The extent to which smuggling goes on upon the part of the colony other than the Treaty shore is shown in the evidence. (See Answers 1746, 1795, 1799, 1803, 1828, 1892, 1936, 2290). Looking to the great number of small craft owned by the inhabitants on the south coast opposite to St. Pierre, and in view of the practical freedom of that port, it would be difficult if not impossible altogether to stop smuggling into the numerous harbours and coves on the south coast, though much might be done if the question could be kept entirely outside party politics and the preventive service made even more efficient than it is. The practice is one of very old standing,

as will be seen, from Mr. Reddin's Report of 1866 (Appendix 23). Good has resulted from the establishment of a preventive service, but we are much mistaken if there is not still room for improvement.

ST. PIERRE  
AND  
MIQUELON.

214. It will no doubt be said that it is the duty of the colony to protect its own coasts as other countries do, a position which, *ceteris paribus*, we would not dispute. But whereas St. Pierre was not to become an object of jealousy between the two nations, the extensive smuggling which goes on under what, if these gentlemen are not maligned, is the almost open encouragement of the authorities, has made the port not only an object of jealousy, but a source of annoyance to and complaint by the inhabitants of the colony and of the Dominion of Canada.

215. The amount of smuggling at present on the Treaty coast is less clear. There is no doubt that it was extensive in former years (*see* evidence of William Kelly, Answer 1940 *et seq.*), but we believe it to be considerably less now. Some persons told us that it was completely a thing of the past, others thought it had much diminished, and M. des Isles assured us it was now impossible, as the French Government prohibited vessels from carrying more than was required for the crew. We understood him to refer to the Circular of 6th February, 1896, mentioned in Par. 190, of which we afterwards obtained a translation (Appendix 19). It will be seen that the Circular only relates to the crews of ships fitted out in France for cod fishing in Newfoundland, and fixes the quantity to be carried at the rate of 1.75 litres (= 3.08 pints) per man per week. We learned from another source that every man is allowed at least three rations of spirits a day, and from one of the French factory owners that a similar allowance is given to the lobster men. Even if this Circular is faithfully observed by the fishing vessels from St. Pierre, it does not touch the trading schooners from that port which ply on the west coast, and are allowed to leave St. Pierre without papers of any kind (Answer 1892). We heard of one such schooner which used to appear off Red Island flying a particular signal, and this brought boats off from the mainland to carry the stuff ashore. All doubt, however, as to the existence of smuggling was removed shortly before we left the island by the wreck of the schooner "Augustine," which without any payment of duty landed 32 cases of spirits and various liquors, besides some sugar and tobacco; and it appears that 20 cases of gin had already been taken away (*see* Appendix 9). Besides the loss to the Revenue by the importation of uncustomed goods, complaints were made to us, apart from the cases mentioned in the evidence, of the demoralisation of the people caused by the introduction of these liquors, much of which is of the vilest quality (Answer 1806).

Smuggling  
on the Treaty  
Coast.

216. Besides spirits there appears to be a considerable illicit traffic in tobacco from St. Pierre. Mr. John Harvey, whose firm manufacture nearly all the tobacco used by the fishermen in the island, tells us that three-quarters of the amount of tobacco consumed along the south-west coast, between Placentia and Cape Ray and on round the Treaty shore, is smuggled, judging by the amount per head sold to the rest of the population in other parts of the colony. (Answers 2180-2185, and 2285-2295; also Annexure to Evidence, No. 30). Mr. McGrath's evidence (Answer 1746) as to the manner in which tobacco is packed for smuggling is also worthy of notice. It further appears that other commodities such as clothes, provisions, fishing lines, &c., find their way into the colony without payment of duty, but we need hardly pursue this subject further.

Tobacco.

217. We have spoken of the Representative which St. Pierre sends to the Chamber of Deputies, and we find that this concession in favour of these islands was effected by a decree of the President, dated 19th October, 1883.

Deputy for  
St. Pierre,  
1883.

218. It was in 1881, by a law dated 17th September of that year, that the St. Pierre people obtained for their *petite pêche* the bounty (*prime d'armement*) of 50 francs per man, and it will be seen from Annexure to Evidence No. 18 that the grant of this bounty forms a serious ground of complaint in the colony, for the merchants say that the "latest breach of the treaties, by the enactment granting the bounty to local fishing vessels, and thereby making the Island of St. Pierre the centre and base of large commercial operations, has imposed a very heavy burden upon this colony."

Bounties  
extended to  
St. Pierre,  
1881.

219. We are unable to state with certainty whether this bounty has really had this effect upon the colony, but apart from the merchants' point of view, we draw attention

Commercial  
statistics of  
the island.

St. Pierre  
AND  
Miquelon.

to the following figures, which show the magnitude of the trade of the port and indicate how completely the "real shelter for fishermen" has developed into an important commercial centre.

EXPORT of CODFISH from St. Pierre and Miquelon.

Date.	Dry Codfish.	Green Codfish.	Value.	Value.
	<i>Quintals.</i>	<i>Cwts.</i>	<i>Francs.</i>	<i>Dollars.</i>
1881	90,210	284,487	6,170,686	1,341,453
1882	90,401	322,334	10,686,502	2,325,326
1883	68,030	463,311	12,528,926	2,723,679
1884	162,519	470,104	11,675,472	2,538,146
1885	156,348	665,887	15,021,419	3,265,526
1886	220,368	689,585	6,892,698	1,498,413
1887	135,412	620,732	13,559,532	2,943,376
1888	114,859	435,670	11,233,742	2,443,205
1889	120,632	410,835	10,948,685	2,380,148
1890	107,464	388,131	10,443,186	2,270,257
1891	63,172	348,715	9,806,352	2,131,815
1892	95,540	339,318	8,252,748	1,794,075
1893	171,134	350,922	8,570,841	1,950,183
1894	153,498	333,088	8,130,468	1,767,493
1895	146,541	446,467	9,741,350	2,117,685
1896	182,399	551,725	9,165,583	2,036,794
1897	190,544	487,748	9,146,113	2,032,914

220. The official Year Book of St. Pierre gives as the figures for 1895—imports 8,165,792 francs; and exports 11,188,087 francs, and for 1897—imports 9,329,268 francs, and exports 10,753,045 francs. The imports include for 1895—wines 640,000 francs, brandy and other liquors 252,000 francs, making a total of 892,000 francs; the Year Book also gives the figures for 1897 as—wines 842,398 francs, brandy and other liquors 251,790, total 1,094,188 francs, an amount totally disproportionate to a population of 6,000 people, and it was a favourite argument in Newfoundland that, taking the amount consumed in that colony per head as a test, the amount unaccounted for in St. Pierre shows how much had been disposed of in an illicit manner. We believe that this argument is sound, even allowing for a very liberal ration of spirits to the men engaged in fishing. The Year Books for 1896 and 1898, which were the only two at our disposal, do not give any details of the exports of that island, except as regards the products of the fishery, which are carefully distinguished under their several headings, and amounted in 1895 to 9,490,869 francs, and in 1897 to 9,569,841 francs.

Shipping.

221. We should have been glad if we could have shown the increase of the local fishing fleet during a series of years, for the Year Book of 1895 says that in the last twelve years the progress in the local fitting out has been remarkable, but we can only say that the Year Books give the number of vessels employed in the *grande pêche* as 208 in 1895 with 3,434 hands, and 204 in 1897 with 3,372 hands, and in the *petite pêche* six schooners, 19 "pirogues," and 474 boats (*warys and doris*) with 1,097 men in 1895, and in 1897 eight schooners, 14 "pirogues," and 467 boats, with 1,143 men. Jealousy is a word which hardly expresses the feeling in the colony in respect of this fleet, and of its growth since the Decree of September 17th, 1881, extended to it the *Prime d'Armement* of 50 francs per man. If the colonists do not overstate the case, the grant of this bounty has had a most disastrous effect upon their trade. (See evidence of Mr. John Harvey, Answers 2179 2182, and Annexure to Evidence No. 19). It is regarded with very different feelings in St. Pierre itself, where in the Official Year Book for 1898, page 37, it is spoken of as "une innovation qui est un véritable bienfait pour la population de nos îles."

Introduction  
of fishermen  
from St.  
Pierre on the  
Treaty Coast.

222. We have already mentioned that the Schedule of Allotment for 1852 contained a note that the harbours of Codroy, St. George, and Red Island were to be reserved for the schooners from St. Pierre, and that in 1857 there were 168 men at Codroy and 220 at Red Island. The introduction of the St. Pierre element was regarded by the fishermen from France as an intrusion, as we learnt from two old residents at St. George's Bay, who spoke of complaints on the subject made by the captains of fishing vessels, and the giving of a permanent title to Red Island formed the subject of a

protest by some of the amateurs at their meeting at St. Servan, in January, 1857. But the Government doubtless foresaw that their hold on the coast would slip away through its abandonment by the French fishermen, whose numbers had fallen off by 40 per cent. in 20 years, and that it was requisite in some way to supply their defection. The remedy, however, was insufficient, for Codroy and St. George's Bay were, after a time, abandoned, and by 1885 the total number of men, including those from St. Pierre, had fallen off from 6,237 to 1,750, or 70 per cent. Next in 1899 the lobster men appeared on the coast from St. Pierre, and these held in 1899 ten factories, employing 104 men as against 98 employed in the four metropolitan lobster factories. These were followed by the *petits pêcheurs*, who began with 13 men in 1893, and in spite of the strenuous efforts of the Governor of the Island to "reoccupy the shore" by this means, and of their being sent by steamer with their boats, and in spite of their receiving a bounty of 50 francs a head, the service is so unpopular that it had to be subsidised with an increased bounty in 1898.

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AND  
MIQUÉLON.

223. We have spoken of the friction which exists between these men and the colonists, and of the lawless proceedings of which they are guilty. Indeed, we noticed that the men from St. Pierre generally seemed to be rougher and of a different character to the men in the large cod-rooms. The French Government do not protect them if they offend against the law, for two of the lobster managers had, we learnt, been fined at Bay of Islands, one, M. Hacala, once, if not twice, for dealing in goods without paying Customs Duties, and the other, M. Bourget, for another offence, we think one of assault.

Their  
conduct.

224. An outrageous assault was committed in Bay of Islands in 1895 by a French lobster man named Hillion upon a married woman named Sheehan. The man absconded before the magistrate's warrant could be issued; but the French Admiral adjudicated upon the case, and forbade Hillion to return to the Treaty shore. We heard also of a further case of assault committed by M. Bourget's men on some British subjects named Knight. One of the witnesses, Absalom Noseworthy (Answer 1044), gives a detailed account of an assault committed upon himself by a Frenchman, but he may have brought it upon himself if, as suggested by Mr. Carter (page 114), he began the disturbance.

225. A few years ago the lobster men from St. Pierre were in the habit of remaining on the coast until November, some weeks after the time "necessary for fishing and drying of fish," and the practice was only stopped after the British Government had called the attention of the French Government to the practice, and demanded that it should be put an end to.

Lobster men  
remaining  
during  
winter.

226. It is very clear from the foregoing that St. Pierre has been made a place the opposite of what was contemplated by the Declaration, and as forbearance seems only to lead to an increase of the mischief, we think that the time has come for declaring that the Declaration of 1783 is regarded as at an end in consequence of the abandonment of the ancient method of fishing and of the active annoyance which proceeds from St. Pierre, and of which the increased subsidy of 1898 is the latest example.

Release of  
England from  
the Declara-  
tion of 1783.

227. The distance of St. Pierre from Newfoundland is at its nearest point, namely, between Columbia Point and Crew Point, nine nautical miles, so that there is a strip of free water between the territorial waters of the two islands; and it may be desirable to make a fresh agreement limiting the fishing on both sides to mid-channel in place of the paragraph of the Declaration which had a different origin, namely, that the cession of St. Pierre in 1763 was held by Britain not to include any right of fishing from that island, and the British fishermen claimed that they might fish right up to its shore. The question was settled by the Mid-Channel arrangement contained in the Declaration.

Fishery to  
mid-channel.

#### XIX.—SUGGESTIONS FOR THE FUTURE.

228. In 1713, by the Treaty of Utrecht, French subjects were allowed to catch fish and dry them on land, and France bound herself to make no claim of right to any part of Newfoundland. In 1783, England refused to insert exclusive right in the Treaty of Versailles, or in the Declaration, but undertook to prevent British subjects from interrupting French fishermen, and for this purpose to remove fixed settlements. The

Recapitula-  
tion of  
Treaties.

NEGOTIATIONS  
FOR THE  
FUTURE.

other treaties made no change, but, owing to the number of French fishermen, it was necessary to act strongly under the Declaration. There were, in 1829, 16,560 French fishermen on the coast; in 1852 there were 7,184; and in 1857, 5,955.

Convention of  
January 14,  
1857.

229. The Convention of January 14th, 1857 (Appendix 10) would have given to French subjects the exclusive right to fish from Cape St. John to Cape Norman and in the harbours of Port-au-Choix, Petit Port, Port-au-Port, Red Island and Cod Roy (the five best places on the west coast, and the only five which the French then thought worth using south of St. John's Island). It would also have given them the exclusive use of the strand for fishing purposes from Cape St. John to Rock Point, in Bay of Islands, as well as in the five harbours; and, further, the right to share in the fishery on the Labrador coast from Blanc Sablon to Cape Charles, and at North Belle Isle, and to dry and cure fish on the unsettled parts of that island.

230. The strand was to be taken to be one-third of a mile in certain places and half a mile in the rest, with power to the French naval officers to pull down any British buildings subsequently erected after 15 days' notice to the British authorities, "if there were any within 20 miles." The Convention would have given to French naval officers power to enforce the exclusive rights by expelling vessels or boats attempting concurrent fishing in case no British cruiser was within five miles. It would have also given to French subjects the right to purchase bait on the south coast, free of duty, and, under certain circumstances, to catch it for themselves.

231. The Convention would have given to the British only a concurrent fishery from Cape Norman to Cape Ray, but exclusive of the five harbours, without a right to land and dry fish between Cape Norman and the south headland of Bay of Islands, so that the fishing between those points was of little value to men who fished from the shore in small boats. It would also have given them the exclusive use of the strand between Rock Point and Cape Ray, except the five harbours. There was not one French fishing establishment along this strand, and Cod Roy and Red Island had long been reserved by the French authorities for the men from St. Pierre. The British were to be allowed to pull down any French buildings erected between Cape St. John and Rock Point inland of the defined limits of the exclusive strand, but only after 15 days' notice to a French authority, if known to be within 20 miles.

232. It will be observed that all these points in the Convention constituted new privileges for the French fishermen and new rights for the French Crown, and each seems to be one step further away from the Treaty of Utrecht and the Declaration of 1783. The Convention required the legislative sanction of the Imperial and Colonial Parliaments, a sanction which the latter refused to give, and the Convention consequently never took effect. It seems to require no further notice from us, as it may be regarded as definitely laid aside by the negotiations of 1884 and 1885.

Agreement  
of April 28,  
1864.

233. The negotiations of 1884 appear to have originally aimed at securing a *modus vivendi* for the uninterrupted fishery of the French, and at the same time for allowing the development of the Colony, without prejudice to the rights claimed by either nation, but the scope of the inquiry was subsequently enlarged to allow the Commissioners to deal with the fishery question on a more extended basis, in order that they might endeavour to arrive at a more definite settlement than could be attained by the establishment of a mere *modus vivendi*. The negotiations seem to have proceeded by tacitly recognising the French claim of exclusive right, for it will be seen from the despatch from the late Earl of Derby, dated June 12, 1884, that it is treated as a concession that the British fishermen should not be opposed if they did not interrupt the French, though coupled with a prohibition not to erect fishing establishments on any part of the coast, even on the hundreds of miles of strand between Rock Point and Cape Ray, of which the Convention of 1857 would have given the exclusive use to the British; so that while British subjects could catch fish they might not dry them on land, for they could not erect "stages made of boards and huts necessary and usual for drying of fish," although existing ones might remain. In addition, the French naval officers were given almost co-ordinate authority with British officers. Similarly, the negotiations admitted, as is shown by the above-mentioned Despatch, the French claim to the exclusive use of the shore, which is based on their interpretation of the Declaration of 1783, that no British establishment of any kind might be erected on the shore; for it was accepted as a concession that the French Government promised not to object to British establishments for mining or for purposes other than the fishery on the parts of the shore which the French never used.

234. It will be remembered that the British had declined to insert the exclusive fishery in the Declaration of 1783, which, as agreed to, recognises the presence of two parties engaged in the same method of fishing, and provides against undue competition, thus again recognising that the fishermen of both countries were there. It will also be remembered that the Act of 1788 requires the exercise of judgment by the British King before ordering the removal of anything, and then only of fishery establishments. It has already been pointed out that the French Ordinances and Decrees, by creating a five years' tenure of the French cod-rooms, had admittedly put an end to the ancient method of fishing, which was binding on both parties, namely, of choosing places for one season, and had thus put an end to the conditions which the Declaration was intended to meet.

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235. We say admittedly, because these laws from 1820 onwards begin with the words "Les havres . . . continueront de n'être pas au choix du premier arrivé ni du premier occupant" (Paragraph 60). We have also remarked that by this method they notified the only places at which interruption could take place, and in 1898 there was no fixed French establishment except 15 lobster factories between Port-au-Choix and Cape Ray on the mainland, a distance of 658 nautical miles.

236. Newfoundland being a self-governing colony, the Agreement was sent out for acceptance by its Legislature. That body was not in Session, but the Ministers pointed out various objections to its provisions, and the Agreement was reconsidered at Paris, where certain modifications were introduced in favour of the colony. These modifications consisted of the insertion of Article 3 in the Agreement of 1885 (Appendix, 11), and of an alteration in Article 18. The Agreement as modified would have acknowledged that the French Government possesses rights on shore, for it contains (Art. 15) a declaration that the French Government abandons for its subjects the salmon fishery in rivers, and only reserves a right to the salmon fishery in the sea and at the mouth of rivers up to the point where the water remains salt, as well as an undertaking (Art. 2) not to raise objections to the formation of establishments for any industry other than fishery on certain portions of the coast, these being the parts which the French did not use for drying fish, and which were the least suitable for that purpose. They also undertook not to disturb the existing establishments of British subjects; but no new ones were to be erected on certain other parts of the coast, these being the parts which comprised all the best fishing harbours and drying grounds, including, on the west coast, many places in which no Frenchman even from St. Pierre had established a cod room so far back as 1859, when the Joint Commission visited the coast; and including, on the east coast, numerous places of which some had even then ceased to be used and of which nearly all are now abandoned by the French fishermen.

Agreement of  
November 14,  
1885.

237. The French Government also undertook not to raise objections to the working of mines discovered in the vicinity of the last-mentioned parts of the coast, provided their working was compatible with the French fishery, and not to object to the erection for this purpose of wharves on points to be specified by agreement between the British and French naval officers; but all dwellings and workshops, &c., were to be placed more than 500 yards inland, or 800 yards according to locality. These, however, might be connected with the wharf by one railway of one or two lines, with buildings for storage of minerals and plant on a space of 15 metres on each side of the line. Mines might also be worked within these parts of the coast by special agreement between the naval officers.

238. The Agreement would also have given to the French naval officers express authority (with the British officers) to police the fishery "and authority in all matters relating to the fishery and the operations which result therefrom," the two commanders being in fact joint commissioners with almost co-ordinate authority. It also would have given to French fishermen the right to purchase bait on shore or at sea on the shores of Newfoundland, outside the Treaty limits, free from all duties or restrictions. France also obtained at the same time advantages in the Pacific, having been released from the Declaration which she had entered into in 1847 with reference to the island of Raiatea. The Colonial Parliament, however, when this Agreement came before it, refused to give to it the necessary legislative sanction.

239. The Convention of 1857, and the Agreement of 1885, like the Arbitration Convention of 1891, never came into operation, and, consequently, neither party was bound by them. Both Governments are agreed upon this point, for in 1888

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FOR THE  
FUTURE.

M. Waddington, writing by direction of his Government with reference to the Agreement of 1885, says: "But your Lordship will doubtless agree with us in recognising the impossibility of reviving to our detriment a Convention the rejection of which cannot be imputed to us. In consequence of this rejection the concessions reciprocally stipulated in the Convention were annulled."

Situation is  
changed since  
1884.

240. If the state of affairs were the same now as in April, 1884, when the first Agreement was made, it is possible from various indications which we have noticed that France might claim now to have the Agreement revived in her favour, but the situation has much altered. The number of cod-fishers from France has fallen from 1750 in 1885 [there were then no lobster men or petits pêcheurs] to 329 men. If the information contained in the letters from Italy which we quote (paragraph 126) are correct, France in 1884 extended her bounties on the produce of the fishery, with the result as shown in those letters and with the object, if the merchant quoted in Annexure to Evidence, No. 19, may be taken as an authority of damaging the colonial trade. In 1886 St. Malo began to erect lobster factories. In 1887 and subsequent years the French navy was specially active against the Colony; in 1890 the *modus vivendi* was signed, and the St. Pierre lobster men came to the island; in 1893 St. Pierre began to send the petits pêcheurs to the coast, and in 1894 a law was issued in France giving a special title to Red Island, and containing a clause in favour of the petits pêcheurs, and another clause authorising the captains of merchant vessels to restrict the liberty of action of British subjects.

Effect of  
Convention  
and Agree-  
ment.

241. It will have been seen that the Convention would for ever have excluded British fishermen from some two-thirds of the Treaty shore, even in the absence of the French, and the Agreement would have had the same effect, except as to existing buildings, over various scattered parts of the shore, amounting, perhaps, to a third of the whole, including nearly all the harbours which were of value for the fishery. Of all these harbours only four were used by French fishermen for drying fish in 1898—Rouge, St. Julien's, St. John's Island, and New Port-au-Choix.

242. The British fishing folk would certainly have filled up the vacant places as they have since done, and we venture to point out the difficulties which would have followed if the French had demanded their removal, and the inconvenient results thus caused by laying down rigid rules for an industry of which the conditions vary so much as is shown by the changes of recent years. We consequently submit that if any future arrangement is to be considered some more elastic method should be adopted in the direction perhaps of keeping clear a reasonable extent of water round any French room actually occupied; and that it might be sufficient if the principle of the Declaration of 1783 were to be adhered to, by which everything that had to be done was to be done by the British authorities; and if it were borne in mind that the Act of 1788, under which alone that declaration could have been enforced, limited the King's power to giving such orders as might appear necessary to him and his Council. This discretionary exercise of judgment would, by the Agreement of 1885, apparently have been in great measure transferred from the British Crown to the French naval officers. We may also observe that the Colonial Act now in force, which has replaced the Act of 1788, contains a similar limitation, and it is possible that Parliament might not at the present time be willing to give any larger powers, especially in view of the change of circumstances which has taken place since 1884. If a solution can be found on the basis of compensating the fishing merchants, any discussion of rights would be unnecessary. If not, it would appear essential before negotiations are commenced to ascertain definitely what rights the French Government now claim in Newfoundland, and from what source they are obtained, for early in this month a semi-official notice appeared in the French papers which seems to show that the extreme position taken up by M. Waddington officially in his note of 7th December 1888 (C. 6044, page 132) is now likely not to be insisted upon, and that the argument would be shifted to other grounds.

essential to  
definitely  
ascertain  
French  
rights.

assurances  
by Colonial  
Ministers.

243. The Colonial Act for enforcing the Treaties expires at the end of this year, and in discussing with us the question of permanent legislation for the future, the Colonial Government agreed that some such measure is necessary, and that it would be sufficient to enact only a single clause to the effect that any Orders in Council which Your Majesty might think it necessary to make for enforcing the British obligations under the treaties should have the force of law in Newfoundland and its territorial waters. Your Majesty would thus be enabled to alter the

machinery for enforcing the treaties to suit the circumstances which may from time to time arise, and to give such orders to your officers as may be suitable for the time being.

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244. The Ministers, however, stated that with the Convention of 1857 and the Agreement of 1885 before them the Colonial Legislature would decline to give such wide discretionary powers unless they were first made aware of the principles upon which those powers would be exercised, for the Colony feels that the stoppage of all industry upon the treaty shore in deference simply to the wishes of the French Government goes far beyond what was meant by the Declaration of 1783, and that it recognises rights of the French Government which the Treaty of Utrecht never contemplated, and which that treaty did not confer.

Legislation.

245. As regards the machinery for giving effect to the treaties, the Colony would prefer to see the British squadron still employed on the duties which they now so well discharge. Their presence on the coast is welcome as well for social reasons as on account of the large amount of money spent by them in the island. (See Annex to Evidence, No. 25) At the same time we feel bound to express the opinion that, as regards the protection of the French fishermen in the exercise of their privileges, the work of policing the fishery could be as effectively performed, and at less cost, by a system of boats' crews living on shore in the vicinity of the French rooms, and continually patrolling among the fishing boats when at work. Indeed, in view of the number of nomadic schooners on the East Coast, it might be well if, in any case, a stray boat's crew could be detailed for such purpose during the periods when the schooners are most numerous, which we understand to be the case at the beginning and towards the close of the season. The officer in command of such a crew would then decide on the spot every question of interruption, and would give effect to his decision by ordering away the offending boat, and, if necessary, compelling it to go. The power for exercising such authority would be created by Order in Council under such a law as we have suggested, while the mere fact of the officer's presence would act as a deterrent to possible offenders.

Machinery.

246. We learnt with satisfaction that it was unnecessary for us to consider the Draft Permanent Bill, for we feel satisfied that any system of judicial procedure, either by a Court, as is proposed in that draft, or by a Joint Commission of Naval Officers, as contemplated by the Agreement of 1885, would not work satisfactorily. The alleged offence with which the tribunal would have to deal would probably have happened during its absence. The charge would almost certainly be brought by or against the crew of a nomadic schooner, who in the meantime would have left to attend to their fishery on the Labrador coast, or to carry their fish back to their home port. The witnesses, whether French or English, would be scattered in various directions in their fishing boats, and if both these difficulties were overcome, and the interruption actually proved against the schooner, or if the schooner proved that its crew had been unnecessarily driven away, the only measure of damages by which the court could be guided would be the value of the fish which had not been caught; and this would depend upon the abundance or scarcity of the fish on the day of the occurrence. As regards the local settlers the French fishermen, by mere weight of numbers, could probably protect themselves from interruption without any risk of actual collision.

247. We have written thus far on the supposition that the fishery is to remain on its present footing, but our instructions direct us to consider what modification of the treaties should be made in the interest of the colony consistently with the free exercise of the French fishery. It seems to us that no modification of the treaty is required. The French fishermen can come if they like, and England will protect them in their fishing. Nothing more is given to them by the treaties or required from England, and should England fail in discharging this duty, France, as a State, has only a right of remonstrance.

Modification  
of the  
Treaties  
unnecessary.

248. Now that the whole matter has been examined it will have been seen that the French claims of right are without foundation; that the making of laws affecting British soil and British subjects and the acts of the French naval officers are not authorised by the treaties; and that the lobster catchers and petits pêcheurs are not included in the liberty allowed to the fishermen from France. It will also have been seen that the claim of the French Government to have the whole coast line kept vacant, without reference to the actual necessities of the fishery, is not reasonable in itself, is not necessary at the present time, is not justified by the Declaration, and

French  
claims with-  
out founda-  
tion.

Declaration  
has lost its  
force.

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FUTURE.

cannot be complied with without exceeding the powers given by the Act which furnishes the legal sanction for that Declaration. The Declaration, however, has, we submit, lost its force owing to the non-observance of it by the French Government.

Compensa-  
tion may be  
due to  
England.

249. We have noticed an indication in the French Press to put forward claims for very large compensation to France for the surrender of her rights, even to the extent of naming the Channel Islands or the Bahr-el-Ghazel. But it is far from clear to us that France, as a State, has anything to surrender beyond the contingent right of remonstrance to which we have referred, and it does seem that if an account were struck between the value of that right and the return which might be claimed by England for the invasion of Your Majesty's sovereignty by numerous acts which, though done under a claim of right, prove on examination to be unjustified, the balance would be distinctly on the side of England, who, as between the two Governments, should be the recipient rather than the giver of compensation.

250. Payments of this kind are given to compensate for losses to be sustained, and the only persons who would be affected by the cessation of the French fishery would be the fishermen themselves and the merchants who fit them out. The produce of the industry of some 300 fishermen is of little value to France, and the presence of these men in the island is a matter of little consequence to the Colony so long as they keep within their treaty privileges. It may indeed be doubted whether the fishery is profitable even to the merchants themselves. (*See Annexure to Evidence, No. 14.*) If the figures there given by Commodore Bourke are correct, it would seem that the business is a losing one, and that the merchants would gain pecuniarily by taking their ships from the treaty shore and transferring them to the bank fishery.

Settlement  
suggested by  
buying out  
the French  
merchants.

251. It would, however, be well if it were possible to put an end to what has been a source of irritation to both countries for so many years, and we submit that Your Majesty might seriously entertain the question of buying out the few Frenchmen who still have an interest in the fishery on the treaty shore. An amount based upon their profits for the three years 1896-97-98 would seem to meet the case. We name these years for they include 1896 and 1897, of which the first certainly, and the second, we believe, were exceptionally good years. And at the same time this would exclude men who have not taken part in the fishery within three years, thus following the principle of the French Decrees which treat a place as abandoned that has been left unoccupied during two seasons. There would be, of course, no claim to the value of buildings, as these are far in excess of what the treaties permit.

Political com-  
pensation to  
France.

252. It is necessary to bear in mind that such an arrangement involves the release of Your Majesty from the promise which was given to France to allow her fishermen to resort to the Island, and it would have to be considered whether the granting of that release entitles France to any, and if so, to what return of a political nature. This is a matter which it hardly falls within our province to discuss further than to say that there seems to be no great political sacrifice in letting an industry go which has steadily declined for half a century, and which now does not produce as much as would pay half the cost of naval supervision.

Bait.

253. It has been suggested that leave to obtain bait in other parts of the Island for the bank fishery might be allowed in exchange for the surrender of the French fishery on the treaty shore, but we take exception to this suggestion for the following reasons:—In 1898, on the east coast of the treaty shore, M. Guibert, of St. Servan, sent one ship to St. Julien for cod fishing, and M. Verré (we believe of St. Malo) sent two ships to Rouge. On the west coast, M. St. Mleux, of St. Malo, sent two ships to St. John's Island for cod fishing and lobster catching combined; M. Guibert, of St. Servan, sent two ships to Port-au-Choix for both industries, and M. Lemoine, of St. Malo, sent one ship to Bartlett's Harbour for lobster catching. We presume that there can be no question of compensation with regard to lobster catching, so that there are apparently only three merchants in France who have held on to the fishery on the treaty shore, and whose interests would have to be considered. The giving of bait to the hundreds of ships which go to the banks from the Channel ports as well as to the local fleet of St. Pierre would be an advantage to the owners of those vessels who are the trade rivals of the three gentlemen we have named, but no compensation to the latter for giving up the shore fishery. If the French Government press for a supply of bait, it should, we submit, be treated as a separate matter, and be conceded only in return for some fair equivalent, and the natural equivalent would seem to be the abolition, or at least the reduction, of the bounties on the produce of the bank fishery.

254. If the French Government are willing to meet Your Majesty's Government upon the basis of compensation to the persons interested, a sum could easily be arrived at by agreement, or, failing that, by arbitration, and as regards the provision of the money the Mother Country would doubtless act liberally towards the Colony in arranging the cost. Should, however, the French Government determine to claim compensation for its State rights in the island, we do not see what solution of the difficulty is possible, and Your Majesty would in that case doubtless consider whether it would be desirable to let it be understood in Newfoundland that henceforth the Treaty shore will be open to the colonists for all purposes, so long as their operations do not interfere with the legitimate fishery of French citizens, for which, as the locality of the cod-rooms is well known, there is ample scope without unduly restricting the use of the shore by British subjects.

SUGGESTIONS  
FOR THE  
FUTURE.  
Cost might, if  
necessary,  
be arranged  
by arbitra-  
tion.

## XX.—SUMMARY AND CONCLUSIONS.

255. We have now presented to Your Majesty our views at length upon the different phases of the complicated matter which has formed the subject of our inquiry, and for convenience we recapitulate them briefly in the following summary:—

256. British subjects fished in the waters of the Colony and occupied the shore in virtue of the British sovereignty, and this right was expressly confirmed to them by an Act of William III., passed in 1699, which forbade all foreigners to fish or to take bait in the waters of the Colony. In the 17th century the French fishermen resorted in considerable numbers to the fishery on the banks and off the coast of Newfoundland; and as they required a port for shelter, as well as places for drying their fish, their Government occupied Placentia Bay on the south coast, as well as parts of the shore, which was then uninhabited, and claimed the whole island for France. Formal possession of the island, however, had been taken by England nearly a century before, and the British Crown has ever since exercised dominion in it.

Early  
history.

257. By the Treaty of Utrecht the French King acknowledged the right of England to the whole island, and undertook to make no further claim of right to any part of it, receiving a promise that French subjects should be allowed to fish in the territorial waters on a specified part of the coast, and to land and dry their fish within the same limit, but they were not to erect any building there except temporary structures necessary and usual for drying fish, or to resort to the island except during the fishing season. These were personal privileges allowed by England to individual French fishermen, not the outcome of sovereign rights possessed by France, who had never had such rights, and who, if she had possessed them, had already renounced them in the preceding words of the Treaty.

258. By the Treaty of Paris, 1763, France lost the Canadian fishery, and her fishermen consequently came in greater numbers to Newfoundland. She immediately began and has ever since continued to claim the sovereign rights of sole fishery in the territorial waters of the Treaty Shore, with the exclusive right to use the strand for her fishery, and to exclude all British subjects from both shore and fishery. M. Waddington, in his note of December 7, 1888, asserted that "La France conservait le droit exclusif de pêche puisqu'elle l'avait toujours eu."

Claim of ex-  
clusive right.

259. This claim of exclusive right was first raised in 1763, 50 years after the signature of the Treaty of Utrecht, and has always been resisted by England. The French Ambassador, the Duc de Nivernois (par. 37), was then unable to find this right in that treaty, and in 1783 England declined to insert it in the Treaty of Versailles (see par. 40). In the interval between the two treaties, quarrels arose between the fishermen of the two countries, who had by mutual arrangement made use of different harbours; but in or about 1770 the French Government gave a bounty to ships going to new harbours, and this brought the French fishermen to places used by the ships from England; and so the trouble began.

260. The British Crown has always admitted its obligation to secure to the French fishermen the free exercise of their fishery, and by a Declaration of the same date as the Treaty of Versailles, King George III. gave formal expression to this obligation by promising, in order to stop the quarrels, that he would take positive measures to prevent his subjects from interrupting the French fishery by their

Removal of  
British estab-  
lishments  
under Acts of  
1788 and 1824.

competition; adding that for this purpose he would cause to be removed such fixed establishments as should be formed there. The Declaration was in French, and the phrase "fixed establishments" is the translation of the words, "*établissements sédentaires*," and these we have submitted above (par. 49) meant only the places from which the *pêche sédentaire* was carried on as distinguished from the *pêche nomade* which we describe later. The removal of British establishments could not be legally effected without a fresh Act of Parliament. Accordingly an Act was passed in 1788, giving discretionary powers to the King in Council to give such orders as he might think necessary for the removal of vessels, boats, stages, flakes, and other things required for the fishery, and, in case of refusal, to remove the British subjects themselves.

261. The French fishermen were so numerous that stringent measures were taken to effect this removal, and the French had the Treaty Shore to themselves up to the beginning of the long war of 1793. The same state of things occurred when the French resumed their fishery in 1815, and as the Act of 1788 had fallen with the Treaty of Versailles, an Act giving similar limited powers of removal was passed in 1824 (5 George IV., cap. 51). The French fishery soon began to decline (par. 73), but even in 1856 Governor Darling reported that there was there unquestionably no room for the fishermen of both nations to fish within the French limits without interfering with one another; and as owing to the reduction of the fleet after the war no English ships were permanently employed on the fishery service until 1841, the French naval officers who kept order among their countrymen took complete control of the Treaty Coast.

262. By the Declaration of 1783 both parties were bound not to deviate from the ancient and well known method of fishing, which consisted in the ships of both countries choosing their places for the season in the order of their arrival from Europe, the crews at that date fishing only with hook and line. The fixed establishments referred to were the stages and flakes of the resident fishermen or caretakers left by British ships at the end of the season, who being on the spot could occupy the best places beforehand and so forestall the ships of both countries. The object of the Declaration was really to keep the coast clear for the ships from Europe, whether British or French.

French laws.

263. The French King, however, in 1815 made a law replacing one of 1803, by which the French merchants met in France and drew lots for places on the shore of the Colony, and were allowed to occupy for five years the places which they had drawn. Subsequent laws, made in 1829, 1842, 1852, and 1894, purport to give additional powers to the French Government on the coast and in its waters, even going so far as to control the action of British subjects there. These laws also authorised the use of new and destructive engines of fishing in the shape of cod seines and *lignes de fond*, long lines carrying many hooks; while their captains were expressly recommended to improve the places which they occupied, so that the buildings are now of a much more permanent character than were allowed by the Treaty. (See the passage cited in paragraph 27 from Article 25 of the Ordinance of 1821.)

Interruptions  
caused by  
nomadic  
fishermen.

264. The making of such laws appears to be an invasion of British sovereignty, and under them or on the strength of their claim of exclusive rights or of their control of the coast in the absence of British authority; after 1815 the French Government have employed the Navy to act against British subjects in various ways which are inconsistent with the rights of the British Crown (*see par. 23*). It should be stated that the French fishermen and the settlers on the coast are on good terms together, and no serious difficulties arise among them. Both of them, however, complain of the crews of certain nomadic schooners hailing from the southern bays of the Colony who fish on the east coast (but not on the west) and whose operations give rise at times to charges of interrupting the French fishery.

St. Pierre  
and  
Miquelon.

265. By the Treaty of Paris, 1763, Article 6, the islands of St. Pierre and Miquelon were ceded to France "to serve as a shelter to the French fishermen," the King of France engaging not to fortify the islands and only to erect buildings upon them for the convenience of the fishermen. By the Treaty of Versailles, 1763, the restriction on fortifications was omitted, but the declarations show that these islands were given and accepted merely as a shelter for fishermen, and as a place which was not to become an object of jealousy between the two nations. The French Government have, however, completely changed the character of the islands, and have made them

a colony with a representative in the Chamber of Deputies at Paris, with a commercial port of 6,000 inhabitants, and with a large local fleet of fishing vessels manned to a great extent by men who come out from France in the spring for this purpose. Permission is refused for the residence of a British Consul there, who might be a check upon the wholesale smuggling which takes place to the Colony and Canada and the United States. This last country is allowed to have a Vice-Consul at St. Pierre.

SUMMARY  
AND CONCLUSIONS.

266. In addition to the smuggling, St. Pierre sends out two classes of men who are not recognised by the Treaties, and whose presence is a standing grievance with the colonists. Most of the lobster factories on the west coast are worked by men from St. Pierre, and in order to "re-occupy the French shore," as the official Year Book of St. Pierre states, certain of the local fishermen who are allowed 50 francs from French funds for the *petite pêche* round the island, are given by the authorities a further 50 francs from local funds to induce them to live on and fish from the shore of Newfoundland during the season, under the pretence of catching and drying fish, but they do not even dry the fish they catch (*see par. 117*). The men prefer fishing from their own homes, and in 1898, as the numbers were falling off, the authorities at St. Pierre voted a further subsidy of 4,000 francs for this work.

Petite  
pêcheurs.

267. France has disregarded the Treaty of Utrecht by claiming rights, making laws, and by the action of her Navy, and also in respect of the character of the buildings erected. If these are not sufficient to release England from her promise to allow the French fishermen to catch fish and dry them, yet her disregard of the Declaration of 1783, as shown by her abandonment of the ancient method of fishing, and by her conversion of St. Pierre into a commercial port and a focus of annoyance, must surely discharge England from her obligations under that document.

Non-observance by France of engagements should release England.

268. That Declaration, as we understand it, only required the King to do what was necessary to protect the French from interruption, and for that purpose to remove certain establishments when that step was necessary. The French Government, however, assert that they have the right to call upon Your Majesty to prevent all use of the shore line of two thousand miles by British subjects, and to keep it clear of all inhabitants without regard to the necessities of the fishermen. This is especially the case on the 658 miles of shore line between Cape Ray and Port-au-Choix on the west coast. Between these points no Frenchmen have set up an establishment for drying fish during at least the last forty years, except at Cod Roy and Red Island (*see par. 101*). Cod Roy has been long abandoned, and Red Island has fallen into the hands of the *petits pêcheurs*. This stretch of coast is at many points required by the Colony for the shipment of the minerals which are found in great variety in that part of the island, and of which they have been deprived owing to the attention which has hitherto been paid to the French demands. We submit, however, that the demands are not only unreasonable in themselves, but are in no way justified by the Treaties or Declaration, and that compliance with them was not required by the Act of 1788 (28 Geo. III., cap 35), or by the Act of 1824 (5 Geo. IV., cap 51), or by the Colonial Act which replaced those Statutes. Under these laws the British Crown is to exercise its own discretion as to the action to be taken against British subjects, and is to do only what in its own judgment is necessary. There is evidently no such necessity in the present case.

French claim that coast should be kept vacant.

Claim not justified.

269. The French fishery used to be of two kinds, a fixed fishery (*pêche sédentaire*) where the ship on arrival anchored in a harbour, and the crew settled themselves on shore in the cod room for the season; and a moving fishery (*pêche nomade*, also called *défilant le golfe*) where the ship followed the fish up the coast, the crew landing to dry its catch as required or carrying it to one of the cod rooms to be dried. The *pêche nomade* was only used on part of the west coast where the fish are less numerous though larger in size. This kind of fishery has been abandoned, and an attempt to revive it in 1898 (*par. 101*) was a complete failure. The *pêche sédentaire* employed, in 1829, 9,378 men on the east coast and 1,182 on the west coast. It gave employment in 1898 to only 113 men on the east coast (*par. 10*), and 158 on the west coast, of whom 118 were at Port-au-Choix, a place which is said to be specially favoured by the fact that a deep channel in the bed of the Gulf of St. Lawrence leads the fish to that point, a fact which would account for the absence of cod rooms south of that place. There were on the whole Treaty Coast in 1898 only 659 Frenchmen all told. Of these 104 were lobster catchers from

Two kinds of fishery. *Sédentaire* and *nomade*.

SUMMARY  
AND CONCLUSIONS.

St. Pierre, and 137 were petits pêcheurs from the same place ; 92 were lobster catchers from France, so that the balance of 320 were all that were engaged in the legitimate fishery, and this figure includes 51 men who were *défilant la côte* in two ships, but who, owing to their want of success, left for the Banks in June and July. The total catch of these 320 men (*See* paragraph 82) represented a value of only 7,850*l.* This result was obtained under the supervision of seven warships, English and French, with crews amounting to 1,026 officers and men, namely, four English ships with 511 men, and three French ships with 515 men. The English squadron spent over 12,000*l.* in ready money in the island, and these figures, without going into the total cost of the squadron, is enough to show how largely the cost of supervision exceeded the value of the catch. Except under the *modus vivendi* in respect of lobster factories the French Navy has really no authority to act in British waters in the manner in which its officers have done, and their presence appears to be unnecessary, for it is clear that British officers are quite competent, without assistance, to protect the French fishermen in their privileges.

Presence of  
French  
squadron not  
required.

Decline of  
fishery ren-  
ders former  
measures  
unnecessary  
now.

270. The fishery was already declining when Governor Darling wrote in 1856, for the 10,560 men of 1829 had fallen to 5,205 on the east coast in 1857, and it is obvious from the state of affairs in 1898 that the necessity which may formerly have existed of keeping the coast clear for the ships from France has ceased, and with it the obligation to remove British subjects whose competition cannot interfere with Frenchmen who are not there. There is consequently no reason why the Newfoundlanders should any longer be debarred from access to the coast for the shipment of minerals or for any other purpose which does not interfere with the French fishery, especially as under the five years' system the only places at which interference could take place are in fact well known.

Lobster  
Industry.

271. In 1886 the French began to set up lobster factories, and they claim that the drying of fish includes the boiling and tinning of lobsters. They also object to the British factories, of which the first appears to have been started in 1873, on two grounds : (1) in 1880, that this factory was an infringement of their exclusive right to the shore ; and (2) in 1881, that they were entitled to claim the removal of any factories as being a contravention of the Declaration of 1783, alleging that England was bound to keep the shore line clear from buildings of every kind. Other British factories were erected, and after the introduction of the French factories the dispute became so serious that the two Governments agreed to refer this dispute to arbitration, and a Convention for that purpose was signed on March 11, 1891. It had previously been agreed that pending the arbitration the existing factories of both countries might remain and a *modus vivendi* to that effect was made in 1890 to last for one year and continued for another year by the Convention itself. The Convention, however, did not receive the necessary legislative sanction in either country, but the *modus vivendi* retained its force and has since been continued from year to year. Its renewal has been a misfortune for the Colony, for the waters along a certain portion of the shore were allotted to each factory and delimited by the naval officers of the two countries, with the result that in the absence of other French subjects, eight French factory owners have obtained practical monopoly of the water within their limits for a total distance of 191 miles, even though they do not always use the whole, and that the British factory owners have been in constant dispute with other British subjects about the catching of lobsters. They claimed a similar monopoly for themselves, and when this was disallowed and the owners required to admit all British subjects to catch lobsters within the limits assigned to the factories, they claimed that the lobsters caught within the limits of their factories must be sold only to themselves.

Convention  
for arbitra-  
tion.

Modus  
vivendi.

Difficulties  
on the West  
Coast.

272. These factory owners would only give such prices as they chose, with the result that the industry being remunerative and these prices being inadequate, a number of unauthorised factories were set up on so small a scale that the whole plant can be hidden away in the woods as soon as a man-of-war approaches. The friction caused by this state of things diminished in 1898, for, through the intervention of the British Commodore, prices have risen for the fishermen from 60 to 70 cents in 1896 to 1 dol. 50 cents to 2 dol. 25 cents, at which prices it pays the fishermen better to sell than to pack for themselves. (*See* Evidence of Commodore Bourke, Answer 2269.) The result will be satisfactory to the Colony, for in these small factories the work cannot be done effectively, and as the lobsters are diminishing in number and in size, though the witnesses do not entirely agree upon the latter point, it is manifestly desirable that

the business should be conducted as skilfully as possible, and it is further desirable that regulations enforceable by the Colonial Government should be introduced on the west coast, on which alone the lobster industry is carried on. (See Answers 2268-2273.) The non-renewal of the *modus vivendi* and the discontinuance of the French lobster factories are matters which we recommend for favourable consideration.

SUMMARY  
AND CONCLUSIONS.  
Some change  
desirable.

273. The colonists complain of the heavy bounties given by the French Government upon the produce of the French fishery sent to foreign markets where it meets the colonial fish. These bounties, of which full details are given in the heading "French Bounties," are of two classes, viz., bounties for the encouragement of ship building and outfit (*Primes de construction et d'armement*), and bounties on the produce of the fishery (*Primes d'importation et d'exportation*). It is these latter to which the complaints refer, and, as will have been seen, they enable the French merchant to undersell his Colonial competitor. They are chiefly earned by the Bank fishery, the banks being the Grand Bank, 320 miles from the Treaty Shore; the St. Pierre Bank, 120 miles from that shore; and Banquereau, 150 miles distant, and this, a deep sea fishery, is entirely distinct from the French fishery under the Treaty, which is carried on in the territorial waters, and for which the bait is obtained by the fishermen themselves in the immediate neighbourhood of their cod rooms.

Bounties.

274. Bait is a necessity for the Bank fishery, and used to be obtained from the south coast of the Colony by purchase from the local fishermen, the Colony thus supplying to the French the means for obtaining the bounties by which the latter hope to cripple the one important industry of Newfoundland. The supply of bait consequently forms a question of commercial rivalry between the merchants of St. John's and the merchants of Bordeaux and Marseilles, to which ports the bulk of the French fish is taken.

Bait.

275. The Colonial Parliament in 1887 passed a law prohibiting the supply of bait to the French, and during the years when this law was enforced the French naval officers were ordered to take strong measures of various kinds against the colonists. (See par. 145.) The Act, however, has now been suspended, and the French are allowed to obtain bait on certain conditions; they have also found a way out of the difficulty by making use of a shell-fish which is taken by them on the banks. It seems doubtful whether this supply is likely to be permanent, and if it fails the original difficulty may arise again. It is reasonable that the Colony in self defence should seek to protect itself by placing an obstruction to this supply of bait, and it is evident that to grant such a supply to the French as was done by the Convention of 1857 and the Agreement of 1885 was, in fact, to confer upon them an entirely new privilege, quite outside the Treaties. The question is a very old one, for in 1670 King Charles II., by an Order in Council, forbade the taking of bait by foreigners, and this prohibition was continued by the Act of 1699, and when that Act was repealed in 1824, by 5 Geo. IV., cap. 51, the prohibition was re-enacted by that Act and continued until the establishment of the Colonial Legislature, who in 1836 passed a law prohibiting the exportation of bait; while another Act of 1785 added a prohibition against the sale of bait to foreigners. The taking of bait was apparently regarded as a different matter from the taking of fish, and it thus seems that the privileges conferred by the Treaty of Utrecht were not to be regarded as giving to the French fishermen the right of taking bait on the Treaty Shore to be exported for use on the banks.

276. As soon, however, as the Bait Act was passed, the French fishermen resorted in large numbers to St. George's Bay, where during three weeks in May immense quantities of herring come in to spawn; and these fishermen, with the assistance of their naval officers, took strong measures to procure bait for themselves (see pars. 150-154). The British Government did not dispute their right to do so, but we venture to think that sufficient consideration was not given at the time to the bearing which the Acts referred to above may have upon the treaties.

French  
taking of  
bait in St.  
George's Bay.

277. The state of affairs upon the Treaty Shore cannot fail, under the circumstances described in this Report, to produce irritation, at times of a serious nature, between two great powers over a subject of comparatively small importance; and as France as a State does not seem to have any rights in the Colony, and as the fishery is now of so little consequence to the merchants who are engaged in it, we have felt at liberty to express a hope that Your Majesty may think it desirable to consider the

Settlement  
suggested by  
compensation  
to persons  
engaged in  
the fishery.

question of buying out the few persons whose interests would be affected by the cessation of the French fishery on the Treaty Shore, bearing in mind that it would still be necessary to obtain from France a formal release from the promise contained in the Treaty of Utrecht.

## Conclusions.

278. As a summing-up of the whole matter, we beg to submit the following conclusions, viz., that

*a.* Newfoundland was never a French island, and France as a State has no rights in it, though the 13th Article of the Treaty of Utrecht, if still in force, gives to French subjects the personal privilege of catching fish and drying them on land ;

*b.* It is a question whether France, by continuous action contrary to that Article, has not released England from the necessity of continuing those privileges

*c.* If not, the British Crown is and has always acknowledged itself to be bound to secure the French fishermen in the free exercise of their privileges ;

*d.* King George III., by the Declaration of 1783, formally promised to discharge this duty, and for that purpose to remove fixed establishments ; and the Act of Parliament of 1788, which gave effect to the Declaration, empowered the King in Council to give such orders as he might consider necessary for the removal only of fishing buildings and appliances ;

*e.* His Majesty was therefore bound to exercise his judgment : and an order given at the present day to remove or prevent the erection of buildings on parts of the coast where no fish are ever dried would be in excess of the powers conferred by law ; and the case is the same under the Colonial law which has replaced the Act of 1788, for it requires a similar exercise of judgment ;

*f.* The Declaration, if in force, is therefore no ground for preventing the inhabitants from using the shore for mining and all other purposes, so long as they do not actually interfere with French fishing and drying ;

*g.* England is no longer bound by the Declaration, owing to the non-observance by France of her obligations under it ;

*h.* England is nevertheless bound, as a consequence of the Treaty of Utrecht, to give the French fishermen proper facilities for the free exercise of their industry. That industry, as allowed by the Treaty, consists of the crews of ships from France catching cod fish and drying them on land, but does not include the taking of bait to be exported for use in other fisheries, the catching of lobsters to be boiled and tinned, the fishing for salmon, or the occupation of the soil by the petits pêcheurs from St. Pierre ;

*i.* The buildings now existing on the Treaty Coast are in excess of those allowed by the Treaty, which is also exceeded in the cutting of wood, the employment of British labour, and the actions of the French naval officers ;

*j.* The appointment of a British Consular Officer at St. Pierre is much to be desired as his presence there may act in some degree as a check upon the smuggling which is carried on to Canada as well as to Newfoundland ;

*k.* If the fishery is to be continued on its present footing, no modification of the Treaties is necessary in order to secure to the French fishermen the privileges to which they are entitled, or to give to the colonists the use of their own shore ;

*l.* The Colonial Government would be willing to assist Your Majesty by passing permanent legislation to enforce the British obligations, but say that the Legislature would object unless they were first informed of the principles on which these obligations would be enforced ;

*m.* The fishing is now reduced to such small proportions that it is a burden on the public funds of France rather than a source of wealth to that country. The presence of French warships is unnecessary, and the steps which England felt bound to take to keep the coast clear when the harbours were full of French fishermen are not required

*n.* The position, nevertheless, may at any moment cause trouble and irritation to both countries, and it would be well if some means could be found for putting an end to this fishery which is now no real advantage to France ;

o. A possible solution of the difficulty would be to buy out the few merchants who still engage in the fishery by the payment of compensation based on the profits of recent years ;

SUMMARY  
AND CONSULT-  
ATION.

p. Allowing a supply of bait to all Frenchmen for their bank fishery would be an advantage to the trade rivals of these merchants and no compensation to them ;

q. This bait question is outside the Treaties and should be dealt with separately ; so that if France wishes to obtain a supply she should be prepared to give a fair equivalent, and the natural equivalent would seem to be the abolition or modification of the bounties on the produce of the bank fishery for which the bait is required.

279. Before leaving the Colony we had a formal meeting with the entire Executive Council, who were good enough to express their thanks to us for the trouble which we had taken in pursuing our investigations. We received every assistance from these gentlemen, as well as from the officials of their Departments to whom we had occasion to refer. The community generally manifested great interest in our proceedings, and showed much readiness in coming forward to supply us with evidence, as well as to furnish us with any information in their power which we desired to elicit in conversation. Our reception was cordial everywhere, and much hospitality was shown us.

FINAL  
ACKNOWLEDG-  
MENTS.

280. Since our return we have found it necessary to apply for information in various public Departments, especially the Colonial Office, and in every case have received willing assistance.

281. It only remains to express our acknowledgments to our Secretary, the Earl of Westmeath, for his industry, and for the efficient manner in which he has discharged his duties. His accuracy in matters of detail has been of special service in an enquiry of so complicated a character.

JOHN BRAMSTON.  
JAMES E. ERSKINE.

WESTMEATH, Secretary,  
March 18th, 1899.

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APPENDIX.

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## APPENDIX, No. 1.

## ADDRESS OF WELCOME.

Twillingate, Notre Dame Bay, Newfoundland,  
September 19th, 1898.

To the Royal Commissioners appointed by the Imperial Government to investigate the French Shore question in the Colony of Newfoundland.

Gentlemen,

The undersigned, on behalf of this the Capital of the Bay of Notre Dame, beg to extend a very hearty welcome to you, and to express our sincere thanks to the Mother Country for coming to our assistance in the interest of our fisheries on the French Shore (so called).

This vital matter has been a source of continual embarrassment to our welfare for many years, resulting in much loss and consequent suffering to our people, who depend so much on the prosecution of the great staple industry of the fishery on that coast.

We hail with delight this manifest desire of Great Britain to rid us, if possible, of this source of trouble and hindrance to our welfare as a Colony, and we beg to assure you of our willingness and desire to help you in your investigations in any way within our power.

We pray that the Great Disposer of all events may so guide your deliberations as that they may lead to a happy and satisfactory solution of the perplexing problem which has so long engaged the attention of successive Governments in this country, and in some degree the Imperial Parliament, to which we look for assistance in this difficulty of England's oldest Colony.

Again wishing you a hearty welcome to our community, and every success in your work,

We remain, Gentlemen, on behalf of the people,

Yours very respectfully,

F. Berteau, Stdy. Mgrt.  
John W. Owen, J.P.  
J. Colbourne, J.P.  
R. D. Hodge, J.P.  
Wm. Ashbourne, J.P.

R. P. Rice, J.P., Nfld.  
Jas. D. Lockyer, J.P.  
Robert Temple, Incumbent of St. Peter's.  
F. H. James, Chairman of Meth. District.  
D. P. McRae, Ensign, Salvation Army.  
Wm. Byrne,  
Andrew Linfield.  
George Blandford.  
George B. Nott.  
William Hughes.  
James Hodder, C. Rd. Bd.  
Geo. W. Claskie.  
George Gillett.  
Arthur G. Ashbourne.  
William Hitchcocks.  
J. S. Le Drier, Principal, Meth. High School.  
Samuel Maidment.  
A. E. Manuel.  
S. D. Cook.  
Wm. J. Scott, J.P.  
Arthur Manuel.  
O. V. B. Smith, M.D.  
W. R. McKey (Standard, Ed.).  
Fredk. Linfield.  
Obadiah Manuel.  
Peter Samways.  
Wm. P. Wells.  
Titus W. Manuel.  
Wm. Freeman.  
Samuel W. Baird, J.P.  
Jas. C. Hodder.  
George Hodler.  
Richard Mercer, Principal, St. Peter's School.  
C. White, Notary Public.  
Robert T. Gillingham.  
John Fox.  
Thomas Hicks.  
Peter Young.  
Kenneth Jacobs.  
Stephen Young.  
James Blackler.

## APPENDIX, No. 2.

To Sir JOHN BRAMSTON, K.C.M.G., and Vice Admiral Sir JAMES E. ESKINE, K.C.B., Commissioners appointed by Her Majesty to inquire into the subject of French Treaty Rights and Claims in Newfoundland and matters incidental thereto.

Gentlemen,

The Saint John's Municipal Council gladly extends to you a hearty welcome to this city, the Capital of Her Majesty's most ancient Colony.

We rejoice and are grateful that Her Majesty's Government has taken this advanced step in dealing with the trying difficulties that beset this most loyal Colony as a result of treaties affecting the French Treaty Shore.

It is a matter for gratification and pride that we have the honour to welcome and extend our hospitalities to

such distinguished men as those who compose the present Commission.

May the blessing of God attend your labours, that the unhappy and well-nigh intolerable conditions that have so long restricted the freedom of an extensive and valuable portion of this Colony may be removed, and that the honour of the great Empire of which we are proud to form a part may be maintained.

H. C. BURCHELL, Chairman,  
St. John's Municipal Council.  
J. O. O'DEA, Councillor.  
T. M. WHITE, Councillor.

Saint John's Municipal Council,  
September 13th, 1898.

## APPENDIX, No. 3.

THE following (intended as memorandum only) is submitted on behalf of the Government and Colony of Newfoundland as a statement of some of the grievances arising from the operation of the Treaties relating to the coasts of this Colony.

It is submitted (1) with reference to the fishery:—

- (a) That the French continue to assert and exercise an "exclusive" right to fish in the waters adjacent to any portion of the coast upon which they choose to locate a fishing-room.
- (b) That although the French claim to exclusive rights has always been disputed by British statesmen, yet, in point of fact, the practices which have been enforced upon the fishermen of the

Colony have been such as to secure to French fishermen an exclusive use of the fishing grounds adjacent to their rooms, to an extent not warranted by the Treaties.

- (c) That, in point of practice, in order to prevent so-called interruption of French fishing, both French and British warships have unnecessarily interrupted the fishermen of the Colony while in pursuit of their avocations as fishermen, at times and places when they were not actually interrupting or molesting the French, and that these practices are incompatible with a concurrent right, and such as could only be justifiable if the French were really entitled to the exclusive right mentioned in (1.). It is alleged that it is the constant

practice of both French and British warships to drive Newfoundland fishermen from fishing grounds and out of harbours on and in which there are no French fishermen, and when no interruption is possible except that form of so-called interruption which may result from the presence of Newfoundland fishermen within several miles of French fishermen.

It is also alleged that actual interruption or molestation of French fishermen by Newfoundland fishermen is unknown, and that the kind of interruption for committing which Newfoundland fishermen are constantly harassed when on certain portions of the Treaty Coast is not the interruption which the Declaration of 1783 promised to prevent.

- (d) That the French claim and exercise a right of fishery with nets for salmon which is not granted to them under the Treaties, and that this claim results in the non-enforcement really of regulations essential to the protection of the salmon fishery generally.
- (e) That the legal prohibition of the use of cod traps along the entire Treaty shore, insisted upon by the Imperial Government, is not necessary to the protection of French rights, and if and when enforced would do great injury to the fishermen, without compensating advantage to anybody, wherefore it should be repealed, or, if continued, should only apply to portions of the coast within a defined distance of French rooms.
- (f) That the fishery actually carried on by the French on the Treaty Coast, is of such a small and constantly decreasing extent and value as to make most unnecessary and onerous, with respect to a very great extent of coast, all restrictive regulations made and maintained for the sole purpose of preventing interruption to the French fishery, and that, if such regulations be enforced hereafter, they should be applicable only to defined and limited areas adjacent to fishing rooms at which the French actually carry on a fishery; and then not be of such a character as to confer an exclusive right on the French in those areas.
- (g) That the French catch bait fishes (herring, caplin and squid) on the Treaty Coast for exportation to St. Pierre and Miquelon and to the Grand Banks, for use as bait in the conduct of the Grand Bank and St. Pierre shore fishery by French fishermen, which practice, it is contended, is not justified by the French right to "catch fish and dry them on land," or of "fishing and drying," "upon the footing in which it stood in 1792," for no such practice existed in that year, or until a recent date. The French have an undoubted right to catch bait fishes on the Treaty Coasts for the purposes of their fishery on these coasts; but that right is merely incidental to right to "catch fish (cod) and dry them on land," and should not be so construed as to permit them to carry on trade in bait fishes for the purposes of evading the consequence of recent Newfoundland legislation as to bait fishes.
- (h) That interference with the French by the fishermen of this Colony when both are prosecuting the herring or other bait fishery does not arise from the mere fact of competition, and therefore that such competition is not illegal on the part of the Newfoundlanders, or in any sense an infringement of the Treaties. That if the French be entitled to catch herrings or other bait fishes for export, they can only do so concurrently with British fishermen, and have no exclusive right to take such bait fishes, and therefore that to prevent Newfoundland fishermen from taking such bait fishes, out of deference to French objections, when no actual interference takes place, or to refuse to permit them to pursue the fishery in any particular harbour or bay, is a denial of the natural and legal rights of Newfoundland fishermen not authorised by law. That, in any case, herrings or other bait fishes when caught by Newfoundland fishermen are the property of the catcher, and that he can legally dispose of them as he will, subject only to the laws of this Colony. That it is, and was in 1897, unlawful for the people of this Colony to engage in supplying bait for foreign fishermen not licensed to purchase, and that no French vessel resorting to the Treaty

Coast in 1897 had such a licence. Wherefore it is submitted that the regulations as to the catching, disposal, and sale of bait fishes in Bay St. George, made and enforced in 1897 by British naval authority, were *ultra vires*, and contrary to the natural rights of the people they affected, and a violation of the laws of this Colony; and that, even if the French have an exclusive right of catching bait fishes under such circumstances as existed in Bay St. George in 1897, the regulations enforcing the sale of bait fishes at a fixed price to French fishermen were contrary to sound policy, and such as should not have been adopted without the prior consent of the Government of this Colony. The Colony claims the right for its fishermen to catch and sell bait free of all restrictions not imposed by Colonial Statute Law on all parts of the Treaty Coasts, when such taking does not actually interrupt a bona-fide French cod fishery.

(2) As to the lobster-picking industry:—

- (a) That no rights in this industry are conferred upon the French by the Treaties, and, therefore, the whole business of catching, canning, exporting and trading in lobsters, now prosecuted by the French, is not warranted by the Treaties.
  - (b) That the *modus vivendi*, the legislation to enforce it, and the regulations thereunder, have been in effect prejudicial to the rights and interests of the people of this Colony; first, as being, to some extent, a recognition of strength in the French claim to pursue this industry, and to use and occupy the land in connection therewith; second, as creating monopolies in packing, contrary to sound policy, and to the detriment of the people; third, as resulting in the rapid destruction of the industry, in consequence of the absence of laws and regulations for its preservation, there being no competent authority to make and enforce them; fourth, as imposing upon British naval officers the duties of a police force acting between classes of British subjects, for the protection of privileges to the few against the natural rights of the many, and as for the well-to-do proprietors and against the fishermen.
  - (c) That regulations have been made and enforced which are unlawful and *ultra vires* under the *modus vivendi* and the legislation to enforce it, and which have resulted in grave injury to the fishermen. Areas of water adjacent to the factories have been assigned to them, and fishermen catching lobsters therein have not been permitted to sell, except to the proprietor of the factory within whose area the lobsters were caught, and this unlawful regulation has made more odious still the monopoly of packing enjoyed by the proprietor, and has caused the price paid to the fishermen to be much less than it would be otherwise, and less than it is in parts of the Colony not affected by the *modus vivendi*. To obviate this injury the naval officers have prescribed a price which factory owners shall pay for lobsters, a regulation beyond their power, and which has not had the necessary effect of making the price as good as elsewhere in the Colony.
  - (d) That rules and orders, prohibitions, restrictions and limitations and conditions have been imposed and enforced affecting not only those who were desirous of being directly engaged in the prosecution of the lobster industry and business itself, but also affecting the business and interests of others being, or being desirous of having, trade and other business dealings with parties so engaged. That these prohibitions, restrictions, limitations and conditions have been not merely technical, substantially unimportant or excusable on the ground of necessity in view of the object intended to be accomplished, viz., the effective enforcement of the spirit of the *modus vivendi*, but have been in themselves unduly arbitrary and vexatious in their nature, and have subjected our people to unnecessary deprivations, hindrances and losses.
- (3) As to the right or claims of the French to the use and occupation of the land:—
- (a) It may be stated briefly that the claims preferred by the French to a right of user under the

Treaties over the strand upon the whole extent of the Treaty Coast, which continues to be asserted without abatement or qualification, the public notoriety of these "claims," and the assertion of them, the questions and disputes that continually arise in relation to them, and above all the express recognition of the claims or of the existence of at least some degree of force and validity in them, as set forth in the provisions of every grant, lease, licence, or other document of title from the Crown affecting land within half a mile of the strand, go to the root of, and naturally destroy, the value of the title to every foot of land upon the whole of the Treaty Coast, and constitute an insuperable hindrance to the investment of capital, to the development of natural resources, to the prosecution of trade and industries of any and every kind, and even to the bare occupation of that part of the Colony. The inclusion in grants of land within half a mile of the strand of a condition that the land is subject to the Treaties decreases and almost destroys the selling value of all such land. Upon such land it is unlawful to establish buildings without the consent of the Imperial Government, which is not readily given, and then, presumably, the buildings would be subject to removal on notice, which provisions make it impossible to induce capitalists to invest in land near the Treaty Coast.

In this connection it may be pointed out that the condition of the people on the Treaty Shores might be materially improved, in many localities, by the cultivation of the land and by the development of rich mineral resources, but that such cultivation, which requires to be stimulated and enforced by the Legislature and Government of the Colony, and that such development cannot take place without the extinction of French claims over the greater portion of the coast.

- (b) It is a further fact, and the consequence of the French "claims" to the Treaty Coast, that, inasmuch as there is included in these claims the right to prevent the erection of piers and wharves on the sea coast for the purposes of transport to and from the interior and other parts of the Colony, the commercial and industrial operations of the whole Colony are injuriously affected by the assertion of these "claims." The grievances arising out of these "claims" are daily becoming more acute and oppressive. On the one hand, the proofs of the existence of rich natural resources, mineral, agricultural, etc., and of the hindrance to their development arising out of the operation of these French "claims," are daily increasing; on the other, the needs of the Colony for this development, and therefore for the removal of these hindrances, are becoming more and more urgent, by reason of the heavy fiscal burthens which have been incurred by the Colony in the construction of railways and other public works intended to lead to the development of these resources and the increase of population in these as well as other parts of the Colony.

(4) As to the operation and effect of French bounties to fishermen:—

- (c) During recent years large bounties have been paid by the French nation upon fish caught by their fishermen and exported to other countries in Europe and the Mediterranean. This bounty-assisted fish has entered into unequal competition with the products of the Newfoundland fisheries, with the results of large reductions in prices, and consequent enormous losses to our trade and people. In this competition, so destructive to the interests of the Colony, the French have been greatly assisted by the manner in which their so-called rights on the Treaty Coast have been exercised and enforced, as set forth in paragraph (1), sub-section (A).

Whether the contention on behalf of the Colony that the French have no right to take bait on the Treaty Coast for export, be adopted or not, it is a fact that the facilities afforded to the French upon the Treaty Coast for the procuring of bait have largely assisted them in the successful prosecution of the deep sea fishery on the Banks of Newfoundland and elsewhere, and in their unequal and bounty-fed competition with us in our markets, and have assisted them to minimize the effect of the efforts which have been from time to time made on our part by legislation prohibiting the export and supply of bait to foreign fishermen, etc., to combat and reduce their unfair competition.

- (5) In relation to the occupation of the islands of St. Pierre and Miquelon and the traffic carried on between those islands and Newfoundland, it is claimed that neither in the letter nor in spirit have the stipulations of the Treaties been observed by the French. We claim that the cession of these islands "in full right" to the French was intended and so expressed to be only upon the condition "that these possessions should not become an object of jealousy between the two nations."

We claim that these conditions have been violated in regard, among other things, (a) to the making of those islands a basis of action for the prosecution of the Bank and deep sea fisheries, aided by the bounties above complained of; and (b) by the fact that these islands have become the centre of an extensive commerce, the successful maintenance of which has been achieved mainly by means of the violation of the Customs Laws of the Colony and of Canada, and that losses have been inflicted upon this Colony's revenues and trade by the "smuggling" which has for so many years and upon so large a scale been, and still continues to be, carried on between St. Pierre and its shores. The debasing influence of this illicit traffic upon the morals of our people, and the expense and difficulties incurred in preventing or endeavouring to prevent and punish these offences have been aggravated and rendered more obnoxious by reason of the refusal on the part of the French to accede to the request which has from time to time been made for the establishment of a British Consulate at St. Pierre, with a view to its repression.

ALFRED B. MORRIS,  
Agent for the Government of Newfoundland.

September 22, 1898.

#### APPENDIX, No. 4.

##### French Treaties Question.

Statement of Reuben Perry, River Head, Bay of Islands.

In the month of August of this year the French man-of-war ship, *Cararane*, I believe, was the name, anchored off the Railway Pier, River Head. Sailors and officers came on shore and surveyed the railway track from a point about half mile or more west of the Railway Pier to some distance—I don't know how far—east of the pier. They also measured the pier and the track leading down to it. I did not see them survey the shore. I only saw them survey the track. I am perfectly sure that the

men who measured the track were French man-of-war's men.

His  
Reuben X Perry.  
mark.

Witness, H. C. Burchell,  
River Head, Bay of Islands,  
28th September, 1898.

Statement of Rev. W. C. Morrison.

During the month of July of this year I saw French naval officers and sailors surveying Fishers' Wharf, Corner Brook, the trolley track from Fishers' Wharf to Fishers' Mill, and the Newfoundland Railway track east and west from Corner Brook.

W. C. MORRISON.  
Bay of Islands, 28th September, 1898.

## APPENDIX, No. 6.

N° 27685.—*Décret concernant le Tirage au sort des Places et la Police de la Pêche à Terre-Neuve.*

Du 17 Février 1894.

## LE PRÉSIDENT DE LA RÉPUBLIQUE FRANÇAISE,

Vu les décrets des 2 mars 1852 (1) et 22 mars 1862 (2) sur la police de la pêche à l'île de Terre-Neuve ;

Vu le décret disciplinaire et pénal du 24 mars 1852 (3) sur la marine marchande ;

Vu le décret du 12 janvier 1891, relatif à la date de départ des navires et la dépêche interprétative du 7 mars 1891 ;

Vu le décret du 12 février 1892 (4), modifiant le minimum d'équipage des navires armés pour Terre-Neuve avec échérie ;

Vu l'arrêté ministériel du 24 mai 1862 sur l'organisation du service de santé à Terre-Neuve ;

Vu les dépêches ministérielles des 26 février 1872 et 12 février 1877, concernant l'occupation du havre de l'île Rouge ;

Vu l'arrêté ministériel du 2 janvier 1889 sur la pêche de la botte par les banquiers dans les baies de Terre-Neuve ;

Vu le procès-verbal de l'assemblée générale des armateurs pour la pêche de la morue à Terre-Neuve, réunis à Saint-Servan le 7 janvier 1894 ;

Sur le rapport du ministre de la marine,

## DÉCRÈTE :

Tirage et concession des places.—Conditions de jouissance des places.

ART. 1<sup>er</sup>. Les havres et places avec les graves qui en dépendent, aux côtes de l'île de Terre-Neuve, continueront de n'être pas au choix du premier arrivé ni du premier occupant.

La répartition en sera faite entre les armateurs, tous les cinq ans, par voie d'un tirage au sort et au moyen d'un état indicatif des havres situés sur la partie des côtes de ladite île où, d'après les traités, les capitaines français peuvent s'établir pour la pêche.

Cet état fera connaître, suivant le plan topographique des côtes et en commençant par le premier havre de la côte de l'ouest :

Les noms des havres ;

Les numéros et les noms des places comprises dans chaque havre ;

Le nombre des bateaux que chacune peut contenir ;

La situation de la grave correspondant à chaque place.

La nomenclature des places sera divisée, sur ledit état, en trois séries établies de la manière suivante, d'après le nombre de bateaux auquel chaque place peut suffire, savoir :

Première série (place pouvant contenir 15 bateaux et au-dessus) ;

Deuxième série (place pouvant contenir de 10 à 15 bateaux exclusivement) ;

Troisième série (place pouvant contenir 9 bateaux et au-dessous).

2. Tous les cinq ans, les armateurs des différents ports de France qui se proposent d'envoyer des navires à la pêche sur les côtes de Terre-Neuve feront au chef du service de la marine, à Saint-Servan, la déclaration du nombre de navires qu'ils doivent armer pour la pêche, avec l'indication du tonnage de ces navires.

3. Ces armateurs ou leurs correspondants autorisés se réuniront à Saint-Servan le 5 décembre, sous la présidence du chef du service de la marine, afin qu'il soit procédé, ainsi qu'il suit, à la répartition des places que leurs navires devront occuper.

Les déclarations faites conformément à l'article 2 seront comprises dans un relevé général présentant, en égard au tonnage des navires et à la force de l'équipage, le classement des navires en trois séries, savoir :

Première série.—142 tonneaux et au-dessus, 25 hommes d'équipage au moins.

Deuxième série.—90 à 142 tonneaux exclusivement, 20 hommes d'équipage au moins.

Troisième série.—Au-dessous de 90 tonneaux, 15 hommes d'équipage au moins.

(1) 1<sup>re</sup> série, Bull. 503, n° 3805.

(2) 1<sup>re</sup> série, Bull. 1013, n° 10071.

Il sera donné lecture de ce relevé à l'assemblée ; après quoi le tirage au sort aura lieu par série, en commençant par la première et en descendant de celle-ci à la deuxième, puis à la troisième, jusqu'à épuisement.

A cet effet, il sera disposé autant de bulletins qu'il y aura de navires dans une même série, et chacun des bulletins portera le nom de chacun des navires.

Ces bulletins seront ensuite mis dans une urne, d'où ils seront successivement tirés en présence de tous les armateurs réunis.

Au fur et à mesure qu'un bulletin sortira, l'armateur du navire désigné sur le bulletin choisira une place dans la série à laquelle ce bâtiment appartient.

Si la série des places se trouve épuisée avant la série correspondante des navires, les bâtiments excédants seront réunis à ceux de la série inférieure.

Dans le cas contraire, après le choix fait par les armateurs des navires compris dans la première série, les places qui s'y trouveront encore disponibles pourront être choisies par les armateurs de la deuxième série concurrentement avec les places appartenant à cette série. Les armateurs de la troisième série auront également le faculté de faire choix des places vacantes dans les deux séries supérieures.

4. Il pourra, après ce premier tirage général, être procédé à un tirage supplémentaire pour la concession de places sur la côte de l'île de Terre-Neuve aux armateurs qui expédieront leurs navires à la pêche sur le grand banc ou sur les banquiers, avec l'intention de faire sécher à la côte de l'île la morue prise par ces bâtiments.

Pourront prendre également part à ce tirage supplémentaire les armateurs qui, ayant déjà obtenu une première place pour un navire, demanderaient une deuxième place dans un havre non occupé et non concédé de la côte Est ou de la côte Ouest, à laquelle aucun bâtiment ne serait affecté.

Mais ces armateurs, pour être admis au tirage des places entre eux seront tenus, comme les autres armateurs, à une déclaration préalable, à défaut de laquelle leurs navires ne pourront s'établir que sur les points de la côte qui ne seront point occupés.

5. Par exception aux dispositions qui précèdent, le havre de l'île Rouge situé à la côte Ouest de Terre-Neuve sera l'objet d'un tirage à part, auquel seront admis tous les armateurs, sans distinction de domicile, mais seulement à titre individuel.

La durée de la concession de l'île Rouge sera de cinq ans, comme pour les autres places, et pendant cette période, l'occupation en sera obligatoire pour le concessionnaire, qui ne pourra, dans aucun cas, faire occuper ce havre par un autre armateur.

Un personnel de 80 hommes au moins sera affecté à l'exploitation dudit havre.

Quatre places de bateau y seront réservées, ainsi que dans le havre de Cod-Roy, situé à la même côte, aux pêcheurs de Saint-Pierre et Miquelon qui voudront exercer leur industrie sur ces deux points.

6. La répartition des saumoneries continuera d'avoir lieu par la voie du sort entre les armateurs concessionnaires des havres auxquels, d'après leur position, ces saumoneries correspondent.

L'opération du tirage sera constatée par un procès-verbal.

7. Les résultats du tirage effectué conformément aux articles précédents seront énoncés dans un tableau de répartition dressé par les soins du chef de service de la marine.

Ce tableau devra présenter :

Les noms des havres ;

Les numéros et les noms des places comprises dans chaque havre ;

Le nombre de bateaux que chaque place peut contenir ;

Les noms des armateurs concessionnaires ;

Les villes où ces armateurs sont domiciliés ;

Les noms des navires ;

Le port en tonneaux de ces navires ;

Le nom et l'âge des capitaines ;

La force des équipages ;

Le port d'où chacun de ces bâtiments doit être expédié

(3) 1<sup>re</sup> série, Bull. 624, n° 4096.

(4) 1<sup>re</sup> série, Bull. 1468, n° 24967.

Dans les quatre années qui suivront celle du tirage général, il sera fait, chaque année, le 5 décembre, un tirage partiel des places vacantes, de la manière prescrite pour le tirage général.

8. A la suite du tirage général, y compris le tirage complémentaire prévu à l'article 4, comme de chacun des tirages annuels, les places demeurées disponibles seront concédées par le Ministre aux armateurs qui en auront fait la demande depuis l'époque du tirage jusqu'au 30 juin.

Les armateurs qui, postérieurement au tirage général, obtiendront des places, n'en jouiront que pendant le temps restant à s'écouler jusqu'au terme marqué pour le renouvellement quinquennal.

Ces concessions particulières seront inscrites sur le tableau de répartition.

Il ne pourra, dans l'intervalle d'un tirage à l'autre, être créé de nouvelles places, à moins que toutes celles soumises au tirage n'aient été concédées.

9. Le tableau de répartition, établi à la suite du procès-verbal du tirage des places et arrêté par le chef du service de la marine à Saint-Servan, sera adressé au Ministre de la marine; il sera imprimé et rendu public.

10. Chaque armateur conservera pendant cinq ans la jouissance du havre et de la place qui lui auront été assignés, tant qu'il continuera d'expédier le même nombre de navires de même série pour la pêche de la morue à la côte et d'y faire occuper effectivement les places dont il sera concessionnaire.

Il conservera, pendant le même temps, la jouissance des chaufauds, dépendances et graves qu'il aura fait réparer.

A la fin de la cinquième année de la jouissance, chaque capitaine constatera, par un procès-verbal signé de deux capitaines voisins, l'état de l'établissement qu'il aura formé et occupé, lequel consistera dans le chaufaud, ses orgages et ses tenailles, les cabanes et leurs portes, les étaux, laroirs et garde-poisons, rances à bascules et cajots; il laissera ledit établissement dans la situation où il se trouvera.

Quant aux autres objets, tels que traineaux, bateaux, avirons et autres ustensiles, le capitaine pourra les enlever, afin que l'armateur propriétaire en dispose à son gré.

11. Les cinq années expirées, il sera procédé, par la voie du sort, conformément aux dispositions de l'article 3, au renouvellement général du partage des places entre les armateurs déjà concessionnaires, concurremment avec ceux qui se présenteront pour la première fois, mais après que les uns et les autres auront fait les déclarations prescrites par l'article 2.

12. Le chef du service de la marine à Saint-Servan adressera, chaque année, aux administrateurs des ports d'où les navires devront être expédiés un état de répartition des places de la côte Est et de la côte Ouest.

Départs des navires.—Papiers dont ils doivent être munis.

13. Les navires pêcheurs destinés à la côte Est ou à la côte Ouest de Terre-Neuve ne pourront obtenir la remise de leurs papiers de bord avant le 1<sup>er</sup> mars. Toutefois ceux destinés à la côte Est ne devront pas tenter d'aborder sur la côte de l'île avant le 10 mai.

Tout capitaine de navire qui appareillera et fera route avant le 1<sup>er</sup> mars sera passible d'une amende de 1,000 francs, dont l'armateur sera solidairement responsable.

La même peine sera prononcée contre tout capitaine qui expédiera des bateaux sur la côte, si le navire en est éloigné de plus d'un myriamètre, et même d'une moindre distance, s'il y a banquise formée, ce qui sera constaté par les journaux des capitaines et des officiers.

14. Tout navire titulaire d'une place devra être muni d'un bulletin de mise en possession conforme au modèle annexé au présent décret. Ce bulletin, qui sera délivré au capitaine par le commissaire de l'inscription maritime du port d'armement, devra être exhibé à toute requisition des capitaines prud'hommes, dont il est parlé aux articles 15 et suivants.

Chaque navire expédié pour les côtes de l'île et concessionnaire d'une place devra avoir, indépendamment de son bulletin de mise en possession, un exemplaire du présent décret et du tableau de répartition visé par l'article 7.

#### Capitaines prud'hommes.

15. Un capitaine, dit capitaine prud'homme, est spécialement chargé de maintenir la discipline, la police et le bon ordre dans les havres et baies communes; il

assure à chaque capitaine la jouissance du havre, de la gravo et du mouillage qui lui sont assignés; il inspecte les filets, veille à la sûreté des mouillages et rades; il reçoit les plaintes des capitaines pêcheurs et y fait droit, lorsqu'il est compétent pour les juger, après avoir toutefois vérifié les faits et acquis des preuves autant qu'il est possible.

Le capitaine prud'homme préside toutes les réunions qui peuvent avoir lieu dans les havres et baies; il termine comme prud'homme arbitre, et sans frais, les contestations qui peuvent s'élever entre les capitaines; il ne peut exiger aucune rétribution ni émoluments des capitaines pêcheurs; il garde minute des décisions qu'il prend; il constate par des procès-verbaux toutes les contraventions au présent décret, commises pendant la durée de la pêche; il signe ces procès-verbaux, les fait signer par les officiers et le maître d'équipage et, à son retour, présente lesdits procès-verbaux et décisions au commissaire de l'inscription maritime du port d'où il est parti.

Il remet, en outre, audit commissaire un rapport détaillé sur la navigation et sur tout ce qui peut intéresser l'amélioration de la pêche.

Les fonctions de prud'homme sont réservées au plus âgé des capitaines des bâtiments mouillés dans les havres et les baies communes; mais les capitaines au long cours auront toujours la priorité sur les maîtres au cabotage.

16. Toute demande en indemnité pouvant résulter de l'application du présent décret sera jugée sommairement et sans appel par les capitaines du havre non intéressés aux bâtiments en contestation. Ces capitaines sont présidés par le prud'homme et, si celui-ci est intéressé ou absent, par le capitaine le plus âgé après le prud'homme.

Toutes contraventions, soit de la part des armateurs, soit de la part des capitaines de navires, seront punies conformément au présent décret.

Les procès-verbaux constatant lesdites contraventions seront remis, comme il est dit à l'article 35, au commissaire de l'inscription maritime, pour qu'il, à la diligence de cet administrateur, les poursuites de droit soient exercées devant les tribunaux ordinaires.

17. Le capitaine prud'homme est tenu de remettre aux commandants des bâtiments de la station, lorsqu'ils font l'inspection des havres, un état spécifiant, pour chaque place en particulier, si elle est ou non occupée comme le règlement le prescrit et si la légalité en toute chose y est observée.

Tout délit contre la discipline, toute contravention aux règles établies en ce qui concerne le régime de la pêche et le mode d'occupation des places seront par lui dénoncés aux commandants desdits bâtiments, qui ont mission de les réprimer et de maintenir partout le bon ordre et l'observation du présent décret.

18. S'il est commis des délits qui, en France, sont du ressort des tribunaux, le capitaine prud'homme remplit les fonctions de juge de paix: il forme la première instruction; il veille à ce que le prévenu ne puisse s'évader et soit remis au commandant de la station avec les pièces constatant le délit.

Occupation des places.—Droits des navires non pourvus de concessions.—Obligations imposées aux concessionnaires.

19. Tout navire français armé pour la pêche de la morue pourra pêcher dans les baies communes ou dans les havres inoccupés. Il pourra même pêcher dans le périmètre des places occupées après avoir obtenu l'autorisation du capitaine concessionnaire ou, s'ils sont plusieurs concessionnaires, de tous les capitaines établis dans ce havre.

Sauf dans les cas d'adhésion des concessionnaires intéressés, les navires non titulaires d'une place n'auront pas droit au rivage intérieur des havres occupés; toutefois ils pourront déborder leurs filets sur la portion de côte qui relie deux havres.

Les capitaines titulaires d'une place peuvent seuls empêcher un navire de pêcher dans leurs eaux; les capitaines non pourvus d'un titre de concession ne seront pas en droit de s'opposer à la pêche concurrente d'un navire qu'ils auraient précédé ou suivi dans l'exploitation d'un havre.

Le droit de mouillage dans tous les havres sans exception est acquis aux bâtiments qui s'y présentent, à la condition que leur présence ne serve pas de prétexte à des pratiques de pêche illicite.

Tous les navires qui séjourneront dans un havre, qu'ils soient ou non titulaires d'une place, devront obéissance au capitaine prud'homme.

Aucun sujet Anglais ne devra pêcher sur les points où les Français pratiquent cette industrie, et les capitaines des bâtiments non titulaires de place ont, au même titre

que ceux pourvus d'une concession, le droit de s'opposer à la concurrence illicite des indigènes ou des goélettes nomades. Les capitaines auront le devoir de signaler les délinquants aux croiseurs de la station.

20. Tout armateur qui, dans l'année qui suivra le tirage général des places, et à moins qu'il n'y soit contraint par force majeure, n'expédiera pas le navire dont l'armement annoncé par lui aura déterminé à son égard une concession de place par la voie du sort, perdra ses droits à la jouissance de cette place et sera en outre condamné à l'une des amendes suivantes, savoir :

- 4,000 francs pour les navires de 1<sup>re</sup> série ;
- 3,000 francs pour les navires de 2<sup>e</sup> série ;
- 2,000 francs pour les navires de 3<sup>e</sup> série.

Il sera prononcé une amende de quatre mille francs (4,000f.) pour la non-occupation dans l'année qui suivra le tirage de la concession spéciale du cap Rouge.

L'amende sera de mille francs (1,000f.) pour les armateurs des navires admis au tirage spécial prévu par les paragraphes 1 et 2 de l'article 4, qui, dans l'année qui suivra ce tirage, n'expédieront pas les navires pour lesquels ils auront obtenu la concession d'une place à la côte de Terre-Neuve, ou qui, ayant expédié leurs navires sur le banc ou sur les banquereaux, se seront abstenus de faire occuper à la côte la place de sécherie dont ils auront été déclarés concessionnaires.

Il ne sera pas prononcé d'amende lorsque la non-occupation d'une place aura lieu dans une des quatre années qui suivront celle immédiatement postérieure au tirage. Dans ce cas, la non-occupation sera considérée comme un abandon.

Les places portées pour mémoire au tableau indicatif étant en dehors du tirage, le choix qui en sera fait par les armateurs, pendant l'opération du tirage, n'exemptera pas ceux-ci du paiement de l'amende, si toutes les places habitables portées au tableau ne sont pas épuisées avant ce choix.

Ces amendes seront prononcées par le chef du service de la marine à Saint-Servan. Lorsque les parties croiront devoir appeler de cette décision, l'affaire sera soumise à l'examen de trois arbitres désignés par les armateurs réunis en assemblée générale ; si leur décision n'est pas conforme à celle du chef de service, le Ministre de la marine statuera définitivement, après avoir pris communication des rapports du chef de service et des arbitres.

Tout armateur auquel il aura été concédé une place sera tenu de la faire occuper, la première année suivant le tirage, par le navire concessionnaire ou un autre de même série au moins, dans le cas où ce navire aurait été condamné sans avaries de mer depuis le tirage. S'il est rendu, l'acquéreur sera tenu aux mêmes obligations, sous la responsabilité du vendeur.

Les chauffauds, leurs dépendances et graves, tels qu'ils se trouveront à l'arrivée des navires sur la côte, appartiendront au navire auquel la place aura été assignée d'après la répartition réglée par les articles 2, 3 et 7 du présent décret, ou à un autre navire armé en remplacement par le même armateur, pourvu qu'il appartienne à la même série.

Si, dans les années qui suivront celle où le partage général des places aura été effectué, ledit armateur expédie un navire de moindre série, il y aura lieu au partage de la grave, seulement en raison de la différence de la série.

Toute place qui, pendant une saison de pêche, et sauf le cas de force majeure dûment constaté, n'aura pas été occupée par le navire concessionnaire, sera réputée vacante ; elle pourra être mise à la disposition de tout autre armateur, suivant les formes prescrites, sans que le premier concessionnaire qui l'aura abandonnée puisse y conserver aucun droit ni prétendre à aucune indemnité.

Aucun armateur ne pourra revendiquer la jouissance d'un terrain non occupé, mais qu'un autre armateur concessionnaire aura défriché à neuf et disposé pour faciliter et étendre l'exploitation de sa pêche, à moins que ce terrain ne reste inoccupé pendant deux saisons.

21. Les conditions d'occupation d'une place sont les suivantes :

*A la côte Est :* On entend par occuper une place, y déposer le nombre d'hommes d'équipage voulu en égard à la série à laquelle le navire appartient, faire pêche effective dans le harre, trancher et saler à la place des produits de la pêche, y former et entretenir l'établissement complet de pêche.

Le navire occupant peut toutefois se déplacer pendant la campagne, mais son équipage de pêche doit passer trente jours au moins dans la place dont il est concessionnaire. Il ne pourra quitter son poste dans aucun autre but que

celui de la pêche, et toute contravention à cette disposition entraînera le retrait de la concession accordée, indépendamment de la privation du droit de prime d'armement pour insuffisance de séjour sur les lieux de pêche.

*A la côte Ouest :* L'occupation effective dans les mêmes conditions qu'à la côte Est, dans les havres du Nouveau-Port-au-Choix, dans l'anse de Barbecé, à l'île aux Sauroges et aux îles Saint-Jean ; dans les autres baies de la côte Ouest, on entend par occuper une place, mouiller au moins une fois pendant la campagne dans le harre où l'on est concessionnaire d'une place.

#### Exercice de la pêche.

22. Aucun capitaine ne pourra, sauf les exceptions ci-après, établir son navire pour faire la pêche ou sécherie dans un havre autre, que celui qui lui aura été assigné par le bulletin de mise en possession, sous peine de 500 francs d'amende, indépendamment d'une interdiction de commandement.

Les bateaux à la ligne de main, expédiés en dégrat, seront admis à pêcher, trancher et saler dans tous les havres, et même à sécher sur les terrains vacants desdits havres.

Le dégrat des bateaux pêchant aux harouelles est autorisé à la côte Ouest, mais seulement dans les baies communes et dans les havres inoccupés.

La défense portée par le premier paragraphe du présent article est sans préjudice des arrangements qui pourront être faits à l'amiable entre les armateurs ou capitaines, pour l'occupation réciproque par leurs navires des havres et des places qui leur auront été respectivement affectés sur l'une et l'autre côte, et elle ne s'étend pas aux havres absolument inoccupés, où les bateaux pourront se placer et auront la faculté de conserver la place en faisant, au retour du voyage, l'abandon de celle-ci déjà concédée.

Toutefois aucun échange de places entre deux armateurs différents ne sera valable que s'il y a expédition des deux parts.

En cas de non-expédition de l'un des deux navires, la place qui lui appartenait avant l'échange tombera dans le domaine public.

Les navires pêcheurs de la côte Ouest sont autorisés à s'établir, pour sécher leurs produits de pêche, soit dans les havres absolument inoccupés de la côte Est, soit une place inoccupée de la même côte, soit aussi par adjonction mutuellement consentie avec un des navires concessionnaires.

Les navires concessionnaires de places à la côte Est pourront aller avec leurs seines ou envoyer leurs bateaux de seine dans tous les havres inoccupés de ladite côte.

Les dégrats de navires et de seines dans les havres occupés de la côte Est sont interdits d'une manière absolue.

Les équipages des navires naufragés sont autorisés à s'établir pour faire pêche et sécherie sur toute place inoccupée, et même à s'adjoindre à tout navire concessionnaire, si celui-ci n'y met aucun obstacle.

Ces équipages conserveront le droit de faire usage de leurs seines.

Nonobstant la perte de leurs bâtiments, ils seront tenus de remplir tous les engagements par eux contractés en vue de la campagne, à charge par l'armateur, représenté, en son absence, par le capitaine, de pourvoir, à ses frais, à leur rapatriement, ainsi qu'à leur entretien et à leur subsistance, et d'exécuter intégralement, de son côté, les stipulations du contrat.

23. Le mode de pêcher dit en *défilant le golfe* est autorisé à la côte Ouest de Terre-Neuve, et la pêche pourra être tout à la fois nomade ou sédentaire sur cette partie du littoral, depuis la baie de Port-à-Port inclusivement jusqu'au cap Normand.

La pêche est réservée et demeure, comme à la côte Est, le privilège exclusif des navires occupant, dans tous les havres portés sur le tableau de répartition où il est créé, des places qui sont concédées par la voie du tirage.

La pêche est libre, au contraire, pour tous les navires pêcheurs, sans exception, expédiés à la côte Ouest, dans toutes les baies où il n'est pas créé de places particulières, et qui sont désignées sur le tableau de répartition des places comme affectées à l'exploitation commune de la pêche. Ces baies sont celles de Port-à-Port avec ses divers mouillages, des îles avec toutes les rades qui en dépendent, de Bonne-Baie, de Tête-de-Vache, celle de Sainte-Marguerite avec l'anse du Nouveau-Férolle et de l'Anse-à-Fleuves.

Tout capitaine pourvu d'un bulletin de mise en possession pour la côte Ouest a le droit de s'établir et de faire pêche non seulement dans le havre particulier où une place lui a été attribuée, mais encore dans toutes les baies où il n'existe pas de concession particulière et qui, au-

milles à des ports neutres, demouront ouvertes à l'exploitation commune.

Les goélettes des îles Saint-Pierre et Miquelon jouissent également de cette dernière faculté.

Les bateaux appartenant à des navires qui ne sont pas concessionnaires de places dans le Petit-Port seront admis à pêcher sur tous les fonds extérieurs qui en dépendent, mais les produits de leur pêche ne pourront être tranchés ni salés dans l'intérieur de ce havre.

Les agrégations y sont absolument interdites. Aucun navire autre que les concessionnaires ne pourra y mouiller.

24. L'usage des filets appelés *trappes* est prohibé dans toute l'étendue des pêcheries françaises de la côte de Terre-Neuve.

25. L'usage des lignes de font ou harouelles est autorisé tant à la côte Ouest qu'à la côte Est de Terre-Neuve, mais seulement à partir du 15 août pour cette dernière côte.

Les chaloupes pêchant avec des harouelles sont affectées aux places, et leur nombre dépend de la série des navires occupants.

Les places de la 1<sup>re</sup> série pourront en armer trois; celles de 2<sup>e</sup> série, deux, pourvu que les unes et les autres soient occupées par les navires d'une série au moins égale. Si les bâtiments sont d'une série inférieure, le nombre des chaloupes sera déterminé par la série de la place correspondante à celle de ces bâtiments. Dans aucun cas, il n'en pourra être armé plus d'une dans les places de 3<sup>e</sup> série.

Ces chaloupes n'auront pas le droit de faire lever les bateaux pêchant à la ligne de main.

26. L'usage des seines à morues est maintenu.

Leur étendue sera à la volonté de l'armateur, tant en hauteur qu'en longueur, mais la maille n'aura pas moins de 48 millimètres entre nœuds au carré.

Les seines à morue dont la maille sera plus petite que 48 millimètres entre nœuds au carré seront, sur l'ordre du capitaine prud'homme ou sur celui d'un des officiers de la station en service, désarmées et séquestrées pendant la saison de pêche.

La vérification de seines sera faite en mesurant 20 mailles allongées qui devront porter 1 m. 920.

27. Les bateaux de seine ont le droit de choisir les places où il leur plaît de déborder.

Si un ou plusieurs bateaux pêchant à la ligne se trouvent mouillés dans le circuit d'un bateau de seine, ils seront tenus de se dé ranger et de lui céder la place, après que le bateau de seine les aura prévenus qu'il va déborder et qu'effectivement il aura commencé à jeter son filet à la mer.

Dans le cas où l'un des bateaux à la ligne refuserait de se dé ranger après en avoir été sommé par le bateau de seine, il sera tenu de payer à celui-ci une amende de 1,000 morues.

28. Sous peine de donner également 1,000 morues au bateau pêchant à la seine, le bateau pêchant à la ligne ou tout autre bateau de seine devra s'abstenir de mouiller dans le circuit de la seine et d'en gêner les mouvements, une fois que le bateau de seine aura prévenu qu'il va déborder et qu'il aura effectivement commencé à jeter son filet à la mer.

Si les maîtres de seine se rendent à l'avance sur certains points pour y attendre le poisson, ils ne pourront y mouiller qu'avec leurs grappins, et, dans ce cas, ils seront tenus de quitter la place si un autre maître de seine commence à déborder avant eux.

Le fait de stationner sur son grappin ne constituera à un bateau de seine aucun droit de propriété, lorsqu'il s'agit de déborder.

29. La pêche du saumon, au moyen de barrages ou de rets, pourra se faire dans les ruisseaux ainsi que dans les rivières, mais jamais le long des côtes.

#### Dispositions et recommandations diverses.

30. Il est interdit à tous les pêcheurs français établis sur la côte de Terre-Neuve d'avoir des établissements couverts en plan ou de faire usage de cette écorce pour quoi que ce soit.

31. Il est défendu à tout capitaine, sous peine de 500 francs d'amende, de jeter du lest dans les havres; de s'emparer des sels, des huiles et des autres objets qui auraient pu être laissés l'année précédente; de rompre, transporter, dégrader ou laisser tomber en ruine les chaufauds, cabanes et dépendances de la place dont il est concessionnaire. Il est, en outre, expressément recommandé à tout capitaine d'améliorer la place qu'il occupe.

Les amers servant à indiquer l'entrée des havres sont entretenus par les capitaines des plus voisins d'icelles havres.

En cas de difficulté, le prud'homme pêcheur compétent statuera.

32. Il est interdit à tout capitaine de s'emparer des chaloupes et des bateaux échoués sur la côte, sans un pouvoir spécial des propriétaires de ces embarcations, à peine d'en payer le prix, ainsi que 50 francs d'amende.

Mais si les propriétaires des chaloupes et des bateaux ne s'en servent pas ou n'en ont pas disposé, ceux qui en auront besoin pourront, avec la permission du capitaine prud'homme, en faire usage pour leur pêche, à condition qu'à leur retour ils en payeront le loyer aux propriétaires.

Les capitaines qui voudront employer ces chaloupes et ces bateaux seront tenus de remettre au prud'homme du havre et, en son absence, à un capitaine voisin, un état indiquant le nombre des chaloupes et des bateaux qu'ils comptent prendre pour leur service, avec la soumission d'en payer le loyer et les remettre au propriétaire, s'il arrive à la côte, ou à tout autre ayant pouvoir du propriétaire.

Si les chaloupes et les bateaux ne sont pas remis au propriétaire pendant la durée de la pêche, les capitaines qui les auront employés seront tenus de les faire échouer en lieu de sûreté; cette circonstance devra être constatée par un certificat que le capitaine prud'homme et, en son absence, un autre capitaine délivrera.

Les bateaux, les sels et les autres objets laissés à la côte et qui n'auront pas été enlevés par le propriétaire du 1<sup>er</sup> au 10 septembre de la seconde année à partir de l'époque de l'occupation, seront vendus à l'encaissement de la diligence du prud'homme, au profit du propriétaire, à la charge par l'acquéreur de les enlever dans la quinzaine qui suivra la vente.

33. Les capitaines seront tenus de procurer aux commandants des bâtiments employés en station sur les côtes de l'île de Terre-Neuve tous les renseignements et détails que ces officiers leur demanderont sur l'exploitation de la pêche, sur la police observée par les pêcheurs, sur le nombre et l'état de leurs navires, de leurs bateaux et de leurs équipages.

34. L'embarquement des provisions particulières de boissons spiritueuses à bord des bâtiments faisant la pêche de la morue est formellement interdit.

L'Administration de la marine concertera avec celle des douanes les mesures à prendre pour empêcher l'embarquement des spiritueux et même celui des fûts vides propres à en contenir.

Le Ministre de la marine retirera la lettre de commandement, pour un temps dont sa décision fixera la durée, à tout capitaine qui aura laissé vendre à son bord des boissons spiritueuses.

Une amende de 500 francs sera encourue par tout armateur qui fera vendre de ces boissons, pour son compte, aux équipages de ses navires.

#### Coffres à médicaments et service sanitaire.

35. Les navires expédiés à la côte de Terre-Neuve devront être pourvus d'un coffre à médicaments du type réglementaire et correspondant à la série à laquelle appartient le bâtiment en raison de l'effectif de son équipage.

Les navires qui ne séjourneront pas dans la place à eux concédée pendant la campagne seront tenus d'avoir un second coffre qu'ils devront laisser à la disposition des marins qu'ils débarqueront sur la côte pour faire la pêche sédentaire.

La série de ce second coffre sera déterminée par le nombre d'hommes qui devra être laissé à terre, c'est-à-dire qu'un coffre de 1<sup>re</sup> série sera nécessaire pour 25 hommes et plus débarqués, un coffre de 2<sup>e</sup> série pour 20 à 24 hommes débarqués, et un coffre de 3<sup>e</sup> série pour 15 à 19 hommes débarqués et pour tout groupe d'un effectif inférieur à 15 hommes.

Le concessionnaire de l'île Rouge devra y déposer un coffre de 1<sup>re</sup> série.

Les coffres laissés à terre dans les places de pêche devront contenir, outre les médicaments réglementaires, l'instruction également réglementaire publiée par le Département de la marine, en vue des soins à donner aux hommes en l'absence du médecin.

Les capitaines qui contreviendraient aux dispositions du présent article encourraient une suspension temporaire ou définitive de leur commandement.

36. Il ne sera plus obligatoirement embarqué de chirurgiens sur aucun des bâtiments destinés à la pêche sur la côte de Terre-Neuve. En aucun cas, les armateurs ne seront tenus d'en installer dans les havres.

Toutefois les armateurs concessionnaires de places devront entretenir à frais communs deux médecins, dont l'un stationnera à la côte Est et l'autre à la côte Ouest.

Dans le cas où les armateurs intéressés ne se conformeraient pas à cette dernière obligation, ils feraient encourir à leurs capitaines une suspension temporaire ou définitive de leur commandement.

37. Le produit de toutes les amendes infligées en exécution des prescriptions du présent décret sera attribué à la Caisse des invalides.

38. Sont abrogées les dispositions d'ordre réglementaire du décret du 2 mars 1852 et du décret du 22 mars 1862. Sont également abrogés l'arrêté ministériel du 2 janvier 1889 sur la pêche de la botte par les banquiers dans les baies de Terre-Neuve, et l'arrêté du 4 juillet 1862 sur l'organisation du service médical à Terre-Neuve.

Sont maintenues et reproduites par le présent décret les dispositions d'ordre législatif, notamment les sanctions pénales édictées par le décret du 2 mars 1852 sur la police de la pêche à Terre-Neuve.

39. Le Ministre de la marine est chargé de l'exécution du présent décret, qui sera inséré au *Bulletin des lois* et au *Bulletin officiel de la Marine*.

Fait à Paris, le 17 Février 1894.

Le Ministre de la marine,  
Signé : A. LEFÈVRE.

Signé : CARNOT.

### ANNEXES.

#### MODELE N° 1.

#### PÊCHE DE LA MORUE.

#### CÔTE DE L'ÎLE DE TERRE-NEUVE.

(Partie (1) ).

#### BULLETIN DE MISE EN POSSESSION.

Le navire l , armé au port d , appartenant à M , domicilié à , commandé par le sieur , jaugeant tonneaux, ayant hommes d'équipage.

Le présent bulletin a été délivré par le commissaire de l'inscription maritime à , au sieur , capitaine

du navire l conformément au décret du 17 février 1894, pour constater que ledit capitaine a le droit d'occuper dans le havre d , situé sur la côte de l'île, la place avec ses dépendances n° , dite , qui a été assignée audit navire, avec faculté de jouir de ladite place, sans trouble ni empêchement.

Ceux qui troubleront le capitaine du navire l dans la possession de la jouissance de ladite place seront passibles d'une amende de 500 francs et de tous dommages-intérêts qui pourraient être ultérieurement réclamés auprès des tribunaux.

### PECHE DE LA MORUE.

#### CÔTE DE L'ÎLE DE TERRE-NEUVE.

(Partie (\*)

#### BULLETIN D'AGRÉGATION.

Le navire l , armé au port d , appartenant à M , domicilié à , commandé par le sieur , jaugeant tonneaux, ayant hommes d'équipage.

Le présent bulletin a été délivré par le commissaire de l'inscription maritime à au sieur , capitaine du navire l conformément au décret du 17 février 1894, pour constater que ledit capitaine a le droit de s'adjoindre par agrégation au navire l , concessionnaire dans le havre d , situé sur la côte de l'île de la place n° , dite

Ceux qui troubleront le capitaine du navire l dans la jouissance du droit que lui confère le présent bulletin, seront passibles de tous dommages-intérêts qui pourraient être ultérieurement réclamés auprès des tribunaux.

A , le 189

### APPENDIX, No. 6.

Trillingate District, Botwoodville to wit,

Newfoundland.

Statement on oath of Elias Burt, Peter's Arm, who saith : That this present summer, last past, I was in St. Julian's, on the French shore, fishing, and a French fishing captain ordered me out. I told him that I would not go, and I remained there that day. The next day the captain and

room-keeper ordered me out. I then left and went to Grandswaur, and the men from St. Julian's tore up my bultow and destroyed nearly all the hooks from it, and then I left, as I could not leave any of my fishing gear out in the water.

Before me this 30th day of November, 1893.

HARRY BURT, J.P.

### APPENDIX, No. 7.

THE EARL OF EGBREYNT to the DUKE OF BEDFORD.

Whitehall, March 1, 1763.

MY LORD,

I did not expect to have had occasion to trouble your Grace with another messenger so soon, but His Majesty has judged it highly expedient that I should, without loss of time, acquaint your Grace with a very extraordinary conversation I had, on Saturday last, with the Duc de Nivernois on the subject of the Fishery at Newfoundland.

In order that your Grace may understand what gave rise to this conversation, I must observe that since the success of His Majesty's arms in North America the British fishermen have resorted, more than they used formerly to do, to the northern parts of Newfoundland,

where, by the XIIIth Article of the Treaty of Utrecht, a liberty had been left to the French to fish, and to dry their fish on shore, and for that purpose to erect the necessary stages and buildings, but with an express stipulation "de ne pas séjourner dans la dite île au delà du temps nécessaire pour pêcher et sécher le poisson." And as, by the Vth Article of the Definite Treaty, the same privilege is renewed and confirmed to the French, it was apprehended some disagreeable alterations might arise between the subjects of the two nations, in case the French should find the best fishing stations preoccupied by the English, who, from their situation, might be able to reach Newfoundland first, and would probably exert themselves for that purpose, in order to avail themselves of the received law among the fishermen, that whoever arrives first shall have

(1) Exprimer si c'est la partie orientale ou la partie occidentale.

(2) Transcrire ici la désignation nominative, ou, à défaut, l'indication topographique présentée par le tableau général des havres, de manière à prévenir toute contestation.

(3) Mettre : pendant cinq ans (si la concession a été faite lors du tirage général) ou jusqu'à l'année 18... exclusivement, époque à laquelle le partage des places doit être renouvelé intégralement (si la possession est postérieure à l'année où le tirage général aura été effectué).

(\*) Orientale ou occidentale.

the choice of the stations; and that France would complain of this, as, in effect, excluding them from the fishery, and consequently eluding what it was certainly meant by the Treaty they should enjoy. His Majesty, therefore, firmly resolved to observe religiously every engagement he had entered into, and whose earnest wish it to avoid everything that could possibly create the least uneasiness between the two Courts, thought it most agreeable to the open and candid manner in which the whole negotiation has been conducted, that I should speak to the French Ambassador on this subject, and, to obviate any dispute on this matter, that I should make him sensible of the clear meaning of the Treaty of Utrecht, which expressly cedes to Great Britain the absolute property of the whole Island of Newfoundland, without any exception whatever; at the same time, granting to the French subjects a liberty to resort to a limited part thereof for the purpose of taking and drying fish only, and this liberty is confined to the season of the year proper for that occupation. But on my opening this matter to the Duc de Nivernois, I was greatly surprised to find his Excellency insisting, with more warmth than I have hitherto observed in him on any one point, that, by the Treaty of Utrecht, the French had an exclusive right to the fishery from Cape Bonavista to Point Riche; and that they had, on ceding the Island of Newfoundland to Great Britain, by the XIIIth Article of that Treaty, expressly reserved to themselves such an exclusive right, which they had constantly been in possession of till they were entirely drove from North America in the late war. It was needless to make use of any other argument, to refute this weak reasoning, than a bare reference to the Treaty of Peace of Utrecht; and on my producing the same to the French Ambassador, he seemed much struck with it, and desired to look on the Treaty of Commerce; but on turning over this last, and not finding the least mention of Newfoundland therein, he endeavoured to distinguish between the spirit and the letter of the Treaty; and though he could not support his assertion of an exclusive right by any stipulation in any Treaty, he still insisted upon it, with so much warmth as even to let drop some insinuations as if it might occasion the renewal of the war. On finding the Duc de Nivernois in this temper, I thought it better not to push the altercation any farther at that time, but to reserve myself to make a report to the King of what had passed, which having done, I am, in consequence thereof, commanded by His Majesty to dispatch this messenger to your Grace, and to signify to you the King's pleasure that you should lose no time in explaining this matter to the French Ministers, and showing them the impossibility of His Majesty's departing from the express letter of a Treaty the stipulations whereof are so explicit and clear, that they will furnish your Grace with ample arguments to refute the unjustifiable pretensions of France, and to support the indisputable rights of His Majesty's subjects, who, although they may not in times past have frequented the northern parts of the Island of Newfoundland so much as the French, yet they have, from time to time, resorted to and exercised the fishery on every part of the coasts of that island, agreeably to the most undoubted right they have by the words of the Treaty of Utrecht, to which the Commodores, who have commanded at Newfoundland, have constantly been referred by their instructions, and which Treaty must still continue to be their guide with respect to such parts to

which both nations have a liberty to resort. The King, however, thought it consistent with that candour he has always professed that the French Ambassador should be apprized of what is above mentioned. But the unreasonable manner in which he received what I said to him, and the pretension he has attempted to set up of an exclusive right of the French to fish and dry on the northern parts of Newfoundland, make it highly necessary to come to an *éclaircissement* with the Court of France. It is therefore the King's pleasure that your Grace should forthwith state to the French Ministers, with the utmost precision, the express stipulations of the Treaty of Utrecht, letting them see that the King must support his subjects in the rights they have thereby acquired; but, at the same time, that His Majesty, far from entertaining the most distant thought of rendering illusory the liberty of fishing and drying he has agreed to leave to the French, will be willing to concur in any arrangement the Court of France may think proper to propose (provided such arrangement be not inconsistent with the undoubted rights of His Majesty's subjects, according to the XIIIth Article of the Treaty of Utrecht, renewed and confirmed by the Vth Article of the Definitive Treaty), in order to prevent all future disputes, and thereby to put it out of the power of a number of illiterate fishermen to involve the two nations in fresh troubles by any unreasonable and unequitable pretensions.

Your Grace will be so sensible of the importance of the incident which has given occasion to this despatch, that I need not add that the King will expect, with the utmost anxiety, to hear from your Grace the result of your conferences with the French Ministers, in consequence of the orders I now transmit to your Grace.

The inclosed copy of a Memorial, signed by a large number of the King's subjects concerned in the trade to Newfoundland (which I transmit for your own information only), will show your Grace what gave rise to my conversation above mentioned with the Duc de Nivernois, and will be a farther proof to your Grace of the candour of our proceeding, and of the unfriendly reception it met with from the French Ambassador. This paper will also, at the same time, show the necessity of clearing up this matter, which your Grace will be sensible, from the season of the year, will not admit of delay, as the first ships for Newfoundland will sail in a month's time.

On Saturday last we received an account from Mr. Mitchell that a Treaty of Peace had been signed at Hubertshurg on the 15th past, between the Empress Queen, the King of Poland, and the King of Prussia, on which happy event I most sincerely congratulate your Grace.

I am, &c.,  
(Signed) EGREMONT.

P.S.—While this letter was writing I have been honoured with your Grace's of the 21st past, by the post. His Majesty sees with great satisfaction the resolution of the Court of France to give up John Rice. I shall immediately communicate the same to the Directors of the Bank and South Sea Company, in order that the proper measures may be taken thereupon; and I shall lose no time in acquainting your Grace with whatever shall be proposed to be farther done on this occasion.

E.

#### APPENDIX, No. 8.

THE DUKE OF BEDFORD to the EARL OF EGREMONT.

(Received March 15.)

Paris, March 8, 1763.

MY LORD,

I did myself the honour to acknowledge in my postscript of the 4th the receipt of your Lordship's letter of the 1st instant, an extract from which I immediately sent to the Duc de Praslin, and informed him that I should be ready to confer with him upon it whenever he should please to appoint me. I accordingly went to Versailles last night for that purpose, and I found his Excellency much chagrined at the dispute that had arisen on this subject betwixt your Lordship and the Duc de Nivernois. He complained that the bringing this topic into question at present had too much the appearance of the Court of England's having a mind to have a pretence hung up for

raising fresh troubles in that part of the world, whenever they should judge it for their interest so to do, especially as by the words of the XIIIth Article of the Treaty of Utrecht, renewed in the present Treaty, France could solely found her claim of fishing and curing on a specified part of the Island of Newfoundland, to which they did not pretend to have an exclusive right, and, consequently, there seemed to be no occasion at this time of laying claim to a right which was not even disputed by them. But that if England meant by this to make them understand that the fishery and "sécherie" granted by the above Treaties (without which France could never have consented to any terms of peace) should be rendered illusory by the English taking possession of every part of that coast which he did not, he declared to me, believe to be our intention, he foresaw that the consequences must be fatal. He said, all they expected was the fair exertion of that right of fishery, &c., granted to them

by Treaty, and he therefore flattered himself that what they had enjoyed uninterrupted for so many years, after the Treaty of Utrecht, they should still enjoy under the sanction of the said Treaty. He declared that he had too good an opinion of the candour and good faith of the English nation to imagine that, considering the vast increase of fishery they had now obtained, they would attempt to preoccupy the whole coast from Cape Bon Vista to Point Riche, merely to render illusory a right which was given to the French nation by solemn Treaty; he rather seemed inclined to think that this was brought on the

*tapistry* persons ill-intentioned to the peace, and by them suggested as a point of great consequence to His Majesty's Ministers, more than with any real intention of rendering their right acquired by Treaty an illusory one; he added that as the season for the departure of their fishermen was now approaching that they should send them out, relying on the faith of Treaties and of the good intelligence which he firmly believed was now thoroughly established betwixt the two nations.

I am, &c.,  
(Signed) Bedford.

#### APPENDIX, No. 9.

##### NEWFOUNDLAND CUSTOMS.

Port of Gravel, Port au Port,  
22nd October, 1858.

Sir,

As I informed you by telegram, the French schooner *Auguste* ran on shore at Piccadilly, fourteen miles from here, on the 17th. I did not hear of it until the 20th, when I therefore proceeded to that place. She had been anchored on the shore, and in a breeze of wind one of her chains burst, and as she was dragging anchor they ran for the beach. When I arrived there the Captain was selling her and her gear by auction. I tried to interfere for the protection of the revenue, and asked him where he was from. He said, "St. Pierre." Where had he cleared for? He said, "Perhaps the Bay of Islands," but it was none of my business, as he did not acknowledge the Customs of Newfoundland; he was on French soil, on the French shore, and knew nothing about us, and said we had nothing to do with him. I stopped to see the things sold, and got the names of those that bought them. I found that the Captain had stored in Mr. Joy's house:

18 cases of brandy,  
1 " port wine,  
3 " sweet wine,  
10 " gin,  
1 " absinthe,  
1 " sugar (100lbs.),  
2 kegs tobacco (138lbs.).

I am informed that 20 cases of gin were taken away by the neighbours.

There is no doubt he had these articles to sell along the coast.

I have placed a tide-waiter in charge of these goods, awaiting your instructions. A rescue party is expected from Red Island, and I think the goods ought to be removed to Mr. Haliburton's store at this place. Where they are now they are not safe. Captain and crew have gone to Sandy Point. Please give me immediate instructions, etc., etc.

I have, etc.,

(Signed) J. FRANCIS,

Acting Preventive Officer, Gravel, Port au Port.

H. W. Le Messurier, Esq., Assistant Collector.

#### APPENDIX, No. 10.

Convention between Her Majesty and the Emperor of the French, relative to the Rights of Fishery on the Coast of Newfoundland and the neighbouring Coasts.

Signed at London, January 18, 1857.

Ratifications exchanged at London, January 16, 1857.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of the French, being desirous to remove for the future all cause of misunderstanding between their respective subjects relative to the fisheries on the coast of the Island of Newfoundland and the neighbouring coasts, by regulating with justice the rights and privileges of their said subjects, have resolved to conclude a Convention for that purpose, and have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable George William Frederick, Earl of Clarendon, Baron Hyde of Hindlip, Member of the United Kingdom, a Member of Her Britannic Majesty's Most Honourable Privy Council, Knight of the Most Noble Order of the Garter, Knight Grand Cross of the Most Honourable Order of the Bath, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs; and the Right Honourable Henry Labouchere, a Member of Her Britannic Majesty's Most Honourable Privy Council, a Member of Parliament, Her Britannic Majesty's Principal Secretary of State for the Colonies;

And His Majesty the Emperor of the French, the Sieur John Gilbert Victor Fialin, Count of Persigny, a Senator, Grand Cross of the Imperial Order of the Legion of Honour, Grand Cordon of the Imperial Order of the Medjidie of Turkey, Grand Cross of the Order of St. Maurice and St. Lazarus of Sardinia, Grand Cross of the Order of Danebrog of Denmark, His Ambassador to Her Britannic Majesty;

Who after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

##### ARTICLE I.

French subjects shall have the exclusive right to fish, and to use the strand for fishery purposes, during the season elsewhere specified (Article VIII.), on the east coast of Newfoundland, from Cape St. John to the Quirpon Islands. They shall also have the right to fish, and to use the strand for fishery purposes, during the said season, to the exclusion of British subjects, on the north coast of Newfoundland, from the Quirpon Islands to Cape Norman; and on the west coast, in and upon the five fishing-harbours of Port-au-Choix, Small Harbour (or Petit Port), Port au Port, Red Island, and Cod Roy Island. Such exclusive fishing, from the Quirpon Islands to Cape Norman, shall extend to a distance of three marine miles due north from a straight line joining Cape Norman and Cape Bauld, and as regards the five harbours, shall extend to within a radius of three marine miles in all directions from the centre of each such harbour, but with power to the Commissioners or Umpire elsewhere provided for in this Convention to alter such limits for each harbour in accordance with the existing practice.

##### ARTICLE II.

British subjects shall have the right, concurrently with French subjects, to fish on the west coast of Newfoundland, from Cape Norman to Cape Ray, except at the five above-mentioned points; but French subjects shall have the exclusive use of the strand for fishery purposes during the said season, from Cape Norman to Rock Point, in the Bay of Islands north of the River Humber, in latitude 49° 5' (about), in addition to the strand of the reserved harbours.

##### ARTICLE III.

French subjects shall have the right, concurrently with British subjects, to fish on the coasts of Labrador from Blanc Sablon to Cape Charles, and of North Belleisle, together with liberty to dry and cure fish on any of the portions of the coast of North Belleisle aforesaid, which shall not be settled when this Convention shall come into

operation. The British Government, however, retains the right to erect thereon buildings for military or public purposes; and if any settlement for permanent habitation shall be thereafter established on any portion of the coast of the said island, the right of French subjects to dry and cure fish on such portion of the coast shall cease, one season's notice of such settlement having been given beforehand to the French Commander on the station.

The said French concurrent right of fishing shall terminate at the embouchures or outlets of rivers and creeks: the place of each embouchure or outlet shall be determined, in the manner elsewhere specified in this Convention, by the Commissioners or Umpire.

#### ARTICLE IV.

From Rock Point in the Bay of Islands to Cape Ray, Great Britain shall have the unrestricted and exclusive use of the shore, except at the points above named in Article I, and within the land limits assigned for those points (Article X.)

#### ARTICLE V.

French subjects shall have the right of purchasing bait, both herring and caplin, throughout the south coast of Newfoundland, including for this purpose the French Islands of St. Pierre and Miquelon, at sea or on shore, on equal terms with British subjects, without any restriction on the practice of such fishery by British subjects, and without any duty or restriction being imposed either on British or French subjects in respect of such traffic, or upon the export of such bait, on the part of Great Britain or of the Colony.

Should any circumstances whatever restrict, in a notorious manner previously established to the satisfaction of both the British and French naval Commanders on the station, during two seasons, consecutive or not, the said supply by purchase, French subjects shall have the right to fish for bait on the portion of the south coast of Newfoundland comprised between Cape St. Mary and Cape La Hune, during the French fishery seasons; French fishermen not being allowed to use any other nets than those employed for this kind of fishery: but this right shall cease as soon as the causes of the deficient supply shall have disappeared.

#### ARTICLE VI.

The lateral boundaries of the French rights of fishing toward the sea shall be as follows:—

At Cape Ray, a straight line drawn thence due west-south-west;

At Cape Norman, a straight line thence due north;

At Cape St. John's, as may be defined by the Commissioners or Umpire on the basis of existing agreements and practice;

At Cape Charles, a straight line thence due east;

At Blanc Sablon, a line as nearly perpendicular to the general direction of the coast as may be, the precise line to be determined by the Commissioners or Umpire.

#### ARTICLE VII.

From Cape St. John to Rock Point in the Bay of Islands, the French right of fishing shall extend up all rivers or creeks as high as the salt water. From Rock Point to Cape Ray the right shall be limited to half a marine mile above the embouchure or outlet of each river or creek.

The point hereby limited for each river or creek from Cape St. John to Rock Point, and from Rock Point to Cape Ray, shall be settled in the manner elsewhere provided for by the Commissioners or Umpire.

#### ARTICLE VIII.

The French season of fishery on the coast of Newfoundland, Labrador, and North Belleisle, shall extend from the fifth of April to the fifth of October.

#### ARTICLE IX.

The naval officers of the French Government shall be entitled to enforce the said French exclusive rights of fishing, as defined in Article I., by expulsion of vessels or boats attempting concurrent fishing, in the case of there being no British cruising-vessel in sight, or made known to be present, within a distance of five marine miles.

#### ARTICLE X.

The strand reserved for French exclusive use for fishery purposes shall extend to one-third of an English mile inland from high-water mark, from Rock Point to Bonne Bay, inclusive, and at the four reserved harbours south of Bonne Bay; and from Bonne Bay to Cape St. John, to half an English mile inland from high-water mark.

The land lateral boundaries of the reserved harbours shall be settled by the Commissioners or Umpire, in accordance with the existing practice.

The strand shall be laterally bounded, where it reaches the banks of rivers and creeks, by straight lines drawn perpendicularly to the direction of the said rivers and creeks at the place where the French right of fishing ceases, to be determined as to each river or creek, in the manner elsewhere specified, by the Commissioners or Umpire.

#### ARTICLE XI.

No British buildings or enclosures shall be erected, or maintained, on the strand reserved for French exclusive use, except for the purposes of military defence or of the public administration (in which case the notice of the intended erection thereof shall be given to the French Government); but such existing buildings or enclosures as have stood and been in occupation upon this strand, without objection on the part of the French Government, for a period of five seasons preceding the date of this present Convention, shall not be liable to be removed without equitable compensation to the owners from the French Government, to be agreed on between the Naval Commanders of Great Britain and France on the station, or their respective delegates.

The French Naval Officers or other delegates duly nominated for this purpose by the French officer commanding-in-chief on the station, shall be entitled to take such measures as occasion may require, to put the French fishermen in possession of any portion of the strand, of which their exclusive use for fishery purposes is recognized by this present Convention, in case of there being no British police establishment, cruising-vessel, or other recognized authority within a distance of five English miles.

Such measures may include the removal of buildings or enclosures, in conformity with the above stipulations, fifteen days' notice of any such intended removal having been given to any such British authority as aforesaid, if known to be within twenty English miles. Should there be no such authority within that distance, then the French officer commanding-in-chief shall, on the earliest opportunity after any such removal shall have taken place, report the same to the English officer commanding-in-chief.

#### ARTICLE XII.

No French buildings or enclosures shall be erected, or maintained, for fishery or other purposes, between Cape St. John and Rock Point beyond the limits hereby recognized as those of the French right to the use of the strand. And it shall be lawful for the British or Colonial Government to remove buildings and erections made beyond the said limits by French subjects, fifteen days' notice of any such intended removal having been given to the officer of any French cruising vessel, or other authority appointed for this purpose by the French officer commanding-in-chief, if known to be within twenty English miles. Should there be no such authority known to be within that distance, then the Government (British or Colonial) so removing shall, on the earliest opportunity after such removal shall have taken place, report the same to the French officer commanding-in-chief.

But such buildings or enclosures as have stood and been in occupation beyond the said limits, without objection on the part of the British Government, for a period of five seasons preceding the date of this present Convention, shall not be liable to be removed without equitable compensation to the owners from the British Government, to be agreed on between the Naval Commanders of Great Britain and France on the station, or their respective delegates.

#### ARTICLE XIII.

If any building or erection, British or French, not in conformity with the stipulations of this present Convention, shall at any time have stood and been in occupation undisturbed by the French or British Governments respectively for five seasons, it shall not be removed without six months' notice to the occupier.

#### ARTICLE XIV.

The British Government shall give the most positive orders to prevent injury to the French boats and fishery works during the winter; and in order to facilitate the apprehension of offenders in this respect, the French Government shall be allowed to employ British or French subjects for the custody of such boats and works, whether in the summer or winter, not to exceed in number three persons within any mile of coast. Such persons shall be subject in all respects to the local law of Newfoundland.

## ARTICLE XV.

French subjects shall be at liberty to use on the strand reserved as aforesaid to their exclusive use for fishery purposes, any material and instruments they may think proper for their fishery erections; such erections and instruments being made and adapted for the drying and curing, or other preparation of fish, and for those purposes only.

## ARTICLE XVI.

The privilege of French subjects to cut wood for the repair of their fishery erections and fishing vessels, from Cape St. John to Rock Point, may be exercised as far as required for the purpose, but not on private land without the consent of the occupier.

With respect to the four reserved harbours between Rock Point and Cape Ray, the same privilege shall be exercised on the mainland or elsewhere, within a radius of three marine miles from the centre of each harbour, such centre to be determined by the Commissioners or Umpire, as elsewhere specified.

## ARTICLE XVII.

The provisions of the present Convention shall apply to the islands adjacent to the coasts mentioned, as well as to the coasts themselves, except where otherwise specified. The Islands of Grois and South Belleisle shall be regarded as adjacent to the nearest coast.

## ARTICLE XVIII.

In order to settle the various points left by this Convention to be decided by Commissioners or an Umpire, each of the two Governments shall, on the application of the other, at any time after the passing by the Imperial Parliament of Great Britain, and by the Provincial Legislature of Newfoundland, of the laws required to carry this Convention into operation, appoint a Commissioner, to enter immediately on his functions.

Whenever a case shall occur in which the said Commissioners may differ in opinion, they shall name some third person to act as an Arbitrator or Umpire therein. If they should not be able to agree in the choice of such a third person, they shall each name a person, and it shall be determined by lot which of the two persons so named shall be the Arbitrator or Umpire. In the event of the

death, absence, or incapacity of either of the Commissioners, or of the Arbitrator or Umpire, or of their or his omitting, declining, or ceasing to act as such Commissioner, Arbitrator, or Umpire, another and different person shall be appointed or named in the manner hereinbefore specified to act as such Commissioner, Arbitrator, or Umpire in the place and stead of the person so originally appointed or named as aforesaid.

The said Commissioners or Umpire shall frame regulations for the exercise of concurrent rights by the parties to this Convention, with a view to prevent collisions; such regulations to be approved by the respective Governments, and until so approved to be in force provisionally; but such regulations shall be subject to revision, with the consent of both Governments.

## ARTICLE XIX.

All stipulations of former Treaties shall remain in force so far as they are not superseded or modified by this present Convention.

## ARTICLE XX.

The present Convention shall come into operation as soon as the laws required to carry it into effect shall have been passed by the Imperial Parliament of Great Britain, and by the Provincial Legislature of Newfoundland: Her Britannic Majesty hereby engaging to use her best endeavours to procure the passing of such laws in sufficient time to enable Her to bring the Convention into operation on or before the 1st of January, 1858.

## ARTICLE XXI.

The present Convention shall be ratified, and the ratifications shall be exchanged at London in fifteen days, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the fourteenth day of January, in the year of our Lord one thousand eight hundred and fifty-seven.

(L.S.)	CLARENDON.
(L.S.)	HENRY LABOUCHERE.
(L.S.)	F. DE PERSIGNY.

## APPENDIX, No. 11.

Arrangement signed at Paris, 14th November, 1855, relating to the Newfoundland Fisheries Question.

## ARRANGEMENT.

The undersigned Commissioners, who have been appointed by the Governments of Great Britain and France in order to find means, without touching the treaties at present in force, which it is not their duty either to modify or to interpret, of preventing and regulating disputes relative to the exercise of the fishery on the coasts of Newfoundland, have framed in concert the following regulations, subject to the approval of their respective Governments:—

## ARTICLE 1.

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland engages to comply with the following regulations for securing to French fishermen, in execution of the treaties in force, and particularly of the Declaration of 1783, the free exercise of their industry on the coasts of Newfoundland without any interference or obstruction whatever on the part of British subjects.

## ARTICLE 2.

The Government of the French Republic engages, on its part, in exchange for the security accorded to French fishermen by the application of the regulations contained in the present arrangement, not to raise any objections against the formation of establishments necessary for the development of every industry other than that of the fisheries on those portions of the coasts of Newfoundland comprised between Cape St. John and Cape Ray which are tinted in red on the map hereto annexed, and which do not appear in the statement also annexed describing the portions of the coast to which the present paragraph does not apply.

It engages equally not to disturb the resident British subjects in respect of the establishments actually existing on those parts of the coast comprised between Cape Saint John and Cape Ray passing by the North, but no new ones will be established on those parts of the coasts described in the statement mentioned in the preceding paragraph.

## ARTICLE 3.

Notwithstanding the prohibition stipulated at the end of the second paragraph of the preceding Article, in the case where a mine should be discovered in the vicinity of any one of the parts of the coast comprised in the Statement annexed to the present Arrangement, the Government of the French Republic engages not to raise any objection to the persons interested enjoying for the working of such mine facilities compatible with the free exercise of the French fisheries.

With this object a wharf can be constructed on a point of the coast to be specified by common agreement between the Commanders of the cruisers of the two nations.

The constructions necessary for the working of the mine, such as dwelling-houses, workshops, warehouses, etc., shall be erected on that part of the territory situated beyond the limits specified in the annexed Statement for the exercise of the French fisheries. They may be connected with the wharf by one single railroad of one or two lines.

In order to facilitate the operations of loading and unloading, shelters and storehouses may, nevertheless, be constructed on each side of the railroad for the provisional storage of minerals and mining plant on a space not exceeding 15 metres on each side of the railroad, such space to be inclosed by a hedge or some sort of inclosure.

No construction other than the wharf, the railway, and the shelters, and storehouses above mentioned, can, in conformity with the last stipulation of the second paragraph of the preceding Article, be erected on the part of

the coast set aside for fishing in the limits fixed in the annexed Statement.

The stipulations of the present Article shall apply equally to the working of a mine within these limits on the condition that it shall have been mutually agreed upon previously by the Commanders of the cruisers of the two nations that the working of the mine shall not be of such a nature as to hinder the free exercise of the French fisheries.

#### ARTICLE 4.

It is understood that French citizens shall retain in full on all those parts of the coast, comprised between Cape Saint John and Cape Ray, the right as it is defined by treaty of fishing, of drying and curing their fish, etc., as well as of cutting wood in all parts except on enclosed property, necessary for fishing stages, huts, and fishing boats.

#### ARTICLE 5.

The superintendence and the police of the fisheries shall be exercised by the ships of war of the two countries in accordance with the conditions hereafter set forth, the commanders of these ships having sole authority and competency under these conditions in all matters relating to the fisheries, and the operations which result therefrom.

#### ARTICLE 6.

English and French fishing ships or boats shall be registered in accordance with the administrative regulations of the country to which they respectively belong, and shall bear distinctive marks in a visible manner, which will allow of their being easily recognised at a distance. The captains, masters, or persons in charge, must have with them documents establishing the nationality of their ships or boats.

#### ARTICLE 7.

The commanders of cruisers of each nation shall notify mutually to one another any infractions which may be committed by the ships or boats of the other nation, of the regulations set forth in the preceding Article.

#### ARTICLE 8.

The cruisers of the two countries shall have authority to record all infractions of the treaties actually in force, and especially of the Declaration of 1783, according to the terms of which British subjects are not to "interrupt in any manner the fishery of the French by their competition during the temporary exercise of it which is granted to them upon the coasts of Newfoundland."

#### ARTICLE 9.

On a complaint being made by French fishermen or on a demand being made by them with a view to their being enabled to exercise their right of fishing, the commanders of the English cruisers shall oppose, and, in case of no English cruiser being in sight, the commanders of the French cruisers may oppose every fishing operation of British subjects which may interrupt the industry of such French fishermen; they shall remove the boats or whips causing the obstruction to such industry.

With this object the commanders of French cruisers may address to the offending parties the necessary warnings, and in case of resistance take their fishing implements in order to place them on shore or to give them up into the hands of the commanders of Her Britannic Majesty's cruisers.

In cases in which no interruption shall result to French fishermen, and in which neither a complaint nor a demand has been made to enable them to exercise without difficulty their right of fishing, the commanders of French cruisers shall not oppose the fishing operations of British subjects.

#### ARTICLE 10.

In cases in which residents on shore may interfere with or disturb by their acts the drying and the preparation of fish, and in general the various operations which are a consequence of the exercise of the French fishery on the coast of Newfoundland, a report verifying the damage caused shall be drawn up by the commanders of the cruisers of Her Britannic Majesty and in their absence by the commanders of the French cruisers.

In the latter case the report shall be admitted in evidence in the judicial proceedings to be taken thereon by the commanders of Her Majesty's cruisers in the exercise of their functions as justices of the peace.

#### ARTICLE 11.

If an offence is committed or damage caused, the commanders of cruisers of the nationality to which the offender belongs, and in their absence the commanders of the cruisers of the nationality to which the plaintiff belongs, shall estimate the gravity of the facts brought to their knowledge, and shall record the damage sustained by the plaintiff.

They shall draw up, should occasion require it, in accordance with the forms in use in the countries of the two nations respectively, a report as to the verification of the facts such as it may result as well from the declarations of the interested parties as from the evidence taken in the matter.

This report shall be admitted in evidence in the judicial proceedings to be taken thereon so far as their powers extend by the commanders of the cruisers of the nationality to which the offending party belongs.

Should the matter appear to be of sufficient gravity to justify such a step, the commander of the cruiser of the nationality to which the plaintiff belongs shall have the right, if no cruiser of the nationality to which the offender belongs be in sight, to secure either the person of the offender or his boat in order to give them up into the hands of the commanders of the cruisers of the nationality to which they belong.

#### ARTICLE 12.

The commanders of British and French cruisers shall administer immediate justice within the limits of their powers, with regard to the complaints brought to their notice either by the interested parties directly or through the commanders of the cruisers of the other nation.

#### ARTICLE 13.

Resistance to the directions or injunctions of commanders of cruisers charged with the police of the fisheries, or of those who act under their orders, shall, without taking into account the nationality of the cruiser, be considered as resistance to the competent authority for repressing the act complained of.

#### ARTICLE 14.

When the act alleged is not of a serious character, but has nevertheless caused damage, the commanders of cruisers shall be at liberty, should the parties concerned agree to it, to arbitrate between them, and to fix the compensation to be paid.

#### ARTICLE 15.

The French Government abandons for its subjects the salmon fisheries in rivers, and only reserves a right to the salmon fishery in the sea and at the mouth of rivers up to the point where the water remains salt, but it is forbidden to place fixed barriers capable of impeding interior navigation or the circulation of the fish.

#### ARTICLE 16.

French fishermen shall be exempt from the payment of any duties on the importation into that part of the Island of Newfoundland comprised between Cape Saint John and Cape Ray, passing by the North, of all articles, goods, provisions, etc., which are necessary for the prosecution of their fishing industry, for their subsistence, and for their temporary establishment on the coast of this British possession.

They shall also be exempt on the same part of the coast from the payment of all light and port dues and other shipping dues.

#### ARTICLE 17.

French fishermen shall have the right to purchase bait, both herring and capelin, on shore or on sea, on the shores of Newfoundland, free from all duty or restrictions, subsequent to the 5th of April in each year and up to the close of the fishing season.

#### ARTICLE 18.

The employment of French subjects in the proportion of one guardian with his family to each harbour is authorised for the guardianship of the French establishments out of the fishing season.

In the large harbours where the temporary fishing-rooms of the French are so distant from each other as to render it impracticable for one guardian to take care of all such establishments, the presence of a second guardian with his family shall be authorised.

## ARTICLE 19.

All fishing boats, all their small boats, all rigging, gear, nets, lines, buoys, or other fishing implements whatsoever, found or picked up, shall, as soon as possible, be delivered to the competent authorities of the nation of the salvor.

The articles saved shall be restored to the owners thereof or to their representatives by means of the above-mentioned competent authorities, the interest of the salvors being previously guaranteed.

The indemnity to be paid to the salvors shall be fixed in accordance with the law of the respective countries in such matters.

## ARTICLE 20.

The provisions of the present arrangement, with the exception of those contained in Articles 1, 2, and 18, shall be applicable solely for the time during which the treaties accord to the French the right of fishing and drying their fish.

In faith of which the undersigned Commissioners have drawn up the present arrangement, subject to the approval of their respective Governments, and have signed the same.

Done at Paris, in duplicate, the 14th of November, 1885.

FRANCIS CLARE FORD.

EDMUND BURKE PENNELL.

## NEWFOUNDLAND.

## FISHERIES COMMISSION, 1884-1885.

Statement annexed to the arrangement of the 14th November, 1885, respecting the Newfoundland Fisheries, in execution of Article 2 of the said arrangement.

## WEST SIDE.

(From Cape Ray to Cape Norman.)

1. Cod Roy Island. On the main land opposite, that portion of the coast situated between the two perpendicular lines drawn from the extremities of the island in the general direction of the coast;
2. Red Island;
3. That portion of the coast situated between Cape Cormoran and the west point of Pic Denis Harbour in the Bay of Port à Port on the west;
4. The small islands situated in the Bay of Port à Port, together with those which close it on the north;
5. That portion of the coast situated between Bear Cove (L'Anse à l'Ours) and the foot of the mountain Blow-me-down;
6. Governor's Island, the Islands of Guernsey, Tweed, the two Shags, the Pearl, and Green Island;
7. That portion of the coast which borders the Harbour des Roches;
8. Stearing Island and the adjacent coast from the latitude of the northern point of Stearing Island to the foot of a perpendicular line drawn down from Cape Pointu on the coast, following the sinuosities of the peninsula of Cow Head (La Tête de Vache);
9. That portion of the coast comprised between a point situated at a distance of three miles to the south of the mouth of the River Ponds and the latitude of the northern part of Savage Island following the sinuosities of the peninsula of Port au Choix;
10. All those islands situated within the Bay of St. John;

11. That portion of the coast situated between Castor Point (at the southern entrance of the bay) and the northern point of the entrance of Savage Cove (Anse aux Sauvages);

12. All those islands situated along that portion of the coast mentioned in the preceding paragraph (No. 11).

## EAST SIDE.

(From Cape Norman to Cape St. John.)

1. That portion of the coast situated between the extremity of Shallow Bay and the foot of the hill on which the lighthouse is placed, as well as all those islands which border the west side of Pistol Bay;
2. That portion of the coast situated between the mouth of Parker River in Pistol Bay and Partridge Point, inclusive of the Island of Quignon and all the islands adjacent;
3. The entire circumference of the bays and of the shores situated between the northern entrance of Griquets Bay and the west point of the entrance of Outardes Harbour;
4. Those islands adjacent to that portion of the coast;
5. That portion of the coast situated between the west point of the entrance of Maiden Arm (Havre de la Tête de Mort) and a point situated to the south of Conche according to the latitude of the Point des Renards;
6. The group of Islands Pichot, St. Juliens, the southern part of Belle Isle south, up to the parallel of the southern point of Green Island, and all the little islands adjacent to the portion of coast described in paragraph No. 5;
7. The circumference of Boutitou Harbour;
8. That portion of the coast commencing from Aiguillette Point turning round the Bras de Bides as far as the western entrance of the Bras de Bides, inclusive of the islands adjacent;
9. That portion of the coast commencing from the west entrance of Canary Gulf, and, following the coast, terminating at the southern entrance of Hooping Harbour;
10. That portion of the coast following the sinuosities of the following bays—Fourché, Orange, Great and Little Calves;
11. That portion of the coast situated between Cape Partridge and the parallel of the southern point of the group of islands of Pot d'Étain (Coachman's Cove);
12. That portion of the coast situated on the east side of the Bay of Pines, and stretching from the 50th degree of latitude to the north point of that part of the bay;
13. Those small islands situated on the coast between the harbour of Fleur de Lys and Cape St. John, with the exception of Horse Islands (Les Isles St. Barbe);
14. That portion of the coast following the sinuosities of Paquet Harbour;
15. That portion of the coast situated between Cape Cagnet on the west and the east entrance of the Harbour of Scie.

The prohibition to erect new establishments on those portions of the coast mentioned in the present Statement shall be applicable to a distance inland of 500 yards with regard to paragraphs numbered 7, 8, and 9 on the west coast, and to a distance of 800 yards with regard to all the other paragraphs, following the sinuosities of the coast.

It is understood that the distances of 500 and 800 yards are to be reckoned from high-water mark.

Done at Paris, in duplicate, the 14th of November, 1885.

FRANCIS CLARE FORD.

EDMUND BURKE PENNELL.

## APPENDIX No. 12.

And whereas it is expedient, in conformity to the Definitive Treaty of Peace and the Declaration aforesaid, that His Majesty's subjects should be prevented from interrupting in any manner, by their competition, the aforesaid fishery of the subjects of his Most Christian Majesty, during the temporary exercise thereof which is granted to them on the Coast of Newfoundland; and that all permanent establishments on that part of the coast allotted to the French fishermen should be removed; and that such fishermen should be in no manner molested,

contrary to the tenor of the said Treaty, and the good faith thereof: In order, therefore, that his Majesty may be the better enabled to carry the said several Treaties and Declarations into faithful and punctual execution, and to make such Regulations as may be expedient, respecting the fishery, in the manner hereinafter mentioned, be it enacted by the King's Most Excellent Majesty, by . . . and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall

and may be lawful for His Majesty,\* his heirs and successors by advice of Council, from time to time, to give such orders and instructions to the Governor of Newfoundland, or to any officer or officers on that station as he or they shall deem proper and necessary to fulfil the purposes of the Definitive Treaty and Declaration aforesaid; and, if it shall be necessary to that end, to give orders and instructions to the Governor, or other officer or officers aforesaid, to remove, or cause to be removed, any stages, flakes, train vatts, or other works whatever, for the purpose of carrying on fishery, erected by His Majesty's subjects on that part of the Coast of Newfoundland which lies between Cape Saint John, passing to the North, and descending by the Western coast of the said Island to the place called Cape Race; and also all ships, vessels, and boats, belonging to His Majesty's subjects, which shall be found within the limits aforesaid, and also, in case of refusal to depart from within the limits aforesaid, to compel any of His Majesty's subjects to depart from thence; any law, usage, or custom, to the contrary notwithstanding.

2. And be it further enacted by the authority afore-

said, that if any person or persons shall refuse, upon requisition made by the Governor, or any officer or officers acting under him, in pursuance of His Majesty's orders or instructions as aforesaid, to depart from within the limits aforesaid, or otherwise to conform to such requisition and directions as such Governor, or other officer as aforesaid, shall make or give, for the purposes aforesaid, every such person or persons so refusing, or otherwise offending against the same, shall forfeit the sum of two hundred pounds, to be recovered in the Court of Session, or Court of the Admiralty in the said Island of Newfoundland, on bill, plaint, or information, in any of His Majesty's Courts of Record at Westminster; one moiety of such penalty to belong to His Majesty, his heirs and successors, and the other moiety to such person or persons as shall sue or prosecute for the same: § Provided always, that every such suit or prosecution, if the same be commenced in Newfoundland, shall be commenced within three months, and if commenced in any of His Majesty's Courts of Record at Westminster, within twelve months from the time of the commission of such offence.

APPENDIX, No. 13.

NEWFOUNDLAND CUSTOMS.

Assistant Collector's Office.

Port of St. John's,  
October 20th, 1898

MY LORD,

I have the honour to enclose for the information of the Royal Commissioners a statement of the quantity of herring exported from Bay St. George during the fifteen years ended 30th June, 1898; also a statement of the approximate quantity sold to the French during the same period.

I have the honour to be,

My Lord,

Your obedient servant,

H. W. LE MEASURIER,  
Assistant Collector.

The Earl of Westmeath,  
Secretary to the Royal Commissioners.

ENCLOSURE TO APPENDIX 11.

Quantity of herring exported from Bay St. George during the years 1884 to 1898 inclusive:—

1884 - - -	18,543	Barrels herring.
5 - - -	11,960	" "
6 - - -	15,687	" "

1887 - - -	16,352	Barrels herring.
8 - - -	14,680	" "
9 - - -	14,962	" "
1890 - - -	11,970	" "
1 - - -	8,250	" "
2 - - -	12,061	" "
3 - - -	7,643	" "
4 - - -	12,022	" "
5 - - -	11,739	" "
6 - - -	9,734	" "
7 - - -	4,880	" "
8 - - -	4,876	" "

Quantity of herring purchased by the French from the inhabitants of Bay St. George:—

1884 to 1887	no herring purchased.
1888	about 10,000 barrels.
1889	2,400 "
1890	1,100 "
1891	2,600 "
1892	700 "

1893 to 1898 from 1,200 to 2,000 barrels in each year, the particulars of which are not readily obtainable.

H. W. LE MEASURIER,  
Assistant Collector.

Custom House, St. John's, Newfoundland,  
20th October 1898.

APPENDIX, No. 14.

Law Offices, Gazette Building, Water Street,  
St. John's, Newfoundland, October 25th, 1890.

My Lord,

I beg to enclose herewith statement of Mr. E. Lowald,

Manager of Bluff Head Mines, Port-au-Port, relative to French interference.

I am, yours obediently,

M. P. GIBBS.

The Right Honourable the Earl of Westmeath,  
Sec., Royal Commission.

ENCLOSURE TO APPENDIX, No. 14.

Bluff Head, Port-au-Port, Newfoundland.

On the 20th of May, 1897, the Halifax Chrome Co. commenced building a pier on and in front of a rock projecting out 60 or 80 feet beyond regular shore line, and a block 45 feet square to sink in front of pier for a breakwater, constructing the block on ways on the shore just above high tides to launch and ballast in place.

On June 9th the French man-of-war called, and commander made a formal protest against all dock work.

June 10th, the English man-of-war Pelican called, and Capt. Worsley asked the superintendent to stop all work until he could communicate with the Commodore at Bay of Islands.

June 11th, officers from Pelican came ashore and made a survey of all work done or contemplated, and Captain

\* His Majesty, by advice of Council, may give such orders to the Governor of Newfoundland, &c., as shall be deemed proper to fulfil the purposes of the Treaty of Versailles, and the Declaration of the French King, above recited.

† Persons refusing to conform to the directions of the Governor to forfeit 200l.

‡ How penalties are to be recovered and applied.

§ Limitation of suits.

agreed to ask concession from French Commander that the work of clearing out rocks for a launchway for dories might be continued pending question about docks.

June 12th, Captain Worsley sent the Company's superintendent written instructions to suspend all work over launchway, until further notice, and about two weeks later notified the Company that the matter was still unsettled and had been referred to the Government.

Later the pier was floored over for temporary use in landing supplies and for loading, and approach completed, but block was left on ways for the adjustment of question,

and with the heavy seas in October it was torn to pieces, and acted as a battering ram to destroy the pier and rest of shore work, including approach, tram tracks, derrick, ore buckets, hoists, etc., incurring a loss of at least \$1,000.

During 1898 the Company had erected a separating mill and resorted to lashing by wire cable and conveyor to lighters, handling them with steam launch to vessel loading, temporarily eliminating the question of a dock, unless a floating platform be allowed which would facilitate loading.

E. A. LEWALD, Superintendent.

#### APPENDIX, No. 15.

Rade de St. George's, 10th Juin, 1897.

Le Capitaine de VAISSEAU HUMANN, chef de la Division Navale de Terre-Neuve, à MONSIEUR HOWLEY, Préfet apostolique de la Côte Ouest de Terre-Neuve.

MONSIEUR,

J'ai regretté que votre absence de St. George's ne m'ait pas permis de vous entretenir des questions relatives à nos intérêts de pêche qui, comme vous le savez, nous font une obligation d'occuper l'an prochain le havre de St. George's aussitôt que le hareng s'y présentera.

Cette détermination nous est imposée par les agissements du gouvernement de Terre-Neuve qui cherche dans l'application rigoureuse du Bill Ba't à enlever à nos nationaux l'exercice régulier de leur industrie. Je persiste à croire que cet acte hostile apportera plus de souffrances parmi les populations Anglaises de la Baie de Fortune et du havre de St. George's, que de préjudice à mes compatriotes; mais en présence des faits nous sommes obligés d'agir, et nous agissons avec vigueur.

Vous pouvez donc informer les populations soumises à votre juridiction ecclésiastique que aussitôt après la débâcle des glaces en 1898, une flotte de deux cents navires environ viendra mouiller à St. George's pour y pêcher

l'appât. Un de mes croiseurs l'accompagnera; il fera respecter les propriétés privées installées à terre, mais tiendra rigoureusement la main à ce que aucune gêne ni aucun trouble ne soient portés à l'exercice de notre pêche; là où les habitants de St. George's pourraient incommoder nos pêcheurs ils devront se retirer; j'insiste sur ce point pour que aucun doute ne puisse subsister dans l'esprit de vos concitoyens; les traités en vigueur avec la Grande Bretagne sont formels à cet égard et je tiendrai énergiquement la main à ce qu'ils soient respectés.

Vous ferez de cette lettre l'usage qu'il vous conviendra, le désir du Gouvernement Français étant de donner toute publicité à ses déterminations; mais il ne vous échappera pas que si j'ai recours à votre intermédiaire pour divulguer nos intentions, j'entends affirmer une fois de plus que nous ne reconnaissons ni la légalité de l'investiture donnée par le Gouvernement de St. Joes aux magistrats qu'il entretient irrégulièrement sur la French Shore, ni leur droit de s'immiscer dans les questions qui intéressent nos nationaux.

Veillez agréer Monsieur,  
l'expression de ma haute considération,  
HUMANN.

#### APPENDIX, No. 16.

Le 27 Avril, 1897.

Le Lieutenant de Vaisseau, Capitaine de la Perle, à Monsieur le Capitaine au long Cour, Commandant, etc.

J'ai l'honneur de rappeler à M. le Capitaine de qu'il peut faire déborder ses filets à toute place qu'il jugera convenable et qu'il a en outre le droit de faire sécher s'il le désire, le poisson capturé sur toute grève non déjà occupée régulièrement par des pêcheurs Français.

En même temps je lui recommande de faire respecter par ses hommes tout établissement clos de murs ou de palissades, ou offrant quelq' autre caractère de propriété

privée; plusieurs de ces établissements appartiennent d'ailleurs à des Français.

Je prie M. le Capitaine de la Maria Amélie de ne pas laisser ignorer aux habitants du pays avec lesquels il peut avoir des relations, que l'an prochain un grand nombre de navires seront, si le bill d'interdiction de la vente de la boîte est ratifié par le Parlement de sa Majesté Britannique obligés de venir eux-mêmes seiner le hareng au baie de St. George's avant la première campagne du banc, et que par conséquent, ils auront probablement en cette saison sur leur rade une véritable flotte de banquiers.  
(Signé) CARPENTIER.

#### APPENDIX, No. 17.

TO FISHERMEN OF ST. GEORGE'S BAY.

The treaty between Great Britain and France give exclusively to the French boats the right of fishing on the French shore. But now I have authorized the inhabitants of St. George's to take fish in the bay, but with the condition of selling all their fish to the French boats and of not troubling French fishermen.

To-day and yesterday St. George's fishermen have sold

fish to boats of other nations—American, English, or Canadian. I inform them I intend they sell fish exclusively to the French boats, and if they do not accept such a condition I'll prevent them from fishing, and, if necessary, I'll take up their nets.

A bord du Drac, le 12 Mai, 1891.

Le capitaine de frégate Commandant.

(Signed) DOUGLAS.

#### APPENDIX, No. 18.

St. Pierre, le 13 Décembre, 1890.

CHER MONSIEUR GARNIER,

Comme sans doute vous le savez déjà, la question du French Shore est terminée à notre avantage; c'est-à-dire, que nous avons la jouissance de tous droits sur cette côte.

Comme je vous l'avais dit nous devions si cette question était terminée à notre avantage, devions-ils je y établir un factory de hommes. Cela est ainsi décidé aujourd'hui.

Je vais moi-même m'y établir au printemps. Et pour ce motif je me permets de m'adresser aujourd'hui à vous pour avoir les quelques renseignements que j'ai besoin. En raison de notre bonne amitié je pense que vous ne me les refuserez pas.

Je désirerais donc savoir par vous s'il me serait possible de faire à la baie St. George's les montures des casiers qu'il me faudra. En même temps si je puis compter pouvoir engager 2 soudeurs, 4 femmes, et 3 hommes pour mon personnel.

De même si je trouverais des pêcheurs de homards qui consentiraient à me suivre là où j'irais car jusqu'au jourd'hui. Je n'ai pas d'endroits de fixer.

Car nos droits étant conservés il va sans dire que si je trouve une bonne place occupée par un Anglais je l'inviterai à se retirer afin de prendre sa place.

Dans ces conditions je ne puis choisir de place à l'avance. Il faut bien maintenant que les Anglais fissent place aux Français. Ils ont voulu chercher quelque chose qui ils n'ont pas trouver.

Pendant notre séjour à Halifax vous m'avez si je ne me trompe pas témoigné le désir si le French Shore restait aux Anglais vous m'avez témoigné dis-je le désir de monter vous même une factory. Le French Shore étant Français maintenant vous ne le pourrez pas à moins que vous n'ayez un Français. Si toujours votre désir est de monter cette factory de homards je viens vous proposer une affaire.

J'ai ici Mon Frère aîné que vous connaissez peut-être. C'est celui qui a souvent été dans le Golfe et à Halifax. Enfin c'est un garçon capable.

Je vous demande donc pour lui si vous tenez à monter cette factory et dans ce cas comme vous ne pouvez vous adresser au Gouvernement Français si vous voulez dis-je l'intéresser dans cette Factory ou lui en donner la gérance.

Ils demandrons pour lui au Ministère Français la place

que vous lui désignerez et ensuite vous pouvez travailler à votre aise.

Si vous voulez vous pourrez me répondre au plus vite, car il faut le temps d'écrire au Ministère. Je vous propose donc pour cette ou d'intéresser mon frère dans la factory ou de lui en donner l'opération à cette condition. Il se charge d'obtenir la permission qu'il faut pour monter la factory.

Il est très capable de diriger cette opération et comme il ne veut plus faire le banc ce serait pour lui comme pour vous une bonne affaire pour les deux.

Vous voudrez bien je vous prie me répondre au plus vite pour ces deux affaires car il faut être prêt à temps.

Ne vous avous pas envoyer nos photographies, j'aurai le plaisir de vous les porter moi-même au printemps. Vous voudrez bien me dire aussi si vous croyez que je pourrai me procurer un canot à voile que j'aurais besoin pour desservir la factory. Ce faisant vous obligerez votre tout dévoué. Cher femme se joint à moi pour vous souhaiter le bonjour ainsi qu'à toute votre famille. Espérant vous lire sous peu.

Recevez mes salutations empreintes,

ANATOLE FERRACQUEZ,

Des St. Pierre et Miquelon.

## APPENDIX, No. 10.

### MINISTRY OF MARINE.

The Minister of Marine to Vice-Admirals Commanding-in-Chief, Prefets Maritimes, Commissioners of the "Service de la Marine," and Commissioners of the Inscription Maritime. (Direction of General Accounts—6th Bureau: Fishing and Maritime Department; 5th Bureau: The Merchant Service).

Paris, 6th February, 1896.

Embarkation of Spirituous Liquors on board ships fitted out for the Cod Fishery in Newfoundland.

#### GENTLEMEN,

For a long time the attention of this Department has been called to the abuses which take place in the embarkation of an unnecessary amount of spirits on board ships fitted out for the Newfoundland cod fishery.

With a view to remedy a situation as contrary to the good health of the crew, as it is prejudicial to the fishing operations, I have decided to lay down the daily amount allowed to each man, and thus to fix the maximum amount of brandy that each ship will be authorised to take out.

To this end, and to assimilate the regulations to those in force on the Iceland fishery, I have the honour to bring to your notice the following orders:—

1st. The maximum amount of spirits to be embarked on board the ships destined for the Newfoundland cod fishery will be 1 litre 75 centilitres per man per week, based on an average length of time of nine months for the Bank fishery and seven months for the ships fishing on the coasts of Newfoundland.

2nd. The captains will take charge of the liquids embarked, and the issue to the men is to be made under their supervision daily to the amount of 25 centilitres per man per day.

The concurrence of the Customs being indispensable for the strict carrying out of these measures I have in conse-

quence asked the "Ministre des Finances" to give the necessary instructions to his Department.

On the other hand, the Commissioners of the "Inscription Maritime" must give notice, in good time, to the Customs authorities of the number of the crew of each fishery ship either by sending a nominal list or a certified extract showing the total.

In the matter of the daily issue of spirits the local Maritime Authority should give to the captains a copy of this circular, at the same time pointing out to them that they are rendered personally responsible for cases of drunkenness on board their ships, and failing to carry out the regulations will render them liable, should it so happen, to a suspension of their command proportional to the gravity of the offence.

Also it should be pointed out to the captains the interests which depend on the health of the men, so much so that the common abuse of alcoholism should be replaced by the example given by the American ships in the use of hot beverages (tea, wine, etc.).

Following these lines, the Maritime Authorities should appeal to the consciences of the "Armateurs" in pointing out to them the duty they owe to their men in not providing them with inferior brandy or that which is too much above proof, which is more an intoxicating liquor than a stimulant.

In view of assuring the best results from the previous regulations I propose in good time to send instructions to the Governor of St. Pierre and Miquelon as to the supervision it is necessary to exercise over all spirits which are taken to the colony as freight on leaving France by ships putting into St. Pierre and Miquelon, and that these spirits should be actually landed and not retained on board to be eventually served out, at the fishing places, to the crews in greater quantities than the authorised consumption.

The orders in this circular shall be carried out from the next fishing season.

(Signed) EDUARD LOCKROY.

## APPENDIX, No. 20.

Postscript of letter from Mr. C. R. BISHOP to Mr. JAMES HOWLEY, F.G.S.

Bay St. George, February 8, 1894.

Since writing I beg to add that I have received a letter this morn from Mr. Sutcliffe, an ironmaster in New York, who has himself seen this property of mine and knows exactly the character of the ore. He says (having reference to the French Shore): "If you can only secure dock privileges at St. George's Bay, so vessels could load the ore, I would not have the slightest trouble in getting parties in New York to take hold of the property." He

says: "You know my opinion of your mine, and the Titanium does not stand in the way." When Mr. Sutcliffe was here he told me plainly that owing to the French occupation of the coast, it barred him from doing anything definite with the property, as when a large sum was expended a veto might be put upon the shipment. (Is not this French shore trouble really too bad?) Had it not have been for this, I could have sold the mine for seventy-five thousand dollars some years ago, or half that sum, cash in hand, with a royalty of \$10 a ton on all ore mined. But now a railway is to be extended to Port aux Basques I feel quite sanguine of yet meeting with success. I am told that Mr. Reid, the contractor, is a very enterprising

and speculative sort of man. If so I would judge this to be a wonderful speculation for him to purchase this property. However, I feel that the time is not far distant when it will become of great importance to this country, and I hope you will see your way clear to visit the mine early next season.

Yours very truly,  
C. R. BISHOP.

P.S. 2nd.—A rough description of this ore body may be interesting to you, viz.: It may be described as a mountain of ore, with two ravines cutting through it, forming a sort of a dike (1) between the two bodies of ore. On

one side of the ravine the ore extends up to the top of the hill about 150 feet in height, while the vein is about 150 feet in thickness; while on the opposite side of the ravine the ore extends up to the top of the mountain, some 600 or 700 feet in height, while the vein holds about the same width of 140 to 150 feet in thickness, a sight to behold and be remembered, and it is estimated that a million tons of ore is exposed and in plain sight, which could be mined, or, in fact, quarried in an open quarry, at a cost of about \$20 a ton.

Yours, etc.,  
C. R. B.

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APPENDIX, No. 21.

Neath, Glamorgan, November 19, 1893.

Exors. of the late C. F. Bennett, at Port-au-Port, and also  
Yours truly,

DEAR SIR,

As requested at the interview you favoured me yesterday, I beg to enclose a statement of the claims of the

J. W. YOUNG.  
Sir John Bramston, K.C.M.G.

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ENCLOSURE TO APPENDIX, No. 21.

Claims at Port-au-Port by Exors. of the late Charles Fox Bennett.

The late Mr. C. F. Bennett was Premier of Newfoundland from 1870 to 1874. Previous to this he had acquired twenty-four rights of search of three miles each, and had opened and continued working lead ore on one of these rights with every prospect of success. The Colonial Office sent instructions that all mining on the French Shore must be stopped.

Mr. Bennett, as Premier, obeyed, and carried this out and closing his own mine.

An order in Council was passed that all mineral rights, grants, and claims on the French shore should be held in abeyance until the Government could give a clear title. This Order was sent to the Colonial Office, and their approval notified.

J. W. YOUNG.

(Representing estate of the late C. F. Bennett).

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APPENDIX, No. 22.

London, Ont., 14th October, 1893.

SIR,

In view of the enquiry now being held by a Royal Commission into the effects which the restrictions imposed on the colony by the Imperial Government, in order to secure to the French their rights of fishing on the coasts of Newfoundland, have had upon the development of the colony, it may be of some importance to the case presented if I state some facts in relation to a pulp wood concession which I, with some others, had obtained from the Government along the Serpentine River and about York Harbour.

Not having the papers before me I am unable to be accurate in regard to dates, but the main facts of the case, and especially in so far as my operations were adversely affected by the assumed necessities of treaty rights may be absolutely relied on.

Some time previously to 1893 the senior partner of the firm of John Haddon and Co., London, with which I was doing business, had suggested to me that a timber concession in Newfoundland for the manufacture of wood pulp would, if it were a suitable one, find capitalists ready to take it over and erect the necessary buildings and plant for the business. In consultation with Mr. D. J. Henderson, a well-known explorer of the island, I came to the conclusion that the territory about the Serpentine and York Harbour gave promise, on account of ready access to iron pyrites and lime and the existence of fine water power, of being a country admirably adapted for the purpose contemplated, and I accordingly brought the matter before the Government, and finally obtained from them a concession of the land selected. I forwarded the Grant with necessary legal papers to Mr. Haddon, and he immediately commenced negotiations for the sale and use of the property for the pulp business. In the course of a few months the matter had been so far arranged that a preliminary agreement had been signed, with a perfectly reliable capitalist for the conditional purchase of the property for a very considerable sum (several thousands of pounds), and the purchaser agreed to form a company for working the concession. But here the diffi-

culty occurred, for at the same time a Mr. Sastick (known in Newfoundland in connection with similar enterprises) was endeavouring to obtain capital for another concession. In endeavouring to secure support for his venture he thought it wise to decry the territory taken up by my client, pointing out as the great objection to it that it was on the French treaty coast, on which the British Government would not permit wharves for shipment even if they allowed the cutting of the timber. The effect of this statement was to arrest all pending negotiations—the conditional purchaser withdrew from the agreement, and the whole business fell through.

My correspondent, Mr. Haddon, unable to obtain a guarantee that there would be no disturbance of operations, and anxious that the matter should not drop, wrote to the French Government, asking permission for the erection of wharves and works, and for the shipment of production. This, of course, was refused, and so this venture, which at one time had seemed so full of promise for the holders of the concession, as well as for the colony, had to be abandoned.

The restrictions imposed by the British Government, necessary or unnecessary it is not for me to say, were undoubtedly the cause of this breakdown. If they must be understood as essential to the French Treaty rights there can be no complaint, but if they are a gratuitous concession to French exaction, it would seem as if some compensation should be made to those who are unnecessarily made to suffer.

For verification of facts I would beg to refer to the Minister of the Executive Council of Newfoundland, to the Records of the Crown Lands Department, to the Colonial Office, Downing Street, and to Mr. Haddon, Bouverie House, Salisbury Square, London.

I have the honour to be, sir,

Your most obedient servant.

J. W. WITHERS.

The Hon. the Colonial Secretary,  
St. John's, Newfoundland.

## APPENDIX, No. 23.

Newfoundland Customs,

Assistant Collector's Office,  
Port of St. John's, 12th October, 1893.

My Lord,

With the concurrence of the Hon. A. B. Morine, I beg leave to submit to Her Majesty's Commissioners an extract from the report of Mr. W. Roddin on the fishery protection service on the south coast.

This report was submitted to the Legislature, and can be found in the Journals of the House of Assembly for 1887.

I have the honour to be,  
My Lord, your obedient servant,

H. W. Le MEASUREUR,  
Assistant Collector.

The Earl of Westmeath,  
Secretary to the Commissioners.

## ENCLOSURE TO APPENDIX, No. 23.

Extracts from the report of WILLIAM REDDIN, an official in the Customs Department who was detailed for the protection of the Revenue on the South Coast in 1866, and sailed in the schooner "Caroline."

## SAINT PIERRE.

"I visited this harbour for the first time early in July, where I remained two days. At that time I did not observe much business doing with the Newfoundland people. Again, about the middle of July, I was obliged to put into this harbour in order to repair some damage which the "Caroline" had sustained by striking a rock when coming out of Lamaline, which caused her to make a great deal of water. We were three weeks repairing the vessel, during which time I had leisure to observe the system of trade carried on between St. Pierre and the western shore of Newfoundland.

"The articles chiefly taken by the Newfoundland people are bread, pork, flour, butter, molasses, sugar, and tobacco; and in some instances they take large quantities of rum. A great many of these articles are purchased with the money which our people receive for bait, but a very large portion is on account of fish which is delivered to agents on the Newfoundland shore, and by them forwarded to St. John's, where it is sold for cash, and the proceeds remitted to St. Pierre. Thus the supplying trade of a great portion of the western shore is diverted from St. John's to St. Pierre, and the merchants at St. John's are obliged to pay cash for this fish which should come to them in return for supplies; and all the profits on the supplies for this immense quantity of fish, as well as a great loss to the Revenue, go to enrich the supplier at St. Pierre.

## THIRD VISIT TO ST. PIERRE.

"On this occasion I spent two days at St. Pierre before the loss of the 'Caroline,' and four days after that sad event; and, this being the season when the Newfoundland people take their supplies for the winter, I had a good opportunity of observing the extent of the trade carried on between St. Pierre and the harbours on the western shore of Newfoundland.

"I was prepared to find a considerable amount of business doing at this season, but I had no idea of the extent of it. There were craft from every harbour from Great Pucentia to Channel, and each seemed to take a full cargo, the greater part, if not the whole, of which would be landed in Newfoundland free of duty.

"I think there was as much business transacted with our people, and as much supplies issued, as could be done by the largest mercantile house at St. John's, and

this, too, besides all the supplies that were taken to the Newfoundland shore during the summer months.

"Knowing that this large amount of business is injurious to the interests of Newfoundland in many ways, I would most respectfully submit that too much cannot be done to prevent this illicit traffic, and to turn this extensive trade into its legitimate channel.

"The system of supplying bait offers many inducements to smuggling, as the high price obtained for bait supplies the Newfoundland people with money for which they have no immediate use, as most of the bait carriers are in comfortable circumstances, and they can find many things in St. Pierre which yield them large profits so long as they can land them in Newfoundland free of duty. Besides this traffic in which they are immediately concerned themselves, the masters of these schooners employed in carrying bait, often engage to smuggle goods for parties having correspondence with St. Pierre.

"I would respectfully suggest, as a means of protecting the Revenue, that an Act be passed by the Legislature compelling all boats and crafts of every description, whether employed in the fishery or not, to enter at a Custom House whenever they arrive from St. Pierre with cargo or in ballast. By this means these boats which go to St. Pierre from the fishing ground would be obliged to inform the officer of Customs of their proceedings. The same Act might also oblige all trading vessels or boats to have on board a manifest of their cargo signed by some officer of Customs. The plea at present is that not being registered they are not obliged to clear at the Customs when they carry goods coastwise, and the most of the trading is done by persons either owning or hiring unregistered craft. The French traders also hire these boats from our people for the purpose of trading, and it is sometimes very difficult to decide where they have acted illegally; but if all trading crafts were obliged, under any circumstances, to carry a manifest of their cargo, duly signed, an officer's duty would be much more clear.

"At present there is no local Act regulating the registry of ships, and, by the Merchant Shipping Act, vessels under a certain size, and not wholly decked, are not required to be registered, and in order to evade this Act many persons have large craft in which they have a small portion without deck; but these are regularly sea-going as any other vessels, and I would respectfully suggest the necessity of either obliging all boats, over a certain length to be registered, or of subjecting all boats and craft to the same regulations as if registered."

(Certified Copy),

H. W. Le MEASUREUR, Assistant Collector.

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MINUTES OF EVIDENCE.

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# MINUTES OF EVIDENCE

TAKEN BEFORE THE

## NEWFOUNDLAND COMMISSION.

Monday, 19th September, 1898.

PRESENT:

Sir JOHN BEAMSTON, K.C.M.G., C.B., *Chairman.*

Admiral Sir JAMES ERSKINE, K.C.B.  
The Earl of WESTMEATH, *Secretary.*

Hon. A. MORINE, *Agent for the Colony*

On Board the "Fiona," at Moreton's Harbour, 19th September, 1898.

WILLIAM JAMES BURT, Examined.

*William  
James Burt.*  
19 September  
1898.

1. (*Chairman.*) Where do you live?—Moreton's Harbour.

2. Are you come to tell us something that happened in 1896?—Yes.

3. Where were you at that time?—At White's Arm, opposite Fischot's.

4. How did you get there?—I was landed by a small craft, a fore-and-after, from this place.

5. Was that craft going to the Labrador?—No, she was going from this to St. Julien's.

6. Were you fishing on your own account?—On our own account.

7. Where was the fishing ground?—Right off the harbour—up and down all along the shore—you can go east and west.

8. It was all fishing ground?—All; sometimes we would go to the N.E., sometimes to the S.W.

9. How many miles off White's Arm did you generally go?—Two, three or five miles, according to direction.

10. What happened that you have to complain of?—The first interruption was by an English man-of-war; she called in the harbour and told us not to fish there.

11. Was that before you had begun the day's work?—At the close of the day.

12. How long had you been there at that time?—About three weeks.

13. What did the man-of-war do?—Told us we should have to leave the shore. They then found the position we were in, having nothing but small boats, and on that account they left us and went away.

14. What ship was that?—I don't know.

15. How was she rigged?—I could not say; I only just saw the ship. The officers asked me whether I was fishing with traps or hook and line; I said hook and line.

16. What was it they told you?—I cannot be positive of the exact words, but it was to the effect that we were not allowed to fish there, and would have to leave.

17. Are there any French rooms at White's Arm?—No.

18. Where is the nearest French room?—At Fischot's Islands.

19. How many rooms are there at Fischot's?—One.

20. Do you know how many men were employed there?—No; there were one or two rooms at St. Julien's, White's Arm two, about midway between the two places.

21. You say one or two rooms at St. Julien's?—Yes, I am not certain whether one or two.

22. How far is White's Arm from St. Julien's?—I don't know; about the same from Fischot's.

23. But how far?—The room was not on the nearest part of the Fischot's Islands, but on a spot about three miles from White's Arm.

24. Have you any idea of the number of French boats that used to fish there?—No; it would be only once or twice a fortnight that we would be at all near to them. When we came towards them and they towards us, we might happen to meet; if, for instance, they were fishing N.E. and we S.W. we should perhaps come together.

25. And how often did that happen?—Perhaps once in a fortnight. I don't remember more than once in the summer, but some of our boats might have met them two or three times.

26. Was there plenty of fish?—Yes, a fine lot of fish; some days we would load our boats, but most days not so much.

27. Did you have any wrangles with the French?—Not a word for the summer.

28. Neither you, nor any of the other men?—Not a word.

29. How many men in the English boats?—Two in each.

30. And the French?—Three men to a batteau.

31. Were you fishing all the time with hook and line?—Yes, all the time.

32. And the other men too?—And the other men too.

33. (*Sir James Erskine.*) Did you never use a cod-trap all the time you were on that shore?—No, never used a cod-trap.

34. (*Chairman.*) Did the French man-of-war come down?—Yes; I don't know the exact time. One day we were on the ground about 10 o'clock in the morning, about fifty boats altogether, about twenty-five in one spot and a hundred yards ahead another twenty-five.

35. Where was that spot?—Right off White's Arm.

William  
James Burt.  
19 September  
1898.

36. How far from the French rooms?—About three miles.

37. Were the Frenchmen out that morning?—We did not see them; they were to the N.E. if they were out at all—i.e., N.E. from the Fischot's.

38. Now tell us what happened. The French war ship came up from the E.N.E., from the Fischot's; she came up within twenty-five yards of us and told us to haul up and leave the ground.

39. Did you know what ship it was?—No.

40. How was she rigged?—I don't know.

41. What colour was she painted?—Black.

42. Did you ever hear her name?—Not that I know of.

43. Did you hear the officer give this direction?—Yes.

44. What language did he speak?—He spoke in English.

45. And what took place then?—Some of the boats hauled up immediately and left.

46. Did you leave?—No.

47. Did any other boats remain besides you?—Yes, several.

48. What became of the French ship?—She steamed up to the other fleet above us and told them to haul up.

49. What did the others do?—They all cleared out.

50. Where did these boats go that cleared out?—Ashore, into White's Arm.

51. When did they begin to fish again—those boats that went ashore?—Not that day; I think the next.

52. And after that?—The Frenchman backed down on us again, i.e., those boats that remained. The officer asked us again, "Did we thoroughly understand?" and we said "Yea." Then he said "Haul up and leave immediately or I will use the bullets on you."

53. Did this officer speak in French or English?—He spoke in English.

54. What did you do?—We all left and went ashore, and the man-of-war steamed on to St. Julien's.

55. Did you fish again next day?—I think so, but I am not certain; at any rate, pretty soon after.

56. Were you disturbed by the French ships any more that year?—Something like a fortnight afterwards; a white ship came.

57. A bigger ship or a smaller one?—A smaller one.

58. You don't know her name?—No.

59. What time of day was it?—She came in the evening.

60. How many English boats were fishing at the time?—I don't know; the whole ground was lined.

61. All fishing?—All fishing, perhaps something like fifty, or sixty, or eighty boats—there were a lot of craft there.

62. But you were only twenty-two men?—Yes; but there were other English craft anchored there, schooners from the Southern shore.

63. From Bonavista?—I don't know; they were from one place and another, some from Green Bay.

64. Vessels that were on their way to the Labrador?—They were fishing wherever they could get their fish.

65. Were they anchored there?—Yes.

66. How far from the shore?—About twenty yards from the harbour.

67. And then they went out in their boats to fish?—Yes.

68. Two men in a boat?—Yes.

69. How many boats do you think were out that morning?—I cannot be positive, but I should say sixty or seventy.

70. Any Frenchmen among them?—No.

71. Do you know where the French were fishing that morning?—The Fischot's Frenchmen were fishing to the N.E., of the Fischot's, and the St. Julien's Frenchmen were fishing to the S.W. of St. Julien's.

72. How far is St. Julien's from Fischot's?—Something like three miles.

73. Both sets of fishermen were fishing away from White's Arm?—Yes.

74. How far from the French boats were the English fishing?—I am not positive; perhaps five to six miles at that time. We did not see any of them at that time.

75. Which direction did the white ship come from?—We were all in harbour at the time splitting our fish.

76. Had the boats come in?—All the English boats were in putting away their fish.

76A. What do you mean by "putting away"?—Splitting, heading, and salting.

77. Then what happened?—A boat came off from the man-of-war to see how many of us were fishing. I think they told us we would have to leave.

78. Did you hear the French officer speak?—Yes.

79. Did he speak in English?—He spoke in English when he came ashore. Of course we could understand it.

80. What did he say?—He told us that we would have to leave the shore. Of course, we could not do that. They were very small boats that we were in. We told him we could not leave, and the next morning we went fishing.

81. How many boats?—All that were fishing before went next morning. Some of the craft left next morning.

82. Were the craft schooners?—Yes.

83. And all the schooner men and shore men that remained went out fishing?—Yes.

84. Where was this white man-of-war then?—In the harbour at White's Arm.

85. Now what happened?—We were fishing something like an hour, about two miles from White's Arm, when she came out and drove every boat ashore.

86. How did she drive them?—She told them to haul up and leave and she followed them right to shore—as near as she could come.

87. And then what happened?—She lowered down her boat, which came into the harbour and drove the schooners away; told them that if they did not leave she would tow them out.

88. When you were fishing outside were the Frenchmen fishing?—Not to be seen by us.

89. You could not see any French boats fishing?—No.

90. And then what became of the man-of-war?—She went away, but I cannot say in which direction, because we were in harbour.

91. When did you begin fishing again?—I am not positive: I think it was then we stayed ashore four days.

92. After that you did fish?—Yes, though the French threatened to take away our gear if we fished any more.

93. When was that said?—When they drove the boats ashore, and told the schooners to leave.

94. Did the schooners leave?—Yes: that same day.

95. All of them?—Yes, all of them.

96. Were the fish as plentiful as they had been?—Yes.

97. That left more ground for you shore men to fish over?—Yes.

98. Did you do better after the schooners went away?—It did not make any difference; there was plenty of ground.

99. For all of you?—Yes.

100. And for the French too?—Yes, and for five times as many more if they had been there.

101. Have you anything else to tell us?—We had an eye to the war ship after that; every time we saw her coming we used to haul up and pull into the shore.

102. Do you remember how often she came down for the season?—No, I don't. She came again something like a fortnight afterwards.

103. What time of day was that?—Something like four o'clock.

104. What were the shore men doing then?—We were all splitting our fish as before in the harbour.

105. Were there any schooners there?—No, no schooners in White's Arm then.

106. What happened then?—An officer came ashore and took down all our names and how many of us were fishing. He told us again we were not allowed to fish there and then he went on board.

107. Did he speak English?—Yes.

108. Can you tell me briefly what he said?—He told us we could go three miles from the shore, which was too far for us in rough weather. One of our men could talk French, so two or three of us consulted together, and we decided to ask liberty from the captain to fish for the remainder of the season. So we went aboard, and

after examination by the French captain he gave us leave to fish until the schooner should come and take us out of it.

109. Did the French man-of-war interfere with you again that season?—No, we left about a week or so after that.

110. How many days fishing did you lose in consequence?—We lost four whole days, and cannot say how many half or three-quarter days, when we would see her coming and leave of ourselves; perhaps it would be in the middle of the day, some days later; some days earlier.

111. What difference did that make to you for the season's catch?—I am not positive, but I cannot reckon that we lost anything under 200 dollars: perhaps more—that is the whole twenty-two of us.

112. (Sir James Erskine.) You left in a schooner going to Labrador?—No, in a schooner freighting lumber and dry fish to St. John's.

113. How many of you?—About twenty-two.

114. Had you your boats with you or dories?—No dories, only small boats for two men each.

115. All carried in the schooner?—Yes.

116. Was there a settlement where you landed?—No; we built up little camps with rhinds and boughs; about three or four men in a camp.

117. How far were the nearest people living?—There were five or six men about a mile from us.

118. Had they wooden houses?—Yes, they were livyers settled there winter and summer.

119. How many livyers and houses?—There were five or six livyers and two or three houses.

120. What was the next big settlement to White's Arm?—Belvey Bay.

121. Was that a large settlement?—A lot of people living there around the bay; five or six families in one spot and five or six in another.

122. And on the other side of you how many livyers?—A good many.

123. How far is Belvey Bay from White's Arm?—The mouth of it is about five or six miles.

124. You had been fishing about three weeks when the English man-of-war came along?—Yes.

125. Did she find you fishing?—No, we were on shore.

126. What time of day?—It was a windy day I think, and were building up our rooms—the whole crowd of us.

127. Did the boat come up and land where you were and come up directly to you?—Yes.

128. What did they tell you?—Told us we would have to leave.

129. They did not warn you or tell you that you must leave?—No. We told them we had only small boats.

130. They did not tell you they would come back again or that they would make arrangements for your leaving?—No.

131. Simply told you you would have to leave?—Yes.

132. I want to know exactly about what time you got down there to fish?—The first part of July.

133. And you left when?—About the 25th September.

134. Were you picked by the same schooner?—No; we got a chance when we could; some by traders and some by fishermen coming from the Labrador. We got home how we could.

135. (Chairman.) What was the total value of the season's fishery—speaking generally?—I don't know.

136. You say it cost you about 200 dollars?—Yes, we lost about 200 dollars worth of fish. I think I made something like 80 dollars for my own part, and the other fellows about the same.

Mr. Morine wishing to put some questions through the Chairman, Sir John Bramston asked Mr. Morine to put the questions direct, reserving to himself the right to stop any questions which he thought should not be answered.

137. (Mr. Morine.) The fishery in this bay has been bad for the past two or three years?—Very bad for the past three years.

138. And round the place at which you reside?—Yes, very bad.

139. Your class is locally known as "punt fishermen"?—Yes.

140. You are not the owners of schooners?—No.

141. And you have no means of fishing in schooners?—No means.

142. You get freighted down generally upon the treaty shore?—Yes.

143. You are left there in the spring and taken away in the fall?—Yes.

144. Is it a very great advantage to you as a class to follow that fishery?—Yes; a very great advantage.

145. And if you had to stop at home?—We should get but very little.

146. The loss would be serious?—Yes.

147. In all your fishing on the shore have you ever known of any active interference with or molestation of the French fishermen?—No.

148. You are speaking from your own experience?—Yes.

149. Have you been going there many years?—Four or five years.

150. During this year of which you speak were there any rows with French fishermen?—Not a word for the summer.

151. And your people did not visit the French rooms, nor the French people your rooms?—No; neither.

152. On the one or two occasions that you were near each other was there any trouble?—No; no trouble.

153. You were not too near their fishing ground?—No; only spoke to the French once for the summer; they asked for a fish for soup, and we gave them one.

154. Speaking from your knowledge as a fisherman, you say that the grounds were large enough for all, and many more?—Yes, for twice as many as were there.

155. Does it hurt a fishing ground for a large number of fishermen to be fishing over it?—No; not in the first part of the season, when the fish is coming from the land. It is considered that the more bait is used, the more it tolls (brings) the fish together.

156. At any time during the season that you speak of did you see too many fishermen in one spot for convenience?—At certain times there were on account of wind and tide; not but what there was room enough for both, but the way the wind and tide were they were apt to get tangled up.

157. At these times were any Frenchmen present?—No; all Englishmen.

158. (Chairman.) Had you any trouble with the French or with the Livyers in respect to the fishery during the whole season?—No.

159. (Sir James Erskine.) Give us a clear definition of what you consider your rights of fishing on that shore where you had settled yourself down. Is it your notion that you have a right?—No, sir; we knew that we were not allowed, but in case of poverty in this place we were obliged to go there.

160. Why were you not allowed?—We thought the English were not allowed to fish on the French grounds.

161. Is that a general impression on the coast?—Yes.

162. But still you went down there and took the chance?—Yes.

163. But your impression was that you had no business there?—Yes.

164. How did you gather that impression?—Influenced by older people from the beginning.

165. What is your idea of the local laws respecting cod traps?—Here on our grounds we are not allowed to use them less than 80 fathoms apart, and nothing under a 4-inch mesh; otherwise we would be fined. On the French ground we are not allowed to use them at all, but they are used on the sly.

166. Are you aware of any proclamation issued by the Newfoundland Government last year with respect to the cod traps?—I have only heard something about it, but don't know what it was. Never had anything to do with cod traps, and only heard of the Proclamation in passing by.

Witness  
James B. L.  
19 September  
1892.

William  
Critch.

19 September  
1898.

WILLIAM CRITCH; Examined.

167. (Chairman.) Are you a fisherman living here?—  
I live in Chant's Harbour, near Moreton's Harbour.

168. How many years have you been engaged in fish-  
ing?—About twenty years.

169. In 1896 were you at White's Arm?—Yes.

170. How did you get there?—I went down in Mr.  
Osmond's freighter.

171. The same vessel that took Burt?—Yes, the same  
schooner, but he went the time before.

172. He went first, and you went the second trip?—Yes.

173. How many men went with you on that second  
trip?—About eighteen.

174. And when you got to White's Arm did you settle  
yourself on the shore?—Yes; built up a little camp.

175. Anywhere near Burt's party?—About a mile or  
so apart.

176. Where were you living then?—In White's Arm.  
We were in the proper harbour; the other men were  
stationed over in a place of which I cannot remember the  
name—some cove.

177. How long were you there?—I don't exactly know.

178. Did you go up in June or July or later?—It was  
latish; the caplin school being over. Don't know what  
day of the month, but it was in July.

179. You went up in July and remained until Septem-  
ber?—Till the 1st September.

180. Did you see anything of the French man-of-war  
while you were up there?—Yes; was troubled with them  
more than once—more than twice.

181. How long after you had been up there was the  
first occasion?—Not very long; about a week or so; may  
be a little more.

182. Were you out fishing?—Yes.

183. What time of day?—The first remarkable time  
about 7 or 8 o'clock in the morning we were routed off the  
fishing ground.

184. Were there any schooners in White's Arm then?—  
Yes.

185. And their men fishing?—Yes; all the boats were  
fishing.

186. And your party and Burt's party?—Yes.

187. How many men altogether?—I should say about  
sixty or seventy men; perhaps more than that.

188. How far off from White's Arm were you then?—  
About two miles to two and a-half miles.

189. How far from Fischot's?—Just above Fischot's;  
about a mile and a-half.

190. And how far does the fishing ground extend there?  
—Not more than from two to three miles off the shore.

191. How near the shore does it begin?—Pretty near  
from the shore.

192. Does it extend some way to the north of Fischot's?  
—Yes, a mile or two.

193. And how far to the south?—You can go a mile or  
two to the south.

194. Beyond these distances I suppose it is no use  
going?—Yes; there are other places. It is all fishing  
ground all round there within the three-mile limit.

195. Is there any fishing ground more than three miles  
from the shore?—No.

196. On this morning, when you were out did you see  
any of the French boats about?—Yes.

197. How near to you?—Within a mile or so.

198. Were your sixty or seventy men all fishing near  
to one another?—All pretty near—all within a circle of  
half a mile.

199. And now what happened?—The steam boat came  
out.

200. Where from?—From Fischot's. She steamed up  
alongside of us and gave orders to haul up and go.

201. Did you hear the order?—Yes; I heard it myself.

202. What language did the officer speak?—He spoke  
broken English.

203. But still you could understand it?—Yes.

204. What did he say?—He told us to haul up; haul  
up and go in and leave the fishing ground.

205. Do you know the name of the ship?—I don't.

206. What colour was she painted?—She was a black  
kind of ship; she was a ram ship.

207. What did you do?—We hauled up. One man  
loitered. He roared at him and stamped at him, and told  
him that if he did not leave the ground he would send a  
boat and haul him up.

208. Did that have the desired effect?—Yes.

209. What happened after you had all gone in?—She  
came into White's Arm after us.

210. After clearing all the boats off the ground she came  
in?—Yes.

211. What did she do then?—She stayed there for  
three or four days. She kept us off the fishing ground for  
four days.

212. Did any of you try to go out?—Yes. I and my  
mate tried to go out once, but they sent a boat after us,  
and would not let us go out.

213. Did anything else happen?—We were hindered  
four days; then I went aboard, and made my complaint to  
the Captain of the French ship, and after I made my  
complaint to him he gave me liberty to go fishing; I told  
him I should fish; I was hove ashore there on the rocks,  
and I should fish; I could not get out of it.

214. Is that all that happened?—That's all that hap-  
pened that time. Of course, he drove the schooners out  
of the harbour several times.

215. What did they do?—They would run for another  
harbour, up the shore, or down the shore.

216. You say this happened several times. Those who  
were there on the first occasion and turned out, did not  
come back, but other schooners did come in?—Yes.

217. What, within those four days?—Yes, within those  
four days, and she drove them all out.

218. And the man-of-war went away, and came back  
eight or nine days afterwards?—Yes.

219. Do I understand that in the meantime a fresh  
batch of schooners had come in?—Yes.

220. Did the Frenchman order these out of the har-  
bour?—Yes, she ordered them all out.

221. Did you hear the officers give any orders to the  
schooners?—No; but I was told. I saw the man-of-war  
steam into Waterman's Harbour, where the schooners  
were lying, and I saw the schooners leave, and I heard  
afterwards that he threatened to tow them out if they did  
not go, and I saw them go.

222. Did the man-of-war do anything else on that occa-  
sion?—Not on that occasion, as far as I know.

223. Did you get into trouble on your fishing ground  
that time?—I was not very much troubled with the French  
fishermen, but the man-of-war would not let us rest at all  
on the fishing ground.

224. Did you go out?—Yes, but she would give us  
orders to go in again.

225. Then what did she do?—She steamed off, after all  
the boats and everything were cleared away.

226. The schooners, you mean?—Yes.

227. Did she come back again?—I don't think she came  
back any more than twice.

228. Did you see any other French man-of-war there?  
—One bigger one came along.

229. How was she painted?—Black.

230. What happened then?—It was the big one that  
routed us off the fishing ground.

231. I understand that the man-of-war with the ram  
came down and followed you into the harbour—was that  
the big ship?—Yes.

232. And that the little ship turned out all the  
schooners, and that eight or nine days later that small  
ship turned out all the schooners a second time, and would  
not let you fish?—Yes.

233. When did the big ship come down?—Afterwards.

234. What time of day did you see her first?—About  
mid-day.

235. Coming from the north or the south?—From the  
north.

236. Were you out fishing?—Yes.
237. How many boats were out?—Pretty nearly all the boats were out.
238. Any schooners in the harbour then?—A few.
239. Were there forty boats?—Yes, there may have been.
240. Where were they fishing?—On this same fishing ground.
241. Did you see any French boats that morning?—We could see them, but not close enough to speak to.
242. How far off were they?—Perhaps a mile, perhaps two miles.
243. How near were the English boats together?—They may be a mile, or perhaps a couple of miles, but all pretty close—not more distance apart.
244. Then the man-of-war appeared among you?—Yes, and she gave us orders to haul up and go on; every punt to leave the fishing ground.
245. Did you hear the officer give his orders?—Yes.
246. In English or French?—Broken English.
247. And you all went in?—Yes.
248. What became of the man-of-war?—She went on to Croque or somewhere to the southward.
249. And I suppose you began fishing again then?—Yes, we came out again directly she was gone.
250. Was it a good season among the men generally?—Yes, plenty of fish.
251. How often could you say, during the season, were the boats ordered in by the French man-of-war?—Two or three times.
252. Do you remember any day in that season that you and the French fishermen got mixed up together in your fishing?—No; the majority of the English fishing boats would not be near them at all. There might be one or two among the French fishing boats.
253. What did the French say when the English boats came among them?—Nothing.
254. The French fishermen would not hinder you very much?—No, nothing would happen at all.

255. And you were good friends with the French all the season?—Yes.
256. No disputes with them?—No disputes at all.
257. Have you any personal knowledge of the French fishermen?—Yes, I was born and brought up amongst them.
258. Where?—At St. Anthony.
259. How many men do they have at St. Anthony?—Seventy or eighty.
260. What aged men are the Frenchmen generally—old men, young men?—Some middle-aged, some old, very old.
261. (Mr. Morine.) Was your father keeper of a French room?—Yes.
262. Did you mention the fact of your father having been a keeper as a reason for being allowed liberty to fish?—Yes.
263. And you got permission to fish?—Yes.
264. Where was this room?—My father was keeper of the French room at St. Anthony; I was twenty years among them.
265. There has been no French room at St. Anthony lately?—No.
266. You are a punt fisherman?—Yes.
267. You were on the Treaty Shore punt fishing?—Yes.
268. The fishery is poor there?—Yes.
269. But poverty drives your trade?—Yes.
270. During 1896 did you interfere with the French fishermen on the ground?—No, not in any way.
271. Or molest them in any way?—No; nor they we.
272. The only trouble was with the man-of-war?—Yes.
273. Was there plenty of ground for all to fish?—Plenty.
274. Without disputes?—Without disputes.
275. And the fishing was good?—Yes, good fishing.

William  
Critch.19 September  
1896.

## JOSHUA MILLS; Examined.

Joshua Mill.

276. (Chairman.) What is your name?—Joshua Mills.
277. In 1896 did you go up the coast in the same freighter with Burt?—In 1896 I went to White's Arm in the same ship with Burt.
278. And you made a little camp on shore?—Yes.
279. Were there any schooners there when you got there?—Yes, there were some there.
280. From this part of the coast?—Yes, from this part of the coast.
281. Where were they anchored?—In White's Arm.
282. Near your camp?—Not far.
283. And you all fished together?—We all fished out of the one port.
284. And you were generally in a cluster?—So many on one part of the ground and so many on another part.
285. Do you remember the names of any schooners that were out there?—One was called the "Munroe."
286. Was the "Clara" there?—I don't remember.
287. Was the "Anne Jones" there?—I don't remember.
288. Was the "Arabella" there?—I don't remember; I remember the "Munroe" because I was acquainted with the men.
289. Did you have any disputes with the schooner people about the fishing?—No, did not have any disputes.
290. And the livers, did you have any disputes with them about the fishing?—I did not.
291. Did anybody?—I did not hear of anybody; I did not have anything to do with any of them.
292. When you go fishing, I suppose you bring the whole fish on shore?—Yes, we bring them on shore just as we catch them.
293. You do everything on shore?—Yes.
294. What do the schooners do?—They do it aboard the schooners and throw the entrails into the harbour.
295. Were you fishing the day that the black French

- man-of-war came down?—Yes, when they all came down, black and white.
296. And were driven in like the rest?—Yes, just the same.
297. You don't know, of your own knowledge, what they did with regard to clearing the fish on the schooners?—No, I was not aboard, but I know what I would do.
298. You would dress the fish and throw away the entrails in the harbour?—Yes, not on the fishing ground, but in the harbour.
299. Is that the custom of all the fishery?—Yes, that is the custom of all the fishery—Labrador, Treaty Shore—and the same here if there were any vessels fishing.
300. Doesn't that drive away the cod?—It doesn't hurt, it's in the harbour.
301. It would not do to do that on the fishing ground?—Of course not, it is not the practice to do that.
302. Did you meet the French fishing boats often?—No, we had nothing to do with the French fishing boats. They used to come squid-pigging in the harbour sometimes, and we used to try and talk to them to make it pleasant for ourselves. Sometimes we used to give them a squid, but they never gave us any; we never asked them for any.
303. Was there any dispute between the English and French fishermen while you were there?—No, no row with me.
304. Did you hear of any?—I did not see any.
305. Nor heard of them?—No, I cannot say I heard of any.
306. You were all living friendly together?—Yes, but we did not associate on the ground with them.
307. How far off were they?—About four or five miles?—Sometimes they would come to our neighbourhood looking for squid.
308. You fish with hook and line?—Yes, only.
309. Had you no cod trap?—No.

*Joshua Mills.*  
19 September  
1898.

310. Is it not a good thing?—Yes, of course it is a good thing.

311. Did you not think it was against orders?—Well, we understood it was against orders.

312. You consider that a hardship. You would have used them if you were allowed?—Certainly; only too glad if we were allowed.

313. You don't use them because it is illegal?—Yes.

314. (*Mr. Morine.*) Have you been up north since 1896?—No.

315. What have you been doing?—I have been fishing at home—round here—fishing for lobsters and fishing for cod.

316. On this coast here, in this harbour?—Yes; I have not been up north since; I saw it was no use going there. If any Frenchman was to come and order me out of the harbour I should have no boat to go out of it in, so I had to stay at home.

317. (*Sir James Erskine.*) Did you do well with the lobsters down here?—Did not do very well down here.

318. Have men gone from here in 1897 to White's Arm?—Could not say; there have been men on the shore in 1897, but cannot say about White's Arm.

319. Did they do very well?—They did fair, but I don't know exactly.

320. Better than here?—Yes, better than here.

321. Even with the lobsters?—Yes.

322. What do you understand to be the rights of the English fishermen on the Treaty Coast?—I should understand that we have just the same rights as the French so long as we don't interrupt; I can't see why the English should not be allowed to fish as well as the French so long as we don't interrupt them.

323. You say the French man-of-war prevented you?—Yes, that was our trouble.

324. (*Chairman.*) Have you been about the Fischot's?—Yes, several times.

325. How many miles do the fishing grounds there run, north and south?—I cannot tell; there is any amount of fishing ground.

326. From what part of the coast to what part is there fishing ground there?—There is fishing ground from St. Julien's to Fischot's and all down below the Fischot's; fishing ground from Irish Islands down to the Fischot's and three miles beyond the Fischot's north.

327. (*Sir James Erskine.*) Had you seen the Government proclamation declaring it to be illegal to use cod-traps on the Treaty Shore?—Yes, I have seen it.

328. Where?—Posted up, and it comes out in the paper.

329. You would have used cod-traps if you had been allowed to?—Yes.

330. But in consequence of it being illegal you only used hook and line?—Yes.

On Board the "Fiona," at Twillingate, 19th September, 1898.

*Edward White.*

EDWARD WHITE; Examined.

331. (*Chairman.*) What is your name?—Edward White.

332. You are master of the schooner "Mary Math"?—Yes.

333. Did you go to the Labrador last year?—No, not last year; was fishing on the Treaty Shore.

334. How far did you go?—I started from here and fished up and down the Treaty Shore from Cape Norman to White Bay.

335. Were there any schooners in company with you?—Sometimes; sometimes five or six, sometimes more, sometimes less.

336. Were these Labrador schooners?—Labrador schooners and schooners of all descriptions.

337. You have something to complain of?—Yes.

338. Can you tell me the date at which it happened?—The middle or end of August last year.

339. Towards the end of August last year; where were you?—At Crouce.

340. Crouce is the name of the harbour?—Yes.

341. And Cape Rouge separates it from Conche?—Yes.

342. Were there any schooners with you then?—Yes, three schooners.

343. Were there any men camped on the shore coming from this part of the Colony?—No, only stationary men, living there perhaps for fifty years.

344. You were at Crouce?—Yes.

345. There is a French room there?—Yes, with two vessels.

346. How many French rooms there?—One.

347. You were there in the middle of August?—Yes.

348. What did you go there for?—To catch bait.

349. Squid?—Yes, to catch squid in the harbour for bait.

350. Did you get any?—No; it was Sunday when I was there.

351. When did you get in?—Saturday evening, and on Sunday morning the French officer came on board.

352. Besides the two French ships, there was a man-of-war there?—Yes.

353. You don't know the name of the man-of-war?—I did know, but have forgotten; she was a ram ship, painted white.

354. What did the officer say?—He took my name and the schooner's name, and the name of the owner and

outfitter, and told me I had no business there. I asked him why, and he said it belonged to them and I had no business there for bait. It was on Sunday.

355. What happened then?—On Monday I went out without my bait.

356. Did you try for bait?—No, because they told me there was none.

357. Had you been fishing before?—Yes, out around the Gray Islands, fishing for bait.

358. I suppose the French did not object to that?—They used to, but not now.

359. You had been out to these islands—run out of bait—had called in to get it and were ordered out?—Yes.

360. Where did you get it?—At Croc.

361. Any French rooms there?—No, not now.

362. There used to be?—Yes.

363. Do the French fish in Croc?—No.

364. Don't they come there from other places?—Sometimes they come there in their cod-rame boats for a haul of caplin.

365. You did not go into Conche?—No.

366. Did you ever go there?—I was there once or twice; it is all according to wind where we go for bait.

367. Did anything happen at Croc?—Yes, the officer came aboard of me again. The French man-of-war was sailing up and down the coast.

368. Regularly?—Yes; two or three times a week.

369. Just this part of the coast?—Yes, from Quirpon to Canada Bay.

370. And she followed you into Croc?—Yes; she came in after me.

371. What happened then?—The officer came on board and told me I had no business there; so I went out. Then the English man-of-war boarded me. I went out to Pillier's Bight, I left that when I saw I had no fair play. The French were constantly up and down the shore and I had no chance. They were harassing the boats out of it everywhere.

372. Were they more active at that work than usual?—I cannot say what it was in the past, but I know what they did last year to others as well as to me.

373. Were there any other boats turned out besides yours?—Not on the same day, but at other times.

374. How did you know that?—I saw the schooners come out and the man-of-war come out after them.

375. French man-of-war?—Yes.

376. That is the only time it happened to you last year?—Yes, the only time last year.

377. Have you been turned out by the French at any other time?—No; I was never there before.

378. Do you do your fishing from the deck of the *Mary Marsh*?—Yes, around the harbours and coves.

379. You don't go out in boats?—We used to go out in boats sometimes and sometimes we would fish from the deck of the schooner.

380. When you went out in boats you brought your fish to the schooner to "make"?—Yes. We would go into some spot close by the land and there cut the heads off, split them, etc., etc.

381. Why did you go in near the land in this way?—Because it would annoy the fish if you threw the heads etc., overboard on the fishing ground.

382. And you don't do that?—No; never; that would spoil the ground, there would be no fish there next day.

383. How long would that spoiling last?—Probably the whole season; all the entrails would remain at the bottom.

384. Is it true that the cod is a delicate feeder?—Yes.

385. Therefore it would not pay to foul the bottom?—No.

386. (*Mr. Morine, through the Chairman.*) Were there any French fisherman in Croc?—There was no room there and no men at work.

387. Were you disturbed by any ship of war at Pillier's Bight?—Yes, by the *Buzzard*.

388. (*Chairman.*) Had you any cod traps out?—I had no cod-trap on board; nothing but hook and line.

389. What were you doing at Pillier's Bight?—I was catching fish; anchored, and out fishing in a dory.

390. Was that in August of last year?—No, September.

391. And you had to go?—Yes, there was no satisfaction; the French were constantly up and down. I went off to Gray Islands.

392. What did the English man-of-war do?—The *Buzzard* told me to go away and leave it. Told me I was annoying the French. I suppose the French had lodged complaints on the English man-of-war.

393. Were there any Frenchmen there?—No.

394. How near was the nearest Frenchman?—Five miles off, at Crouce.

395. Were there any seine boats?—Not at that date; a few used to go out once in a while, but they left off about the 25th September.

396. (*Mr. Morine, through the Chairman.*) Was anything said about taking you out?—The *Buzzard* said that if I did not go away, they would take away my fishing material and tow me up into the bottom of White Bay.

397. (*Chairman.*) And so you went?—Yes; I left it altogether.

398. He told you you were annoying the French?—Yes, and the French were not there at all. The French man-of-war was there at the time, sailing up and down the coast.

399. How near were you at any time to the French?—Never nearer than four or five miles.

400. When you were at Crouce how close were you to the rooms?—Three-quarters of a mile from the room.

401. You had no trouble with the French fishermen themselves?—No, I was not near them.

402-3. Or the men at the rooms; had you any with them?—No; no interference with them.

ARTHUR JAMES GILLETT, Examined.

404. (*Chairman.*) What is your name?—Arthur James Gillett.

405. And the name of your schooner?—The *Hesperus*.

406. You have been twice interfered with?—Yes, in 1895 and 1896.

407. What were you doing in 1895?—We left Twillingate on the 18th June, and went to Sops Island, in White Bay. We put out our traps and we were there about three or four days. Nothing happened; we left and went down to Cremaillère and set our cod-traps.

408. Were there any Frenchmen fishing thereabouts?—They were down at Fischots, about seven miles away.

409. And they had come down with their cod seines?—They were stopping there getting fish, and then they would go up.

410. Then what took place?—We were not interfered with by the French. We had our trap out about three days.

411. Did you interfere with their seines?—No, they did not say anything; I spoke to them once, and they answered me and that was all. Four days after we came there the *Buzzard* came in; she ordered five other schooners and us to have our traps out of the water by to-morrow morning at nine o'clock.

412. Did they give any reason for that?—The officer of the man-of-war asked us had we any traps in the water, and he ordered us take them out, if not, he would take them.

413. Did he give any reason for that?—Told us we had no right to use any cod-traps in French waters.

414. Don't you know that it was against the law?—Yes, we took up our traps according as he told us.

415. Did you go fishing anywhere else?—No, we left, and came on home.

416. What happened in 1896?—In 1896 we left on the 1st June and went to Mings Bight, fourteen miles around Cape John, and stayed until the 20th June.

417. Did anything happen there?—No. No Frenchmen there. We left Mings Bight and went to Cremaillère, where we were in 1895.

418. What happened there?—The Proclamation was out from our Government about cod-traps.

419. Was that Proclamation out in 1895?—No; it came out in 1896.

420. What happened at Cremaillère?—We were not allowed to use the traps because of the Proclamation. That was enough to stop us. That year the Frenchmen did not interfere with us, nor did the English.

421. What have you to complain of?—Only the Proclamation.

422. What was the effect?—In 1895 fish was scarce at Cremaillère, but we set our traps, and we were doing very well, getting eight or nine quintals to a haul. We were there three or four days, and the *Buzzard* ordered us to take our traps up. We were getting from fifteen to twenty barrels of fish a day, and we should have stopped till the 8th or 10th of July. Probably it put 100 or 150 quintals of fish out of our way. As it was, we only got fifty.

423. Barrels or quintals?—Fifty barrels.

424. Is a barrel the same as a quintal?—There are about one and a-quarter barrels to a quintal.

425. What about 1896?—In 1896 if we had been allowed to use our traps, it is hard to say what would have happened. We had a schooner, eight men, eighty-five hogs-heads of salt, and two cod traps. One trap was enough for us to use, because the fish was very plentiful, it having struck in just as we got there. At least we lost 600 quintals of fish, because the schooners which were not interfered with came home loaded. We heard that the French and English men-of-war met and arranged that cod traps should be used, and so other schooners did use their traps, and came home loaded.

426. You, unfortunately, came away too soon?—Yes.

427. (*Sir James Erskine.*) Do the people generally along the coast obey the Proclamation?—Yes, they all do.

428. Do a number of the people that go down on that coast use the traps in spite of the Proclamation?—No; the people here did not do it. The fine was 400dols., and the people were afraid of that. It was a law from our Government.

429. Here, on the east coast, the people did not use the traps generally?—Not that year.

430. Did they use the traps in '97 and '83?—Yes, I was down myself this spring.

431. Did they use traps to any extent?—When the men-of-war came in, they ordered the traps to be taken up, but they were generally put down afterwards. The year of the Proclamation was a serious loss to this and other parts of the coast, because the fish were very plentiful.

*Edward White.*

19 September 1898.

*Arthur James Gillett.*

Arthur  
James  
Gillett.

10 September  
1898.

432. (Mr. Morine.) Speaking generally, as to 1896, the loss to the whole fleet was very large?—Yes.

433. How many vessels from this bay visited the French shore?—Forty or fifty from this bay visited the French shore.

434. Did all these vessels use their traps in 1896?—They had them out, but when the Proclamation came,

they took them up as quickly as possible, and lost their fishery, except those who held on till the men-of-war consulted, but the majority of the fishermen came back before the men-of-war consulted. 10,000 quintals of fish were lost.

435. Cod traps are a most important aid to the voyage?—Without cod traps we are bound to meet with loss; we cannot get any fish worth counting.

Thursday, 22nd September, 1898.

PRESENT :

Sir JOHN BRAMSTON, K.C.M.G., C.B., *Chairman.*

Admiral Sir JAMES ERSKINE, K.C.B.  
The Earl of WESTMEATH, *Secretary.*

Hon. A. MORINE, *Agent for the Colony.*

On Board the "Fiona," at Croc, 22nd September, 1898.

JOHN PHILPOT; Examined.

John  
Philpot.

22 September  
1898.

436. (Chairman.) What is your name?—John Philpot.

437. What is the name of your schooner?—I have no schooner; I am on shore.

438. Where is White's Arm?—North of this, about eight miles, opposite Fischeot's.

439. You are fishing on the shore here?—Yes.

440. How long have you been fishing here?—I was landed here on the 12th July.

441. What sort of year have you had?—Very poor.

442. How many of you are there?—Two of us.

443. What name do you give the men on the shore?—Planters.

444. Are there only you two planters here?—We are not the only two.

445. How many altogether?—There are twelve or fourteen planters here altogether.

446. All from Bonavista?—No, five from Green Bay.

447. Have they all had a bad season?—All, and three men a very bad season; lost their stages and all their fish by a big sea; a big sea hove in and knocked down the stages.

448. Who were they?—The Walshes, from Plate Cove.

449. Were there no Frenchmen fishing here?—No.

450. Where have you fished? In the harbour or outside?—Outside, and in the mouth of the harbour out here.

451. Did the Frenchmen from Crouce come up as far as where you have been fishing?—Not all the way; about half way. The French cod-seine men come here sometimes, and from St. Julien's as well.

452. How far down towards Crouce do you go?—As far as they will allow us; sometimes half way, but when they can do it they will not allow us to go so far.

453. Did they give you any reason why you should not go on with your fishing?—No, no reason. First when we landed here the English man-of-war told us that we should not go fishing; could not stop here, but we held on until the next one came, and they gave us leave to fish. That was the "Cordelia."

454. What was the name of the first?—"Pelican"—"Partridge"—"Buzzard"—Don't know rightly.

455. Where do you go to get your bait?—Mostly here; but the first squid we had to go to Crouce for, and the French Captain thought to hinder us. We went on the squidding ground, and he came down and tried to drive us away; told us he would have us brought on the man-of-war when she came, but we held on.

456. What language did he speak?—French.

457. How did you understand it?—We had a man with us, belonging here, Michael Kearney, who could talk French.

458. Where does he live?—Just out around here, in this harbour.

459. Are there any other families living here?—I heard of some others in the South-West Arm—the Hopes.

460. Which is the South-West Arm?—You leave it on the port hand coming in.

461. When Captain Pedrou told you not to catch squid what happened?—We told him we would not leave until we got the squid, and we stopp'd there and got it. We did not think he could hinder us from getting bait.

462. Where did you go to fish when you had the bait?—Came down here.

463. Did that happen more than once?—Only once.

464. At other times you were able to get your bait in Croc Harbour?—Yes.

465. Where were you camped?—Out round the Point, on the north side of the harbour.

466. How many livers in this harbour altogether?—Four; two on the north-east, and two on the south-west side.

467. Do the St. Julien Frenchmen come down here into this harbour?—They come down here in the Caplin school, with their cod seines, hauling fish.

468. Do they come into the harbour?—No; just into the mouth of the harbour.

469. When you were getting bait in Crouce, was it on the squidding ground?—Yes, on the squidding ground.

470. Inside of the fishing ground where these schooners were anchored?—Yes.

471. That would not interfere with the fishing in any way?—No.

472. Then you went in past the French rooms to what we call the head of the bay?—Yes.

473. Where there are no codfish?—No; no codfish.

474. (Mr. Morine.) Were there any vessels fishing here this year?—Yes, several small schooners.

475. On the same ground with you?—Yes.

476. How long was it between the visit of the first English man-of-war and that of the "Cordelia"?—About eight days.

477. And you fished those eight days?—Yes; as soon as the first ship went away.

478. Were there any traps used?—No; there were no traps allowed.

479. How do you know that?—The settlers—the livers here—tell me the French won't allow them.

480. (Chairman.) Who won't allow them?—The French.

481. (Mr. Morine.) Has anybody here a trap?—There was a man—Hope, in the South-West Arm—had a trap, but he would only be allowed to use it when the war ship would be gone.

482. But he has not used it this year?—No; it is old, and he has not used it.

483. Would it be a good year for a trap?—By the sign of the fish got out of the salmon nets we should think it would be a good trap year.

484. (Chairman.) There is salmon in this harbour?—No.

485. Where do you get them?—In the sea, outside the heads, along the shore.

486. How do you get them?—We set our nets right off from the shore.

487. You have some salmon nets?—No; the people living here have them.

488. Did you get any salmon this year?—A trifle; very scarce this year.

489. (Mr. Morine.) Is there any stream running into this harbour into which the salmon might go?—No.

490. Do the French set their nets for salmon?—No; they set their nets to catch herring.

491. That is for bait?—Yes, and to bring away with them.

492. There are some French buildings here?—Yes, and a place for landing cattle and a forge.

493. Was there a room there?—Not a French room. Outside they had their fishing rooms.

494. (Chairman.) Is this your first year here?—The first year landing, but have been ashore many times.

495. (Mr. Morine.) There was a French room working here?—Not for the eighteen years I have been coming here.

496. (Sir James Erskine.) Are you aware that the use of cod-traps is illegal by the law of Newfoundland?—No.

497. You have not seen any Proclamation to that effect?—No.

498. (Mr. Morine.) Have you never heard that it was against the law?—Yes, I have heard that it was against the law to work traps on this shore. I have seen the Proclamation in St. Leonards.

499. But not in this place?—No.

500. When were you in St. Leonards?—Two years before last.

John  
Philipot.

21 September  
1898.

Saturday, 24th September, 1898.

PRESENT :

Sir JOHN BRAMSTON, K.C.M.G., C.B., Chairman.

Admiral Sir JAMES ERSKINE, K.C.B.  
The Earl of WESTMEATH, Secretary.

Hon. A. MORINE, Agent for the Colony.

On Board the "Fiona," at Port aux Choix, September 24th, 1898.

WILLIAM LANGDON; Examined.

William  
Langdon.

501. (Chairman.) What is your name?—William Langdon.

502. Where do you live?—Here in Gargamel; a little cove right alongside.

503. How long have you been here?—Twenty-six years.

504. How many rooms were there in Port aux Choix then?—Seven: four in Port aux Choix; two in Little Port aux Choix; and one on Savage Island.

505. And now there are only two?—Yes.

506. There is Mr. Villala and who else?—Mr. Macé.

507. Has Mr. Macé got as big a place as the other?—Just about the same. Rather bigger, I think, because he has a factory down here in Castor—John Meagher's cove.

508. Do you remember either of these gentlemen putting up a dwelling house about six years ago?—Not as I know. Only a factory.

509. I mean a house to live in?—Yes, there is Villala's house, only three or four years ago.

510. Have you noticed whether they build much?—Not much, only just what you see. They used to cover and keep their fishermen dry before now, but now they don't build as they used to.

511. How is that?—Because it seems they are careless about their men these days.

512. Were the houses better built before?—They don't cover them as well as possible.

513. How long has Mr. Macé had his place?—Only this year.

514. He's a new comer?—Yes.

515. Was anybody there before?—Mr. Belin, he was there ten years before.

516. What do you do?—I fish lobsters for the French.

517. What pay do they give you?—They promised a dollar a hundred, but when it comes to pay its 5 francs of their money, and that's only four shillings.

518. How many francs do they give you?—Five.

519. Five francs is equal to a dollar?—Yes, with the Frenchmen, but not with the English; not at the Post Office. We can only get 16½ cents in the Post Office for a franc.

1781.

520. They don't pay as much as they promised?—Well, I have got to exchange with the French, for I cannot pass it with the English.

521. Exchange it for anything they have to sell?—Anything I want when there's no trader around. They are supposed to pay me in money, but then I exchange in little things; not all. Commodore Bourke, he came here the year before last, and it seems—I cannot tell how it was done—he went to work and he agreed with Mr. Villala for him to come and fish lobsters in Gargamel Cove. Captain Hammond, on the "Emerald," he gave Atkins two boys that live with me in Gargamel; we are the only three men in Gargamel. He gave them a paper to say that we should have the privilege of fishing in Gargamel if we would sell our lobsters to the English factory at Port Saunders. That was all right. Last year here comes the Frenchman; he comes and puts his pots out, then here comes Commodore, the French captain. He says he did not know how it was done. Commodore Bourke did it. As he says to me in my house: "William," says he, "it's not fair to come and take the bread out of your mouths."

522. He said that in your house?—Yes, they would not allow me to fish at all, and the French Commodore says: "If you fish for the French they shall never drive you out of the cove, but the Atkins, they must go out." They had to take up their traps and carry them outside, and I still fishes for the French.

523. And until last year?—Until last year everything was correct.

524. Whom did you fish for?—For the Hewitts at Port Saunders—an English factory.

525. Until last year?—Until last year. This is only two summers now that I have been fishing for the French. They never had a trap there before. It was always counted as a bait cove until they made an exchange with this Englishman at Port Saunders—for to fish Mall Bay River, and the French Commodore told us he did not know the first thing about it. I will be on my oath that he told me in my house that he did not know one word about it until he signed the paper, and Commodore Bourke did it. "William," he says, "it's a shame," but he could not help it, because it was for the French; he could not refuse to sign the paper because it was for the French. The Atkins, they went before Commodore

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Bourke and he acknowledged that he did not know what he was doing. Now it's better for the Atkins, because they put up their own lobsters, and no one does anything to them, in the Cove, where they have a little factory built since last year. Now they fish outside the French grounds, and why should not I do it as well as they?

526. Why don't you?—I am going to try, if I can get then there will be trouble for the others. But if they the chance. But perhaps if I don't fish for the French are allowed, I am allowed to do it.

527. Does anybody claim that part of the shore where they fish?—Hewitt says it is his ground; he has been complaining ever since last year, but this year Commodore Bourke don't make any complaints. He don't say anything; we don't see him at all.

528. How do you get on with the Frenchmen?—All right, because I fish for them and they pay me, and I have got to be satisfied with them.

529. Have you been fishing for cod fish?—I used to.

530. How came you to give it up?—Because there is no fish now, all the lobster traps drive the cod fish away. Of course it does, herring and everything else.

531. Do you know how many traps there are between Gargamel Cove and this place?—Gargamel is just a neck of land. There is no trap outside of Gargamel until you get to Point Riche. From Cape St. John right down to Port Saunders it is nothing but lobster traps.

532. Is that why the cod fishing is so bad?—From Cape to Port Saunders, nothing but lobster traps. The men are on them every morning. You fill them up full of rocks to make them sink, and they go splash into the water. There's nothing will come nigh them, because that frightens them away. That's my reason; perhaps everybody does not think the same, but before now I used to get as many as eighty to ninety quintals in Gargamel, me and my man, before the lobster traps. Now I get nothing, because we don't try; we try for lobsters.

533. Then it's only guess work that there's no cod?—But the French can't get any, and they are fitted out by their merchants with bultows. We can't fish like them.

534. Where do they set their bultows?—Right off from Point Riche to Port aux Choix.

535. How far off from the shore?—About half a mile.

536. How far off from the shore are the lobster pots?—About 200 or 300 or 500 yards. The lobsters in the latter part of July come in on the shore. In the spring you have to put the traps out in deep water, and as the lobsters work ashore you have got to work your pots ashore.

537. The Frenchmen set their bultows outside the pots?—Yes.

538. Why don't you fish outside the pots?—I have no means.

539. But cannot you fish with hook and line?—I could if I had the bait. The French buy their bait, i.e., herring and squid. They have vessels coming from St. Pierre with their bait whenever they want it.

540. What used you to do formerly for bait, before the lobster pots?—We used to have a chance to get some bait—caplin. They used to come in in the land-wash, but now they don't come in like they used.

541. How long has that been the case?—This seven or eight years, since the lobster traps were put out.

542. Did they disappear altogether suddenly or gradually?—Gradually. Now this noon here, the herring used to be lying here in plenty, every fall, about this time, September. Now we don't see one. In the spring, after a big breeze, a north-easter, it drives them in. They can't haul their pots then, and the herring will come in to spawn, like they have done the last two summers, and they have had them here from the 7th June till the 29th July in their seines.

543. Could you get herring at that time?—No, because they were closed in in their seines.

544. But cannot you catch them for yourself outside the seines?—No, there were no more. When the herring come in they come in a big school, and they leave their seines right round the whole catch; and when the wind comes off, the rest will go out; there's no more to be got.

545. Did you do better with the cod than you do with the lobsters?—About the same, only we cannot get it as we like; we have got to work for the Frenchmen; we must carry them on our backs from Gargamel to Port aux Choix, and then get five francs a hundred. You must do it or starve; that's the trouble.

546. How much did Hewitt give you?—The same, but he would send a smack to fetch them. He gave us a dollar a hundred, but he counted three small ones for two.

547. (*Mr. Morine.*) How long is it since the French have used bultows?—Long before I can remember.

548. And the seines?—They used to use them; now they don't, except for bait—herring and caplin.

549. Do they use them in the same way as they used to?—Yes.

550. (*Chairman.*) Caplin as well as herring?—No, only the herring.

551. (*Mr. Morine.*) Where do the French get their cases?—I suppose from France; they bring them with them.

552. And their boxes?—Yes.

553. Did they bring that house with them that they put up three or four years ago?—They got it sawn here, and paid the people to put it up. They got a man to look after their room and paid him so much.

Monday, 26th September, 1898.

PRESENT :

Sir JOHN BRAMSTON, K.C.M.G., C.B., *Chairman.*

Admiral Sir JAMES ERSKINE, K.C.M.  
The Earl of WESTMEATH, *Secretary.*

Hon. A. MORINE, *Agent for the Colony.*

On Board the "Fiona," at Bonne Bay, 26th September, 1898.

Mr. SIMEON AVERY, J.P.; Examined.

*Mr. Simeon Avery, J.P.*

554. What is your name and occupation?—Simeon Avery, I am Stipendiary Magistrate at Bonne Bay.

555. How far does your district extend up and down the coast?—As far as Bug Bay to the north, and south not further than Trout River, ten miles south of Bonne Bay.

556. How long have you been here?—Six years and nine months.

557. Have you been in any way personally connected with the fishery?—I was, before I came here, for many years as a merchant.

558. Had you anything to do with lobsters before you

came here?—Yes, I operated for a small factory at Catalina in Trinity Bay.

559. Has the cod fishery been good this year?—The cod fishery has not been good with hook and line in the neighbourhood of Bonne Bay; fairly good with traps.

560. Up to what date do the people use traps?—All through the season?—No; the trap fishery begins early in the spring and winds up early. It winds up in July.

561. Why does it end at that time?—The caplin leave the shore and the fish go off into deep water.

562. When the fall herring strike in, do they use traps again?—No.

563. You saw the Proclamation of 1896?—Yes.

564. What effect had that here?—It stopped some people from setting their traps, but made others set them secretly in out-of-the-way places.

565. Did they begin again the following year?—Yes.

566. Just as usual?—Not to the same extent as though there had been no Proclamation; they were still afraid they would get into trouble.

567. Can you tell us in what way the French conduct their cod fishery? Do they use seines along here?—I don't think they use seines along here; I think trawls or bultows, of which there are two kinds, sometimes floating, sometimes sunk. I don't think, however, the floating ones have ever been used here.

568. What is the ordinary length of a bultow?—I don't know how long the bultows of the French are, but what they use on the Grand Banks are fourteen lines of about fifty fathoms each—i.e., 700 fathoms.

569. The object of these lines is that they take more fish for less trouble?—Yes.

570. Is there any objection to the bultow from the point of view of the fishery generally?—I have heard of no objection to the bultow on this part of the coast, but on the eastern coast there is a very strong objection on the part of the people.

570A. Why?—They say that the fish lying in trawls, if not removed, tend to become decomposed very quickly, and that has the effect of driving the cod away.

571. But, as a matter of fact, bultows are generally taken up regularly?—On the other parts of the coast there are times when they cannot manage to haul them owing to rough weather. Then they are left out three or four days, and the fish, becoming decomposed, makes the ground unfit for other fishes.

572. Do the lobster traps drive away the cod?—Yes, that is the inshore fishery.

573. The inshore fishery is injured, in what way?—Because the people are always at their lobster traps more or less, and the bait they use is always in a rotten state, and that has the effect of driving the fish from the shore; they won't resort to their usual places. And then the people being always at their traps disturbs them. That affects the inshore fishery alone, in which but few people are engaged.

574. Does it affect the cod fishery a mile or half a mile from the shore?—It might drive the fish half a mile from the shore at the outside, but the codfish come close in shore in pursuit of the capelin which are there.

575. Do the lobster traps affect the capelin?—I don't think they affect the capelin; the capelin, when they come in, are sure to land if they possibly can.

576. Do many of the people here catch lobsters?—The greater part of them. They live by the lobsters.

577. How do they get their living?—They catch lobsters, and in some places can them for themselves and for so called "Legal packers."

578. Can you tell me how many legal factories, French and English, there are north of this, between this and St. Barbe?—About seventeen English and about seven French.

579. Which is the nearest French one?—Port aux Choix.

580. And the nearest English?—Rocky Harbour, about six miles away.

581. Do you know the southern boundary of that factory?—I don't remember.

582. Can you tell me how these people live, and how the system of authorised packers affects the general population?—A great many of them live now by packing illicitly.

583. There are men packing inside this harbour?—A great many.

584. Where do they catch the lobsters?—In the harbour.

585. Is the harbour included in any one of the factories' limits?—From Woody Point out is, but they fish these waters as well.

586. Does the authorised packer claim the sole right to fish within his own limits?—Yes, he claims the sole and exclusive rights within the limits assigned to him by the Naval Officer, which is denied by the others, who fish where they please, in spite of the factory owner, when the warships are not around.

587. This was the case until the present year?—Yes.

588. But in the present year they have a right to fish in all waters assigned to all British subjects?—Yes, though I have never seen it over the Commodore's signature; it is a matter of hearsay. Mr. Simon  
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589. That is the general understanding?—Yes.

590. And that permission was given by the Commodore?—Yes, Commodore Bourke.

591. Some of the men catch lobsters and sell them to the factories?—Yes.

592. What price are they getting this year?—From 80 cents to 2.25 dols. a hundred.

593. What is the reason for such a wide difference?—A great many of these people were shipped before the Commodore arrived. They did not know they would have the right to fish in all the limits of waters assigned to British subjects, and to sell to whom they pleased. They had engaged themselves for the season to sell their catch at 80 cents before the Commodore arrived.

594. When it was known that they were at liberty to fish, what effect had that on the price?—The prices went up at once, and those who were shipped in the spring were dissatisfied.

595. Did the packers make any change?—No, I think not. The packers, I think, held them to their contracts so far as I know.

596. What had been the average price for lobsters, per hundred, caught and sold to packers up to this year?—I suppose the average price would be from 70 to 80 cents. They were sold here just before I came at 50 cents.

597. In these cases, who found the traps?—The factory owners.

598. When the prices were so low factory owners found the gear?—Yes.

599. Who finds the gear when the price is 2.25 dols.?—The fishermen.

600. What has been the price given by the factory owners in the latter part of this year when they find the gear?—About 1.50 dols.

601. What had they paid before this year, when the fisherman found his own gear?—Last year I think they paid a dollar a hundred when the fisherman found his own gear.

602. In fact, the late rule was a difference of 20 cents a hundred between finding the gear and not?—Yes.

603. And now the difference is more?—A great deal more.

604. Can a man make a decent living at 80 cents a hundred?—No; quite impossible.

605. Can they do it at 1.50 dols.? If the gear were supplied them?—I don't think they could even at 1 dol. or 1.50 dols., because the fishermen make their gear very cheaply; they cut their own lathes in the woods during the winter, so that it does not cost them very much. The only real expense is the rope.

606. Can you say whether lobsters are decreasing in numbers along this part of the coast?—I don't think they are in number, but in size very fast.

607. At the season when they are shelling ought they to be caught?—They are practically of no value, and should not be caught.

608. They are soft when shelling?—Yes.

609. How long are they in that condition?—I am not sure; probably three weeks or a month.

610. Then, of course, it would be better for a close time during that period?—Yes, very much better.

611. I believe the Fishery Regulations do lay down a close time?—Yes, on the other coasts of the Colony. The people here are very anxious to have a close time; they would have the law enforced if it were possible.

612. Do the packers put up these soft lobsters?—Yes; some close down for a fortnight, more because lobsters are scarce in the shelling season, but some go on.

613. Are you sufficiently acquainted with French factories to say whether or not they put up soft lobsters?—I don't know; I have heard that they do.

614. The Fishery Regulations do not apply to the treaty coast?—No.

615. There is no restriction on this coast as to the size of lobsters taken?—No; sometimes the legal packer takes two or three for one from the fishermen; i.e., if the packer has agreed to take lobsters from the fishermen.

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80 cents a 100, if they are small he will take 200 for the 80 cents. There is no standard measurement.

616. (Sir James Erskine.) How far is the nearest English lobster factory from here?—About six miles, at Rock Harbour.

617. Which would be the quickest way to get to it?—By ship—the road is very bad.

618. Whereabouts is it?—Between this and the lighthouse, just inside the lighthouse on Lobster Cove Head.

619. You have said there are a good many illicit lobster factories about here. Have you in your capacity as magistrate taken any steps to suppress or interfere with them?—Never in any way.

620. But you know that they do exist?—Yes.

621. What is the next nearest British factory?—The one on Woody Point, but it is not in operation this year.

622. Which is?—The one at Berry Head, between Green Point and North Point.

623. What, in your opinion, is the chief grievance which the fishermen of this district have in consequence of the working of the *modus vivendi*?—In the first place they were not allowed to catch lobsters, and in the second place not allowed to pack. Only those who were authorised by the naval authorities had the right to catch and pack; and no others had the right to catch and pack within the limits assigned to these. Consequently the legal packers had a monopoly, paying as little as they could for the lobsters, being sure they could get them at any price.

624. (Chairman.) Have you any power to interfere with these factories?—I don't know that I have any power to interfere with illicit factories.

625. (Sir James Erskine.) Have you received any orders or instructions from the Government with regard to your action in that respect?—Not with regard to suppressing illegal factories.

626. But with respect to complaints between British subjects?—Yes.

627. Have you had many cases?—I have had no case for the simple reason that I declined to adjudicate upon them, believing, as I do, that no man had a sole or exclusive right to any part of the public waters.

628. Are you aware that British naval officers have no jurisdiction to interfere in complaints between British subjects in connection with the lobster industry, but under the terms of the *modus vivendi* to see that there are no illicit factories?—I have never heard it defined; I always thought that they had no power, but I did not know that it had been defined that they had no power.

629. If having been defined that they have none, and you considering it not within the province of your duties to interfere, there is no check whatever in questions arising out of people interfering with each other in the lobster industry?—There seems no way to put the matter right at present.

630. (Chairman.) Are there many disputes between factory owners and packers?—None this year that I have heard of.

631. Any in the past?—Many.

632. What was the ground of dispute?—The factory owners claimed the exclusive right to fish in certain parts of the waters, and the other people disputed it.

633. In your opinion the factory owner is wrong in his claim?—Yes, I believe that the waters were illegally assigned.

634. You think that the waters were illegally assigned to them?—Yes.

635. Who assigned them?—the naval authorities.

636. And you believe that they exceeded their powers in doing so?—Yes, as between British subjects.

637. You consider that the *modus vivendi* authorised the delimitation of waters as between British and French subjects, but not the exclusion of any British subjects from British ground?—Yes.

638. (Mr. Morine.) What does the word "fish" mean in Newfoundland?—Codfish.

639. What in the common parlance of Newfoundland is meant by the words fish and fishery?—Codfish and cod fishery.

640. When other kinds are spoken of how are they distinguished?—By designating them either as the herring fishery, lobster fishery, herring school, salmon fishery; the name of the fish is used.

641. How many years is it since lobster packing became an industry in this colony?—I don't remember, but I should think inside of twenty years.

642. To your knowledge was there a lobster packing establishment of any kind in Newfoundland thirty years ago?—I should say there was not.

643. You were born and brought up in this colony?—Yes.

644. Has there been much growth of fishing of recent years?—Yes.

645. You spoke a moment ago of the influence of lobster traps in keeping the fish away—you say they keep the fish from coming inshore?—Yes, in small coves, for instance.

646. Lying off this shore some distance is there a bank in the Gulf of St. Lawrence?—Yes, there is a bank or deep trench in the Gulf of St. Lawrence, through which the fish pass.

647. That is shown on the map of Newfoundland up to 1885?—Yes.

648. (Chairman.) What distance from the shore?—It is thirty or forty miles from the shore at Bonne Bay, but as it extends northwards it gets closer till it almost touches at Port aux Choix, and that makes a sort of trench through which all the fish run.

649. (Mr. Morine.) Are the Frenchmen stationed there get their fish out of that trench?—Yes, large deep sea fish.

650. Do the lobster traps set along the shore interfere with their fishery?—No.

651. You have been speaking about illicit packers, is there any difference in the quality of the pack of the small illicit packers and that of the large factories as a whole?—I don't know of any difference.

652. Do you think the quality of the lobster put up by the small packers any worse than that of the others?—I should not think so.

653. When their cases are shipped are they marked with the name of the packer?—Yes.

654. (Chairman.) Where is that done?—Done at Bonne Bay by the merchant who buys them.

655. (Mr. Morine.) If any turn out to be bad to whom is the loss charged?—The person who buys charges it back to the packer; I don't know if it is so in all cases, but I know it to be a practice.

656. (Chairman.) Has that system of marking each man's cases had any effect upon the quality of the pack?—I should think it would make people more careful—more clean.

657. (Mr. Morine.) You speak of instructions which you had received from the Government as to enforcing certain rules under the *modus vivendi*?—There was a letter from the Attorney-General upon the subject, and a reply from me, copies of which I will, with permission, put in.

(The witness here handed in copies of the correspondence referred to.) (See Annexure No. 1.)

658. Was there a circular letter sent in 1887 to the lobster packers by Commodore Bourke?—There was.

659. Was a copy of that sent to you by the Commodore?—Yes.

660-1. Is that the copy and the covering letter?—Yes. (See Annexure No. 2.)

662. (Chairman.) Did you act upon that circular?—No.

663. That circular was sent to lobster factories generally, and a copy and cover sent to you?—Yes.

664. What is the population of Bonne Bay?—1,132 within the heads, and here in the township about 700.

665. What title have they to their houses, do you know?—They have grants from the Government subject to French treaty rights; others are afraid to go to the expense of getting grants fearing the French may at any time disturb them. In other words, they claim that there is no clear title—that the Government cannot give them a clear title. Consequently they will not make the improvements they otherwise would.

666. Owing to the difficulty of getting a clear title they are afraid to put up good buildings?—So I have been informed. I knew a case where judgment was given against a man for being in wrongful possession of property. Before the court he said he would appeal to the French Commodore and see if he could not get it back.

667. Do you know whether that man did appeal to the French Commodore?—I don't know whether he made the appeal, but he did not get the land back all the same.

668. I see there are some good houses, a little back from the harbour, going up?—Yes; these people are not so timid. The French are getting fewer and fewer, and they hope that in the course of time they will disappear.

669. (Sir James Erskine.) Here's a letter from the Attorney-General's office, dated May, 1897. Did you receive that letter?—I did. (See Annexure No. 1.)

670. Have you since its receipt heard or determined any complaints?—No; I have not.

671. Why?—I believe that I have no jurisdiction in the matter.

672. Therefore you knew after May, 1897, that the naval officers were not going to hear or determine any complaints?—I knew that they had declined to do so.

673. (Mr. Morine.) Is it good land up and down this coast within a short distance from the sea?—From the sea-board backward to a range of one mile.

674. On the half-mile strip along the sea shore, would a large quantity of the best land be found?—Yes.

675. Between this and as far north as you know the country is there a strip of good land along the sea shore?—There is a strip of good land all the way from Bonne Bay to Port Saunders on the sea board, running back to a range of high hills parallel with the coast.

676. Is there any timber up the rivers of this bay?—Yes.

677. Any mineral discoveries here?—Indication of asbestos, copper, coal, and iron.

678. Is there any salmon fishery in the rivers?—The salmon are in the rivers when they go up to spawn.

679. Are there any fishery wardens here?—No.

680. Are any regulations in force?—Only the Inland Fishery laws, but there is no warden to enforce it.

681. This side of Point Riche there is a good harbour called Port Saunders?—Yes; a good harbour.

682. Any packers there?—Hewitt.

683. Has anything particular happened with regard to the movements of the population in that place?—I am informed that a great number of the inhabitants of that place are leaving or are going to leave. I have not been to Port Saunders this year.

684. Can you give a reason for that?—The only reason I can see is that they can't get a living.

685. Why?—Because they cannot get a price for their lobsters which would give them a decent living.

686. How much is Hewitt paying?—I am not sure, but I think 75 cents.

687. What was the price there up to this year?—About 75 cents.

688. You attribute this to the low price paid for lobsters?—Yes.

689. With reference to cod traps, do you think the use of cod traps on this portion of the coast does any harm?—I don't think so.

690. Do you think that the enforcement of rules with reference to the lobster fishery would do good?—Yes, and the people are asking for it.

691. Granted liberty to clear land with a good title and privilege to follow the fishery and the lobsters, is there any reason why the population of this shore should not make a good living?—No reason whatever.

692. (Chairman.) Provided they work?—Yes; there's something in that.

693. (Mr. Morine.) But provided they do work the land is good and productive?—Yes and others will come here and teach them how to work if they don't work of themselves.

694. Within the waters assigned to a legal factory you say it was not permitted to catch lobsters?—The people were not permitted to catch except those acknowledged by the factory owner.

695. Did the factory owners employ all the population?—No, he may employ all the population in places, because some of the places, like Port Saunders, are very sparsely peopled.

696. Those who were not employed were not permitted to fish within that limit?—No.

697. Were those who did fish permitted to sell their catch to any factory?—No, they had to sell to the factory owner within whose limit they caught it.

698. So that privilege of fishing for lobsters or catching lobsters was denied altogether to some?—Yes.

699. And those who did exercise it had to sell to a particular factory owner?—Yes.

700. All this applies to previous years?—Yes.

701. This year that restriction has been suspended, with the results you have spoken of?—Yes.

702. Something has been said in one of Commodore Bourke's letters about the weight of the lobster being too low in the can. Did that take place with illicit packers or with all packers?—I don't know about illicit packers, but it did take place with the legal packers.

703. How do you know?—I saw a circular issued by a firm in Halifax to a firm of packers here to the effect that a can should contain about 14 ounces of meat.

704. (Chairman.) We have heard that the French on the coast smuggle a good deal of customs goods into the colony, and we want you to tell us your experience on that subject?—I have not heard during the last twelve months that they are smuggling now, but that they have done a good deal in the past I feel assured. In 1895 or 1896 a complaint was made to me here that the French had been and were smuggling goods into the colony. I made some inquiries. I went down the coast in a schooner set apart for that purpose, and the result from depositions which I took, went to show that they had smuggled to a very great extent in the past; not only liquor, but general merchandise. I don't mean salt or things of this sort, but boots, clothes, blankets, etc.

705. Where was that brought from?—I don't know; I have an idea from St. Pierre, but I am not sure. Captain Landrigan, a French subject, showed me some boots and blankets he had for sale, and ten cases of gin. He also told me that he did not know it was against the law; in fact, they had always done it to a greater or less extent. I told him it was against the law, and fined him 50dols., and he paid it.

706. We know that two years ago you made a seizure of goods at Port aux Choix?—That was liquor. Since these seizures and fines there has been no smuggling worth while on this part of the coast. I might also state that the French treated me very courteously, although I was there on very unpleasant duty. There was another French Captain—Farvarque. I fined him 40 dols. for selling gin; he also sold groceries.

707. Did he plead ignorance?—I am not sure what his plea was. He was a good deal out of temper, and I was very anxious to get the fine. He told me he had the right to employ British subjects in his lobster factory, provided they got their wages like anyone else.

708. Did you find the goods in the lobster factory?—No; but I got evidence that he had sold them, and he admitted the fact.

709. And you think both these people have given it up?—Neither are on the coast now; they have not been here since.

710. It is your clear opinion that smuggling has decreased?—Yes.

711. You won't go so far as to say that it has disappeared?—I have not heard of any smuggling in the past year.

712. Do you think you would have heard of it if there had been any?—If it had been to any extent I would have heard of it. It must be understood that the people from whom we took the liquor were British subjects, in charge of it for the French owners during the winter.

713. As a result of the inquiries you made, do you consider that the liquor and other goods were brought from France at the beginning of the season?—I am not sure, but I don't think they were. I have been told—in fact, I have it in evidence—that there was a schooner kept by the French on the coast for the purpose of taking their green fish to St. Pierre, and bringing back articles for sale—that is, smuggled goods for sale. I don't think liquors would be brought from France.

714. What makes you think it did not come from France?—Because I understand they would have to account to their owners for the distribution of the liquors brought from France, but that is a matter of opinion.

Mr. Simcox  
Avery, J.P.  
26 September  
1898.

Mr. Simon  
Arvey, J.P.  
—  
26 September  
1898.  
—

715. Has the diminution of smuggling had any effect upon the coast, in regard to the orderly conduct of the people?—Yes; I have not had to deal with a case of assault or larceny since I came here, a great deal of which is done by people under the influence of liquor. When there is a stop to the sale of liquor, people are in their right mind.

716. Do you know where the French factories got their cans?—I am not sure. I think they used to get them from Halifax, but I know they get some here now.

717. But they don't export from Halifax as much as they did?—I expect the Sub-Collector could answer that question.

Commander  
Herbert  
Lyon, R.N.  
—

Commander HERBERT LYON, R.N.; Examined.

718. (Chairman.) What is your name?—Herbert Lyon.

719. You are Commander of the "Pelican"?—Yes.

720. This is your first season on the coast?—Yes.

721. What has your station been?—On the west coast the whole time, except for six weeks at St. John's.

722. Your station, therefore, is from Cape Ray up to the entrance to the Straits of Belle Isle?—Yes.

723. We know that last year within your district there were fifteen French lobster factories, of which thirteen were working, and fifty-nine English factories, of which fifty-seven were working?—Yes.

724. Are these all working this year?—Nearly all.

725. What are the numbers not working?—Four English factories not working, and two French—Red Island and St. Barbe.

726. Do you know whether they generally have done well?—On an average, I should think they have done pretty well; in some places very poor, but in others very good indeed.

727. Very good on St. John's Island?—St. John's Island is always good.

728. Do you know why that should be always a good spot?—No, I cannot say why. You may have one place good, and ten miles off hardly a lobster.

729. Those men we have been calling "illicit packers," this year, as we know, have been fishing everywhere?—Yes, they have; there has been no attempt to prevent them fishing; in fact, they have been told they can fish anywhere they like, and sell to the highest bidder, but they are not allowed to pack.

730. But they do pack?—It would take a good many ships to stop them.

731. Then this year they are not making complaints?—There are a good many complaints from the English factory owners.

732. Do the French complain of them?—Very seldom. I have had very few complaints indeed from the French.

733. Do they go on French ground?—My experience of the French ground—of Black Duck Brook, for instance, where the principal French complaints were—was that they did not object at all to one man putting a few traps on their ground, and fishing and canning, but when it came to fifty and sixty traps, and perhaps half a dozen or a dozen men at it, then they complained.

734. (Sir James Erskine.) The "Pelican" has been on the west coast during her commission—for three years?—No; she was in Jamaica one year.

735. But while on the Newfoundland fishery service, she has been on this coast, and your first Lieutenant was present on the "Pelican" during the baiting season in St. George's Bay last year—in 1897?—Yes.

736. Was he a Justice of the Peace?—Yes.

737. (Mr. Morine.) Does not all your trouble arise in waters occupied by British factory owners?—Yes.

738. (Chairman.) There are very few cod rooms on the coast either English or French?—Very few; about eight French—four south of this point (Bonne Bay). The following only are still at work—Pel Island and Tweed Island.

739. You have had no complaints from them about interferences with their fishery?—Not a word.

740. As far as your personal experience goes, do the British and French fishermen live peaceably?—Very peaceably, as far as I have seen. I have even asked the question of the English fishermen, and the answer invariably is, that they get along splendidly together, and, in fact, in many places, fish side by side.

741. Do the nomadic schooners come round here?—I have not seen a single one on the west coast this year, but I believe there have been one or two.

742. Do you come across any traders from St. Pierre up the coast?—No.

The Rev.  
Charles  
William  
Hollands.  
—

The Rev. CHARLES WILLIAM HOLLANDS; Examined.

743. What is your name and occupation?—Charles William Hollands, Clerk in Holy Orders, representing the Society for the Propagation of the Gospel.

744. How long have you been here?—I have entered my eighteenth year now.

745. Was there any lobster industry when you first came?—Not when I first came. It first began here, in Bonne Bay, in 1886; but it commenced at St. Barbe about 1876, and in Port Saunders about 1885, and in Brig Bay, in or about 1884. There was only one factory in 1886 in Bonne Bay, and from that time the whole coast became spread with them.

746. Do you remember the beginning of the *modus vivendi*?—Yes, in 1889, when Sir Baldwin Walker was commanding the station.

747. Did the people then fish for the factories?—Yes, and sold their lobsters to the factories.

748. Do you know the rates obtaining at that time?—50, 55, and 60 cents a hundred.

749. The factory owners supplying the gear?—Yes.

750. About 20 cents more than they got with their own gear?—No; there was no thought of using their own gear in those days.

751. When did the men take to making their own gear?—I should say about 1890.

752. What price did they then get?—There was a slight increase by that time—90 cents to one dollar a hundred—fishing with their own gear.

753. And that continued up to this year?—There was a slight increase up to 1.20dols. and 1.50dols. last year in some instances.

754. When lobsters were scarce?—No, by combination among the men—they would not fish for lower rates after they had got permission to fish in any waters.

755. It was last year that the waters were thrown open?—To a certain extent, but it was not fully known.

756. Does anybody go cod fishing from here?—Very few indeed.

757. Lobsters pay better?—They do at the increased price, and, of course, when they are able to put them up themselves.

758. Are they fairly well to do here?—As a whole, they are.

759. Solely owing to the lobster fishery?—Solely.

760. Do they cultivate gardens?—Yes, in nearly all the settlements up and down the shore they have good gardens, just enough for their own use. They have no time to go in for farming; it is impossible to unite farming and fishing.

761. They go off to fish immediately the ice moves off?—Yes, and give it up after the first week in October.

762. Do the French ever come in here?—Yes, we have French sailing vessels in the latter part of April and the beginning of May, and also men-of-war.

763. What do they do?—The French fishermen sometimes come in here to get bait to go to Port aux Choix, so as to prosecute the fishery at once.

764. Is this an early baiting place?—Yes, this place is very early with its herring.

765. We have heard that smuggling has decreased on the coast?—Yes, considerably; no smuggling, practically, for the last six or seven years.

766. It was very rife when you first came here?—Yes, in 1881 and 1882.

767. To what do you attribute this decrease?—To the vigilance of the Customs officers and to the Revenue cutter being on the shore for several years. The law is better enforced. The police have been looking after matters at Port aux Choix, which has put it down a great deal.

768. Does the diminution of smuggling make any difference to your people?—Yes, I think they have seen the difference in the matter, and are better in every respect, especially as they have not been able to get spirits as they used to. Drunkenness is not nearly so frequent—particularly in the northern part of the mission.

769. Less disorder than when they used to get spirits from the French?—Yes.

770. How far does your mission extend?—From the mouth of Bay of Islands, Cape Gregory, to St. John's Islands.

771. (Mr. Morine.) Are you very well acquainted with the country from here to Flower's Cove?—I have been there nearly every year.

772. Will you describe the character of the country from here northward?—From the mouth of the bay to Port Saunder's is one of the best agricultural districts in the island. At the mouth of the bay it is about three miles to the hills, and as you go north it widens from about twenty-five to thirty miles, and that is for a distance ninety miles in length—all large marsh land, heavily timbered, and fit for cultivation, and level from the hills to the sea shore.

773. Is any use made of it?—Nobody has ever tried. The men are too busy with their fishing.

774. You say it is impossible to combine fishing with farming. Do you mean that literally?—As regards lobster fishing, because the men are obliged to be on their gear every day.

775. But don't you think that on this part of the coast they might cultivate a great deal more?—I do not think there are more than five or six families who do not grow sufficient for their needs.

JAMES FREDERICK BANCROFT, Examined.

787. (Chairman.) Your name and occupation, please?—James Frederick Bancroft, Sub-Collector of Customs at Bonne Bay.

788. How long have you been in that position?—Nearly eight years.

789. Had there been any Customs Officer here before you?—Yes, there had been for about eleven years—an officer named Norman Taylor.

790. When you came was there much smuggling along the coast?—I fancy there must have been, because so many traders from other parts, such as Canadians and Americans, used to enter their ships here, and report, perhaps, half their cargo, and I fancy that the collector, on faith, took the manifests as truthful ones for the whole cargo, which used to allow these traders the benefit of half the cargo duty free, the vessels never having been "jerked." After my arrival here, after entry had been made and the duty paid, I hauled several of these vessels into the Government wharf and discharged parts of their cargo until I could count the balance, when I found that they had reported very little more than half. These goods I seized; that is, the surplus. From that day along, they have ceased to come here, knowing that they cannot make it pay, and we have very few traders on the coast other than our own local traders.

791. Since that date has the trade of this port increased?—In 1892 the imports were valued at 52,000 dols., and the duty collected therein was 10,000 dols. At this time, owing to forced trade and traders from outside, we had very little trade with St. John's. Since a stop has been put to the illicit getting through of goods these traders have ceased to come, and our trade with St. John's has increased. Coastwise steamers coming here in 1892 and 1893 very seldom landed more than half a dozen packages at a time, and the whole value of the coastwise trade would not amount to 1,000 dols. a year. Since these foreign traders have stopped, the coastwise trade has gradually increased, and, at the same time, the duties collected on imports have also increased. The value of the goods imported this year has been 65,000 dols., which paid a duty of 2,450 dols. These are direct imports from Canada and Great Britain. In 1892 our coastwise trade was prac-

776-7. You said this was the finest agricultural portion of the country?—Yes, it has the capacity to become so.

778. Do you know anything about minerals on the shore?—It is reported that there is a good deal of hematite iron at the back of Portland Creek. Mr. Reid has some samples, and at Parson's Pond there is any amount of petroleum. Wells have been sunk there, and on this side of Parson's Pond a man named Noseworthy has some oil claims, and there are indications between St. Paul's and the mouth of the bay.

779. Do you remember when the Anti-Cod Trap Legislation was in force?—It came into force in 1896.

780. Do you know whether that had an effect on any portion of this coast?—The people were aghast about putting out their traps, and, consequently, lost a great deal of fish.

781. Will you describe the peculiar fishery at Flower's Cove?—At Flower's Cove we have about ten to fourteen days' fishing throughout the season, and if not allowed cod traps, seven-eighths of the population would have to be taken out of the place. They get a little fish later on by going into the middle of the Straits, and that is obtained by jigging—oftentimes among the icebergs. The people depend solely upon fish. I have been there about the 29th and 30th July, just after the capelin school was over, and you could not obtain a cod fish to save your life.

782. The cod trap is essential to catch some of the fish as they go by?—Yes.

783. (Chairman.) They just fish for that fortnight to make their whole season's voyage?—Yes, and in that fortnight I have known some of them to catch as much as 300 or 400 quintals with traps, where with hook and line they would not get more than ten to twenty quintals.

784. At other times of the year the cod do not strike the shore?—No.

785. (Mr. Morine.) Generally up and down the shore is the use of cod traps a necessity?—Yes, in many of the settlements.

786. (Chairman.) Is there any French room nearer to Flower's Cove than Port aux Choix?—No, and that is about forty miles off.

(The witness then withdrew.)

tically nil; to-day we have landed here 30,000 dols. worth of goods from St. John's. Therefore, my contention is that in 1892 our total imports were only 52,000 dols., whereas to-day, including coastwise trade, which was nil in 1892, the total is 95,000 dols., and is still increasing.

792. Do the St. Pierre traders come on the coast?—Not to Bonne Bay; there are traders that leave St. Pierre under cover of going to Port aux Choix, the so-called "French Settlement," to procure bait and to carry the fish to St. Pierre. These vessels carry contraband goods in the shape of vile spirits, miserable stuff, and they call in at the different headlands and ports outside the jurisdiction of this port, and barter the spirits for bait without reporting or paying duty for it.

793. What is your authority for saying that they do this?—I think I have a letter reporting the case of a tide waiter who was kidnapped and thrown ashore at St. John's Island. The man was gone for seven or eight days.

794. Taken out of Bonne Bay?—On the headland outside. I heard the vessel was there, and I sent a man out who found the vessel there with a cartload of cases of gin and other spirits, specimens of which were found in the possession of British subjects.

795. When was this?—I should say about six years ago. The captain's name was Bische. Several warrants were issued for his arrest, but we have never found him since. In 1895, in the month of December, I heard that British subjects were selling spirits at Port aux Choix; I sent down and found the spirits there—205 gallons.

796. Then these smugglings no longer go on?—Not at present; I think they are put an end to as far as I can glean.

[At this point Mr. Morine put in a letter from Mr. Bancroft to the Receiver-General of Newfoundland with reference to certain seizures at Port aux Choix.] (See Annexure No. 3.)

797. (Chairman.) Are all the statements in this letter true?—Yes.

798. (Mr. Morine.) Do the vessels on their way to Labrador still call at Port aux Choix, and trade with the

The Rev.  
Charles  
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James  
Frederick  
Bancroft.

James  
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Bancroft.

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French?—The vessels do call there, but I have no information as to whether they obtain any goods. I doubt whether they do; the French are more particular than they were.

799. (Chairman.) Have you heard whether they are under any orders from their Government not to leave spirits?—No, I have not.

800. (Mr. Morine.) Is there any Newfoundland Customs Officer at this station?—It would be no good. Three or four vessels will come here from France, and I go on board and ask to see their papers. The captain refuses to produce his papers or to comply in any way with the

Alfred Tuff.

ALFRED TUFF; Examined.

803. (Chairman.) Will you please state your name and occupation, and how long you have been living here?—Alfred Tuff; I am a fisherman, and I have been living at Bonne Bay twenty-seven years this fall.

804. And fishing for cod all that time?—Yes, except last summer.

805. Do you mean the summer of 1897?—Yes.

806. Why did you not fish that year?—We thought we would do better with the lobsters. My boys went at it, and I went to help them. The man-of-war came and stopped us, and I calculate that one way and another we lost about £200 over it.

807. What you particularly want to tell us about is the cod fishery and the lobsters?—Yes; I have been fifty years cod fishing around Newfoundland, and in places where you could see any amount of fish; thousands of quintals, if you put a stage in these coves, and what with the "gurry" off that stage in two years you won't get a fish to haul there. Now this shore is gurred with lobster traps, and the men are on them all day. The people

regulations of the colony. They consider we have no right here whatever.

801. Do you board every ship that comes in?—Yes; the boat boards every French or British ship—local or foreign. I can never get any satisfaction with the Frenchmen; they will hoist their flag, and there is all.

802. Would it be as well for a British official to go there to overlook the English in their dealings with the French?—It would be a good thing if it could be carried out, but I doubt whether any official would agree to go there a second season.

cannot get a fish, and if we are not allowed to can lobsters we must starve. The captain and all have left the coasts.

808. Is it the cod fish that are driven away by this bait?—Capelin and cod fish both; old fishermen will tell you the same. These lobster traps are used right on the fishing ground.

809. I believe you have coves where you specially go for bait?—Yes, in general there are places where we go for bait.

810. Have the French had any coves in this harbour since you came?—No room for more than Port Saunders since I came. The French don't annoy us, and we don't annoy them. It is the British subjects. If we had equal rights with all British subjects we would be satisfied.

811. What British subjects have better rights than you?—Those who have the big factories have all the rights; we have none.

812. This is a matter of great complaint to you and your friends?—Yes, to all the fishermen.

813. You have done better this year since the waters were thrown open?—There was very little this year.

Ingram  
Taylor.

INGRAM TAYLOR; Examined.

814. (Chairman.) What is your name?—Ingram Taylor.

815. You were in the employ of the Customs?—I was for a short time.

816. Where were you then?—At Trout River.

817. Were you tidewaiter?—Acting tidewaiter.

818. Your duty was to board ships?—Yes.

819. When was this?—In 1892 or 1893.

820. What have you to tell us?—A French vessel came in at Trout River from St. Pierre.

821. Did you board her?—Yes; they sold three cases of gin and one gallon of brandy to three different men living at Trout River.

822. Was this sale made openly?—Yes.

823. No concealment about it?—They were enquiring for the tide waiters and schoolmasters at the place.

824. You know this?—Yes, when it was sold I made an outcry.

825. How much did the men buy?—Three cases of gin and one gallon of brandy.

826. And you made an exclamation?—Yes.

827. What happened then?—They ordered all hands to leave the ship.

828. Including yourself?—Yes.

829. Who ordered that?—The captain and supercargo.

830. Then although you were there as Customs Officer you had to go?—Yes, I went.

831. What would have happened if you had not gone?—I don't know. They threatened to throw me overboard. I remained on board three days; they were always threatening me, and on the third day we were at Port aux Choix Bay, about fifty or sixty miles south of Trout River—they

had not called anywhere else. They called me up out of the fore-castle; I would not leave the fore-castle; they got a rope around me, and after a while they hauled me up on deck. I was struggling for an hour or an hour and a-half, and I was then thrown overboard into a boat. The captain gave the supercargo a revolver, which he put into his bosom before he got into the boat, and rowed me ashore. This is all sworn to in the Court House.

832. Was the Frenchman brought up?—I don't believe so.

833. How did the matter come into the Court House?—The parties that bought the liquor were summoned to the Court House to give evidence in connection with the case.

834. Where was this ship bound for?—St. Pierre, I believe. She was sailing about the coast of Newfoundland and Canada selling liquor. She was about 60 or 70 tons.

835. Did you ever hear of a similar case?—Next year down the shore there was another case, and I believe the same thing happened here last spring in a vessel off here.

836. (Mr. Morine.) Do you know whether that vessel had any more liquor on board?—Yes, at the time I was on board, but I don't think any other goods.

837. How do you know she came from St. Pierre?—Only by the newspapers they had on board, of which the dates were very recent.

838. You do not know the name of the schooner?—She had no name on her.

839. Do you know the captain's name?—Birchel.

840. He had a St. Lawrence boy on board?—Yes.

841. Where did he board her?—Not on this coast.

842. St. Lawrence is just off St. Pierre?—Yes.

James  
Frederick  
Bancroft.

JAMES FREDERICK BANCROFT; Recalled.

843. (Chairman.) We have heard that the Frenchmen bring up immoral pictures on the backs of playing cards?—Yes; these I have seen in several places, and knowing that they were prohibited by law I obtained some as proof that they were brought here.

844. You don't know whether they distribute them

along the coast?—No, but I know that our people see them, and that they show them round. When I took the particular pictures that were in my possession, I found them showing them to two girls that were in this harbour. One is married, and the other is not. I want it stopped. I know what my duty would be if it were

on an English ship, even if brought in by a foreign subject, but this being the Treaty Shore where the French have so many privileges, I did not like to do anything that might complicate matters. I have shown these pictures to the Commodore, also to the Crown officers of the Supreme Court, and to a former Receiver-General.

845. Have you reason to believe that the Frenchmen build boats for themselves on this shore?—I believe they build batteaux and small schooners at Port aux Choix and at St. John's Island.

846. How do you know?—They have a bait skiff of 20 tons, and being on board I enquired was she built in France, and the Captain said "No, at Port aux Choix." They also build batteaux.

847. How do you know they build batteaux?—Because they have told me so, and the people living round there have told me that the Frenchmen build batteaux and also small boats.

848. Have you any reason to believe it is done frequently?—It is always done; they bring nothing from France other than their large ships; they build all their small boats in the Colony.

849. Is your information reliable?—I am satisfied that it is. At all times when a wreck occurs on this coast,

whatever part of that wreck falls into the hands of the French, whether flotsam, jetsam, derelict, or lagan, is taken away with them. They always refuse to pay the duties or to give an account of what they have; they don't acknowledge the officers at all.

850. Has any particular instance come under your knowledge?—Five years ago there was a brig wrecked at Gargamel, and they must have taken 50,000 planks which they did not report to me, and would not report.

851. How do you know?—I was there.

852. In what capacity?—By virtue of my office as senior Customs Officer of the district, I became Wreck Commissioner. Last year the "Baltimore City" was wrecked at Flat Island, St. John's Bay, and they secured a lot of deal plank, for which they would not account, neither would they pay duty on it, nor divide up their salvage, that is, that they should have one-third of the plank for the trouble, and the other two-thirds go to the underwriters. The underwriters, Job Bros., of St. John's, offered them one half as salvage, but they would not take it, and carried off their planks. Perhaps they have some at St. John's Island now, using them about their buildings. If these planks had been in the hands of an Englishman, he must have given up half to the underwriters, retaining half for salvage after paying duty thereon.

James  
Frederick  
Bancroft.

26 September  
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On Board the "Fiona," Bonne Bay, September 26th, 1898.

JAMES C. SEELEY, examined.

853. (Chairman.) What is your name, please?—James C. Seeley.

854. You are the owner of several lobster factories?—Yes.

855. Where are they?—One at Parson's Pond, one at Berry Head Cove, and one at Lobster Cove. If there is likely to be any change in the present system, I say that it would be only fair and right that the owners of these legal factories should be compensated or indemnified, because we have bought these factories in almost every case under the *modus vivendi*; we have paid fabulous prices for them, beyond their real value, and now, if we lose the exclusive right the value will become nil.

856. How many traps do you put down?—At Parson's Pond about 1,000; at each of the other places about 600.

857. What does each trap cost with the rope?—Roughly speaking a dollar apiece, including rope.

858. What does the boiler cost?—It depends upon whether it is copper or iron. Iron, from 10 to 12 dollars; copper boilers, such as we have at Parson's Pond factory, are worth from 40dols. to 70dols.

859. What is the process?—First we put the lobsters to boil them into a boiler about 3ft. deep, then into another boiler about 4ft. deep for "bathing," that is, cooking them when they are in the can. Then the tins are put into shallow pans with ropes attached to take them up by; these again are set one on top of the other in a deep trough, and when the time comes the pans are lifted out one by one.

860. What are the contents of each tin?—We pack 1lb. tins and ½lb. tins; that is, one pound of meat into a 1lb. tin, and half pound of meat into a ½lb. tin. In many cases we don't put the full amount of meat.

861. Do you use gelatine?—No.

862. Do you put 16oz. lobster into a one pound tin?—No, about 15½oz. of lobster.

863. Why do you drop the half-ounce?—Because the dealers say that the lobster will turn out brighter and better if we add half an ounce of salt water. That is what the dealers, Simpson, Roberts, and Co., of Liverpool, England, tell us.

864. Half an ounce of water is enough for a 1lb. tin?—Yes.

865. Is the half ounce, as far as you know, exceeded in some factories?—I don't know; I doubt it might be in some cases. Lobsters, I know, will turn out much brighter and better with a small quantity of water.

866. Have you anything more to tell us?—I consider that all British subjects should have a free hand, but not at our expense. We have bought these factories and paid big prices for them, and as soon as everybody has a free hand, the rights that we have bought become nil. We do not consider that we have only bought them from year to year.

[Mr. Morine wishes it to be noted that this claim for compensation is no part of his case.]

Tuesday, 27th September, 1898.

PRESENT:

Sir JOHN BRAMSTON, K.C.M.G., C.B., Chairman.

Admiral Sir JAMES ERSKINE, K.C.B.  
The Earl of WESTMEATH, Secretary.

Hon. A. MORINE, Agent for the Colony.

On Board the "Fiona," at Bay of Islands, 27th September, 1898.

GEORGE E. BEARNS; Examined.

867. What is your name?—George E. Bearns.

868. Are you a Newfoundlander?—Yes.

869. And you are interested in mining claims?—Yes, I am interested in various claims situated in different parts of the Island. Some of them are inside Bonne Bay, St. Paul's Inlet, and Parson's Pond.

870. What is the nature of the Parson's Pond claim?—Petroleum.

871. How far is it from the shore?—About one mile.

1781.

872. If you work it would St. Paul's Inlet be the place of shipment?—I could not say. It would be at a port near there.

873. Have you tested the property?—Yes; we have expended quite a lot of money on it, somewhere about 15,000dols., and we are satisfied that it is worth pushing. Boverton Redwood, of London, and the greatest English authority in petroleum, says the property is of incalculable value. There is another oil property adjoining mine, and Mr. Redwood sent an expert out last year by

George  
E. Bearns.

P

George  
E. Burns.

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the name of Eastlake, to report upon it. I know from Mr. Redwood himself that the report was very satisfactory.

874. Why are you not working this property?—The principal reason is because of this so-called "French Shore," or rather of the French claims to the shore, capitalists are timid and will not invest. For instance, last year I had Messrs. C. T. Bowring and Co., of London, who were prepared to come into this business with me. They were very much inclined to go into it on the reports they had got from Redwood, but Mr. Bowring told me himself he could not think about it while this Treaty Shore difficulty remains. He said they would be liable at any moment to lose all the money that would be put into it. This is most unfortunate, as I consider 8,000 people could find employment in this industry.

875. Are you interested in any other properties on the Treaty Shore?—No.

876. What title have you to this property?—We have a five years lease, and a grant for one mile.

877. What is the extent of it?—The extent of the oil property is 6,400 acres. The adjoining property is about

9,000 acres. I believe that the oil is all through our property. We strike the oil at a depth of 1,000 to 1,800 feet. We have not had what we call expert labour employed at the wells. We have not had men there "shooting" the oil; they are only pumping wells. They are not what are called "Gushers." We do not wish to go to the expense of going into other claims yet. Within the last three weeks, they have found oil at 500 feet from the surface in Port au Port, and they are pumping at that place, from wells sunk this season, ten barrels per day. It is right on the coast line. I am interested in property there (the mine on this point). Mr. Andrews is the name of the man working at that place, and he is now at Port au Port.

878. Are you aware of your own knowledge of any other mineral property that is not now being worked on account of the Treaty Shore difficulty?—I understand Mr. Mackay is interested in very valuable property on the west coast, I cannot say exactly where, and they were obliged to close it down on account of that difficulty. It is a matter that is always coming up. I know of my own knowledge that there are many properties on the so-called Treaty Shore that would be worked if the French question were settled. That is, in fact, the only difficulty which exists at present.

Charles  
Edward  
Parsons.

CHARLES EDWARD PARSONS; Examined.

879. (Chairman.) What is your name?—Charles Edward Parsons.

880. How long have you lived in Bay of Islands?—About thirty-seven years.

881. Was there any settlement here when you came?—A few houses, two on the other side and one at the English people; but no one here in what is now the town, until three years after I came.

882. How many people now in Birchy Cove proper?—About 300.

883. Is there a church and schools and magistrate and Custom House officer?—Yes.

884. Any French rooms in Birchy Cove?—No, not in Birchy Cove, or anywhere round the Bay until you get to Little Harbour, which is on the other side from here about three miles down.

885. Are there any French rooms there now?—I don't think so.

886. Do you remember when there were any there?—It's so long since I have been there that I scarcely know.

887. Do the French ever come here to Birchy Cove?—Not since I have been here.

888. What do the people do in Birchy Cove?—They fish; herring mostly.

889. Do any of them catch lobsters?—Yes.

890. Where do they go?—On the outside of the Bay altogether.

891. What do you do?—I farm a little.

892. Is it good soil hereabouts?—Yes, pretty good.

893. Do other people besides you farm?—Yes, all the people do a little in raising potatoes, cabbage, and turnips.

894. Do they raise more than they consume themselves?—I don't think so.

895. Is the climate here in winter very severe?—No.

896. Does the Bay freeze over?—Yes.

897. The whole bay, right up to the heads?—Yes; but the cold, is not so severe as I believe it is in Bay St. George, neither is our weather here so severe as in Nova Scotia. The winds seem to be more piercing there.

898. (Mr. Morine.) Is there any fog here in summer?—None worth speaking of.

899. (Chairman.) Have you lived here all these thirty-seven years?—Not exactly; I have been knocking around; sometimes at Halifax, Quebec, St. John, St. Barbe, etc.

900. Compared with other parts of the Island how is the climate of this section?—Better, I think.

On board the "Fiona," at Bay of Islands, 27th September, 1898.

Levi March,  
J. P.

LEVI MARCH, J.P., Examined.

901. (Chairman.) What is your name and occupation, please?—Levi March. I am Stipendiary Magistrate at Bay of Islands.

902. How long have you been here?—Since May of this year.

903. Can you give me any idea of the population inside the Heads?—The figures for the whole bay by the census of 1891 are 2,500.

904. Will you tell us anything of importance that has happened since you came here?—With regard to the lobster fisher, a number of settlers upon the coast who have been catching lobsters for the packers, made complaints to me of the prices they were paid. I then visited some of the factories to get all the information I could, and one packer told me that he was under the impression that under the Modus Vivendi Agreement he owned the area given to him, and that he had the power to allow nobody to fish except those whom he thought proper. That was Mr. Thomas Carter, at Wood's Island. My answer to that was that under the commodore's instructions; the settlers had the power to fish upon his ground, and to sell to whom they pleased. He did not think so; there was some contention between him and his fishermen upon that point.

905. Have the men fished everywhere this year?—There has been a good deal of friction—while they have fished—between the packers in the so-called areas, and the fishermen.

906. What price have the men obtained for their lobsters since you have been here?—Some of the accounts from Mr. Carter have been before me, and the men have been credited, in some cases, 60 cents, and in some cases, \$1.00 a hundred, that is when the packer finds the outfit.

907. And when the fisherman finds the outfit?—I think about \$1.20, but am not positive. Further down the coast I have heard that they receive from \$1.50 to \$2.00. Mr. Anguin, who has two factories himself, has paid \$1.50 to \$2.00 when the men find their own outfit. I understood from him that he paid \$1.00 when he fitted the men out.

908. Where is his factory?—At North Arm, Shoal Point, Wood's Island.

909. Have you heard of any trouble between the English and French this year?—No complaints have been made to me since I have been here.

910. (Sir James Erskine.) Have you any knowledge of your own of the disabilities under which the people lie on account of the treaties?—Yes, men have come to me and said that they suffered a number of hardships on account of their gear and stages being taken away. I hand in these statements. (See Annexures Nos. 4, 5, 6, 7, 8, and 9.)

911. (Chairman.) Are these the statements to which you refer?—Yes, and here are copies of them.

912. Are you aware that the Fishery Regulations empower the Government to appoint a Sanitary Commission for any harbour?—Yes.

913. Has any request been preferred from this bay for the appointment of such a Commission?—Yes, I have had a number of applications asking to have a Board appointed to protect the harbours where the herring resort, to prevent rubbish, offal, and herring which have been put on scaffolds to freeze, and, from want of frost, rot, being thrown into the sea. The contention is that a continuation of this from year to year has prevented the herring from visiting their haunts. They have asked that a Board of Commissioners be appointed, and that a regular circular be put on board vessels arriving in these harbours, to shoot their ballast rubbish and herring offal in specified places.

914. Are these herring to which you refer as put on stages to freeze, Newfoundland herring?—Yes, they are put on scaffolds made on shore for the purpose of freezing them by the settlers. The purchasers will have them brought on board of their vessels, and if they

find them unfit for cargo they will throw them overboard.

915. What vessels are you alluding to?—This applies largely to American vessels.

916. You do not allege that the settlers throw these herring into the waters?—No, they don't. The herring are taken on board these vessels, and, if unfit, the captain orders them to be thrown overboard. They are thrown in from the ship and not from land.

917. Have you any power to deal with that except under the Fishery Rules and Regulations?—I made application to the Superintendent, and asked to have a Board appointed. His reply was that I should consult the Executive Council, and Mr. Morine informs me that there is no power except under the Fishery Rules and Regulations.

918. Are you aware from the last report that the herring fishery in this bay has been very poor of late? Yes; although at one time it was understood that this was a great place for the herring.

(The witness then withdrew.)

On board the "Fiona," at Bay of Islands, 27th September, 1898.

WILLIAM HENRY BAGG; Examined.

William Henry Bagg.

919. (Chairman.) Your name, please?—William Henry Bagg.

920. Have you lived long in this place?—Thirty-eight years in Birchy Cove.

921. How many families were there here when you first came?—The site of the present settlement was covered with timber at that time.

922. And since that time it has gone on increasing?—Yes.

923. Can you say where the nearest French room was in those days?—Little Harbour, just outside the South Heads, and the Heads are about thirty miles from where the "Fiona" is now lying. There used to be about five brigs there at that time, but none in this bay.

924. Any in Lark Harbour?—Not in my time.

925. Since that time they have come to the Islands in the Bay?—Yes.

926. What distance from this point?—About twenty miles from this point; nothing nearer.

927. The bottom of the bay where we now are is not frequented by cod, only by herring?—Yes.

928. Did the French come up to catch herring?—No.

929. Where did they get their bait?—About the islands in the South Arm.

930. Do you catch herring for salting and export?—Yes.

931. And does that fishery still go on?—Yes; last fall was as good a fishery here as ever was known. Not up here in the bottom of the bay, but in the North Arm, which is nearer the Heads—twenty-five miles from here.

932. Is any reason suggested why the herring have left the bottom of this bay?—There is no particular reason that I can see. They left before for two or three years and then came back again.

933. What is it you have come to talk to us about?—Lobster factories.

934. Do you own a lobster factory here?—I did, but I do not at present. I bought a lobster factory at Lark Harbour, already built, by Mr. Forsey, of Grand Bank. It was the first factory built in the Bay of Islands, and Mr. Forsey fished it for a number of years. I think he had about 3,000 traps which occupied a good lot of fishing ground. They were set at different places along the shore. Lobsters being low at that time, Mr. Forsey sold out to me. I cannot tell exactly when, but it was before the *modus vivendi*. I fished about 800 traps. There was no trouble about my factory with the ships of war, because the factory was all right. The Frenchmen told me since, that being an old factory it was all right. Next year I did not run it. Lobsters were low and scarce. Then, I think, it was the same year that Captain Sir Baldwin Walker allotted out the grounds to the factories, and I believe he overlooked my factory because I was not running it that year. That same fall I got an order from Captain Cochrane, of the Pelican, telling me that the lobster ground allotted me was in Lark Harbour, and then round Guernsey Island, Wiebald, and, I think, the south side of Pearl Island. Now Pearl Island is miles away from my factory, and I did not fish there; it was about ten or fifteen miles away. For that reason I sold my factory, not having

any fishing ground. On the lobster ground allotted to me at Lark Harbour there are no lobsters in the harbour to speak of. We had our traps before all round the South Head and at Tweed Island. That ground was given to Mr. Carter, and a Frenchman has it now, Mr. Haccala. I had a special right to that ground, because it was ground the man fished on from whom I bought the factory, and in the meantime I bought a house at Lark Harbour, that Forsey had put up for his fishermen, and I consider that gave me a right before anybody else to fish lobsters in these waters. During the *modus vivendi* George Shepherd built a factory at Lark Harbour alongside of mine, and he had all the ground where I had fished before, and which I expected to get. Then, as I had no ground to fish, I had to sell my factory, and there being no Englishman to buy it, and this Frenchman, M. Haccala, being willing to buy, I sold it to him, lots, factory, and all for \$400.00, and it has cost me three or four times as much as that. When M. Haccala got the factory from me he got plenty of ground; how he got it I don't know; and he got what little ground I had at South Island and Wiebald, and a lot more besides, French Island and a lot up in the South Arm. He is running two factories now instead of one.

935. Did you do well with the factory while you had it?—I just about cleared expenses the first year, and then I lost the ground. If I had the ground I should have been running it yet. Lobsters then were lower than now. I only ran the factory one year. I daresay that had I known at the time that Sir Baldwin Walker was allotting the ground I might have done better; but he was among the factories where there were disputes, and there were none about mine. So I did not go to him, not knowing anything about it.

936. Do you know whether the lobsters are smaller than when you began?—The fishermen say they are, but I don't know myself.

937. (Sir James Erskine.) Do you do any farming here?—A little; the land is pretty good.

938. Do you do any salmon fishing?—No.

939. (Chairman.) Are there any salmon in this bay?—Yes, the brakes principally catch them.

940. (Mr. Morine.) Why did you not buy lobsters taken on your old ground?—There was no chance. Mr. Shepherd was fishing on that ground, and he had his own people fishing, and he would not allow anyone else to catch lobsters on his ground.

941. Was that against the rules?—I did not know there were any rules.

942. Were any rules or regulations enforced against buying lobsters caught on other people's ground?—I don't know of any.

943. People fitted out fishermen to fish on their ground?—Yes.

944. Was not all the ground free to any packer after the *modus vivendi*?—No.

945. Were people allowed to fish on one man's ground, and sell to the owner of another factory?—No.

946. Was that your only reason for selling your factory?—Yes; the factory was so good to me if I had no ground to fish on.

(The witness then withdrew.)

On board the "Fiona," at Bay of Islands, 27th September, 1898.

LAURENCE BARRON ; Examined.

Laurence  
Barron.

947. (Chairman.) What is your name and occupation?—Laurence Barron; I have been Collector of Customs in this Bay since 1878, which was when we began to collect duties.

948. Do you know what amount of duties was collected in your first year?—I am not positive; about 2,000 lbs.

949. And how much now?—From 5,000dols. to 8,000 dols.

950. How far does your district extend?—From Little Harbour on the south side of the Bay, to Cape Gregory on the north, including this Bay.

951. Was there any trade with St. John's in those days?—There was some trade with St. John's, but it was principally with Halifax. Since the coastal steamer has been put on there has been more trade with St. John's.

952. Has there been any question with the French about Customs?—When I took over my post I was told there was a Frenchman here who would not pay duties.

953. Where did you find that Frenchman?—I found his vessel ashore on Wood's Island when I went to look for him.

954. What had he on board?—Salt, a couple of casks of brandy and general cargo of small quantity. He hailed from St. Pierre.

955. What took place when you went on board?—I told him I should have to seize his goods. The vessel was ashore, and he was on the land. He said he was told at St. Pierre that he need not pay any duties on this coast.

956. Did he pay the duties?—Yes.

957. Was there any fuss about it afterwards?—I never heard any more about it, and no more French traders came into this Bay, except a schooner that came in about twelve years ago to sell some liquor without paying duty or license, and I spotted him. He was fined.

958. Is that the only case that you have had since?—There was one more about four years ago. A man left some goods in the possession of an agent on Wood's Island, and he sold these goods for herring barrels.

959. How do you know?—I had him before the Court and took sworn evidence. He was fined.

960. You have been able in every case to obtain the duties from the Frenchmen?—Yes.

961. These are the only cases where you have had to deal with the French traders?—Yes.

962. And they never come near you now?—No.

963. You said something about French fishermen?—I think they ought to report to the Custom House when they come, and make an exhibit of all their stores, like all other ships, and give us a certificate that they are Frenchmen. We don't know who they are.

964. And you have no actual knowledge of smuggling?—No.

965. Nor whether it is more or less than it used to be?—I have no knowledge. I only suspect that our

people get paid for their work in goods—a bottle of rum or some tobacco.

966. What do the people do at the bottom of the Bay?—Some go outside and fish; some that live up the river put out salmon nets and catch salmon, and they go up the country in the fall and kill sufficient deer meat to last them through the winter.

967. Do they catch lobsters, any of them?—Not here.

968. Do they go out to catch them?—They work for the factories—catch lobsters for the factories.

969. Do you hear of any trouble with the French?—I heard there was a woman at North Arm Point who was in possession of what they call a salmon post, which had been in her family for nearly a century. Mrs. Park was the woman's name. I hear a Frenchman came and took the post away from her and occupied it himself.

970. Do you know of any other case?—There was a crew of men in a dory who complained to me about five years ago, that they were fishing at Little Harbour, and a French crew, who were also fishing there, drove them out. Then the Englishmen went round the island into another cove and the French annoyed them so that they had to leave altogether. The same French crew that drove them out of the first harbour.

971. (Mr. Morine.) Who began the lobster fishery in this Bay?—Thomas Carter, a British subject. In any case it was a British subject.

972. When was the first French factory in this bay?—I remember it being established, but I cannot recall the date.

973. (Chairman.) The English factory was here before?—Yes.

974. How many years before?—Not less than three.

975. (Mr. Morine.) About how many years ago, as near as you can recollect, was the first French factory?—I don't know that I should be a good authority.

976. Did you have any conversation with any of the Frenchmen when the factories were being started on the coast?—Yes.

977. Did they lay any claim to the right to take lobsters?—At that time this man told me that he knew he had no right to catch lobsters, "but," he said, "we will give our men employment."

978. (Chairman.) Who was the man?—I don't know; he had a factory at Brig Bay somewhere.

979. (Mr. Morine.) Is there a copper mine being opened at York Harbour—Blow-me-down?—Yes, men are now working at it.

980. (Chairman.) Who is the man for whom they are working?—Mr. Rendell is the superintendent. He is acting for a company in which Harvey and Co. are interested.

981. (Mr. Morine.) Would a wharf at York Harbour interfere with any French fishery?—Not at all.

982. (Chairman.) When did Harvey and Co. begin to work this mine?—This present spring.

(The witness then withdrew.)

On board the "Fiona," at Bay of Islands, 27th September, 1898.

John Hayes.

JOHN HAYES, one of the men whose deposition was taken by Mr. March, called to confirm the same.

983. (Chairman.) What is your name, and how long have you been living here?—My name is John Hayes, and I have been living here about thirty-four years.

984. What have you been doing all that time?—Fishing some of the time; trading more times.

985. Where do you fish usually?—I fished for a bit on Tweed Island, also called French Island. We Englishmen call it French Island, because the French vessels used to be nearly always anchored there.

986. Had they rooms on French Island?—No; no rooms, some canvas tents ashore.

987. How long ago are you speaking of?—Twenty-five years ago.

988. Where did they dry their fish, then?—They used to take it down the shore to Port au Choix or St. Peter's. I never saw them dry any myself on that island.

989. Are there any French drying places near French Island?—They used to dry fish at Lark Harbour about six or seven miles away.

990. Is there a French drying place at Lark Harbour?—No. Mr. Shepherd occupies that place now with gardens and one thing and another.

991. Did you go on fishing at French Island for many years?—I have fished there in spurts, off and on, since I have been here.

992. Where did you dry your fish?—I used to bring it into Birchy Cove. Some of the inhabitants have dried fish on French Island, but not I.

993. How came you to give up fishing off French Island?—A man came here from St. Pierre. He was going lobster packing, and he took our place; we had to leave. That was about seven years ago.

994. What was the man's name?—I think Haccala.
995. Were you fishing for cod there?—Yes.
996. Lobster pots we know are set in close along the shore?—Yes, about six or seven fathoms off. Some have them set up right between the rocks.
997. Why did you not fish outside the lobster pots?—Because I could not get a place on shore to live.
998. You went down from here in open boats?—Yes.
999. If you could have lived on shore could you have fished for cod outside these lobster pots?—Yes we could have gone off as far as we liked.
1000. These lobster pots did not really stop the cod fishery?—No, but I think they drove the caplin bait out of the cove, where they used to resort before.
1001. The caplin came in shore?—Yes.
1002. In the places where M. Haccala's lobster pots are set?—Yes.
1003. Do they not come in now?—Not one for these last three or four years.
1004. Therefore it was no use fishing for the cod just outside the lobster pots?—No, not there.
1005. Where have you had to go for cod fishing?—A little further down the shore.
1006. Nobody has prevented you fishing a little further down the shore?—No.
1007. Did you do that this year?—No, not for three or four years now.
1008. Why have you given up cod fishing?—I am getting a little old for it.

## ABSALOM NOSEWORTHY; Examined.

1019. (Chairman.) What is your name and occupation?—Absalom Noseworthy, fisherman.
1020. How many years have you been in Birchy Cove?—About twenty-seven or twenty-eight years.
1021. Have you been fishing all that time?—Not every year. I was two or three summers with Mr. Curling in the yacht.
1022. But generally speaking you have always been fishing?—Yes; I have styled myself a fisherman.
1023. Where used you to fish twenty years ago?—I fished for three summers at a place called Beverleys, just this side of Shoal Point, beside Rigby Island, and off French Island for about twelve years. I fished off French Island until about six years ago, when Mr. Haccala came there.
1024. Where did you dry the fish?—I brought it in and dried it here.
1025. Six years ago M. Haccala came?—He came there and took possession of my camp and fish house.
1026. What do you call a fish house?—A little hut on the shore where we salt our fish.
1027. Mr. Haccala came and took possession of your hut and camp?—Yes.
1028. Did he give you any reason?—No reason except that he wanted the place for his own fishermen.
1029. Were you on the spot when he took possession?—No, I was here. He was there a month before I went. He came there probably in April, and I did not go out until the beginning of June, and when I got there I found him in possession.
1030. And you have not been back there to fish since?—No.
1031. Did he set up a cod-drying place there?—He tried a little for one season. He used to send it away in his vessel green.
1032. Where did he send it?—I don't know.
1033. After fishing for one season he took to catching lobsters?—I don't know whether it was the second or third summer that he took to catching lobsters which he is at now.
1034. That Island—French Island—is within his lobster limits?—Yes, and he fishes a part of what we call Big Island.
1035. Where did you get your bait when you fished on French Island?—Sometimes on French Island; sometimes at Beverley; different places.
1036. Have you been doing any cod fishing since they began the lobster packing?—Yes, every year since.

1009. Have you any sons?—Yes.
1010. Do they go out cod fishing?—Yes, but some of them work at the railway.
1011. Have they any difficulty in fishing for cod now?—No; they don't fish much now, they generally work on the railroad, and they go across the Straits; there is not much to do on this shore, because they cannot get any bait.
1012. But I understand this is a great place for bait?—Sometimes; in the fall there is herring but not in the summer time.
1013. Then do I understand you to say that the caplin do not strike into Bay of Islands at all?—No, they do not.
1014. Have they never?—They have years ago, but not of late years since they began to fish lobsters. The first three or four years of the factories there were caplin, but now they keep off about a mile from the shore and go in down through the Straits; they come from the South and go North through the Straits of Belle Isle.
1015. But they do not come in shore?—No, not hereabouts.
1016. You have nothing to do with lobster catching?—I prepared for it the first year of the *muscus vivendi*. I spent 375dols. in getting ready, and never got a cent out of it, though I went aboard a man-of-war and tried.
1017. Why could you not catch lobsters?—I would not be allowed to can them, not unless I did it on the sly.
1018. Do any people can on the sly?—It is hard to look at bread in the water when you are hungry and not try to get it.

John Hayes.  
27 September  
1898.

Absalom  
Noseworthy.

1037. Where do you get the bait now?—Some at French Island, but the last two years none, because there was none to get.
1038. Why was there noxe to get?—None struck the coast in this part.
1039. You are speaking of caplin?—Yes.
1040. Where do they go?—I cannot say.
1041. Do you think they go north and strike in somewhere else?—That is more than I can say.
1042. Have the lobster pots made any difference to the caplin striking in?—People say they have, but from my own knowledge I cannot say. We know that fish like clean water, and we know that where the lobster pots are the water is very unclean from the bait used for the lobster. I went to French Island to take caplin bait about three summers ago. I and my son and another man went from Spirit Island, where I have been fishing for the last three years. The bait was rolling in on the shore. I took my cast net out on the beach to take bait.
1043. Do you use a cast net for caplin?—Sometimes, and sometimes a dip net.
1044. When you took out your net what happened?—Mr. Haccala came down with the captain of the French schooner. I had my back towards them, and did not see them coming. The captain seized my cast net, and thought to take it from me; and we had quite a little struggle, but he did not succeed in taking it from me. He was speaking French, and as far as I could understand he would not allow the cast net to be used, so I simply threw my cast net on the beach and took my dip net to try and dip some bait, but he would not allow me to use that to take bait, so I told my son that we would get back into the boat and leave and try to get bait somewhere. As I jumped into the boat the captain took the sprit of the boat and caught me a blow behind. I fell to one side as I saw the blow coming, and it struck me on the cheek and shoulder, and took a piece of skin off. When we got off they began pelting stones at us. I did try to get some caplin with the dip net, but he drove them off.
1045. Where this happened were there any Frenchmen fishing for cod?—They were taking bait at the same place; there were twenty Frenchmen or more on the beach.
1046. Was there a great quantity of caplin there?—Yes, plenty for everybody—100 or 150 yards of beach, and caplin all along.
1047. Where were the Frenchmen fishing?—On the outside; the back of the Island. Sometimes off Urbald.
1048. Where were you going to fish?—We would be going down to our own island again.

*Absalom Novecenthy.* 1049. How far from the Frenchmen?—About a mile or a mile and a-half.

27 September 1898. 1050. Are there any Frenchmen fishing off that other island?—Not at that time.

1051. (*Sir James Erskine.*) Do you know of the exist-

ence of a little shell fish—a kind of mussel, very good for bait at the time of the caplin?—I never heard of it.

1052. (*Mr. Morine.*) In the year they took your fish house and camp did they force you to leave the island?—Yes; they would allow me to fish in no other part of the island. I lost a week or more trying to find a place to put up.

WILLIAM K. ANGUIN, Examined.

*William K. Anguin.*

1053. (*Chairman.*) What is your name please?—William K. Anguin.

1054. You reside here?—Yes.

1055. Have you a lobster factory here?—Yes, three authorised ones.

1056. What is your limit of coast?—From North Head to Bricks Head I have two factories, and from Coal River to, I think, Lewis Head, I have a third factory.

1057. (*Sir James Erskine.*) What is the number of it?—I cannot tell you.

1058. (*Chairman.*) How long have you had this factory?—About ten years. The upper one I bought about three years ago.

1059. Where do you get your cases and tins?—I make them here on the spot.

1060. Have you any knowledge of the proceedings of the French factories in this neighbourhood, where they get their cases and tins?—This year Bourget got his from Bonne Bay, and Haccala got his also in Newfoundland. The cases are nailed up here. I am under the impression the Bonne Bay cases are made from Canadian "shooks." The "shooks" are the pieces of the box—sides, top, and bottom, all ready for nailing together.

1061. Have you any reason for saying that the Frenchmen use Canadian "shooks"?—The Frenchmen hereabouts do not make any cans or boxes. The cans are made in Newfoundland. I know that they have bought their cans in Bonne Bay—and I think the boxes are made in Nova Scotia or in Bonne Bay. I have myself sold them a few cases.

1062. Is there a saw mill in Bonne Bay?—No, they must import the "shooks." There are three establishments for making cans and boxes, and I know that this year M. Bourget and, I think, Mr. Haccala have supplied themselves from there. M. Bourget told me himself he got his cans there.

1063. You don't know whether Bonne Bay supplies cans and boxes to the man at Port aux Choix or at St. John's Island?—No, I don't know anything of the practice north of Bonne Bay. When these men came here first they brought their cases up from St. Pierre. They were made in Halifax and shipped through St. Pierre.

1064. Are Bourget and Haccala the only French lobster packers hereabouts?—Yes.

1065. Originally did the settlers catch lobsters for you?—Originally and always. When first the factories were started here, we brought down most of our men from Nova Scotia where I generally live.

1066. Did the shore men not catch for you originally?—As soon as we broke the Newfoundlanders in to fishing, we dispensed with the men we brought down from Nova Scotia. It was needless expense. That is the history of any of the early lobster factories on the Newfoundland shore.

1067. How did you pay the men?—I paid them both ways, that is, so much per month wages, and so much per hundred on what lobsters they caught—they call this a bounty. I have never hired a lobster man solely by the month.

1068. What is the regular wage here?—At one factory I pay 18 dols. a month and found, and 25 cents a hundred on their catch. At another factory I pay 12 dols. and found. By "found" I mean providing them with food and gear—and 45 cents a hundred on their catch. My men average about 70 dols. for the season of a little over two months and a-half, over and above their keep. I pay one boat by the hundred. I give them this year 1.50 dols. a hundred, and find the traps and boat.

1069. Did the prices here ever go so low as 50, 60, or 80 cents a hundred?—I cannot speak from any other than personal knowledge. I have paid myself as low as

80 and 90 cents a hundred in the fall of the year, when the lobsters are smaller and the price less than to-day, that is twelve years ago. I think 80 cents is the lowest I have ever paid.

1070. Do you keep your men from year to year?—Some come back; some I have had all the time; some don't.

1071. Have you ever had any complaints from the men of the low prices paid to them?—My men have never complained to me.

1072. Because we hear they are so badly paid that they catch and can for themselves?—Of course they can make a great deal more if they can catch the lobsters and put them up for themselves. They can work very much more cheaply than we can. They can get along with much less.

1073. Do you think that lobster pots interfere with the fishery?—No, I do not.

1074. They keep the bait off the shore, don't they?—I don't think so.

1075. Do the caplin strike in as much as they used to?—Not in this bay for the last two years; but I don't think that this is on account of the lobster pots.

1076. But along the coast, have you heard that caplin have not come in for the last two years?—I know we have had none in Bonne Bay within the Heads the last two years, but I do not know about the coast generally.

1077. Do the herring come in as freely as they used?—Not in this arm during the last four or five years, but otherwise they do.

1078. Have you had any trouble with the Frenchmen since you began lobster packing?—No particular trouble. Smaller troubles, little squabbles among the men. They might steal your gear or your lobsters as they passed along, but nothing serious, and that mainly from itinerant bankers who come in for bait, and Englishmen might do the same.

1079. Have the lobsters diminished in size?—Yes.

1080. Would a close season be any good to you?—If properly enforced and regulated, yes.

1081. What sort of close season?—I should say here from the 1st August till about the 1st or 10th September, and then there might be permission to pack for about two months after that. The lobsters begin to shell about the 1st August, and they are really not fit for canning until about the 10th September.

1082. Does the shelling period differ at different parts of the coast?—Yes, at different places and in different years. The lobster has no set day for divesting himself of his shell. In that condition the lobster is not fit for human food, and the man who cans it is only prejudicing himself and others in the business.

1083. Is there a good deal of that canning going on?—Some pack right through the season, and consequently they must pack when the shell is soft. I always close down my factories when the lobster gets soft. It does not pay to continue. They slack off, and on economical grounds it is not worth while. The lobsters won't come into the traps, but lie under the rocks. They are sick and dormant.

1084. I believe you set your traps in the early part of the year, some distance from the shore?—Early in the season we set them off the shore, and then as the lobsters work in on the shore for bait, we follow in with our traps.

1085. What do you mean by bait?—Caplin and mussels.

1086. (*Mr. Morine.*) You say you paid 1.50 dols. a hundred this year. What last year?—The same. I paid the men wages before that, and in order that they might do their work well I paid them a bounty besides, so much wages and so much bounty.

On board the "Fiona," at Bay of Islands, 27th September, 1898.

Statement made to the Commissioners by Mrs. EMMA PARK (Widow).

Mrs. Emma  
Park.

In answer to the Chairman, Mrs. Park said:—

I live in Frenchman's Cove, in Middle Arm of this Bay, about a mile from North Arm Point. My husband's father fished there for over 100 years, and now he is dead we have taken it up. I have come to complain that they have taken away two of the best berths. M. Bourget did it, who owns a lobster factory in the North Arm. His factory is not a hundred yards from where the nets are fastened to the shore. It is now a year ago since he made me take up my nets. He had his factory running only one summer before, and there was no other Frenchman had the factory before him. There was no lobster factory there until last year. There was another factory about a mile off, but it was an English factory, and no French factory in North Arm until he came there and built up the factory last year. He wanted to take up our nets the first summer he came, but we would not do it for him. He commenced in 1896, and in that year we would not take up our nets, but in 1897 he made us take them up. We did not put out this year at all in that place. He told us that we were in his way lobster catching, but he wanted to put out salmon nets himself. The summer he came he told us that. He put out salmon nets there, and he had them out this summer and last. He fished salmon nets two summers. He told me that we were in his way, and when the man-of-war came he made us take our nets up. The man-of-war, the "Pelican," told me that he would have to remove them. We have set our nets further up, about two miles above it, since. It is not as good a place for salmon as the Point. Where we used to catch eight barrels at the lowest we did not get one barrel this summer. I cannot tell how much M. Bourget made this year. He caught five barrels himself last year. My sons are fishing at the place two miles further up. They live up there, and watch the nets. We do not fish for salmon anywhere else. We have been there all our lifetime. The size of the salmon we used to catch would weigh from 12lbs. to 14lbs. I still live in the same place. I would like to have the Point back again, because we have a big piece of land cleared there. We lived there for six years winter and summer, and never made any move out of it. My husband has been dead eight years.

In answer to Sir James Erskine, Witness said:—

I complained to the man-of-war that M. Bourget was catching salmon. M. Bourget put cattle on my land and destroyed our hay. He had two cows, one calf, four sheep, and two pigs. I complained that they destroyed all my hay, and I had to make away with all cattle on that account. The poorest year it grew we had three tons off it. I was first annoyed by Bourget's cattle twelve months ago. He did not take any hay that I had cut, that is, the grass I would have cut for hay. I could not keep my cattle all through last winter. We had to destroy some of them. Bourget kills the cattle before he leaves in the fall of the year. He has a shed for them to go in by night. The men eat all the meat here. He got two calves on it this summer. The cow that he brought here with him died in the spring. A Mr. Quigley brought the cattle there for him. I suppose as long as M. Bourget comes there he will keep the two berths if he can. My boy went there to cut some hay this year, and M. Bourget asked him why he had not asked liberty from him before mowing the hay. I consider I lost over 800 dol. by his taking away the nets and the hay. He has another place at Big Island, opposite North Arm Point.

In answer to Mr. Morine:—

It is twelve months ago this summer since the "Pelican" told me to take my nets up—twelve months ago on the 4th July. They had been setting up to that time. The French put their nets out the day after we took ours up. Before they made us take ours up they had other nets out in other places along before our door and next to the factory. The salmon works up on the north side and comes down on the south side. Their nets at that time were near ours and on both sides of ours.

M. Bourget had two nets down at that time, one on each side of ours. We had three out and we took the two that were near my place up, and he put down one where we took the two up. He had down three altogether—two fleets and one separate net. A fleet is two nets tied together. There were really five nets in three berths. There were two fleets of two nets each and a single net. We usually put our nets in the water the 6th June, and take them up sometimes the 12th August, and sometimes the 1st. Bourget comes there in April. It is about 200 yards from my house to the old berths, and about two miles to the new berths. That makes it very inconvenient for me. We have been fishing the upper berths as long as we have been fishing the lower ones. I have depended on the salmon fishery for a living. It is not living now, and always was. We do not make our living out of it now though. There are nine in family altogether and two cripple boys. This land where he took the hay is a piece of land cleared by my husband; it was a family clearing. Bourget's cattle have eaten the hay this year. That is, two calves and a cow, etc. but the cow died soon after landing. Bourget has not cleared any land himself. He is living on our piece and has his house built on it.

In answer to the Chairman:—

The man that built this house was a Mr. Hillyard, with his brother. They are Englishmen. They built it in August, 1896. They got the timber from Mr. Fisher's mill in Corner Brook in the bottom of the bay. Mr. Hillyard built place for the boilers also. It is all built of rough timber that he got himself, and stuff from the old factory that was above them. I don't know where he got his windows from. Hillyard and his brother live down below Halfway Point.

In answer to Mr. Morine:—

Bourget's factory is on the water side, and his dwelling house is right on the hill, on our cleared land. There were never any French rooms there. They do not carry on the cod fishery there, nor never did. There was never any French fishery there. There is no stagehead or wharf. There is no pier to the factory; you just land on the shore. All he has is a little dock to haul his steamer up on in the bottom of the cove. He uses the steam launch in going out to Big Island and collecting lobsters. He cans lobsters at my place; he brings them from Big Island and cans pretty well all of them at my place. He cans at both places, but most of the canning is done at my place. They burn coal and wood at the factory, but I do not know where they get the coal from. I know they bring a good deal of coal with them. They bring it to the factory on the steam launch, and also in a vessel that comes in the spring. M. Bourget comes in the vessel with his men. I do not think he employs any British subjects in his factory. None of the English people catch lobsters for him—only his own people. A man from Benoit's Cove named Mr. Wason looks after the factory in the winter. They do not take the roof off in the winter; it is built of boards, roof and all. It has windows in it also, made of glass. I think M. Bourget comes from St. Pierre; I am almost certain he does. I have a cousin who was at St. Pierre with him.

In answer to Sir James Erskine:—

There is a French room at Big Island, but they do not fish for cod there.

In answer to the Chairman:—

They do not fish for cod in this bay at all; not in my memory.

In answer to Mr. Morine:—

I do not know whether M. Bourget sells anything to the people. He does not leave anything for sale after he is gone. He does not buy any lobsters from our people at all.

In answer to the Chairman:—

My husband was forty-eight years old when he died, and his father died at the age of ninety-three.

Friday, 30th September, 1898.

PRESENT :

Sir JOHN BRAMSTON, K.C.M.G., C.B., *Chairman.*

Admiral Sir JAMES ERSKINE, K.C.B.  
The Earl of WESTMEATH, *Secretary.*

Hon. A. MORINE, *Agent for the Colony.*

Wood's Island, Bay of Islands, 30th September, 1898.

Statement made to the Commissioners by THOMAS CARTER.

Thomas  
Carter.

In answer to the Chairman, Mr. Carter stated that most of the factories hereabouts are run by Canadians. When first he came to the place—thirteen years ago—there were very few inhabitants except some few old families from Jersey. In fact, most of the people around Bonne Bay and Bay of Islands were Canadian. The Newfoundland part of the population were those who originally came there from the Labrador. It was the herring fishery that first brought them here. That fishery has been a comparative failure this last six or seven years, and there was now no cod fishery worth speaking of. The French factories here are all supplied from St. Pierre, and they are not allowed to employ more than one Englishman in every five or ten men—not sure which. The Frenchmen outfit at St. Pierre, and they take their lobsters back there, so that their presence upon the shore is no benefit to the place. This is especially a St. Pierre fishery. Does not think the French maltreat the English in any way, and any disagreements are probably on personal grounds. In the case of the man Noseworthy, who was struck by a Frenchman, had heard that Noseworthy began the disturbance. The two nations, as fishermen, live most comfortably together; the lobster fishery is the only possible ground of dispute. Mr. Carter started his factory before there were any Frenchmen there, on its present location. The nearest French room at that time was Little Harbour, not more than twelve miles from Lark Harbour. That was the nearest French room, and Bonne Bay was the next. The French had no rooms in those days—they used to fish along the coast, and then they would anchor and come in and dress the fish. He did not think it could be more than six years ago since they began at Pearl Island. The vessels would be all round for bait in the spring, but he never had any trouble with them. There was no complaint by the schooners of being interfered with by English fishermen. When he came here the people were practically dependent upon the French for employment—used to cut timber for them and so forth, and sometimes the French would outfit them with salt and gear. In fact, the French were their main support. Since then there has been other employment for the people, and there are not so many French on the coast, and consequently they don't require so much work to be performed. They used to want lumber for building sheds and huts and for making oars. They never took any wood away with them. It is generally French labour that builds the factories. Does not know of any house brought out in pieces from France; has heard of a case. With regard to the size and number of lobsters, last year Mr. Carter had them as large as and even larger than at any time since he has been here, and there were plenty of them, but in general he thinks the numbers have fallen off. This year the lobsters have been comparatively small and scarce. Could not say whether the fishery would be helped by a close season. He himself packed right along, because it was impossible to tell when the shelling time was. It would be hard to fix a close season, their habits change so in different places and from year to year. What might be all right this year would be wrong the next, and you would be just as likely to choose a wrong time as a right time. For himself, the more experience he had of lobsters the less he seemed to know about them. Does not put any water with the lobsters. There is a pack going to the Continent which contains an ounce of water

to the pound tin; it is ordered so. He finds that if you take the lobster out of the shell and put it into the can without too much washing—just washing out the tail—they are all the better; brighter and cleaner. Too much washing or putting water in the can he considered washed the favour out of the fish. Had tried gelatine once, but it would not do. In cold weather it does no doubt make the lobster look very nice, but in warm weather the gelatine melts and the lobster is spoiled. Caplin have not struck in these last two years. Does not consider that is owing to the lobster pots; the herring come and go independently of lobsters; they went off some years ago, and now they are back again. Does not consider that the bait employed in the lobster traps injures the other fisheries. There would not be 500 pieces of this bait used in 500 miles of shore, and many of them in thirty to sixty fathoms of water, where it would all be quickly consumed by the worms, etc., at the bottom. The French get the bows for their lobster pots here. They are made for them before they get out here by the people here; that is the custom. Their boats they bring with them. Had never heard of our people building boats for them. There are very few salmon here now. Salmon would be considered benefited by a close season. The people round about used to get 100 barrels of salmon where now they don't get five. The small meshed nets has probably got a great deal to do with the decline of the fishery. In the present nets they catch small salmon weighing 1½ lbs. The French don't fish for salmon. Had heard though that M. Bourget had nets out this year, and M. Hacala has been fishing salmon for two years in Lark Harbour. He has been putting them up in large tins the shape of the fish. When he (Mr. Carter) first came to the place the people used to fish principally for salmon, but it is really not worth fishing for now. They used to have their salmon berths; one man his river, and another his cove, and none ever interfered with the other. It was a mutual arrangement, extending also to their hunting. It would be impossible to get along without magistrates now. The days of mutual arrangement are past. Does not hear of much smuggling except that the French may give a bottle of liquor for bait in the spring. In years gone by there might have been smuggling, but now there is no one to buy. It could not be retailed, and it would not therefore be bought in sufficient quantities to make it pay. During the last two years does not think there has been very much even in exchange for bait. Smuggling has been more done by vessels going from St. Pierre, trading up and down the coast here, and to Canada, not by factory owners. With regard to trouble between the English and French over lobsters, Mr. Hilliard, of North Arm Factory, had some trouble with M. Bourget. He had a little factory put up, and when they came to divide up the factories he was squeezed out. They arranged it all right, however, and gave him compensation, and he has been working for M. Bourget for the last two years. The huts in which the French fishermen camped twenty years ago were very different from those they had to-day. With regard to the falling-off of the cod, fish are scarcer everywhere, on the banks as well as on the coasts. When first he came to Wood's Island he used to see men come in their little boats with fish as big as a man; they would not think of getting such fish now. Did not think the herring were affected by the lobster fishery; they would be gone one year and come back the next.

Lark Harbour, 30th September, 1898.

Statement made to the Commissioners by GEORGE SHEPPARD.

George  
Sheppard.

In answer to the Chairman, Mr. Sheppard stated that French Island was the best ground round about, but the English people have had to leave it. There was never any trouble with the French about the cod fishery; no trouble except as regards cod-traps. The fish come in at Lark

Harbour, and they don't stop; they are gone again in no time. The French are there for six months, and they have the best rights of fishing there. The herring strike in at Lark Harbour in the fall of the year, about November, which is a good thing for the people; if it was not for that

he did not know what some of them would do. It would be better for the people if there were no Frenchmen at all. They are no good to the people or to the country. They have the best places on the shore for lobster and cod fishing, and what they make they take away; it does no good to Newfoundland. If a Frenchman wants another piece of ground he can get it, but an Englishman must stay where he is, lobsters or no lobsters. All the Frenchman has to do if he wants another piece is to apply to the Commandore, and he gets it. They have the first right in everything. Witness had been in Lark Harbour about thirty-five years. The people did not pack lobsters in those days. The last French room in Lark Harbour had been twenty years ago, but in Little Port there was one three summers ago. The owner gave it up because fish were scarce. In witness's recollection there had been as many as six brigs in Lark Harbour, but the cod fishery did not pay, and so they gave it up. A lot of fishermen now came from St.

Pierre who were landed by schooners or steamers; they camp out for the season, and in the fall the ship comes back and takes them away. Had all left by that time. The camps they build are not much. The French are doing very well with lobsters, but it takes a lot of Frenchmen to get a lot of lobsters. M. Haccala's factory was bought from Mr. Bagg, of Birchy Cove. He found lobsters scarce at Lark Harbour, and has gone off to French Island. M. Haccala's house was bought as it stood. The autumn herring go on up to Christmas. The Americans come and buy them here, and take them away. Witness does not believe that the lobsters are deterred from coming inshore by the stuff thrown overboard from the schooners, as M. Bourget suggests. It depends upon the ground whether there are fewer lobsters later in the year than in the spring. There are some places better in the fall than in the spring, and in some places it is the other way round. M. Haccala finds lobsters in the spring of the year.

George Sheppard.  
30 September  
1898.

Statement made to the Commissioners by HENRY NORMAN, Customs Officer.

In answer to the Chairman, Mr. Norman says:—In Lark Harbour M. Haccala has more ground than he can fish. He has had only two men on the place this season, and the people of the harbour, who are very poor, are not allowed to fish on M. Haccala's ground, even though it be lying idle at their door. There are always disputes going on between M. Haccala and the English about the ground. Many of our poor people might have been well provided for through the winter if they had been allowed to fish over his ground. They are afraid of M. Haccala; they think the man-of-war would come and take themselves away, not to speak of their gear. There is a lot of good land round about, and room for a lot of settlers, but the place is not settled on account of the French. The house where I am living belongs to M. Haccala. I suppose he will take some rent for it by-and-bye. I went to M. Haccala, and he let me have the house, but he has not come to any conclusion as yet about rent. It was in a very bad condition, but it had been papered before I came. It is a permanent place, built by Mr. Bell, of Grand Bank. M. Haccala leaves a man in this place for the winter. They leave all their fishing gear, nets and trines and boats, and a man to look after it. The garden is a Frenchman, and they leave him a stock of provisions and liquor. He does not sell liquor to the people here.

Ever since M. Haccala has been here, a matter of three or four years, he has left a Frenchman here every winter. There is no trace as yet of contraband goods; I have only been here four months, and there was no Customs Officer here before me. There has been no trouble in that way with M. Haccala, or any other Frenchman. This is a place of call; they have as many as twenty-five and thirty vessels here in the spring of the year—Newfoundland and American—now it's a slack time. Small vessels come here on their way from the Labrador fisheries, and we expect a large fleet of American vessels to come here by-and-bye. This place is navigable six or seven weeks longer in the year than Bay of Islands. By report, these vessels do smuggle. The French have been caught and fined, but I believe this man is more careful. If they can get the stuff in there are plenty to buy it. There is a good deal of liquor floating around, and it's common report that all the people living along the bay here get their liquor illegally. I believe that my presence here has, to a certain extent, stopped this traffic. In this place alone they don't drink much spirit. The people here are full of complaints against the French, but it is difficult to get them to make any report. M. Haccala has built a substantial breakwater here, 75 ft. long by 30 ft. deep, the timber for which was cut round the place by native labour, mostly by the people of Bottle Cove.

Henry Norman.

Lark Harbour, 30th September, 1898.

Statement made to the Commissioners by HERBERT SHEPPARD.

In answer to the chairman, witness said: I had a lot of gear cut up a couple of years ago; it happened on this shore, round South Head. We were fishing cod with trawls. When we were come in at the end of the week we would leave our trawls out over Sunday, and the Frenchmen would haul our trawls on Sunday and take the fish off, and at last they cut our trawls up, so that we

could get neither fish nor trawls, and they sunk the remains of the trawls. It was French fishermen from Bottle Cove that did it. Seven or eight of us suffered in that way; we lost seven or eight trawls, 1,200 to 1,400 hooks a man. I saw them do it, but I did not know the men's names. The Frenchmen were fishing there themselves for cod with trawls and sand lines.

Herbert Sheppard.

On board the "Fiona," at Lark Harbour, 30th September, 1898.

WILLIAM SHEPPARD, Examined.

1087. (Chairman.) What is your name and occupation?—William Sheppard, fisherman.

1088. How long have you lived in Lark Harbour?—Twenty years.

1089. At the beginning of that time were there any French cod rooms in Lark Harbour?—No, nor any since. There were French rooms over here in Little Harbour, but there are none there now. It did not pay them to stop, or they could not get supplies from their merchants at home, or something like that.

1090. How far is Little Port?—It is about one and a half miles overland from Lark Harbour, or six miles by water. It is just over this neck here, on the open sea.

1091. Did you know how many years since the last Frenchman had a room at Little Harbour?—Somewhere about six years.

1092. Have you anything else to tell us?—We had a cod trap and we fished it three summers at Trumpet Cove on the open sea, just out around the S uth Head of Lark Harbour. The summer before last we had to stop it.

1093. Why had you to stop it?—We went to put out our trap, and this man, Haccala, he saw us going out, and he sent over to Bottle Cove, telling them that we had gone out with a trap, and they manned two boats and came down enquiring where the trap was, and they went ashore to Trumpet Cove, where they saw two English

fishermen, Prosper Broe., and they told them that we had gone back with the trap, that we did not set it that evening, the wind did not suit. They sent word to us if we would put it out they would set it adrift or something like that. We then kept it in a week, and afterwards they told us they would not do that, they would wait until the man-of-war came, and we lost a week of the best fishing. We put it out afterwards, but the fish had passed along, and we only had five quintals of fish. That was 1897. We had fished for three years without being troubled.

1094. Did you fish for the rest of the season with your trap?—No, not all; the spring was over, and we kept it there about three weeks afterwards, but we only got about six quintals of fish.

1095. What do you mean by the fish "passing along"?—They always come from the westward in the spring of the year, and pass up through the Straits, and then in the fall they come in again with the herring.

1096. How long in the spring are the fish passing by, generally speaking?—About a fortnight or three weeks probably.

1097. Last year you lost about one week of that time?—Yes, in summers before we used to get 100 to 150 quintals, and last summer we only got six quintals a trap.

1098. That is the only complaint you have to make?—Yes.

William Sheppard.

John  
Sheppard.

30 September  
1898.

1099. (Chairman.) What is your name and occupation, and how long have you been in Lark Harbour?—My name is John Sheppard; I am a fisherman, and I have been in Lark Harbour twenty-one years.

1100. There have never been any French cod rooms in this harbour that you know of?—Not since I have been here.

1101. Where were the nearest rooms?—There were some French rooms at Little Harbour, across on the other shore.

1102. How long since the last of them went away?—It is about fourteen years since there was one in Little Harbour.

1103. What are you doing now?—Fishing lobsters.

1104. What do you do with them?—George Sheppard here buys them from me as I catch them.

1105. Where do you catch them?—Up around a place called Frenchman's Head, on George Sheppard's ground.

1106. What does he give you for them?—One dollar a hundred, he finding the gear.

1107. Does that pay better than the cod?—Not much difference in it.

1108. Is it easier work?—I find it harder work, because it's a long way away and a rougher shore to fish.

1109. What have you come to tell us?—I want to say about a factory. Five of us built a factory in 1890 in Lark Harbour, and we were stopped in July of the same year. The English man-of-war stopped us, but it was the French did it.

1110. Whose ground was that on?—The ground was there for everybody then; it had not been divided.

Herbert  
Sheppard.

JOHN SHEPPARD; Examined.

1111. Do you remember what man-of-war it was that stopped you, or the name of the officer?—It was Sir Baldwin Walker.

1112. Did he give you any reason for stopping you?—No; he said we were not allowed to run; any factories built in 1890 could run, but any built outside of that would have to stop. We were, all of us, too late.

1113. Did the French interfere with you?—The French complained first, and they told the English man-of-war.

1114. What did you do that year?—We had to knock off and go cod fishing.

1115. Is that the only complaint you have to make to us?—Two years ago I had my trawl cut by a Frenchman.

1116. Tell us exactly what happened?—I had my trawl set out over about South Head in the open sea, and they came down from Bottle Cove and cut our trawls.

1117. Did you see them?—No, we did not see them.

1118. How did you know?—The English people living in Bottle Cove said it was they who had done it.

1119. How did you know they were cut?—When I hauled my trawl up, it was cut in two places.

1120. Then you did not lose your trawl?—I lost about half; about six lines. They cut it at each end, so I lost the middle. I lost 360 fathoms of line.

1121. How many hooks?—About 500 hooks.

1122. Did you make any complaint to anybody?—Yes, I was telling the French Commodore. He asked me did I lose anything; he put it all down, but I have never heard of it since.

HERBERT SHEPPARD, Re-examined.

1123. You told us how your trawl had been cut up by Frenchmen—what else have you got to tell us?—Well, I lost a lot by having my trawl cut; I lost the first part of the summer—the best of that; it was two years ago.

1124. At the same time as the rest of the men's trawls were cut?—About the same time. I lost between 18dols. and 20dols. that I paid for my gear, besides all the fish I lost on account of losing my trawl. I was not doing the French any injury.

1125. (Sir James Erskine.) Is Bottle Cove Woody Bay?—Yes.

1126. What did you do in the matter?—I put my complaint on board the English man-of-war, but the only thing they had to tell me was that if I could get the man's name that cut it, I should be paid for it, but I did not know one man from another among a crowd of Frenchmen. I did not find out his name, but I saw him cutting my trawl. I found out afterwards; his name was Rozé.

1127. Was that the only time this happened?—We have lost trawls since; not me, but other men outside.

1128. The same year?—No; a man lost a trawl this spring—the man is on board here now, but the other men who lost their gear the same year that I lost mine, they are not here now—except William Sheppard.

1129. That was in 1896?—Yes.

1130. A good fishing year?—Yes, a man who lost his gear lost everything.

1131. A trawl and a button are the same thing?—Yes, the same thing.

1132. Have you anything else to tell us?—I don't know how it is we are not allowed to get our own living here. We men with families are not allowed to get our own living on account of the Frenchmen. Here's a lot of ground lying idle all the summer, and we are not allowed to put a pot on it.

1133. You mean that M. Haccala's ground has not been set over this summer?—Yes; there are about four men with fifty or sixty miles of ground, and the rest of the poor people have nothing; cannot catch lobsters there.

1134. There is nothing to prevent you getting fish?—No, but you cannot go cod fishing; there is not much cod fishing and it is too rough. The lobsters you can take at any time, but we are not allowed to pack them. If we put our pots out the French will telegraph to the English man-of-war and they will come in and take our gear away.

1135. Have you known of any case of a man-of-war having taken away your pots?—No, but they have taken away our boilers.

1136. That is on account of the packing, but you can catch lobsters?—Yes, and they can take and give us what they like for them, and charge us what they like, and we can't live off it. We ought to be allowed to pack what lobsters we can catch in English waters. If the Frenchmen don't allow us, we ought to be allowed to catch lobsters where we like on English waters.

1137. Do you know where the men came from who cut your trawls?—From St. Pierre.

1138. Are you certain of that?—Yes; that's where they come from all right.

1139. Were they living on shore?—They were fishing on shore like the people do now. They come here for a couple of months and then go away.

1140. Is not that a new arrangement for men to come and fish like that?—Yes.

1141. How long has it been going on?—About five or six years. Since M. Haccala has been coming here.

1142. They don't belong to any ship?—No, they don't belong to any ship.

Robert Park.

ROBERT PARK; Examined.

1143. (Chairman.) What is your name?—Robert Park.

1144. Any relation to the people who live at North Arm Point?—Might be a distant cousin.

1145. How long have you been living in this harbour?—About twenty-eight years.

1146. What do you live by?—Fishing chiefly—cod fishing.

1147. What have you come to tell us?—I have come to tell you about a Frenchman destroying my trawls the year before last.

1148. Can you say what month it happened in?—The 18th May, 1896.

1149. What happened to your trawls?—They cut the buoys off and the moorings, and sunk it on the bottom.

I was from the 18th May to the 28th May before I got it, that is, part of it. They had cut some of my moorings away.

1150. How many hooks did you lose?—I did not lose any hooks, but I lost my moorings and the buoy lines; that was not a heavy loss. What I did lose was my fish.

1151. Were the fish going by then?—Yes, we were getting from a quintal to a quintal and a-half every day.

1152. How long had you been fishing?—About a month.

1153. How many of you?—Only myself and my boy.

1154. You lost how many days' fishing?—[About ten days' fishing.

1155. Were the fish going by all that time?—The fish were going along every day.

1156. And with a trawl you catch them all the summer?—All the summer with a trawl—that is, if you fish straight along.

1157. Who did this for you?—Frenchmen belonging to St. Pierre.

1158. How did you know?—Because these men threatened for to cut our seines up. I was coming in one

Saturday evening, and M. Haccala he called me ashore and told me to take up my trawl, and that if I did not take it up the Frenchmen were going to cut it up for me. It was not M. Haccala that was going to do it, but he warned me that the men at Bottle Cove would do it. So when I went out on Monday morning my trawl was cut. I suppose it was on Sunday that they did it. We don't go fishing on Sunday.

1159. Have you any reason for supposing that the Bottle Cove men did it?—Only what M. Haccala told me.

1160. Was your trawl cut at the same time as these others?—Yes, all done at the same time.

1161. What length was your trawl?—About 1,000 hooks; about 700 or 800 fathoms.

1162. What were the men at Bottle Cove doing?—Cod fishing with a single hook and line. Some of them had trawls and some more had not.

1163. Were they living on shore?—Yes.

1164. Did they belong to any ship?—No, not to any ship. They were camped ashore at Bottle Cove. I was one of five who started a factory, which was stopped, and we were not allowed to carry it on again.

## FRANCIS SHEPPARD, Examined.

1165. (Chairman.) What is your name?—Francis Sheppard.

1166. What have you come to tell us?—I had my trawl cut up this spring. I went out one Thursday morning in May. I went out on Thursday evening, and I had my trawl all right.

1167. You bait the trawl and leave it until next morning?—Yes. On Friday morning I went out and my trawl was cut and gone—the whole of it, and Robert Parks hauled the "killick" up. The "killick" is a heavy piece of wood with a stone fastened to it, which we use for an anchor, and there was only 10 fathoms of line tied to it. We only hauled up one "killick," because the other was gone.

1168. How much did you lose?—The trawl cost me 12 dollars.

1169. Were you doing pretty well?—I was doing well when I lost it.

1170. How long had you been fishing, and what had you been taking?—I was hauling my trawl for a week before I lost it, and getting from one to one and a-half quintals a day.

1171. Did you lose the rest of the year's fishing?—I did as far as the trawl is concerned; for the rest I could only fish with a jigger.

## WILLIAM GABRIEL, Examined.

1183. (Chairman.) What is your name and occupation?—William Gabriel. I am the Church of England schoolmaster at Lark Harbour.

1184. How long have you lived at Lark Harbour?—Six years.

1185. What have you come to tell us?—About two years ago some Frenchmen wintered here—some six of them.

1186. When did they come here?—They came here in the spring of the same year. They were fishing for M. Haccala.

1187. Did they stay here the whole winter?—Yes, all the winter. Their principal work was cutting wood and making lobster traps.

1188. Is that all?—That is the largest number in any one year. Two have been here every year, except one winter, when there was one.

1189. What were these men?—One was a tinsmith and the other a fisherman.

1190. What did the tinsmith do?—He would make tinware if you wanted to buy, and he would repair; and that's how he passed the winter.

1191. What else have you to tell us?—About cutting up the people's trawls in 1896, in the spring; I forget the month.

1192. What is it you wish to tell us?—They cut up the trawls, and I wrote to the English man-of-war, but could not get any recompense. We knew the French had done it, but we could not get the names.

1172. A jigger is a piece of lead with two hooks on which you can only catch one fish at a time?—Yes.

1173. Who invented this?—I cannot tell whether it is French or English.

1174. Did any other men that you know lose their trawls?—I don't know of any.

1175. Are you quite certain it was cut?—Yes, the moorings I had was cut right off as with a knife.

1176. How far from the shore?—About half a mile.

1177. From what part of the shore?—From what we call Southern Head, Trumpet Cove—about three-quarters of a mile from Southern Head, and from Little Harbour about one and a-half miles.

1178. Was there anybody fishing along the shore between these two points?—All the men had set their trawls where I had mine cut.

1179. They did not lose any?—No, not this spring.

1180. Who else were fishing in that part?—Nobody else except the French from Bottle Cove.

1181. How far is Bottle Cove from where you lost your lines?—About one and a-half miles.

1182. What else do you complain of?—That I cannot put lobster pots along the shore, and that the coast is given to the French.

1193. What else?—With regard to cod-traps, the French say we cannot use them here.

1194. When you say "here," where do you mean?—I mean on the outside of the harbour, in the sea. The Commodore told us last spring that if any French complained, he would take up the traps if they were not already taken up.

1195. You know that cod-traps are not allowed by law on this coast?—I did not know it.

1196. Did you never hear of the Government Proclamation warning people that they were illegal?—I don't think there has ever been a Proclamation up here.

1197. Is there anything else?—There with regard to these six Frenchmen that remained here that winter; one was a tinsmith and the others were fishermen. The tinsmith was here five years. They were all Haccala's men. They sold clothing, tea, sugar, tobacco.

1198. There was no Custom House office here at that time?—No; there was not.

1199. How do these things get in?—I don't know; I cannot tell; but I suppose Haccala brought them here in the spring.

1200. He was fined, was he not?—Twice for selling liquor during the fishing season.

1201. What Court was he fined by?—By the magistrate's court at Birchy Cove, Bay of Islands.

1202. Anything else?—I know that Jonathan Sheppard, two years ago, in 1896, was hauling his cod-trap outside

Robert Parks.  
30 September  
1898.

Francis  
Sheppard.

William  
Gabriel.

*William Gabriel.*  
30 September 1898.  
White Point, in the sea. The French ship steamed out and called him on board. He did not seem to go, so they sent off a boat and took him. I don't know the name of the ship.

1203. How do you know this?—I saw it. I was out there that same morning.

1204. Do you know how long he was kept on board?—About half an hour, I should say, as near as I can go.

1205. He is not on board here to-night?—No.

1206. Do you know whether M. Haccais has fished for salmon here?—On different places outside the harbour.

1207. What does he fish with?—Standing salmon nets.

1208. What became of the fish?—He used to can them all whole, and I suppose he shipped them away. I saw the salmon carried, and the tinsmith made the cans here on the shore.

1209. When did this happen?—The last three seasons, not counting this one, when he has not been here.

1210. What else do you want to tell us?—In the spring

of 1897 Mr. Hooper staked a piece of land for a cabbage garden on the Point; that is, he had marked it out. One of the Frenchmen who were wintered here—the carpenter, Le Fevre—went up with his axe and knocked down the stakes.

1211. You saw that?—Yes, I saw that.

1212. Have the French made any use of that piece of land?—Not since.

1213. Had they done anything before?—Not since I have been here.

1214. Did the Englishman put up his stakes again?—No, I don't think he did.

1215. There is no magistrate here?—No.

1216. Is the land about this settlement good agricultural land?—Yes, and there's a good bit of land.

1217. Is it used?—No, a lot of it is lying waste.

1218. Why don't they use it?—The people who are here don't want it; they have enough for themselves. There are several families that I have heard of who would come here, only for the French.

*Saturday, 1st October, 1898.*

PRESENT :

Sir JOHN BRAMSTON, K.C.M.G., C.B., *Chairman.*

Admiral Sir JAMES ERSKINE, K.C.B.  
The Earl of WESTMEATH, *Secretary.*

Hon. A. MORIN, *Agent for the Colony.*

On Board the "Fiona," at the "Gravels," St. George's Bay, 1st October, 1898.

H. H. HALIBURTON, *Examined.*

*H. H. Haliburton.*

1219. (*Chairman.*) What is your name and occupation, and how long have you been here?—H. H. Haliburton. I am agent for Mr. James Baird, of St. John's. I have been here for fifteen years, and the lobster fishery now is getting exhausted, owing to there being no close season, no protection.

1220. By "here" you mean Port au Port?—Yes; it is just across that neck of land. It is about 400 yards from this bay to West Port au Port.

1221. Port au Port is at the bottom of a deep long bay?—Yes.

1222. You say there ought to be a close season or some protection?—Yes; the French fishermen on the outside fish as long as they possibly can, and the English have to do the same thing, although we have been closing down for the month of August voluntarily—that is, the packers here.

1223. When ought that close season to be?—It ought to begin about the 1st August, and I don't think the season should open again until the next spring for the next three years at least, because I think the fall fishery ruins the fish.

1224. Do the lobsters spawn before or after they change their shell?—Before they change their shell. The bay is getting so depleted now that you can get spawning lobsters during the whole fishing season.

1225. Do you mean by "depleted" that the fish are fewer or smaller?—They are fewer, and the shell is not so full of meat. There is not so much difference in the size of the actual shell, but it is not so full. Fifteen years ago from 1½ to 2½ was the average number of lobsters to a one-pound can; now it is from 5 to 8 lobsters to the pound can.

1226. People differ, I believe, about the close season—some say it is not necessary; some say it should be at one time and some another?—Yes, I believe they do say that. They don't always agree about the exact time.

1227. Do you think the time varies in different bays?—It varies between the bays and the outside shore.

1228. Are the lobsters larger on the outside shore?—Larger and better.

1229. And you think things would be improved by a close season, by giving the lobsters a rest?—I think so.

1230. Have you anything else to tell us?—We are not allowed to build any piers here. The French won't allow us to build wharves for shipping or doing business.

1231. Does that interfere with your business at Port au Port?—Yes, it makes it very much more expensive doing business without a pier. I started to build a pier, and had put up one block when I was stopped.

1232. Do you know whether there is any selling of liquor going on?—Yes.

1233. What do you know of your own knowledge?—I know they sell liquor to the people on the outside along where they are. We lost three fishermen this summer, who were drowned, and who would not have been drowned if there had been no liquor. They bring in supplies—goods for their men.

1234. And then they don't buy yours?—They buy some from us.

1235. How do you know they sell French goods?—They employ natives of the place to work for them, and they get goods from them.

1236. Do you mean that they pay them in goods?—Not all, but they get goods from them.

1237. How are the Newfoundlanders employed?—Some of them as fishermen; others as sealers of cans, packers, and "smackers"—that is, men that run their boats.

1238. How many men were employed this year at Black Duck Brook?—I don't know exactly how many there are, but I know there are twenty fishermen.

1239. Do you know whether the Frenchmen leave any of their men behind in the winter?—Not lately; they have been leaving them behind on the mainland, but I don't know whether they left any this past winter.

1240. What are they left for?—They call them gardiens.

1241. Only one man?—Two, as a rule.

1242. Do you know the men who live at Long Point?—I have seen them; we have a factory at Long Point, which they used to break up for us as regularly as they came until this year. They used to take the boards away, and bricks and stones from the furnaces to build up their own places, and they used to break up our cages as well, but this year I had some men there as soon as they got there.

H. H. Halliburton.  
1 October  
1898.

1243. You mean the *Petite Pêcheurs*?—Yes; that's what they are called.

1244. Have they done any other damage this year?—They cut some trawls belonging to Mr. Abbott's factory. They cut up ours two or three times, but this spring I suppose they gave us a rest; they did not cut them.

1245. How did they fish themselves?—With hand lines.

1246. How do they come?—Some by the "*Pro Patria*," a French steamer carrying the mails between St. Pierre and Halifax and Boston, and some come in schooners.

1247. We could not land at Long Point this morning. Can you tell us what sort of houses they live in?—Some of them have frames boarded up, and some of them log huts.

1248. Glass windows?—Yes, they have some of the glass they stole out of our factory. They deliberately smash cages and anything else that comes along. At Long Point, at one time, the natives used to catch a lot of fish there, but since the French Government has been sending these fishermen to Long Beach they have driven them away.

1249. Are not Long Point and Long Beach the same—a narrow neck of land which separates us from Port au Port Bay?—Yes.

1250. Do the same men come every year?—Some of them, but not all.

1251. Do you know where they come from?—I think they all come from St. Pierre.

1252. Is there any salmon in Port au Port Bay?—Yes, some we catch in the spring.

1253. Any quantity of them?—No, not very many.

1254. Do the French catch any salmon?—No, they catch nothing but cod. With regard to being stopped from building that pier, I was notified by Commodore Curzon-Howe that the French had complained, and that he was compelled to stop me, and they removed one of our buildings at Port au Port.

1255. Why?—The Commodore told me that the French complained that it was interfering with their sealing.

1256. How far was it from the beach?—About twenty feet above high-water mark.

1257. Have you ever known them draw a seine at or near that spot?—Never.

1258. Do the herring or caplin come near that spot?—The caplin never come into the bottom of the bay, where the house was, and no herring have ever been seen there, not since I have been there. I used to pack some time on the beach at the bottom of the bay. Our present factory is at Fox Island.

1259. Where was this house they told you to remove?—On Port au Port beach, at the bottom of the bay; it is called the Gravels. A French officer came to where I was building. He told me not to throw any shells in the water, that it was interfering with their fishery. The nearest French fishing place was fifteen miles away.

1260. Was this said to you seriously?—Yes, it was said seriously.

1261. What did you answer?—I told him that I had been throwing them there so long that an English officer would have to stop me now.

1262. Did any English officer ever come to stop you?—No.

1263. What rank did the officer hold?—I think he was a lieutenant.

1264. A young man?—He was the man who came ashore for information. They always send a man ashore to ask questions about the fishery, what we were packing, and so on. They ask these questions every year, and we don't make any difficulty about telling them as a rule.

1265. Do your men and the Frenchmen get on well together?—No; they don't mix.

Monday, 3rd October, 1898.

PRESENT:

Sir JOHN BRAMSTON, K.C.M.G., C.B., *Chairman*.

Admiral Sir JAMES ESKINE, K.C.B.  
The Earl of WESTMEATH, *Secretary*.

Hon. A. MORINE, *Agent for the Colony*.

On board the "*Fiona*," at Sandy Point, Bay St. George, 3rd October, 1898.

ARTHUR CASHIN, *Examined*.

1266. (*Chairman*.) Will you please tell us your name and occupation, and how long you have lived here?—Arthur Cashin. I am a fisherman. I was born here; have lived here all my life, and I am now thirty-two years old.

1267. Can you tell us whether there is any trade in spirits carried on by the French here?—Yes, when we go aboard with our herring they won't give us money; they will offer us gin or brandy or salt.

1268. Is that at the baiting time?—Yes.

1269. Have you been paid yourself in that way?—They have offered it to me but I have never taken it.

1270. What payment did you get?—I want the cash.

1271. And they do pay you in cash?—Yes; I won't take anything else.

1272. But they do give it to you?—Yes.

1273. Any other articles besides spirits or salt?—That's all they have ever offered me.

1274. Has this happened to you more than once?—Every spring since the French came here.

1275. How long is that?—About seven or eight years.

1276. They did not come here until the Bait Act was passed?—Not the bankers, and it's the banking schooners I am speaking of.

1277. Have you sold any herring to the Americans?—Yes.

1278. What do they pay?—One dollar a barrel in cash.

1279. What coin do the French pay you in?—Sometimes in French, sometimes in English, sometimes they will give us three francs for three shillings. When I speak of a shilling I mean a 20-cent piece.

1280. What is the French franc worth here?—Sixteen cents.

1281. Do you take francs without objection?—We do make objection, but we have to take them or get nothing when they have the herring aboard ship.

1282. Has it ever happened that you have never been paid?—Two years ago they gave me an order on a merchant on shore, and the order was no good. I had the order then for two years, and at the end of that time I sent it on to St. Pierre and I got my money—at the end of the two years.

1283. Have you anything else to tell us?—It is a constant thing done before our eyes for the Frenchmen to visit our nets and to steal the herring out of my own nets and the neighbours' alongside of me.

1284. Did that happen any particular day of the week?—No, any day you wish you can see these robbing.

1285. It does not happen only on Sunday?—No, it occurs the whole week.

1286. Can you not stop them?—We are not able; they are too many.

Arthur  
Cashin.

Arthur  
Cushin.  
3 October  
1898.

1287. Just tell us exactly what happened, and when?—I was shaking my net one evening, that is, taking the herring out of the net—a fixed net—and the Frenchmen were on the net too, taking the herring out of it. There were half-a-dozen boats all round me, with two or three men in each—French dories—and one boat had hold of my net, taking herring out of it as well as myself.

1288. How many men were there with you?—One other man besides myself.

1289. Is that all the English near you?—The others were away over to a different place.

1290. Is it a common occurrence for the French to take herring out of your nets?—Yes, a common occurrence; done daily.

1291. On the particular morning of which you speak yours was the only net set in that place?—The only one; the other people's were set somewhere else.

1292. Were there any French men-of-war boats about?—No.

1293. Or any English men-of-war boats?—No.

1294. Then do you say that your nets have been taken up by order of the French?—Yes.

1295. The French men-of-war or the French fishermen?—The French officers off the "Drac" in the year 1891.

1296. Where were your nets set at that time?—At Turf Point, that is a point three-quarters of a mile across the water on this shore, opposite to where the "Fiona" is lying.

1297. And the French officers ordered you to take it up?—Yes, and we took them up where the herring were spawning. He gave his orders in English.

1298. Did the Frenchmen put their nets down in the same place?—They had no nets to put there; they had some seines.

1299. Did they haul their seines in that part of the shore where your nets had been?—They did inside of ours, in shoaler water.

1300. After you had taken your nets up?—Yes.

1301. Do I understand your nets were in deeper water, and then the Frenchmen drew their seines into the shore, inside of where your nets had been?—Yes.

1302. Has anything of that sort happened since 1891?—It happened last spring that they ordered us, but they did not make us take them up. Commander Horsley, of the "Pelican," ordered us to put our nets deeper out in the water and give the French a chance of seining inside, and we did.

1303. Did that do you any harm?—We removed our nets from where there was herring and put them out where there was no herring. The herring were all along in shoal water.

1304. How many nets had to be moved on that day?—I suppose there were 1,200 or 1,400 English nets all put out into deep water for the rest of the season.

1305. Were the French seining all the time?—Some days they would and some days they would not.

1306. How much herring was taken in deep water?—Some days a couple of barrels, some days eight or nine barrels in one net; some days none at all.

1307. How much would you have made in shoal water?—We would have got a hundred barrels a boat. That is generally what the people catch. Six to nine nets to a boat, and from twelve to fifteen barrels to each net.

1308. This incident about moving the nets happened some little way further down the harbour than Turf Point?—Yes.

1309-10. Did the French haul their seines on Turf Point itself?—No, never on Turf Point, but a little further down in the cove.

1311. Do you know where the railway pier was?—Yes.

1312. Did you ever see a seine hauled there?—I did, a little on one side of the Point.

1313. How far?—About thirty or forty yards from where the pier was.

1314. Do the herring always come to the same part of the bay?—Pretty well to the same places. From Corner Brook to Turf Point is the spawning ground for herring.

1315. Do they go on further to Flat Bay?—Yes, but not to any quantity.

1316. In fact, the great fishery is from Turf Point down to the brook, which is about from two to three miles?—Yes.

1317. Is there room there for French and English both to fish?—Yes, if they wish to put them there, there is plenty of room by putting them off further.

1318. What are your nets like?—Our nets are straight nets fastened to the bottom; they are set with the tide, which runs along the shore, and then the herring are taken by the gills.

1319. The French pay you how much a barrel?—It is according to the orders of the British naval officers. Generally when the naval officer comes in the spring, he calls a meeting here of the fishermen, and he asks the fishermen would they sell to the French for 60 cents, and the fishermen say yes to get rid of them. The French only buy for bait.

1320. How much bait does a schooner take?—Forty to eighty barrels each schooner.

1321. Are the American and English ships that buy herring also bankers?—Yes, they are all bankers. By "banker" I mean a vessel fishing on the Grand Banks.

1322. What do the Americans pay for bait?—One dollar per barrel, and the colonial schooner pays the same.

1323. Do you want to get rid of the Americans in the same way as the French?—The Americans were not to get any bait until the French were baited.

1324. In 1891 there was a disturbance?—I remember that there was one year.

1325. Have you had trouble with the Frenchmen since that year?—Every year we have trouble with the Frenchmen about our nets.

1325a. But the French officer has never interfered with you since?—No; our trouble is with the fishermen.

1326. Did the fishermen have a meeting among themselves the first year when you began to sell to the French, at which they agreed to the price that they would take before the naval officer came in?—I don't remember any meeting the first year the French came in.

1327. Do you mean that you had not agreed as to the price at which you would sell to the French independently of the naval officer?—No, not the first year.

1328. Or any year?—There were springs when meetings were called.

1329. Who called them?—The commander of the ship would call them sometimes, and sometimes the people at the place.

1330. And the price is agreed at these meetings that were not called by the naval officer?—When they would be called by the naval officer there would be a certain price put on the herring.

1331. And at other meetings?—It was agreed to get what we could.

1332. There was a meeting last year under Commander Horsley?—Yes. He told us to go aboard the Frenchman.

1333. Last year was there a man told off to go on board each French ship as it arrived and arrange for bait?—Yes.

1334. Did that man arrange the price to the French?—No; he told them they were to sell at 60 cents, and the Frenchmen would not give it, and then Commander Horsley told them to get what they could or sell it to the Americans.

1335. Can you tell us what happened this year?—I don't know.

1336. What did you get for your herring this year?—Twenty and thirty cents. I was offered a franc.

1337. Did you take it?—No.

1338. What did you take for your herring?—I brought them home and salted them.

1339. Did the French get their bait from other men?—Yes; I believe they did.

1340. There are no French lobster factories in this bay?—No.

On Board the "Fiona," at Sandy Point, Bay St. George, 3rd October, 1898.

The Right Reverend Dr. McNEILL, Examined.

The Right  
Rev. Dr.  
McNeill.

1341. (Chairman.) You are Roman Catholic Bishop of the West Coast of Newfoundland?—Yes.

1342. Can you tell us anything about lobsters?—A great many people depend for their subsistence on the lobster business, both the authorised and unauthorised, directly and indirectly, but there are no regulations in force regarding the protection of this industry for future generations, as in other places, both as regards a close season, the size of the lobster that may be taken, or with regard to the female lobster when covered with spawn. It is found in Canada that even in spite of regulations this industry is being exhausted—Prince Edward's Island, for instance. Here no regulations can be enforced on account of the treaty difficulties, or at least there is no attempt to enforce any such as there should be in the interest of future generations.

1343. Do you know whether the lobsters are becoming smaller?—I have made inquiry, and in some places they appear to have become smaller and in others not. Where they can come in from the open gulf they are not smaller, they may be scarcer. They do not come very far up into the bays. Some have answered me, "They are getting smaller and scarcer," others say, "No, we have not seen any difference yet," but I consider that if there are no regulations governing the industry the lobster must disappear; it is the experience in other places. The next point with regard to the lobster business is that under the *modus vivendi* vested rights and interests are growing up; are being bought and sold between English residents of the place. For instance, the Commodore agrees that certain people shall have the right to can lobsters in certain places. The man who gets that right sells it to another or to several others, who again will sell to others, and in this way, as I said, vested rights are growing up under the *modus vivendi*, a state of things with which the Government will have to deal sooner or later.

1344. You don't know whether the French sell their factories in the same way?—I am not aware of any sold in their case. In the selling of these rights I have known of cases where the right or part of the right was sold; another, as it were, was taken into partnership. The factory owner, in fact, sold a share in his business. This new partner sold again to others. The original holder of the claim objected to this transaction, and refused to admit the new partner, in which he was upheld by the Naval Officer. I merely bring this forward as an instance of the complications that are arising under the present system. And I would further point out that under the provisions of this *modus vivendi* our people are becoming unfitted for self-government. They are habituated to arbitrary modes of dealing with public matters. The selection of this one or that one to hold a claim that can be sold again for money is apparently purely arbitrary. There is no public regulation under which a man can come forward, and by complying with certain rules, obtain the desired right. It is not at all a legal process.

1345. You were saying something just now about the sale of herring to the French?—I understand that at the last meeting of the fishermen called by the Naval Officer this year, he asked them whether they would accept 60 cents a barrel for their bait, and they asked in return whether he could guarantee this 60 cents. He replied that he could not, and they, of course, refused then to be bound by any arrangement, and they also refused to appoint a representative this year.

1346. And they got a worse price this year?—I suppose so. I think they were right this time. If a number of bankers came here and this precedent were established that they could fix the price of bait, it would put our people in a bad fix.

1347. How long have you been here?—Three years.

1348. I have understood that the arrangement was

that they would sell to the French at not less than a fixed price of 60 cents?—That was something like the arrangement of last year; that they were not to accept less, but they might get more if they could. As a matter of fact they never did get more than 60 cents. All my evidence is hearsay, but in my position as Bishop I know pretty well what is going on among my people. I should like to add that the people have not been regarded as free in this commercial transaction of selling bait. When they tried to sell to others they were prevented. They were obliged to sell first to the French.

1349. One witness said they did this to get rid of the French?—That was no doubt his own feeling on the subject.

1350. Have you anything else you would wish to tell us?—At the very time when they were prevented from selling to others until the French were baited, more than 60 cents—it is said a dollar—a barrel was offered by American and Newfoundland bankers.

1351. Can you say what number of French bankers come here in the spring for bait?—At the present time there would not be more than 12 to 14 at one time. I am not in a position to know how many altogether. These schooners do not enter at the Custom House at all.

1352. Is there good land about here?—There is in places; very good land around Bay St. George; large tracts of good land.

1353. Is much of it occupied?—At present on the north side of the bay, at Stephenville, for instance, there is a large tract occupied.

1354. Can you give a rough estimate of the quantity of good land there is altogether?—There are at Stephenville, for instance, about 100 families settled on the land. These people probably occupy an average of 100 acres a family, and there is plenty more good land even on that one spot.

1355. And you say the whole of the north shore is good?—The whole of the north shore is good, and the north shore is about 30 miles along the shore of Bay St. George, not fully occupied or nearly so.

1356. What is the population of Bay St. George?—Between 4,000 and 5,000. The last census was taken in 1891, and the population is increasing at present. Besides the natural increase, people are coming here from Cape Breton and others from the east coast of Newfoundland.

1357. And are these mostly engaged in fishing or in agriculture?—Some in fishing and some in agriculture. The present influx of population will probably be engaged in agriculture. There is room for a large farming population yet.

1358. Do the French ever object to this influx of people?—Not that I am aware of. Of course, they always maintain that a fixed population interferes with their treaty rights. I have read that in the Blue Books.

1359. Is there anything else you would care to tell us?—If a large agricultural population resides here we shall need a public wharf exactly where a public wharf has been objected to; that is at Turf Point or somewhere along that shore.

1360. That is where the herring strike in?—The herring strike here too on this side close to the public wharf at which the "Fiona" is now lying.

1361. Do they strike in here in the same quantity as at Turf Point?—I can't say as to that, but they strike in quite as much as they used to before the wharf was built here. That is what I gather. I hear the fishermen say you can walk on the nets from this to the other side, that is, on the floaters, the corks that support the nets; and if these nets did not prevent the coming of the herring you cannot expect a wharf to do so.

NATHANIEL BUTT; Examined.

Nathaniel  
Butt.

1362. (Chairman.) What is your name, please, and occupation?—Nathaniel Butt, lobster factory owner.

1363. Where is your factory?—About thirty miles from this, at Ship Cove, on the south side of the Bay.

1364. How long have you had it?—Thirteen years.

1365. Then you were there before the *modus vivendi*?—Yes.

1366. What have you come to tell us?—All that I have to say in behalf of my own interests here, respecting my occupation and the French interference with me, is that I lost heavily by it. I was a supplier for the herring business largely.

1367. What did you supply for the herring business?—I supported men through the winter season especially, for

*Nathaniel  
Butt.*  
3 October  
1898.

which they were supposed to pay me in herring. The way that we have here is, we supply the men and they fish on halves. I supply the salt, and nets, and barrels, which are my personal property and remain so, and for that they are to remit me one half of their catch, they finding the barrels for their own half. The other half of the herring is supposed to come to me to pay for the supplies they had through the winter.

1368. You were going to say something about the herring industry not being so good?—The year before the French came here to catch herring I exported 1,800 barrels of herring; that was in 1889. The first year that the French came here my voyage fell down—with the same appliances—to 1,100 barrels, and there was the same quantity of herring coming into the Bay. In the following years it went down till in the third year I only put up 500 barrels with the same appliances, and herring as plentiful as ever.

1369. What did you do last year?—Last year I only got about 400 barrels, and this year about 500 barrels. I have not supplied as largely these last two years. I was not able to do it.

1370. But the Bait Act has not been in force all these years?—I don't think I am much acquainted with the course the Bait Act has been taking. The Bait Act drove the money out of Fortune Bay, and drove the Frenchmen into this bay to help to starve us. I was ordered by the French to remove nets from over here, which I declined to do. I think it was in 1889, and the English officer was Commander Russell. I came to him and stated my case.

1371. Were the French in the Bay then?—I went to Commander Russell, of the "Lily." My grievance was that the French had robbed our nets, stolen the sails out of our boats, and other things, which was injuring us. He simply said: "What business have you here?" I said "I am a native. I was born here." He said he could do nothing for me, and that I was to abide by his orders. "I cannot," he says, "send an official letter to the French Commander demanding anything, but we are very sociable, I breakfast with him and he dines with me, and we may get something done for you.

On board the "Fiona," at Sandy Point, Bay St. George, 3rd October, 1893.

*Francis  
Garnier.*

FRANCIS GARNIER; Examined.

1380. (Chairman.) What is your name and occupation?—Francis Garnier, fisherman, of St. George's Bay. I was born here, and brought up here, and I am now 48 years of age.

1381. Do you put out nets for herring?—Yes.

1382. Herring are caught by seining?—They catch them with seines here, and by setting nets along the shore.

1383. Have you ever been ordered by Frenchmen to take up your nets?—Yes.

1384. Have you ever had your nets torn?—Yes; 5 nets were torn and taken away by the French fishermen.

1385. Did you ever see them again?—I took the pieces ashore, but some were gone, and I have never seen them again, and I never shall.

1386. Which year did this happen?—It is about 5 years ago.

1387. Have you ever had your nets taken by the French fishermen on any other occasions?—That is the only occasion that they took my nets, but they have shaken my nets in the same year on Sunday.

1388. Did you take up your nets altogether at that time?—Yes, we set them again on Monday morning.

1389. What difference did that make to you?—We

1372. Did the French officer interfere with you?—The French Lieutenant came to my wharf and ordered me to take up my nets in Molly Anna's Cove. I did not take them up, but some of my men did.

1373. Do you mean by your nets, nets that you had furnished to other men to fish with?—Some nets I had out "on halves," but I had nets of my own as well. I did not take up mine, but the men who had them out on halves did take them up. I told him I would not take up my nets unless I was ordered by the English Commander. "Your Commander has nothing at all to do with the fishery." These were the very words he said. I have suffered largely by what I consider the interruption and interference of the French here.

1374. How long have you been here?—I was born here, and have lived here all my life, and I am now 51 years of age.

1375. And the people have been steadily increasing all that time?—Yes, at that time there were not many inhabitants. It is now growing in a slow sort of way. Almost at a standstill. There is no way for people to live now—the herring fishery was our principal living.

1376. Do the cod come into this bay ever?—Not, a very great quantity.

1377. Do the French ever fish for cod here?—They have fished here with trawls around the bottom of the bay.

1378. Do they ever fish here where the herring strike in?—No, not where the herring strike; it is rather too shoal water. The herring strike in on the Flats purposely for spawning, and the cod do come in here after the spawning of the herring, and are caught by the inhabitants, but never by the French.

1379. Have any buildings been erected by the French this year?—One to my personal knowledge. I don't know its use, but I understand it was just a small place to show that they had a claim there. It was just put up and locked up, but as the result of some diplomatic correspondence it was taken down again. It was near Turf Point.

On board the "Fiona," at Sandy Point, Bay St. George, 3rd October, 1893.

lost a good deal by it; a man with 4 or 5 nets might have 50 or 100 barrels of herring by Monday morning.

1390. How many barrels is a good catch for you for the season?—I might catch myself, if I were not disturbed, 100 to 160 barrels.

1391. And yet you say you might have taken 100 barrels in one night?—Yes with 4 nets. You can take 25 barrels in one net.

1392. Do you sell bait to the French?—I did.

1393. Every year?—Some years I did and some years I didn't. When they gave us little I brought mine ashore.

1394. Then you are able to set your nets to catch them?—When I am allowed; when the French don't interfere with me.

1395. I ask that question because just now you said that the English Naval Officer prevented you setting your nets?—Yes, by request of the French, certainly.

1396. Will you tell me any one year when that has happened?—I cannot exactly tell you the time. I didn't put that time down.

1397. Can you say whether it was 10, 15, or 2 years ago?—About five years ago.

1398. Did you sell any bait to the French that year?—Yes, I did.

CHARLES R. BISHOP, Examined.

*Charles  
R. Bishop.*

1399. (Chairman.) Your name, please?—Charles R. Bishop.

1400. You have been in business here a good many years?—Yes; since 1874.

1401. As a herring packer?—Yes.

1402. Can you give us the average number of barrels you exported up to 1890?—1,000, 1,500, 1,800 barrels; according to the year.

1403. Are you still in that business?—No.

1404. What did you export the last year you were in business?—1,150 barrels; that was the year before the French came.

1405. When did you give up the business?—I gave it up four or five years after the French came.

1406. Why did you give up the business?—I was ruined; could not carry it any longer.

1407. Were the herring equally plentiful in those years?  
—Yes.

1408. How was your business interfered with?—The first year through the robbery of the nets by the French.

1409. That was the year there was some disturbance, and no man-of-war present?—Yes; anyway the officers had made no arrangements as to boats patrolling the harbour until the damage was done.

1410. But in that year the Frenchmen robbed your nets?—Yes; there was one fortnight right in the middle of the spawning of the herring when our principal herring fishery is done. I had 27 nets in the water, 8 boats, and 16 fishermen. I was prepared that year to pack 1,500 barrels, and during that year my nets were robbed completely and in that fortnight I landed a puncheon, which is five barrels, when I should have landed a thousand barrels.

1411. Did the French set any nets themselves that year?  
—Very few; they came quite unprepared to catch themselves.

1412. Do you remember how many French schooners were in that year?—I should say about 150 to 160 ships of different rigs.

1413. Do you know what your export was that year?—The first year eighty barrels.

1414. And the next year?—I think I got a hundred.

1415. Were the nets robbed then in the same wholesale way?—Not so much that year, but our nets were ordered up wherever the French would require to seine, and we had to put them where there were no herring.

1416. And the next year, what did you export?—I think seventy-five barrels.

1417. What was the cause of your getting so small a quantity?—It was the interruption of the French and the nets being ordered up out of the proper fishing ground in order that the French might seine.

1418. Four years after that did you give it up?—Yes, I was not able to carry it on any longer; I was prostrated.

1419. Were there any other men, here at Sandy Point, equally unfortunate during those years?—There was no one who depended wholly on the packing of the herring as I did; most of them had other business outside, but it was my only business.

1420. What are you doing now?—Nothing at all, properly speaking. I am the owner of a very large deposit of iron.

1421. Did you, when you were an exporter, supply men to fish for you?—Yes, I used to have some shoremen.

1422. Did you buy herring besides?—Very few; my principal business was with hired men with my own nets and boats—men on wages.

1423. And you are not in business at all now?—No.

1424. You have spoken to us of three years; did the French come with their seines every year?—Not so much the first year, but the other years.

1425. Did they haul them themselves?—Yes.

1426. Do they do that now?—Yes, more or less.

1427. I thought they bought all their bait?—No, they don't buy all; they buy some, and catch some. That is the case every year up to the present. When the

French come here they use the best places for herring always.

1428. All the bait taken out of here is used on the banks?—Some of the slips that come up take their bait, and go out themselves to fish on the banks; others take bait out to ships that are already fishing.

1429. Do the French lobster packers come here for their bait?—Some; there is one concern packing down in the Straits of Belle Isle. I don't know for certain, but the packer gets his bait here.

1430. When you were in business, were your nets ever damaged by anyone?—Yes, some of them have been cut and disarranged more or less.

1431. By whom?—By the French. They leave the nets in a very confused condition after robbing the herring; would not set them again properly.

1432. How long does the herring fishery last?—On an average about three weeks, in the month of May, usually.

1433. The herring come in to spawn and go out?—Yes, and unless availed of then, we have no other means of getting them.

1434. Can you say whether there were any French lobster packers on this coast before this trouble about the bait began?—I don't think there were.

1435. You possess a large piece of mineral land?—I hold under lease from the Government a large deposit of magnetic iron about five miles from the coast in St. George's Bay.

1436. Are you working that mine?—No. Right close here, at Turf Point, would be the natural shipping outlet. It is a massive deposit of iron. There are supposed to be a million tons in sight.

1437. Why don't you work it?—I was negotiating with an American syndicate at New York, who sent an expert. Three experts have been here, and their reports were very favourable.

1438. Did you attempt to sell it?—Yes.

1439. And did not succeed?—No.

1440. Why not?—Owing to the French occupation of the coast.

1441. But I understand you had found a purchaser?—Yes, I could have sold it, but for the simple fact that the French occupation of the coast prevented them from taking hold of it.

1442. Would not the railway have helped you to take away your ore?—The ore would have gone to America, and, of course, we had to ship it by sea.

1443. Are Seal Rocks and Turf Point the same?—Yes.

1444. Is not the place at which you would put a pier in the middle of the herring fishery?—No; it would be right at Seal Rocks, where there is a ledge of rocks which prevents the setting of nets or the hauling of seines, and nobody ever fishes there.

1445. Are you interested in any other mining properties?—Yes, in two at Bluff Head, near the Chrome Mine.

1446. Would their outlet be at the same place as where the Chrome Mine has its outlet?—Yes, about the same place.

1447. But you can't put a pier at Bluff Head?—We never tried to, but I believe the parties working there did put one, which was afterwards partly destroyed by the storm.

MICHAEL EDWARD DWYER; Examined.

1448. (Chairman.) Your name, please?—Michael Edward Dwyer.

1449. You are Stipendiary Magistrate here?—Yes.

1450. How long have you been Stipendiary Magistrate here?—Fifteen years.

1451. Has the population around St. George's Bay grown much in that time?—Yes, very considerably, and is still increasing.

1452. The herring come in every spring for about three weeks?—Yes, for from three weeks to a month.

1453. And formerly there was a considerable export of herring from here?—Yes, there was.

1454. Can you tell us what was the average total export of the place?—I cannot tell.

1455. Has it fallen off much?—Very considerably within the last eight years.

1781.

1456. Can you give me any cause for this falling off?—I cannot positively state the cause; it might be because we have had a great number of strangers fishing for herring, for one reason.

1457. Have the herring come in as plentifully as they used to?—Some years not so much.

1458. But still a very large quantity come in every year?—Yes, a large quantity.

1459. Do you have many complaints laid before you in connection with the French baiting?—Yes, many complaints.

1460. What of?—Of interference with our people's nets by the French fishermen; robbing our fishermen's nets.

1461. Have you any personal knowledge of what occurs on these occasions?—Once I saw the French myself on a Sunday taking herring out of our nets. That was in 1882.

R

Charles  
B. Bishop  
3 October  
1888.

Michael  
Edward  
Dwyer.

Michael  
Edward  
Dwyer.

3 October  
1898.

1462. The local men don't fish on Sundays, and leave their nets in the water?—Yes.

1463. Is that the kind of robbery that these men complain of?—Yes, principally. With regard to anything else, the French don't rob much; they might take an odd punt sail or an oar, but never any large robberies of gear that I am aware of.

1464. And you can't explain the falling off of the export business?—No, I cannot explain that. The French coming here may interfere, and the demand in the foreign markets may be somewhat less.

1465. Is there any trade with frozen herring in the

autumn?—No, they never come into this bay in the autumn.

1466. Have you any complaints of the French cutting away the nets or stealing them?—Yes, I have had one or two complaints, but there was no proof that the French actually did take them. There were, perhaps, one or two complaints of this nature.

1467. Do these complaints come from the fishermen or the supplier?—Generally from the fisherman, who would come to me in the morning and say his nets were stolen the night before; and they would naturally conclude it was a Frenchman.

The Right  
Rev. Dr.  
McNeill.

The Right Reverend Dr. McNEILL; Recalled.

1468. (Chairman.) Have you heard of any discovery of petroleum in this neighbourhood?—Yes, I have heard of wells being bored at a place called Shoal Point in Port au Port Bay, and that there were very sure indications of oil.

1469. What would be the outlet for that on the shore?—The outlet would be Port au Port itself. It is only about five miles from Port au Port. The only way to get a good harbour at Port au Port is by cutting a channel between the two bays. There is no good harbour at Port au Port, and if a channel were cut through the narrow neck of land which now separates St. George's Bay from Port au Port Bay it would give a very good harbour.

Antonio  
Nardini.

ANTONIO NARDINI; Examined.

1472. (Chairman.) Your name, please, and occupation?—Antonio Nardini, millowner.

1473. Where is your mill?—Up the Main River, about five miles from here, on the south coast of the bay.

1474. On the shore?—Yes.

1475. Where do you get your lumber?—From the country behind. We float it down on the rivers and brooks and streams.

James  
R. Hayes.

JAMES R. HAYES; Examined.

1480. (Chairman.) What is your name, please?—James R. Hayes, I am living here at Sandy Point.

1481. What is your business here?—General business.

1482. Did you pack herring?—Yes.

1483. Do you do it now?—Not this season; my business is almost to a close; I have been doing nothing this season.

1484. Anything last year?—Yes, I was going in for it last year, and for the last eleven years.

1485. Do you remember what quantity you exported eleven years ago, before the French came?—On an average about 300 barrels.

1486. And have you been able to keep up that quantity?—No.

1476. What have you to tell me about it?—At the time Sir Baldwin Walker and the French Commodore were here, they agreed that this building should go on, and that no other building of the same description should be built on the shore in this Bay.

1477. You don't complain of that?—No.

1478. Do you know anybody who has been prevented from setting up a mill?—Nobody has ever tried.

1479. Is there timber for more mills?—I suppose there would be.

1486\*. Why has the number been off?—The men that used to have the herring to sell did not have them.

1487. How long have you been packing lobsters?—About nine years.

1488. Up to when?—I packed up to last season.

1489. Why did you give it up?—My business is in difficulties.

1490. What has brought you into difficulties?—The principal thing was the closing down of my factories in 1891. In connection with this I hand in a written document, the statements in which I declare to be true. (See Annexure No. 10.)

Alloysius  
O'Reilly.

ALLOYSIUS O'REILLY; Examined.

1491. (Chairman.) Your name, please, and occupation?—Alloysius O'Reilly; I am a fisherman living here.

1492. What have you come to tell us?—I was driven away by a French officer from an American vessel to whom I was trying to sell bait. I and my brother were on board the American vessel; we had about ten barrels of herring in our boat. It happened in the second year of the enforcement of the Bait Act—in 1890 or 1891. The captain agreed to buy them, and just then the boat from the French warship came alongside. He asked what we were doing (he spoke in English, so that we could understand him); we told him we were going to sell our herring to the Americans; the captain was offering 1.00 dol. a barrel. He said we were not permitted to sell all the French were baited, and we told him we had been round to all the French vessels that morning, and they would not give us more than 30 cents a barrel. He said if we did not leave the American schooner he would tow us on board of the French warship. Then we prepared to leave and go on shore. He asked us what

we were going to do with our herring; we said we would salt them; he said, "You are not permitted to salt them."

1493. What did you do with them?—We did salt them afterwards.

1494. Do you remember what ship that officer belonged to?—It was either the "Drac" or the "Clochétrie"; the "Drac" I think.

1495. Have you ever had any trouble with a French naval officer except on that occasion?—At one time they came on shore and ordered the people in public to take up their nets; but, personally, that was my only trouble with them.

1496. Have you had any difficulty about lobster catching?—Yes.

1497. What year did it happen?—In 1890, in the summer.

1498. You were stopped from packing lobsters?—Yes.

1499. Was that on the Frenchmen's ground?—No,

there was not one French factory between the Cape of this bay at that time. I had a farm with a dwelling-house on it, and I was packing lobsters, and I was stopped.

1500. No limits had been assigned to any British factory at that time?—No, the water where I was fishing had not been assigned to anybody. It was given

afterwards to a British subject, John Keating, who never packed in that place before.

1501. Has he got it now?—He has sold it: it has been sold twice now.

1502. Where did this happen?—At Bank Head; about seven miles from Sandy Point.

The Reverend CHARLES JEFFREY; Examined.

1503. (Chairman.) Your name, please, and occupation?—Charles Jeffrey, incumbent of St. George's Bay Mission; have been here for 22 years.

1504. How many people were there here then?—About 2,000 people altogether.

1505. And now?—Nearly 3,000; that is including all the people within the heads. There may be 5,000 within the district, which includes Codroy.

1506. When you came the principal industries were herring and salmon packing?—Yes.

1507. Did the French take any part in the salmon packing?—Never heard of the French at that time. It was not until the Bait Bill was put into operation that the French came. Usually a schooner came to Main River and fished before the Bait Bill, but they did not interfere. They did not come for bait.

1508. Does the herring packing industry go on still?—Yes, there were about 6,000 barrels taken this spring.

1509. How does that compare with what it was when you first came?—Very much about the same. Some years more have been taken. Last year they did not fit out very much because the price had gone down so very low.

1510. Some people have dropped out of the business, but the general trade of the place is much about the same?—Yes.

Commander LYON, R.N.; Recalled.

1517. (Chairman.) You are in command of the "Pelican"?—Yes.

1518. How long have you been in command?—Since the 7th January of this year.

1519. Was the "Pelican" here during the baiting season?—Yes.

1520. Will you kindly tell us in a few words everything that took place?—On my arrival here I interviewed Mr. Jeffrey and asked him if he could get the fishermen together to hold a meeting to consider the question of baiting. We held a meeting of about 150 fishermen and agreed to the following items:—(1) That there should be no fishing for herring between the hours of 8 p.m. and 4 a.m.; no going on the nets at all. The nets were to be left in the sea, but were not to be "shook" between those hours. I said I would fire a gun at 8 p.m. and 4 a.m. so that the fishermen should know the time.

1521. What is the reason for fixing the time?—Simply to prevent robbery at night among their own people. (2) No cod traps should be allowed while the nets were down. (3) No English seines allowed. (4) No fishing allowed on Sunday. (5) No bait to be sold to vessels other than French for less than 1 dollar a barrel. There was no fixed price agreed upon with regard to the French. They might get what they could. (6) No bait to be sold outside the limits of the harbour, taking a line from the Light House. Then I issued a notice that the inhabitants of Bay St. George were strictly to observe these rules, and to refrain from interfering with or molesting the French in any way in the exercise of their treaty right of fishing.

1522. Were there many French ships in at the time?—No, very few; only eight French ships during the season. They bought 387 barrels of herring and they caught 217 with their own seines. Other schooners bought 498 barrels—that is, the American schooners.

1523. Does every French ship carry a seine?—Not all; some of them; the bigger ones. Schooners very seldom have a seine.

1524. We understand that the people here object to the use of the seine; do you know why?—The objection is on account of fouling the bottom. In lifting the seine they leave so many dead herring at the bottom that the bottom is fouled, and the herring won't come back again.

1511. What then is the objection to the French coming here for bait?—Instead of buying their bait they fish themselves, and in that way disturb our own fishermen. They fish with seines.

1512. Is there any objection to the use of the seine by your people here?—A most decided objection. In one case, Mr. Butt began seining, and the people of Sandy Point telegraphed to St. John's to know if the custom of the harbour could not be maintained.

1513. What is the custom?—That they should fish with herring nets, and net with seines.

1514. And the French use seines?—Yes, because they want to get the herring quickly and go off. I am informed that some of the French admit that seining is injurious to the fishery.

1515. In what way is the seine injurious?—It breaks up the shoals, and then the fish go out instead of staying in to spawn, so that less fish are taken than would be taken if the seines were not used.

1516. You think that the objection to the French coming here for bait is chiefly to their methods?—Yes, not that they come here, but that they use seines which are damaging to the fishery, and would in the end destroy the fishery.

1525. Does it break up the shoals?—I don't think so. I think they come in to spawn just the same.

1526. It is the case that the people here decidedly object to the use of the seine?—Yes, that is one of the things they particularly asked to have as one of the rules.

1527. Nobody here ever uses a seine?—I have never seen one.

1528. Were any complaints made to you of robbing nets?—I had not a single case.

1529. Or of destroying or damaging nets?—No.

1530. You only speak as to this year?—That's all.

1531. Do you know anything of the mine at Bluff Head?—I paid a visit there and saw the manager, and asked him whether he wanted a pier. He said he preferred to have a floating dock; a pier would be much more expensive and more likely to be damaged. A floating dock could be moored, and would probably be cheaper. I also asked him if the French objected to his work in any way, and he said "No."

1532. It is a very exposed place, is it not?—Very.

1533. What are the other particulars you have?—The amount of chrome ore embarked this season, concentrate, is 400 tons, and the amount worked at the mine is 450 tons. The wages paid run from 1 dollar 15 cents to 1 dollar 50 cents a day, and the contract miners average from 2 dollars to 3 dollars 50 cents a ton.

1534. How many men was he employing?—He employed thirty-five men; some on contract and some on wages; there was no difficulty in obtaining labour.

1535. The mine itself is some way inland?—About a mile and a-half; right up the hill. It is principally large pockets. One pocket of a thousand tons is worked out already. I think they are rather doubtful about the continuance of it.

1536. With regard to the baiting at Bay St. George, you spoke about the rules having been arranged at a meeting; by whom were these particular arrangements proposed?—Of course I had to ask what they wished to do with regard to certain things. I were to wait for them to make a proposition we should never get through. I was most particular in stating to them that I gave no orders; that I simply offered advice; and that I wished to do the best I could for them in the fishing season.

*Alloysius O'Reilly.*

3 October 1898.

*The Rev. Charles Jeffrey.*

*Commander Lyon, R.N.*

Commander  
Lyon, R.N.  
3 October  
1898.

And then these different points were discussed. The last two years before it had been the custom for one of them to arrange everything with the captain of the man-of-war, but this year nobody would undertake it. Of course it gave a great deal of extra trouble to myself, as I had to get all the information myself instead of getting it through this man.

1537. It was their agreement?—Entirely their agreement.

1538. Do you know why the agent refused to act?—It was the custom to give a small fee to the man who had all this work for the other fishermen, because in the meanwhile he could not look after his own fishing, and I found out that this man had not been paid by a great many of the men; consequently nobody would take the office this year.

1539. Did you hear anything of complaints made by the fishermen's representative that the French would

not give the price that had been agreed upon, and that therefore he would not go on?—No; I never heard a word of that sort.

1540. Do you know what prices the English lobster packers are paying the fishermen who fish by the hundred?—They vary. Stephen Taylor, of Stanford, close to Cow Head, is paying 2'25 dol. a hundred; then it goes down to a dollar.

1541. Do you know whether there are men who have found their own gear?—Some have found their own gear 2'25 dol. is a very fair price; 1 dol. is very low; a great deal too little. But there are several factory owners now, who are giving from 2 dol. to 2'25 dol. up the coast. Hewitt, Payne, Chetwynd, Harvey, and others will have to raise their prices next year.

1542. This year I understand the men sell to whom-ever they please?—Yes, and can fish where they like.

1543. Last year they did not have same liberty?—No.

Arthur  
Mudge, R.N.

ARTHUR MUDGE, R.N.; Examined.

1544. (Chairman.) Your name, please, and occupation?—Arthur Mudge, Assistant Paymaster, H.M.S. "Pelican."

1545. Do you know anything about a case connected with salmon nets at Bay of Islands?—M. Bourget complained that Mrs. Park's salmon nets interfered with his lobster fishery, and Captain Hornely sent for Mrs. Park, and her son came and complained that M. Bourget's cattle

were eating her hay, and that if M. Bourget would tie up his cattle, Mrs. Park would move her nets.

1546. (Sir James Esqine.) I see in the Fishery Report of last year that it is reported that on the 6th July the "Pelican" went to North Arm Cove; was that the time?—Yes.

1547. I see an entry here of a deposition of Mrs. Park's with regard to a theft of clothes; was that the occasion?—Yes.

CLEMENT RENOUF, Examined.

1548. (Chairman.) Your name, please, and occupation?—Clement Renouf, Customs Officer at Bay St. George.

1549. How long have you been here?—Since January of this year.

1550. Can you give me statistics of the trade of the port? What quantity of herring has been exported?—Since when?

1551. How far back can you go?—Since 1886, I think. Since 1886 there has been a falling off.

1552. Do you remember how much it was then?—4,000 barrels exported in that year.

1553. Do you know what it was in 1890?—No.

1554. Do you know what it was last year?—No, I don't know.

1555. This year?—This year there has been no herring shipped away yet. They will be shipping from now till November.

1556. What has made the trade fall off?—I think it is owing to the French.

1557. Can you say whether there is much difference between last year and the years before the French came?—I don't know.

1558. You know about the baiting season this year?—Yes.

1559. Do you know whether selling to the French affects the export trade of the port?—I don't know.

1560. Can you say whether you hear much about smuggling by the French in these parts?—There have been some cases, years ago.

1561. Has any actual case come under your own knowledge?—No.

1562. Do they pay for the bait in spirits, do you know?—I never heard of a case.

1563. Do you collect import duties here?—Yes.

1564. Do you know whether they are increasing much this year?—I have not collected much this year; I cannot tell till the end of the year.

1565. Have you any practical knowledge of the herring fishery?—Yes.

1566. We have heard that the French use seines?—Yes, they do.

1567. Has that any effect on the fishery?—A great effect, in this bay especially. It is shallow water here, and the seines divide up the shoals. There are spawning herring, and it drives them out; they go out without spawning, and so are not caught.

1568. Is that why the people here object to the use of seines?—Yes; the inhabitants always objected to it. They had a local custom among themselves many years ago that seines should not be used.

1569. And they still object to them as much as ever?—Yes.

1570. Is it common report that the French dispose of goods to the people here?—I have not heard it.

Saturday, 8th October, 1898.

PRESENT :

Sir JOHN BRAMSTON, K.C.M.G., C.B., *Chairman.*

Admiral Sir JAMES ERSKINE, K.C.B.  
The Earl of WESTMEATH, *Secretary.*

Hon. A. MORISE, *Agent for the Colony.*

St. John's, 8th October, 1898.

8 October  
1898.

Mr. MORISE attended, and put in the following documents for the information of the Commissioners:—

1. Statement of the Honourable Philip Cleary with regard to his properties on the west coast of Newfoundland, and enclosing:—

(a.) Plan of his properties on the treaty shore.

(2.) Letters from Messrs. McNiven and Co., of New

York, U.S.A., dated 22nd November, 1888, and 26th September, 1898, with regard to the impossibility of procuring capital for investment on the treaty coast under existing conditions. (See Annexure No. 11.)

2. Statement of John Harvey, with regard to his interest in properties on the treaty shore, dated September 8th, 1898. (See Annexure No. 12.)

R. K. BISHOP; Examined.

R. K. Bishop.

1571. (Chairman.) What is your name and occupation?—R. K. Bishop, merchant of St. John's, of the firm of Bishop and Monroe, and a native of this colony.

1572. I believe you are interested in mining properties in this colony?—I am.

1573. Will you tell us, shortly, in what localities they are situated, and the ports which would be their natural outlets?—At Ming's Bight there is a gold property.

1574. Were you one of the original holders in that?—No; my interest in that is not great. I am more particularly agent of Mr. Francis Tress Barry, Member of the House of Commons. Operations were commenced there in 1832.

1575. Besides gold there is copper, but gold is the principal thing?—There is copper, but gold is what we were developing. One shaft was sunk quite near the water, another some two or three hundred yards up the hill on the top of the cliff. It was intimated by the Commander of the French warship in 1833 that work could not be proceeded with.

1576. Do you know that of your own knowledge?—I was not there, but Captain A. B. Cunningham, R.A., was a partner with Mr. Barry in the property; he was there, and what was said is related by Captain Cunningham and by the foreman of the work to myself. We continued developing the following year, and the protests from the French Commodore became stronger. He sent his boat, with a Lieutenant, and, although it was pointed out by Captain Cunningham and by Mr. Henderson, who was in charge of the work, that the working of this mine could not in any possible way interfere with the French fishing operations, it is stated by Captain Cunningham that the French landed, and forcibly prevented his further operations.

1577. Has the work been stopped ever since?—The work has been stopped ever since, but we have held possession of the property, keeping a caretaker there since 1834, always in the hope that the restrictions would be, in the following year, removed, enabling us to form a company and work the property.

1578. When did you first visit the property yourself?—I never visited it, but Mr. Henderson, who was in charge of the work, can be present if you wish it.

1579. Has nothing further been done in the matter?—

We found it impossible to do anything. I have been in consultation with Mr. Barry more than once, but I cannot induce him to attempt anything further, because of the French restrictions; and even if he were willing himself, there are very few men able to provide sufficient money to work a mine, individually, and he would not ask his friends to put money into a property with these difficulties in the way of working. That is all that occurs to myself with regard to Ming's Bight.

1580. Can you tell us how far exactly from the water the cliff comes?—Within a matter of a very few feet. They had a little jetty there for bringing a boat alongside, and that was only a matter of a few feet.

1581. What other properties are you interested in?—Copper properties at York Harbour, near Lark Harbour. We are not interfered with in the development there. We go some miles inland. We hold different licences covering about twenty square miles. Some of them begin at the water; we have two along the coast line.

1582. What is the system of these mining licences?—We get a licence to search from our Government, covering three square miles, on payment of an annual fee. That is the maximum of any individual licence. Within two years one square mile must be selected, for which a lease will be issued for eleven years, not renewable; and during these eleven years a considerable expenditure of money must be annually gone to.

1583. Do you get any prior claim to the fee in consequence of your work?—Yes.

1584. Would a man be sure to get the fee simple?—If he has conformed to the regulations by making the necessary expenditure; and that is the system which obtains throughout the colony. In selecting property for a lease, we are not allowed to come within half a mile of the shore, even though that may be the most valuable part of the property prospected; the reason for that restriction being the claims of the French. I have talked with capitalists in London regarding some of these properties, invariably receiving the same reply, "We will not touch properties upon that coast until these restrictions are removed, no matter how good the prospects may be."

1585. How many properties did you submit to people in London?—Some four or five. We did not go into them; I had four or five that I could have proposed, but they would not look at them.

Monday, 10th October, 1898.

PRESENT:

Sir JOHN BRAMSTON, K.C.M.G., C.B., *Chairman.*Admiral Sir JAMES ERSKINE, K.C.B.  
The Earl of WESTMOUTH, *Secretary.*Hon. A. MORINE, *Agent for the Colony.*

St. John's, 10th October, 1898.

ALEXANDER M. MACKAY; Examined.

1586. (Chairman.) Your name, please, and occupation?—Alexander M. Mackay, local manager of the Anglo-American Telegraph Company. Have been so for forty-one years.

1587. Were you interested with Mr. C. F. Bennett in a lead mine near Port au Port?—At East Bay Port au Port.

1588. Did you operate that mine for some years?—Yes.

1589. Have you ceased working since 1873?—Yes.

1590. How much money did you spend on the mine?—I think about 20,000 dollars; that is, the two of us.

1591. Why did you stop working?—The French Commodore, Captain Humann, made a report against our presence mining.

1592. Did you build within half-a-mile of the shore?—Yes, we had a house and other buildings quite close to the water. We were working on the shore. The best of the mine is under the water; it works to the seaward.

1593. And then what happened?—The British Government communicated with Mr. Bennett, then Premier, and the result was we discontinued, and we have not worked since.

1594. Mr. Bennett has been dead a number of years?—I should think nearly twenty years.

1595. This happened when?—I think in 1872; it may have been in 1873. I am speaking from memory, for all my papers were burnt in the great fire.

8 October  
1898.Alexander  
M. Mackay.10 October  
1898.

## HENRY W. LE MESSURIER; Examined.

Henry W. Le  
Messurier.10 October  
1898.

1596. (Chairman.) What is your name, please, and occupation?—Henry W. Le Messurier, Assistant Collector of Customs at St. John's.

1597. Are you and your brother interested in a mineral claim near Bay of Islands?—Yes.

1598. Tell us the locality?—South of the Serpentine River, between the Serpentine River and Benoit's Cove. We have two claims there taken out in 1881.

1599. What is the métal?—Copper.

1600. Have you worked these claims?—We opened the claims for inspection, and Mr. Wallace, at Little Bay, engaged in mining there, was in treaty for the claims, and the result of the inspection was good. We could not go any further on account of not being able to give

a lease pending a settlement of the treaty shore question. The place of inspection was about a quarter of a mile off the shore.

1601. Mr. Wallace would not deal with you?—No.

1602. How was that?—Because we could not get a right of way to the sea shore, being debarred by treaty rights, and because of our not being able to get a lease. We could not get a lease down to the shore.

1603. And you have never worked it?—We have never been able to do anything since 1883. In 1881 we took out a licence. The papers that I had were destroyed in the fire of 1892, but I saved a pocket memorandum, which was taken off from the original licence, and our claims have been re-registered, and we still hold them.

## REV. MOSES HARVEY, LL.D.; Examined.

Rev. Moses  
Harvey,  
LL.D.

1604. (Chairman.) Your name, please?—Moses Harvey, Presbyterian Minister.

1605. You are secretary to the Fishery Commission?—Yes.

1606. Will you tell us something about the habits of the cod?—The codfish generally appear on the coast from about the 20th May and continue till October, coming on and off in shoals. After that they disappear and retire, as we believe, to the depths of the ocean, where they remain all the winter, returning in the following spring for the purpose of spawning.

1607. Is it known where they spawn?—In still waters; generally off the coast; in the bays especially.

1608. We have been told that they go north to Labrador for the purpose of spawning?—They appear first, as a rule, in the southern parts of the island, and then go north, reaching Labrador very much later in the season than they appear here to the south. They don't reach Labrador perhaps until about the 8th or 10th of July; and further north, at Battle Harbour, they are later still in appearing.

1609. But they are not known to go north of Cape Chudleigh?—No; the caplin, which they follow up in coming in on the shore, follow the same rule. They appear early to the south and creep away up gradually north to Labrador, and appear there about the same time as the cod. The cod follow to eat them.

1610. Is it known that the caplin spawn on the Labrador coast?—Yes, they are there in very large numbers. Beyond Cape Chudleigh no codfish have been found, but they have been taken about Cape Chudleigh lately in large numbers.

1611. Is not the fishery there very prolific?—About Cape Chudleigh; yes. Captain Blandford reports about 3,000 quintals.

1612. But the fishery only lasts a very short time so far north?—I think the fish disappear altogether from the Labrador; they don't come this way again. They retire to the depths of the ocean, and where that is no one knows. In cold waters there is a temperature at which the fish cannot live; they become paralysed and die.

1613. Is it true that they are not known to go as far south as the Gulf Stream?—They would not live in the hot water of the Gulf Stream, and on the other hand they will die in a temperature of about 29 degrees or 30 degrees, that is, as low as that.

1614. Then what is the temperature of the water at the time they first appear?—It would be considerably above 32 degrees; it might be 40 degrees.

1615. So that there is only a moderate range of temperature in which they can live?—Yes; we tried to keep them over the winter in the cod hatchery at Dildo, but they all died from the cold.

1616. Do the cod spawn on the coast of this island?—Yes, that is what they mainly come into the shore for; also to follow up the caplin.

1617. You had a fish hatchery here, and I understand you could not keep the fish through the winter?—No; we had to get fresh spawners every spring. By keeping them over the winter we should have been able to start earlier and get more spawn, but that was found to be impossible.

1618. Am I rightly informed that the cod are much less numerous on the coast than they were formerly?—I think all the evidence I am acquainted with points in that direction.

1619. To what do you attribute it?—I think over-fishing largely. Conception Bay was a famous fishing ground; now the quantity is quite insignificant. The fisherman used to be able to take his boat and fill it in an hour or so near his own door, and it is in order to restock these bays that are now become exhausted that we are keeping the hatchery.

1620. Have you been successful?—I think we have been partially successful in Trinity Bay, where the hatchery is, but it is a slow process, and will require some years to prove its value. The evidence in favour of the hatchery is that for the last three or four years a very large number of young fish have appeared in the coves around Dildo, from six months to one and a-half years old, that were never seen there before, and that the people of the vicinity believe to have come from the hatchery.

1621. Do you infer from that that the fish come back to their native haunts?—Yes; that is, they come back when fit to spawn to the place where they have spent their earliest days. They remain there for the first, and perhaps the second year of their existence, and then they go to the ocean, and when they begin to feel the impulse to spawn they come back again to the place where they were born.

1622. Do you think that the fish are smaller as well as fewer?—I should say so, and the catch of the fish is less owing to the taking of immature fish by the fishermen before they have reproduced their species. That course is ruinous to the fishery, and our rules are designed to check the taking of immature fish.

1623. Do these rules apply on the Treaty Coast?—We have no jurisdiction there whatever.

1624. Can you say whether the fish on the west coast are diminishing in the same way?—It is reported that the fishery there is very poor—almost ruined. I do not know from personal knowledge, but that is the general report.

1625. Is it the case that lobsters on the west coast are becoming fewer?—I should think so, from all I know. The lobster fishery is pursued very recklessly and we have no means of protecting it by a close time or other regulations. Our rules do not apply to that coast.

1626. We are told that the lobsters out along the coast are larger than those in the bays?—Wherever there is a reckless and careless pursuit of the lobster the large ones are first taken out, and thus they become smaller and smaller. In Fortune Bay, for instance, they are taken as small as six or eight inches.

1627. Is it a fact that in the bays there are only small ones, and large ones on the outside?—I would not say that by any means; you find large and small.

1628. Do you know anything about the salmon on the west coast?—I have been led to believe that the salmon rivers have been much injured by the way the fishery has been carried on: barring rivers, following up the salmon in the close season, and destroying them in pools where they are to be found.

1629. To whom do you attribute such acts?—I think both English and French.

1630. Do you know anything about Castors River?—No, I have no personal knowledge of the west coast.

1631. About minerals; are you connected with any mining interests?—I have taken a little interest in mining matters. About twenty years ago there was a very eminent geologist, Professor Hynes, here. He spent some time in this country; he traversed the north-east and afterwards the west coast, and of the mineral capabilities of the west coast he formed a very high opinion, so much so that he spoke to me and others in St. John's about the propriety of forming a company to take up mineral lands, with a view to working them. He named, in particular, Bonne Bay as a very promising locality, and he founded his opinion on the fact that the serpentine formation is largely developed there, as it is also in Bay of Islands, and with this formation copper ore is generally found. He gave me a little diagram of Bonne Bay, of what he considered a good mining location there. I applied for and got five mining licences of three square miles each on the shore of Bonne Bay. These licences entitled us to a lease of one square mile for each licence, if we had asked for them. The licences were

granted subject to the French Treaty rights. I think this was about twenty years ago. I took these licences, and they hold good up to the present time. I was in treaty once with an American prospector about them, but he did not like the references to the French Treaty rights, so he did not go through with them, and we have never been able to work them. Latterly—within the last three months—I had an inquiry regarding them from a gentleman here, who represented an American mining syndicate, but he hesitated on account of the French rights, and the difficulty of getting an outlet. I may mention another case in St. George's Bay in connection with a large deposit of gypsum near Romaine's Brook. A friend of mine got a licence about twenty-five years ago, and he has got an offer from the representative of an English syndicate to work this gypsum, provided that there shall be no interference, and they proposed to spend £120,000 in putting up a breaker, wharves, and other buildings, and to give very considerable employment.

1632. Where is that?—Romaine's Brook, St. George's Bay.

1633. Where would be the outlet for the minerals on your own mineral claims?—Bonne Bay.

ROBERT GEORGE RENDELL; Examined.

1634. (Chairman.) What is your name and occupation?—Robert George Rendell, merchant, of St. John's.

1635. Are you the holder of some mineral claims?—Yes, in Sop's Arm, White Bay.

1636. Are you connected with the saw mill?—Yes, it is all one business.

1637. How far back are your mineral claims?—They begin at the water-line, and there are a number of claims, some of them going back two miles.

1638. Have you inspected the minerals on these claims?—We have had them inspected by an expert; he values one of the claims there very highly for iron; he said that, as far as he could go, it was of undoubted value.

1639. Has anything been done to work that claim?—We only lately got this report; we are now merely prospecting there.

1640. Would you proceed to work it?—Probably.

1641. Where do you propose to ship there?—Within a mile of the saw mill.

1642. Does your claim come right down to the water?—Yes.

1643. Have you a licence to that extent?—Yes.

1644. Subject to French rights?—Yes.

1645. Would these rights interfere with your work so far as you know?—I consider they would interfere with my selling the property; as to working it—that might be another question.

1646. Have you been in treaty with anybody with a view to selling this property?—No; I applied to the Newfoundland Government for permission to erect buildings on these claims nine months ago, but I have not yet got any reply. The licence stipulates that no buildings are to be erected there without permission, and in the face of that I think no foreign investor would put his money in.

1647. Are there any salmon in that brook at Sop's Arm?—I have no personal knowledge, but I understand from hearsay that there are.

1648. It is not barred by the saw mill dam?—Possibly; I have not seen it, and the dam is of no value to the saw mill now, as it is run by steam power instead of water. There has been no salmon fishery carried on there to my knowledge.

JOHN HARVEY; Examined.

1649. (Chairman.) Your name and occupation, please?—John Harvey; I am a partner in the firm of Harvey and Company, general merchants, of St. John's.

1650. Your firm is interested a good deal in mining properties?—Yes, a good deal; I am personally more interested than the firm, but, at the same time, the firm is interested.

1651. Will you tell us where your properties on the treaty shore are situated?—The principal property in which we are interested is at York Harbour, Bay of Islands—a copper district.

1652. What extent of land?—I myself and the firm are interested in about seven or eight miles. I think on every section of that seven or eight miles we have copper indications.

1653. Have you developed to any extent?—We did a good deal of work last summer and the summer before last.

1654. With what result?—The indications are universally good; I think, superior to any indications that appear in Newfoundland, anywhere, not excepting Tilt Cove. We have shipped no ore.

1655. Why not?—We have not got as far as that in our operations yet. It is a question whether we ever can get as far as that, but, in any case, we are not yet ready to test that point.

1656. Are there any other properties you are interested in?—I have been trying to do something with a gypsum property in Bay St. George, represented by the Rev. Moses Harvey, which is also very promising. The outlet would be in Romaine's Brook, Bay St. George, on

the north side of the bay, about two miles inside of Port au Port Peninsula.

1657. How does that matter stand?—I do not know whether we are really going to be able to do a business. We have not got so far as getting actually to work. We had hesitated about investing any money there; the place in my opinion is practically locked up. I had a gypsum expert down from Cape Breton, Nova Scotia, who gave an extremely strong report on the place. The gypsum is of the very finest quality, but, of course, we are confronted with the fact that the Blue Head Mine people were prevented from building a wharf, and also that Mr. Reid was refused permission to rebuild his wharf when partly destroyed.

1658. What else do you wish to tell us?—I am also interested in some claims at Ming's Bight.

1659. Is that the mine which was stopped?—No, one adjoining that.

1660. Have you taken any steps towards the development of that property?—I had some prospecting done there by a couple of men for two years.

1661. What was the result?—The prospectors brought back a considerable quantity of coarse gold that they panned out of sundry reefs. I also had a London expert out there. I sent him up to examine, and he reported to me that he thought a large gold mining industry would be established at Ming's Bight some time in the future. The outlet would be at Ming's Bight itself, close adjoining the other mine. I have not been to the locality itself.

1662. Have you any other properties?—I have nothing

Rev. Moses  
Harvey,  
M.A.  
10 October  
1898.

Robert  
George  
Rendell.

John  
Harvey.

John  
Harvey.

10 October  
1888.

further that I need mention; I am interested in Mr. Rendell's claims at White Bay.

1663. Are there not some marble industries?—That I have nothing to do with.

1664. Anything else?—I don't know whether it would be of any interest to you to have reports on this place at York Harbour. I have the reports of Mr. Hadley, which are very favourable, and reports on this gypsum by Mr. Jameson, of Nova Scotia, which will fully establish the value of these properties. There are also at Port au Port some lead at Lead Cove, and some barytes and some pyrites. I had promising reports on both these. I applied to the Commodore some time ago for leave to put a wharf and pier in York Harbour, but have never been

able to get any satisfactory answer. I presume we are not allowed to build wharves or piers. I should like to point out that this not only affects claims with the treaty shore clause, but it also affects claims inside the half-mile limit, for which perfectly clean leases are issued, because even then you cannot get an outlet. Not only claims within the half-mile limit, but inside claims are rendered useless. Another industry which ought to be gone into is that of pulp, in which we are largely interested. It is an industry which must be carried on on an extensive scale, and the product is a very bulky article; most of the pulp shipped contains 50 per cent. of water. Here, again, the question of shipping will be fatal to the development of the industry unless the treaty rights are abrogated.

Simon H.  
Parsons.

SIMON H. PARSONS; Examined.

1665. (Chairman.) Your name and occupation, please?—Simon H. Parsons, photographer.

1666. Are you interested in mineral claims?—I have been interested in some twenty-five or thirty-five miles of property on the treaty coast. Our claims begin about five miles south of Ming's Bight, and they run from Harbour Deep to Hooping Harbour. I may say that when we applied for this property, the Government was not in a position to give us a legal right of search. Our claims start from the water-line.

1667. Have you leases for any of them?—I have one for an island near Ming's Bight. I think only two or three have ever been granted. It is not a lease, but a grant.

1668. Why don't you work the White Bay properties?—I may tell you why the island near Ming's Bight was not worked. It would be a clue to the whole matter. We partly developed this island. There are four of us connected with it, and we sent over one of our number to Scotland with samples. There was a company formed at Glasgow, which offered us £6,000 sterling. It was a small island, and we were glad to accept this, in order to make a beginning, as we had other properties on the coast. Our agent, who went to Glasgow, was well known by the people who proposed purchasing, and they took his word and his surplus, for a final settlement pending the production of a legal title to the property. The grant we applied for, and it was issued—with the

French restrictions attached. We sent it to the people in Glasgow; it was examined by their lawyer, and pronounced not worth the paper it was printed on. There the matter dropped. They were to retain the papers until the matter should be settled, but I concluded we had better have them, and I have them now.

1669. And your other claims?—The only licences we have are "prior rights." At that time the Government was not in a position to give a lease. This was about twenty years ago.

1670. The licence system is more recent?—More recent. I have been over all the properties myself, and have personally prospected them; that is, all the White Bay properties.

1671. Have any of these properties been unfavourably reported upon?—No; I have never been able to get them into the market at all. The first question is, "Where are they?" and the fact of their being on the treaty coast settles it. There is no chance.

1672. Does that answer cover the whole of your properties?—Yes.

1673. Now give us a list of the properties you have?—All Harbour Deep; the shore line from that to Hooping Harbour going into places two miles back. I suppose about fifteen or twenty miles of coast; I also have claims at Coachman's Cove on the south side of White Bay.

Charles R.  
Steer.

CHARLES R. STEER; Examined.

1674. (Chairman.) Your name, please, and occupation?—Charles R. Steer, partner in the firm of Steer Brothers, general merchants, of St. John's.

1675. I believe you are interested in mining properties?—Yes, rather extensively on the treaty coast.

1676. Where are they situated?—I hold forty licences and thirty-three applications for properties between Cape Ray and Cape John.

1677. Have they all been examined?—Not all; for several years we had a London expert, a Mr. Pill, associated with the firm of Bath and Sons, to prospect these properties, or the greater number of them.

1678. Are the prospectors' reports sufficiently good to induce you to go further into the matter?—Some of them would be all means. For instance, York Harbour, Bay of Islands. There, right at the back of Mr. Harvey's property, we hold licences for twenty-four square miles.

1679. What is the outlet for that?—York Harbour.

1680. Have you done anything towards developing that property?—Not beyond prospecting that I know of at the moment. I have no personal knowledge of these localities. I have never been there. At St. Paul's again—at Bonne Bay, Cow Head, we have four claims there, right on the sea coast, with a good showing of oil. We have four licences, but no leases.

1681. Mineral oil property?—Yes.

1682. Have you tested it?—Our expert has been there, but I don't remember what his report was, but

we have been led to believe there is a good showing of oil, a natural flow, at one particular spot, right on the sea coast. The outlet would be close to Cow Head, between Bonne Bay and Cow Head, north of Bonne Bay.

1683. What are the minerals that you found at White Bay?—I think copper principally.

1684. Are there any other of these properties that you have particulars of?—We have gold at Ming's Bight, copper at White Bay, and oil at Cow Head.

1685. Have you got any other minerals?—We have an extensive find of iron pyrites at Pistolet Bay on the north-east coast, beginning on the headland on the south side of the entrance to St. Anthony's Harbour. We hold three licences to search there, each for three square miles.

1686. You have not yet attempted to work them?—No. I hold here in my hand a certificate signed by the Surveyor-General, and countersigned by the Attorney-General, to show that we hold forty-eight licences to search, and I also hold the diagrams of the properties for which we shall be entitled to receive licences in due time.

1687. Why don't they give you licences right out?—I understand it is because they cannot give us a clear title.

1688. Have you any personal knowledge of these properties?—No. I have come here on behalf of my father, who is a very old man, and of others who are associated with him, but I have no personal knowledge.

Archibald  
Lindsay.

ARCHIBALD LINDSAY; Examined.

1689. (Chairman.) Your name, please, and occupation?—Archibald Lindsay, Accountant.

1690. Are you interested in any mineral properties in the colony?—Yes, in some mineral oil property situated

about thirty-five miles north of Bonne Bay, at a place called Parson's Pond, about ten miles north of Cow Head.

1691. Is that near the property of the Steers?—It

would be about ten or twelve miles north of their property.

1692. What extent of ground do you claim there?—Fourteen square miles. Six of these we hold under a fee simple, and the other eight we hold under a five years' lease from the Crown.

1693. Is there any reservation in either act of documents?—I don't remember, but they must be subject to French Treaty rights.

1694. What work have you done on these oil claims?—We have spent 40,000 dollars in developing the property, and so far it has developed very favourably; so much so that last summer we were induced to send an agent to London to put the property on the market. He induced a company there to take hold of it, and it resulted in Boverton Redwood, the great authority on oil in London, sending out an expert, who arrived here last November. He examined the property and his re-

port was of such a favourable nature that we are now negotiating with a company—a preliminary company, it is called—who are to spend £50,000 in further developing the property and putting it in a better position before offering it to the public. The question was asked our agent whether it was possible that difficulties might arise in connection with French Treaty rights about the shipping of the oil. We have not met any serious trouble in that way because we have not yet reached that point. So far we have been developing, and the product is still in the ground; six miles from the sea coast.

1695. How do you know about this expert?—That is the result of correspondence.

1696. Is that all?—In the event of the property being developed and the company being formed, it will be necessary to run a line of pipes to Boane Bay, a distance of thirty-five miles. We shall then be on the Treaty Shore, and there is a possibility of our having some difficulty there, which may be a serious matter.

ADOLF NIELSEN; Examined.

1697. (Chairman.) Will you please state your name and occupation?—Adolf Nielsen. I was superintendent of Newfoundland fisheries from 1889 until I resigned in 1897.

1698. What we particularly want to know is whether the fisheries are diminishing in quantity and value?—Apparently they have been diminishing as compared with what I have heard of former times.

1699. Is that the same all around the coast?—Pretty nearly the same. There are some parts of the island where in some years the fishery may turn out better. The fishery varies a good deal, in some parts in some years they will do pretty well, and vice versa. The fisheries on the northern side have been diminishing more than on the southern side. By the northern side I mean between Cape St. Francis and Cape St. John. I am speaking of my own knowledge as far as Cape St. John; north of that only by report. The fishery rules do not obtain on the Treaty Shore, and therefore I had nothing to say there.

1700. To what do you attribute this diminution?—Largely to the abusive methods of fishing which the people employ—chiefly the destruction of a very large quantity of young immature fish before they are old enough to have spawned.

1701. Is there any means of stopping that south of Cape St. John?—We have been trying to stop it by regulating the fishery laws, but it is very difficult to carry out any rules properly. We have not had the means in this country to properly enforce them—I mean the pecuniary means, and that fact, combined with politics, has been the great obstacle to the effectual carrying out of any fishery rules here.

1702. Do the codfish spawn all round the coast and on the Labrador?—They spawn all round the coast of Newfoundland, but I have never come across any spawning fish on the coast of Labrador. I have been there.

1703. Do the caplin spawn on the Labrador coast?—I presume so, but I have not been there in caplin time. The caplin is an arctic fish, and resorts to arctic waters, and although we are not within the Arctic Circle here, the waters around this coast are quite arctic, and the cod follow the caplin for food.

1704. The cod do not go further north than Cape Chudleigh?—That is not fully known yet.

1705. Is it known where they pass the winter?—I presume that they pass the winter to the south of Newfoundland, the large portion of them; others will remain in the deep-water bays. They go out into deep water in the winter time.

1706. Is it the fact that they cannot stand very cold or hot water?—You will seldom find fish in water over 60 degrees, and they will perish in water at 31 degrees. At 31 degrees they begin to get stupid; at 30 degrees they will perish in ten minutes or a quarter of an hour.

1707. Is the water not lower than that in the deep bays in the winter?—No, the temperature of the water here in the bottom of the bays, in shallow water—that

is, 20 fathoms—will come down early in the month of January to about 39 degrees; but in deep waters, say 80 to 100 fathoms, you will find a temperature of 33 degrees or 34 degrees.

1708. Are lobsters found up to Notre Dame Bay?—Yes.

1709. And north of that?—North of that they are not plentiful. They are not plentiful on the north-east coast of the Treaty Shore.

1710. What is their habit with reference to the temperature of the water?—The lobster is very sensitive to temperature. In the fall of the year, say about the latter part of November or the first part of December, it generally moves out into deep water and very often buries itself there in the mud for the winter—not coming in again towards the shore until the spring, when the water gets up to its normal temperature.

1711. Where do they spawn?—All round the coast, they generally seek the shore for spawning purposes.

1712. After spawning they change their shells?—My opinion is that the lobster spawns every third year. You will find lobsters spawning every year, but what I mean is that every batch of lobsters brought to life after reaching maturity will not spawn more than once in three years, and about three weeks after spawning they cast their shell. They cast their shell every year.

1713. They are not such good food while that process is going on?—No, the meat is soft and flabby.

1714. Do you advocate a close time?—Yes, certainly.

1715. Would you fix it definitely for the whole coast, or make it variable for the different parts?—There is not very much difference in the spawning of the lobsters between the northern and southern parts. It only amounts to about eight to ten days. In ordinary years, they are a little earlier in the south than in the north.

1716. Are the lobsters diminishing in size along the south coast?—Yes, all round the coasts in size and quantity; including the western coast.

1717. To what do you attribute that?—To the large destruction caused by so many factories; they catch more than the grounds are able to reproduce. And the lobsters are afforded no proper protection, and as matters now stand, no protection can be afforded on the west coast.

1718. (Sir James Erskine.) But I understand that you have wardens appointed to certain rivers on the west coast?—Yes, at the Humber Codroy and Bay St. George.

1719. How many wardens?—I am not sure how many last year, but last time I held office we had five.

(The Rev. Dr. Hurvey, who was present at the examination, stated that there were six during the last season, or eight including Bay St. George and Bay of Islands.)

1720. Do you know whether, from the reports of these Wardens, they come into collision with the French?—I have no information.

Archibald  
Lindsay.

10 October  
1898.

Adolf  
Nielsen.

Rev. Moses Harvey, LL.D.; re-called.

Rev. Moses  
Harvey,  
LL.D.  
10 October  
1898.

1721. (Chairman.) Do the River Wardens ever report collisions with the French?—I don't remember any case of their reporting collisions with the French. They patrol the rivers up and down during the season, and see that there is no obstruction to the passage of the salmon to spawn, and that the stream is kept clear from sawdust and other rubbish.

1722. How far do their duties extend?—To the mouth of the river.

1723. Can you say whether their work has been beneficial to the salmon?—We have every reason to think so, we have had reports from various quarters showing that the salmon are increasing since the protection of the

river was secured, and we think it will not be necessary to resort to artificial means, but that the restocking will be effected by natural process.

1724. Does this refer to the rivers on the west coast?—Both west and east.

(Mr. McGrath, Superintendent of the Penitentiary, who was present during the examination of Mr. Nielsen and Dr. Harvey, wished to state with reference to the diminishing size of lobsters, that lobsters are cannibals, and that when a big lobster goes into a trap, the small ones will not go near that trap, for fear of being eaten. Consequently the large lobsters must be fished out first.)

JAMES F. McGRATH; Examined.

James F.  
McGrath.

1725. (Chairman.) Will you please state your name and occupation?—James F. McGrath, Superintendent of the Penitentiary.

1726. Have you anything to do with minerals in the colony?—No; the fishery altogether has been my business.

1727. How long have the French used cod seines?—About St. Pierre they don't use them at all. I am only speaking as to the south coast and the banks.

1728. The French and English both use trawls on the banks?—Yes.

1729. Are there more than one kind of trawl in use?—There are, but they are all virtually the same. The difference is small. When I speak of a trawl, I mean not a small net, but a long line with hooks attached.

1730. And they join three or four lengths of line?—They will join forty lengths. I have set a trawl out of a dory a mile long.

1731. What is the length of a line?—A shore line is sixty yards, and a bank line 120 yards, and a trawl is several hand lines joined together.

1732. Do you know how long the trawl has been in use on the banks?—Before my memory and my father's memory, and he has been fishing sixty years.

1733. I understand that in the old days it was only a hand line fishery?—For over fifty years at least the French have used trawls; but the lines they used were coarser than what are used now, they were ropes in comparison; and the boats were very much larger and clumsier. The dory and trawl of the present day are American. The fine bank lines are an American invention, and they have been adopted by the English and French.

1734. You were in the Bait Protection Service?—Yes.

1735. I believe that in 1888, when the Bait Act came into force the French were at a loss for bait for that season's fishery?—They were considerably at a loss.

1736. Where did they get it?—A good deal came from Bay St. Georges and the Magdalen Islands that year.

1737. Do the herring strike into the Magdalen Islands in any great quantity?—Yes, and they are very easily taken.

1738. And about the same time as they strike into St. George's Bay?—No, earlier than in St. George's. The ice is still in St. George's Bay then.

1739. Do the French go there?—No; but Newfoundland and American and Canadian schooners bring bait from there to St. Pierre. That is a possible supply, but if they can get it in Fortune and Placentia Bays, they won't go that distance. The Bait Act is not now being enforced, but the selling of bait is being regulated by the Fisheries Commission.

1740. I think there is only a certain quantity can be sold?—I think that our people are not allowed to export bait, but if people come here and pay 1.50dols. in order to get leave to buy, our people get license to sell to them then.

1741. The French use winkles?—This last ten years considerably. They bring extra hands with cages to catch the winkles. Where sixteen men used to do, they now have twenty for a crew.

1742. Is the winkle equally effective as bait?—I think

from my knowledge that they are the best bait they can get, because they are fresh and alive. I believe, however, their use as bait will be destructive to the bank fishery.

1743. There is a large fleet of St. Pierre bankers?—Yes, some local and some metropolitan.

1744. The metropolitan bring all their crews from France?—Yes, they just make St. Pierre a sailing place for the summer. The local bankers are fitted out from St. Pierre. Some of the metropolitan bring crews for the local vessels when there are not enough at St. Pierre.

1745. Then they are laid up in St. Pierre in numbers for the winter?—There are about 400 laid up in a little creek all the winter, chained together so close that they have to have bundles of boughs between them to keep them from beating against one another.

1746. There has been extensive smuggling carried on with St. Pierre for many years?—Yes, there has been for many years both with Newfoundland, Canada, and the United States, and they tried to organise smuggling to England from St. Pierre. I know it from a commission merchant who was approached by people in St. Pierre to know if he would handle tobacco put up in lobster cans for shipment to England, and I know that a good deal of tobacco used to come to Newfoundland in that way, that is, put up in lobster cans. I have been in St. Pierre, and have known large quantities of liquor to leave St. Pierre for Quebec. Vessels would leave St. Pierre with sails of two colours; one day they would put a black mainsail and white foresail, and the next day vice versa, and so would not be recognised, but would appear to be a different ship. The cargo would generally be alcohol, imported in the first instance from Illinois, U.S.A. There is a heavy excise duty in the United States, and they save the excise duty by exporting it to St. Pierre, and the Customs duties by running it back into the creeks. I have also known cases where people have taken spirits out of bond in St. John's, left them in the town, and obtained certificates from the Customs at St. Pierre that this same liquor had been left in bond there. Another method is this: Outport traders will declare that they have on board duty paid goods which are not really there. On their way to their destination they call at St. Pierre, and fill up the same quantity of dutiable goods from St. Pierre, which they declared they had on board at starting, and then they will go up the coast, and sell these as duty paid goods.

1747. Do you think that the fishermen do much smuggling from St. Pierre?—Not so much as people think they do, and some of it is not so much loss to the colony as might appear. They take over a load of wood or of other small articles which would have no sale in this colony, and they receive in return perhaps a barrel of flour, tea, sugar, etc., and they might get a bottle of rum for nothing, which would be manufactured in St. Pierre. This rum is generally made out of rain-water coloured in molasses punchons.

1748. Are there any distilleries at St. Pierre?—Not that I know of.

1749. Do you know where the spirit comes from?—Unrefined spirits from Illinois, U.S.A., is the basis of the stuff which they sell or give to our fishermen.

1750. Some of this finds its way to this colony?—Very little; our fishermen are frightened of it.

1751. It is not French spirit?—No, it's Demerara rum taken out of Halifax. The gin at St. Pierre is all Euro-

pean, and there is a good deal of that purchased by the fishermen round the South Coast. A crew will divide a case of it among them; it's only 1dol. 50c. a case.

1752. Do you mean that all the business men at St. Pierre are involved in this business?—No, it is done by people settled there for the purpose; some of them perhaps American, or Canadians, or Newfoundlanders.

1753. But so far as you know, you don't think the

French merchants are involved in this?—There are several French merchants who are not involved, but I don't think there are any who would hesitate about selling to anybody, even though they knew the goods were intended for smuggling purposes. I know of a case of an American schooner which came into Fortune Bay, obtained money from a firm in Fortune Bay to pay licenses and light dues, brought the herring to St. Pierre, and sold them and sent the money back to Fort. one within a week to pay that draft.

James F. McGrath.

10 October 1898.

W. A. B. SCLATER; Examined.

W. A. B. Sclater.

1754. (Chairman.) What is your name and occupation?—W. A. B. Sclater, merchant, of St. John's.

1755. Are you interested in mining properties in this island?—In several; one at Port au Port—Gravels. We took it out for silver and lead, and we had started to work when we were stopped by the then Surveyor-General—John H. Warren.

1756. Why were you stopped?—Because the French objected to our work, and the British Government notified us through the Newfoundland Government that we were not to go on.

1757. What year was that?—I think 1873 or 1874; I am not quite certain. Have not done anything with it since. We stopped at the order of the Surveyor-General.

1758. How far were your works from the shore line?—We began on the sea shore.

1759. What was the mineral?—Lead and silver.

1760. Do you believe it to be sufficiently good to begin work upon again?—I can hardly say; we had just begun when we were stopped. I cannot tell what is below.

1761. What other properties have you interest in?—In some oil properties at Port au Port, running from Two Guts nearly up to Gravels.

1762. How near the shore?—Right on the shore.

1763. Have you tested that oil?—We have prospected, but no test of the oil has been made except that it corresponds with the oil now being worked by Mr. Andrews at Port au Port.

1764. Are they working it?—Yes, and they have met a fine flow of oil at 460 feet.

1765. Where do they ship?—They have not shipped any that I know of, but they have raised lots of it, and we are in just the same position with regard to our properties, but we have not done any boring yet. If we had not been stopped in that matter we would have gone ahead, because an English company was prepared to take it right up and go on with it at the time. Mr. Bennett shipped lead from his property almost at the same place. That is the lead mine which Mr. Mackay was speaking of to you this morning, and we were stopped at the same time as they were, but they had been at it longer.

1766. Are you interested in any other properties?—At Ming's Bight I have taken out several properties for gold.

1767. Has anything been done at any of them?—We have done some work, but we cannot get a lease from the Government, because they cannot give us a lease for the outside half-mile. We asked for a square mile, and they cannot give us the last half-mile down to the shore, which is the particular half-mile we want to get. We panned out the gold from the debris from the hills. I know Ming's Bight personally; I have been all over Newfoundland.

1768. How near is that to Barry and Cunningham's mine?—My claims adjoined Cunningham's, which I believe you gentlemen have seen. My claims would be named on the Government chart "W. O. Wood."

1769. When were you first at Ming's Bight?—About twenty-two years ago.

1770. Were there any French rooms in the Bight at that time?—I think not, but I don't remember; I think there were some Frenchmen fishing there, but I don't think they had any rooms. I think they used to come up from La Scie. It was the same way at C. C. in those days.

1771. Can you tell us anything of smuggling, of your own knowledge?—Somewhere about twenty-three years ago a schooner arrived from Halifax with a lot of rum; it was packed in herring barrels, and sent back to Halifax and sold as herring. It was a Frenchman from St. Pierre who had charge of the whole affair; it was at Bay St. George.

1772. Do you think you can say that she was a St. Pierre schooner?—No; I should not like to say that. She might be, for they buy all the old schooners they can get hold of, fill them up with liquor, and send them off to Nova Scotia and Cape Breton, and along our own coasts, and if they are lost or taken the owners do not mind the loss, as they can afford to lose a cheap schooner, which is not worth more than two or three hundred dollars. They have come into Bay St. George when I have been prospecting. A man called Le Blanc used to come in there regularly and make regular sales of spirits to the people. They would watch their chance, and some men would take perhaps a dozen bottles of brandy. It would be given out on credit, and sometimes there would be difficulty in getting payment. That is quite a common occurrence.

1773. When did this last happen?—It is about two or three years ago that I last saw the man up there.

1774. Was Le Blanc well known?—Yes. As well known as could be.

JAMES P. FOX; Examined.

James P. Fox.

1775. (Chairman.) What is your name, please?—James P. Fox.

1776. Were you agent for this Government at St. Pierre for a short time?—Yes, for about three months in 1891.

1777. Why did you leave?—I left because it was very uncomfortable for me, and I did not care to stop unless I was duly accredited. The latter was the principal reason.

1778. How do you mean "uncomfortable"?—I was completely ostracized, and I was under police espionage most of the time.

1779. Were these months during the baiting season?—Yes, I went there in March.

1780. Was the Bait Act in force then?—Yes.

1781. Did bait come to St. Pierre that year?—Yes.

1782. Can you say where from?—Principally from Fortune Bay.

1783. Any of it from the Magdalen Islands?—I believe so, but mainly from Fortune Bay. Some cargoes came in American schooners from Magdalen Islands.

1781.

1784. Those were the months when the bankers fit out from St. Pierre?—Yes, they begin in March.

1785. Can you say how many metropolitan ships come out from France?—No, nor the number of local schooners.

1786. Did they get a sufficient supply of bait for their bank fishery?—Some of them had to go to Bay St. George that year. I don't remember how many, but a good many.

1787. We hear a good deal about smuggling. Did you see the methods?—My evidence on that point would be chiefly hearsay—hearsay gathered in St. Pierre.

1788. Tell us briefly what you heard there?—Their principal smuggling is done with Newfoundland, but a lot is done along the Bay of Fundy, on the Nova Scotian coast, and some up the Gulf. Some of the methods employed are very peculiar. While I was there a schooner came down from Sydney; she was sold in St. Pierre; and the skipper bought one of these French single-stick schooners. He put aboard this French sloop a lot of spirits, and ran for Sydney. The Frenchman sailed for Sydney also with the English schooner in ballast. The Canadian cutter

James P.  
Fox.

10 October  
1818.

passed the sloop as she was a Frenchman, and was looking out for the other, and meanwhile the sloop got in.

1789. What flag was the Frenchman carrying?—Probably carried the French flag as far as I know.

1790. Have you any other instances?—I knew of an American vessel taking in rum, and running it up through the Bay of Fundy in 1890. He successfully evaded the Canadian and American Customs. All the time there are a certain number of Newfoundland craft getting larger or smaller quantities of stores.

1791. Were these Newfoundland ships going to fish on the banks?—Some were and some were fishing on shore. I was told that some of them sold the liquor at the Cape St. Mary's fishing ground out at sea. Some of the men on the West Coast are reported to buy all their winter provisions there, and they supply some Newfoundland craft for the Newfoundland fisheries.

1792. Do you think these supplies were meant for importation to the colony, or merely for use whilst the men were fishing?—Some for use in the colony and some for use whilst fishing. The "Annuaire" of each year would give you a very fair idea of what the imports and exports are. Looking at the "Annuaire" for 1895 I see that the imports were 8,165,792 francs.

1793. Does it distinguish the articles of which the imports are composed?—No, it merely says "merchandise diversae."

Henry W.  
Le Messurier.

HENRY W. LE MESSURIER, Recalled.

1800. (Chairman.) Will you please say what is your position in the Customs?—I occupy the position of Assistant Collector, Deputy Minister of Customs for the whole island. Before I was in the Customs I was engaged from 1870 till 1883 in the general business of the country, and was connected with St. Pierre, having occasionally visited there on business. Le Messurier and Knight were merchants, doing business here, who transacted a large amount of business for the merchants at St. Pierre, who supplied the Newfoundland fishermen. At that time, from 1870 to 1883, large quantities of goods were smuggled into the colony by persons who received these goods as supplies from the St. Pierre merchants.

1801. What do you mean by "supplies"?—Outfits for the fishery; everything required by the fisherman for his living—provisions, household goods, fishing gear. In many of our fishing harbours now you will find the locks on the doors of the houses are of French manufacture, showing where they came from. They have never paid any duty.

1802. How can they be got in in any quantity?—We have an immense coast line to protect; Placentia Bay itself is eighty miles deep and fifty-four miles wide, and indented with numerous arms. The same may be said of Fortune and Hermitage Bays, and the cost of protecting these thoroughly would be more than the colony could bear. If St. Pierre were not peopled by those of another nation, if it had an English population, we would not require on that coast one half of the Customs Protection Service that we have to keep there now. Prior to the Bait Act the smuggling done on that coast cost this colony from 60,000 dol. to 100,000 dol. per annum in duties not collected. To prove this I would refer you to the amount of fish which was brought here from the westward and sold on French account; that is that the goods supplied by the French merchants to the people on the coast were paid for in fish here to an agent in St. John's, that amounted to 60,000 quintals of fish in 1877 and 1878. In 1883 there were 35,000 quintals sold here on French account, but the falling off then was due to the failure of Atherton Hughes and Company, a large house carrying on business in St. Pierre, who failed for 5,000,000 dol. They fitted out the fishermen.

1803. Can you say about 1890?—As soon as the Bait Act was enforced, although in the first year it was rather ineffective in one way as far as bait was concerned, yet it stopped a lot of traffic with St. Pierre, and now the combined service of Fishery and Revenue Protection, as carried on under Inspector O'Reilly, has crippled the St. Pierre business to a very large extent as regards supplying, but it does not prevent the occasional running of contraband cargoes, which gives us a great deal of trouble, because we cannot be here, there and everywhere. In the mode adopted by the St. Pierre people in smuggling, that is by the wholesale smugglers, they invariably get a Canadian or American schooner. These schooners are not

1794. Does it show the places from which they were imported?—Mr. Le Messurier, of H.M. Customs, will be able to give you better information upon this subject. The exports for that year show the total fishery products exported as 10,182,859 francs, and the export of "merchandise diversae" as 1,697,218 francs.

1795. Do you consider there is an organised system of smuggling from St. Pierre?—Nearly every one there has a method of his own.

1796. But they are all in it?—Yes, they are all in it; it is looked upon as a perfectly legitimate business.

1797. What are the principal articles smuggled away?—Mainly spirits; then tobacco and provisions, and lines and twines.

1798. Can you say whether lines and twines are included in the "Merchandise Diversae," which figure as exports?—I presume so.

1799. And all these things are shipped openly?—Yes, there does not appear to be any secrecy about it; at least there did not appear to be then. It is quite possible to smuggle into St. John's and never bring the liquor from St. Pierre. With the aid of St. Pierre you can get a landing certificate from St. Pierre for liquor out of bond in St. John's, although the liquor is not there.

required by French law to give up their register, and they can be sailed by a nondescript crew, with a French or Canadian register as required. Some of these vessels are old and worn out, and their owners don't care whether they are taken. They fill them up, make an arrangement with people in Nova Scotia or New Brunswick, or in the Gulf ports, and run their cargoes up there. There are small quantities run in on this coast in a different way by fishing craft. I would call your attention to the fact that the St. Pierre imports for 1895 were 8,165,792 francs, that is 252,14 dol. per head of population, as against 32 dol. of imports per head of population in Newfoundland. This in face of the fact that French fishermen are very much more frugal than ours, and can live at one-half the expense that ours incur. I think that speaks volumes, and especially since there is only 1,697,218 francs of exports of general merchandise. In former years, when bait was carried to St. Pierre the French mode of dealing with our fishermen was characteristic. As our men came near the shore some twenty or thirty Frenchmen perhaps would gather on the wharf, and they would shrug their shoulders and say: "Don't want any bait; plenty herring, plenty herring, and our people would either have to take a train: a barrel or else throw the herring overboard. I have seen hundred of barrels thrown overboard in this way, and I take it that this destruction of herring is greatly responsible for the ruin of our Western herring fishery.

1804. What do you mean by the Western fishery?—I mean the fishery on the Western shores of Placentia and Fortune Bay, which are on the Southern coast. The chief articles smuggled into this colony from St. Pierre are spirits of all kinds, wines, tobacco, sugar, tea, etc. These are the principal articles. Very recently we captured some smuggled liquor down in Green Bay. The liquor is all made up from alcohol. The alcohol and the colouring matter were all brought from St. Pierre.

1805. How do you know that?—We have in the Customs Department evidence of the places where these came from.

1806. Is that a solitary instance of finding coloured spirit?—No; we have had liquor before which we know was adulterated liquor, but it was not made up here. This is the only instance we have discovered of spirits manufactured in the colony. I remember that in 1874 and 1875 I made a complaint to the Receiver-General of the day that a man was selling liquor on the Western shore of Placentia Bay. I was a J.P. at the time, but there was no constable any nearer than Placentia, twenty-five miles away. This man had a keg of silent spirits—alcohol distilled from wood—the very vilest. He used to mix it with water, and colour it and sell it for rum. It was so strong that one gallon of it would make twelve gallons of adulterated liquor, called rum. It was such vile stuff that it sent those who drank it almost crazy, and the men in Petty Fort, where it was largely sold, actually tore one another like beasts. One man had his ear bitten off, and the next day they were not able to move their tongues.

1807. Was it discovered where this came from?—Yes, from St. Pierre, and the man had a formula, which I have seen published in St. Pierre, for the manufacture of these different liquors, by the addition of water and colouring matter. The gin which is sold there, what they call cheap "Anchor Brand Gin," is not fit for any human being to drink, and what they call port wine, is nothing more than logwood, doctored. The French are a very temperate people, but they take advantage of the Newfoundlanders when they go there, and make them, generally speaking, as drunk as they can. If any Englishman who happens to go into St. Pierre, brings any fish there or any cod roes, his vessel is taken and hauled up on the beach. He can get no redress; he won't even be heard, and he is very glad to get off without going to prison, and to leave his craft there. The French Government will take his ship and haul it up on the beach.

1808. How do you know that?—I saw Morgan Foote's sloop hauled up there, and I know of another case of hardship which occurred there. A man in Port au Bras lent his craft to a man named Cheeseman to go to St. Pierre. This man, Cheeseman, owed some money in St. Pierre, and, although the craft did not belong to him, they seized her, and kept her there, and notwithstanding all the representations that were made, refused to give her up.

1809. What offence had Morgan Foote committed?—One of the crew had brought cod roes there. There was another case of a schooner belonging to Goodridge and Sons being seized.

1810. What was the ship seized for?—Smuggling cod roes. I think she went in there for shelter, and landed some cod roes which were on her deck.

1811. Why are people not allowed to land cod roes?—The French Government give a bounty on cod roes and codfish, and they prohibit the importation into the island of any fish or fish products. What we complain of is, that they will not only take a man's cod roes but his craft as well, and imprison the man himself. And there is no redress; you are not taken before a court; you are not listened to.

1812. Is it the Custom House Department that does this?—Yes, the Customs Department does it.

1813. By whose order is the man put in prison?—He would be put in prison by order of the Minister of Justice.

1814. How do you know this?—I have been there so

often. A craft belonging to a man named Power was also taken and hauled up on the beach.

1815. What had he got?—He was to be taken for debt. If you complain of an account at St. Pierre you cannot get it adjusted.

1816. There is still a great discrepancy between imports and exports?—Yes.

1817. Were the imports in 1895 less than in 1896?—I cannot say. I have not got the 1896 figures, but looking at this "Annuaire" I should say that the imports from 1882 to 1892 inclusive, averaged nearly 13,000,000 francs per annum, and the population was not any larger, anyway, than it would be in 1895.

1818. Can you give us the population in 1895?—6,247.

1819. Is that St. Pierre and Miquelon including Langlade?—Yes.

1820. At St. Pierre and Langlade there is no harbour, and only a small fishing population?—Yes. Referring to your previous question, these figures do not include the floating population of about 3,000, who come out from France to man the craft from St. Pierre for the Bank Fishery, and for the drying and handling of fish on the beach. There is a bounty on every man brought out.

1821. Is the St. Pierre fish all dried?—No; they dry a certain quantity for the French West Indies and for Martinique. Green fish generally is shipped to Bordeaux, St. Malo, and Fécamp. The bulk of the export is green fish.

1822. Prior to 1881 the bounty ran on a different system?—Yes, it was only given on fish carried to a foreign port in a French bottom. In 1881 the bounty was given on fish caught by Frenchmen, and exported to a foreign country. There was no restriction as to the means of transport.

1823. Is there any bounty to the St. Pierre people who go out fishing upon the banks?—They participate in the fish bounty, but no bounty is given to the man who fits out the ship unless he takes out green hands, that is, men who have never been out before. A lot of traffic is done in this way. In 1895 the vessels fitting out at St. Pierre for the banks were: 107 of 12,801 tons, and carrying 2,850 men; the long couriers were, 60 craft of 18,398 tons and carrying 823 men; the local craft are given at 726 of 3,276 tons, carrying 4,624 men. The export per head of the population in 1895 was 311.22 dols.

#### JOSEPH O'REILLY; Examined.

1824. (Chairman.) Your name and occupation, please?—Joseph O'Reilly, Inspector of Customs. I have been engaged in the Preventive Service, which began in 1893, and, practically, am still so engaged.

1825. Has that service had any effect upon smuggling from St. Pierre?—Yes.

1826. What number of men are employed?—The Revenue cutter "Fiona," with her crew and the officers engaged in the service, has in all twenty men.

1827. Are there any officers on shore?—No, the usual shore staff is not increased.

1828. What has been the result?—In October, 1895, we first started on our cruise. We were cruising on the south-west coast—Placentia, Fortune, Connaigue, and Hermitage Bays. From October to the end of that year we had fifty prosecutions for smuggling, principally for carrying smuggled goods from St. Pierre. There were fines imposed in these cases, amounting to 5,700 dols.

1829. To what places, speaking generally?—To St. John's and Burin generally. The principal smuggling of liquor was to St. John's; not directly, but it found its way into the town from Cape Broyle, Placentia, and Burin.

1830. Did it come round the coast from these places?—It would come to these places from St. Pierre and thence to St. John's. It came from St. Pierre to Placentia, etc., by smuggled goods; it was there transhipped into other craft, and came round here equally without passing the Custom House. There were eleven persons sent to gaol for terms of imprisonment ranging from two to six months.

1831. Were there not some members of the assembly implicated?—Yes, there were some.

1832. Were any of them fined?—One was fined.

1833. How did they get the stuff in here?—It was

brought in in some of the fishing boats, which do not enter at the Customs House, and landed mostly at night time.

1834. You heard Mr. Le Messurier give his evidence just now?—Yes.

1835. On what points can you supplement that?—I don't know that I can tell you very much more than he has given you. Since that time I speak of, since the end of that year, we have had sixty-eight prosecutions, and there is still a good deal of illicit trade carried on with St. Pierre in the small bays, principally by fishing boats belonging to the different harbours on the southern and western coasts.

1836. Do these bring any goods for sale?—Not as a rule; they bring in supplies for themselves and their families; and this is a kind of smuggling that it is impossible to check. In example, a boat will leave harbour in the morning, go on the fishing ground, and before night will be in St. Pierre. Next morning she will be on the fishing ground again, and then when she comes in the officers cannot, of course, search every little craft. I have known a craft to have liquor and tobacco on board, and to keep it on board for a month until a suitable opportunity offered to land it, and they did land it afterwards at St. Mary's. Parties were prosecuted for the smuggling and the purchasing as well. In the years 1892, 1893 and 1894, and up to the fall of 1895 smuggling was carried on very extensively. There were two or three large combinations which made a special business of it.

1837. Did that come to light after you had begun your service?—Yes; their headquarters were in St. John's, and the smuggling was worked from here. We succeeded in breaking completely two of those combinations, but there is one of them still working to a certain extent, though not so much as before.

1838. Is there any man at St. Pierre who is principally

Henry W.  
Le Messurier.  
10 October  
1895.

Joseph  
O'Reilly.

Joseph  
O'Reilly.

10 October  
1898.

responsible for the smuggling?—I think they are all, more or less, engaged in it, but there are some firms which enter into it more than others. Mr. Steer, the American Consul, of the firm of Frecker and Steer, does a very large business in this smuggling. He is a British subject.

1839. He has his agent in this colony?—Yes, all round the island, and in Canada as well. The principal smuggling now is between St. Pierre and the Canadian coast. The Government here have been active in keeping the "Fiona" on the coast, and have driven the smuggling to the Canadian side. I might say, with regard to the service, that it is rather expensive keeping the boat continuously employed on the coast.

1840. Do you know whether the Revenue has benefited much the last few years?—I cannot give the exact figures, but from what we can gather from the trade of the coastal boats and the railway our legitimate trade is increasing considerably particularly in the lines of tobacco, tea, sugar and liquor, accompanied by a corresponding increase in the Revenue.

1841. What is the cost of the service?—The "Fiona" costs about 65 doles a day when running. That does not include the pay of myself and the two or three officers who may be on board. That is for the ship and her crew and the coal. Then there is about 85 doles a day besides.

1842. Does she run all the year?—In the past two years. We went in 1894, in November, and continued until January; we went out again in March, and came home in July—about nine months altogether. When the "Fiona" is on Revenue service we also carry out the Coast Fishery Regulations and the Bait Protection Service.

1843. Have you any personal knowledge of the way they work smuggling in St. Pierre?—Formerly they used to do their work very openly—loading their cargoes at all times during the day—now it is done mostly in the night. This I know from information received.

1844. Have you anything else to tell us?—I have some reports I made to the Government; one dated November 8th, 1895; I have another report for 1896, and another dated August 9th, 1898. These I hand in in case you may be able to get any information out of them.

1845. There has been some reduction in the Preventive Service; its numbers have been reduced?—There have been some changes in that way, but I think not very much of a reduction.

1846. Do you know of any smuggling on the West Coast?—No, I don't know much about that.

1847. Nor the coast from Cape John to Cape Norman?—No, I don't think I know much about that.

1848. Can you say from what you hear that smuggling is rife on the West Coast?—Yes, there is a good deal.

1849. Smuggling for sale?—Yes, smuggling for sale. The people there don't trade with St. Pierre, and it would be only a trader who would go there. I was stationed on the Treaty Coast for eight years myself, and during that time I had a great deal of trouble with them.

1850. What were you then?—Sergeant of Police and Tidewaiter.

1851. What is your experience?—French vessels come from St. Pierre to us in the spring. They brought quantities of what they called "Newfoundland gin," made expressly for the fishermen, and this they used to sell round in the different harbours. I remember on one or two occasions having a fight with a French crew. They go

the better of us. We were trying to seize the vessel and cargo, but we were driven off. We were only two, and unarmed, against the captain and the ship's crew; the captain with a revolver and the crew with handspikes and the windlass. We wanted to prevent them heaving up the anchor until the sub-collector should come with assistance. That was at Sandy Point, St. George's Bay.

1852. What year was that?—It would be about 1878.

1853. Do you think there is as much smuggling as there used to be?—No, I don't think so.

1854. What has checked it?—I don't think the people are in as good a position to purchase as they were then. The people were very comfortable in those days making their money by the herring, and the cod fishery was good, and the salmon fishery was good.

1855. Has bad packing on the coast anything to do with the low price of herring?—There was an excellent trade in the herring for the fishermen, but they put up some very bad herring, in fact they put eel grass and cods' heads into the barrels, and of course they lost the trade.

1856. Then you must have been at St. George's Bay at the beginning of the bait troubles?—No; I was on the Bait Protection Service myself in 1899, 1890, and 1891 in Fortune Bay. I was in charge of one of the steamers to prevent our people from taking herring to St. Pierre for sale to the French.

1857. Were you able to stop them?—No, I don't think we were. We did hinder the French a lot from getting bait. In the spring of 1896 the herring were very plentiful at Placentia Bay—there was an immense quantity of herring there at a place called Sound Island. Large quantities were taken to St. Pierre, where they were very often sold for from 1 to 1½ francs a barrel, and in many instances thrown overboard. From figures I gathered I should say there were anywhere from 80,000 to 100,000 barrels of herring destroyed—for I call them destroyed when they are sold at 1½ francs a barrel. I suggested to our Government that some law should be made for the protection of our bait fishes, that the herring were getting gradually scarce every year. Nothing was done until this year, when a law was brought in prohibiting the exportation of herring, caplin, squid, or other bait fishes to St. Pierre. The French fishing vessels were to be allowed to come to our coasts under the Foreign Fishing Vessels Act, and purchase their bait.

1858. Had you any trouble with them?—None whatever; not a very large number came in; about thirty-five, mostly to Fortune Bay. The French have taken very little herring from us this last three years. This year they took none at all. We were carrying out the regulations prohibiting the exportation of herring up till the 25th April and the French left earlier. They did not remain after the 20th April. They took no herring; they went on the banks with salted squid. We hope it will be a gain to us, that they will not get the cod fish to compete with ours in the foreign markets.

1859. What bait have they been using?—Salt squid and winkles, which are large shell fish about three to four inches long.

1860. Have you heard whether the French fishery this year has been successful?—I had the Fishery Returns from St. Pierre up to the end of June. The average was a very poor one. The average was not 400 quintals of green fish to a vessel. I also had reports from captains of French vessels that came in for bait. They reported fish very scarce, and the winkles also getting very small and scarce.

Tuesday, 11th October, 1898.

PRESENT :

Sir JOHN BRAMSTON, K.C.M.G., C.B., *Chairman.*

Admiral Sir JAMES ERSKINE, K.C.B.  
The Earl of WESTMEATH, *Secretary.*

Hon. A. MORINE, *Agent for the Colony.*

St. John's, 11th October, 1898.

D. J. HENDERSON, *Examined.*

D. J.  
Henderson.

1861. (*Chairman.*) Your name, please, and occupation?—D. J. Henderson, mining prospector, living in St. John's.

1862. You are part owner of the Ming's Bight mine?—I own the outside. I sold the mine, which had been worked, to Captain Cunningham; but the outside claims

connected with his property I hold now. After he took out his square mile, I took out these several claims.

1863. The grant you have sold to Captain Cunningham is within the half-mile limit?—Yes, and the grant I have also contains the clause at the bottom forbidding me to erect buildings.

1864. What was the date of this grant?—Cunningham's was in 1831. My own I have held for about four-teen years.

1865. You are interested in the mine at Ming's Bight which was stopped by the French?—Not in Cunningham's mine, because I sold out to him; but I hold the adjoining properties which come under the same head. It was Cunningham's mine that I had charge of when the French Commodore used to send his lieutenant ashore.

1866. Will you tell us exactly what happened?—The French ship came to anchor about fifty yards off the shore. We had two shafts, one right on the shore, and one about 300 yards back. The cliff comes down almost sheer to the water, except at that little spot where we had sunk our shaft, which is about fifteen yards away. The Frenchman used to remain for days surveying the harbour. They sent a boat ashore with a lieutenant and ordered me to discontinue working there, that the French could not allow it.

1867. Did you stop on the first summons?—No.

1868. Did he speak in English?—Yes, in English, although he was a French officer, his name was Smith, and he was educated at Stoneyhurst. He just notified me to discontinue. We had a little conversation, and he went back to his ship. On a subsequent occasion the same officer came ashore. He noticed that I had not desisted work. He said that he would insist on the work being stopped. It was interfering with their fishery. I had a conversation with him, pointing out that within fifteen miles on either side of Ming's Bight there was no fishing carried on. La Scie had a few fishing craft at the time, and there was Fleur de Lys. These were the two nearest points at which any fishing was carried on. Ming's Bight lies between them. La Scie is fully fifteen or twenty miles off, and the other is more. He was very courteous, and I reasoned with him, saying that we were doing no damage, and that the mine was valuable, and I gave him some samples. Ultimately, however, he said, "You must give this work up." I said, "We are doing no harm, at all events." I said, "What are the consequences if we persist in working?" He pointed to the port holes of the ship, which was very significant. We had seventy men at work there, and it is a rule in mining to get all our shots off at the same time, so as to clear the drift of smoke. I kept the officer a little longer, and while we were in conversation our guns went off. I said to him, "We can do a little of that kind of thing, too." There was no bad feeling; the officer was perfectly courteous, but he insisted upon his orders. I did not stop; but next year Captain Cunningham himself came out, and I went on with my other work, prospecting mines round about. Cunningham stopped. In Cunningham's place, I should have been foolish enough, perhaps, not to have stopped, any more than I stopped on the two former occasions.

1869. That mine has never been worked since?—No; I sent down on two occasions to have some samples taken out of it, to exhibit to parties who were in treaty for it. It is very rich. You can take gold out with your pen-knife.

1870. Can you say what the assay was?—There was no computation. The inland vein is quartz, and the one on the shore is iron pyrites. The first pocket in the inland vein was the size of a child's head; three parts of that was solid gold with a rim of gold, and the heart of it was tellurium. The miner broke it up when he took it out, but he sent samples to me, and samples were sent to Cunningham, who had his office in Palace Chambers, and it was the wonder of the day; nothing had ever been seen like it. The quartz is nearly white. A little further on you will come across another pocket. It is in pockets in some places, and in others, where it is not in pockets, it seems to have been attracted by some chemical action. Where the pockets do not exist you will find between three and four ounces to the ton; it is immensely rich.

1871. Are you interested in other mines within the limits of the treaty coast?—In York Harbour we have ten different lots, and I am working them in connection with Mr. John Harvey. That is a peculiarly hard case. We had an offer for one of these from capitalists of £33,000, and that is only one out of twelve we are prospecting; but the negotiations were entirely stopped when they heard it was on the treaty shore. We removed that difficulty by withdrawing our lines beyond the half-mile limit, so as to have a clear title to the property. But, thereby, we lost the best part of the land near the shore, and it gave us no outlet. We are working inside the half-mile limit, and the copper is lying on the surface. I suppose we shall find the means of shipping it at some time or other. I think there will be greater prospects of working York Harbour mine than Ming's Bight, because the most valuable part of it is inside the half-mile limit. We could work there, and probably ship in scows, even if we are not allowed to ship across the strand.

1872. You know the property personally?—Yes. It was mine twenty years ago.

1873. How near to York Harbour is there any French fishery?—York Harbour is a small harbour inside Bay of Islands, and the nearest French fishery I know of is after you go outside round the southern head of Bay of Islands, twenty miles away. There may be fish at Tweed Island, without my knowing it. I never saw any fish coming up and down the coast, which is the way I travelled.

1874. Have you any other mineral properties on the Treaty Shore?—I have none except at York Harbour and Ming's Bight.

1875. Have you anything else that you think we ought to know?—Our licence gives us a licence to search; in pursuance of that we put labour on the property, and then we apply for a lease or grant. The first thing we get is the French Treaty, as a preamble, and a special note at the bottom, "You are forbidden to erect any buildings on this property within half a mile of the shore," giving us at one and the same time, a right to work and a prohibition to do so, for we must erect buildings for working gold quite apart from shipping. On several occasions I have had very liberal offers to work Ming's Bight, but the negotiations have had to stop on account of the Treaty Shore.

St. John's, 11th October.

D. W. Prowse, Examined.

1876. (Chairman.) Your name, please, and occupation?—D. W. Prowse, retired Judge of the Central District Court.

1877. How many years have you been in the Colony?—I was born here in 1834, and have lived here all my life.

1878. You have studied the habits of the codfish?—Yes, somewhat; I have studied the question from information and from books.

1879. Can you tell me any generally accepted reason for the migration of the codfish north in summer?—We cannot follow the codfish; we can only judge from certain results, and the judgment of Buckland and others leaves no question that the codfish does make very large movements. As far as we can ascertain, the two great causes of his migration north and south are temperature and food; not for spawning. The codfish spawn in the ocean; all pelagic fish, except the herring, spawn in the ocean. That is the result of investigations in Scotland; I have always been at variance with the Hatchery on this question.

1880. Then you think it would not be possible to replenish the fishery?—The result of the last Fish Congress at Dieppe shows that the cod is a wandering fish, that moves about the ocean, and that he does not go into the land to spawn. It was universally admitted at the Dieppe Congress of 1898 that cod-hatching had no commercial results.

1881. Where does the caplin spawn?—The caplin spawn on shore. They come in on the shore full of spawn, but yet no one has ever seen a young caplin. After they have come in on shore, you see them out on the ocean dying in thousands; they are a very short-lived fish.

1882. They have been traced as far north as Cape Chudleigh?—Yes.

1883. Are they known to go further north?—I don't think there is any trace of caplin in Hudson Bay, or any cod worth speaking of. A most remarkable illustration of the migration of the cod is that the season gets shorter and shorter as you go north, until near Cape Chudleigh the fishing season occupies only from three

D. J.  
Henderson.  
11 October  
1898.

D. W.  
Prowse.

D. W.  
Prouse.

11 October  
1898.

to five weeks, beginning in the middle of August. This is mentioned in a very valuable report of Professor Hine, later of Captain Blandford.

1884. On the south coast of Newfoundland the fishery lasts all the year round?—Yes, and the best of it is the winter fishery; that is, from Fortune Bay to Port aux Basques.

1885. There is no ice along that bit of coast?—Fortune and Placentia Bays have been very free from ice; no blockade of ice there more than once in thirty years.

1886. Do you know at what depth the fishery is carried on there?—The winter fishery is carried on at a great depth. The Fortune Bay fishermen fish in about three fathoms of water, that is, 100 fathoms.

1887. My idea is that during the winter the fish are 100 fathoms deep, because the water is warmer?—There may be something in that, but practical fishermen find that on this particular part of the coast and at particular points the fish are very abundant. They have tried out here—off St. John's Harbour—in deep water and they cannot get any fish. I have heard of fish being taken in the middle of Conception Bay up to Christmas. That must be 100 fathoms. It is well known that Pass Island, between Hermitage and Fortune Bays, is a great place. The fishermen there fish in very deep water. They are very particular to have rules of their own; won't allow anything but hook and line, and they always have a fishery—always make a voyage.

1888. Just explain the phrase "making a voyage"?—"Making a voyage" is making a good catch of fish. The "voyage" is the fishery. These Pass Island men are Devonshire people, hard working and hardy; going out in the worst of weather. They fish single-handed with a dog, and they consume more gin and loaf-sugar than any other people in the country.

1889. Where do they get their gin and loaf-sugar?—St. Pierre; and they also get the best rum from Newman's. I should say these fishermen on the Southern coast are probably the best shore fishermen in Newfoundland. I was their member for years, and I know all about them. They are perhaps the best in the world; they are English and Jersey men, very daring fishermen, with fine boats, and well fitted out. There are a certain class of fishermen in this country who always do well simply because they are more courageous, energetic, and persevering.

1890. This fishery is within three miles of the shore?—Yes, the Pass Island is all within three miles of the shore.

1891. Can you tell us anything about smuggling at St. Pierre?—Yes.

1892. What means had you of knowing?—I had been a police magistrate for nearly thirty years in St. John's, I was general utility man for the whole colony; was sent everywhere, all over the country. I was ex-officio Superintendent of Police by Act of Parliament; Police Magistrate, and Stipendiary Magistrate for the Island; Judge of the Central District Court, of the Surrogate and Admiralty Courts, and Chairman of the Board of Health. My knowledge begins in this way:—I found that, from whatever cause, the officials on the south coast that had to contend with this smuggling were the worst possible set—grossly inefficient. The smuggling from St. Pierre, from the time you round Cape Race, to Burgeo and Channel, supplies all that coast with liquor, tea, sugar and tobacco. The smuggling was so extensive that when I was appointed Commissioner of the Bait Service. I visited the whole coast, and one Church of England clergyman remonstrated with me most severely for interfering with their supply of liquor and tobacco. The trade has been curtailed tremendously of late; the operation of the Bait Act helped to kill it. There are three very valuable reports on this subject: one by Mr. Canning, another by Mr. D. O'Mara Reddin in 1866, and another by Mr. J. S. Hayward, Custom House collector for St. John's, and there are Naval Reports which show the enormous extent of the smuggling. It is almost impossible to stop smuggling, because the French Government connive at it, and do all they can to assist the

smugglers. Their own vessels, that go out smuggling, leave St. Pierre without a paper of any kind, clearance, manifest, or anything. In 1890, Gillis, a Custom House officer at Codroy, which is on the Treaty Coast, captured the French schooner "Menayere," Girardin, Master, near Codroy. She was selling spirits, bartering them for sheep. Gillis at first could not prove the sale, but we captured her under the Custom House Rules, which oblige a man not to go past a port of entry with a cargo. I brought him on to St. John's for trial. I only mention this as a typical case. The man left St. Pierre ostensibly for fishing, but she had no papers of any kind—she was a small schooner of about thirty tons—and she was half-loaded with gin in cases, and rum, and some wine. He traded with this gin and stuff for sheep and fish, and money. I have ascertained from my brother, the German Consul here, that a large amount of this gin is labeled with the most honored name in the liquor trade, that of De Kuyper, and it is in square bottles, and in Hamburg they put his name on the case. These cases have been invoiced in Hamburg for less than five francs a case. The case is painted green, with De Kuyper's name and trade-mark on it, and contains a dozen square quart bottles. Enormous quantities of these cases of St. Pierre gin circulate all over the country. This is what is imported from Rotterdam and Hamburg. St. Pierre is one of the largest outlets for German gin, it is next to West Africa. This gin had a very bad effect on the fishermen. Vessels pretending to fish would be selling this stuff. I remember, about ten years ago, a trader called in at Branch, near Cape St. Mary's, and he traded to a man named Peter Nash ten cases of this gin. This was at the beginning of the caplin school. Peter Nash and a lot of his friends were drunk morning, noon and night while the gin lasted, and, with the exception of four or five families, not a man in the harbour got a fish; they lost the whole of the caplin school through the influence of this stuff.

1893. Are any spirits manufactured in St. Pierre?—Yes, they import into St. Pierre a large amount of silent spirits, alcohol distilled from wood, and if you want a large quantity they will ask for a day or two to make the different qualities, rum, gin, or whisky. Friends of mine have seen the formulas for making it at Madame Cordon's, at St. Pierre. She was a large fish merchant in St. Pierre, but she failed in 1888. Before 1888 St. Pierre was a very rich and prosperous little place. Three or four years of the Bait Act had a tremendous effect on St. Pierre. With regard to the quality of these spirits, the value of this alcohol is fifty cents a gallon and upwards. It goes up to 1.50 dol., and probably 2.00 dol. for the higher qualities. The lowest quality of commercial gin from England is from 2s. 10d.; rum, about 1s. 8d.; and whisky, 5s. All the whisky that comes from Scotland is good. When the Government coastal steamers, "Plover" and "Curlew," were running there was an immense amount of smuggling carried on from St. Pierre. That was ten or twelve years ago. An immense amount of liquor from St. Pierre was carried in these vessels to the mining districts, Little Bay and Tilt Cove, and the St. Pierre people, to suit the tastes of the Newfoundlanders, imported West India rum from French West Indies, with which they have an exclusive trade. This smuggling trade was mixed up with the bait trade. The men who went to sell bait at St. Pierre brought back sugar, tea, tobacco and liquor. The Governor of St. Pierre, in one of his reports, admits that the trade in herring for bait alone amounted to 800,000 francs per annum. Besides herring, the Newfoundlanders took over squid, caplin, game, and wood. There is a very large business in wood, for there is no wood at St. Pierre; it is a barren rock, and the French use wood largely. This trade up to 1888 amounted to at least 200,000 dol. per annum. For their first baiting on herring, "the campaign," it is called, the French bankers require a very large amount of herring. The Frenchman takes mere bait in proportion to his crew than the American or Nova Scotian or Newfoundlander. The Provincial or American ices his bait; the Frenchman salts it, and he stays out longer. The French have larger crews, and for the first baiting of their fleet they require about 54,000 barrels of herring.

JAMES HEFFERTON, Examined.

James  
Hefferton.

1894. (Chairman.) Your name, occupation, and place of residence, please?—James Hefferton, fisherman, living at Pinchard's Island, north side of Bonavista Bay. I am only here for a short time; I am going away either to-day or to-morrow.

1895. Do you use a schooner up the coast for fishing?—Yes.

1896. How many tons?—She is 45 tons. I have eight men; sometimes nine men, when I have a cod seine; three boats.

1897. Is that the regular crew?—Yes, eight or nine men, representing three fishing boats.

1898. Just tell us your proceedings?—We go away in the spring, and wherever we can find fish, we put up, and we get it if we can, unless we are interrupted.

1899. Do you find the fish moving along the coast?—We don't know where we will meet it, but wherever we meet it we get it.

1900. Are there certain places where you expect to find it?—Yes, and if they are not there, we go to the next place.

1901. Do you anchor your schooner?—Yes, in the harbour.

1902. Do you ever fish from the schooner out at sea?—We always go into harbour.

1903. Is that the practice of all schooners?—Yes, all schooners like me.

1904. And then you send out your boats?—Yes, and they come back to the schooner in the harbour.

1905. Then what is done?—We heave the fish up on to the deck, and split it, and throw the heads and offal overboard into the harbour.

1906. Always in the harbour?—Pretty well always. On the Newfoundland coast we always go into harbour. There may be places on the Labrador where they cannot get in.

1907. Do you then clean your fish at sea?—No; always in the harbour.

1908. And never on the fishing ground?—No, never, and I never saw anybody do it.

1909. You have been fishing a good many years?—Thirty odd years.

1910. Do you fish on the west coast?—I have been as far as Port au Choix two or three summers.

1911. Ever have any trouble with the Frenchmen at Port au Choix?—Not at Port au Choix, but at Gargamel I have been driven out. The English man-of-war told me I had better go, but it was the Frenchmen who made the trouble. The Englishman told me I had better go, to avoid trouble, and I did go. I lost my fish in consequence.

1912. What year?—I think about seven or eight summers ago.

1913. Was that the only time?—Once before, fifteen years ago, in Bely Bay, between Hare Bay and White Bay, I was fishing with a trap in a place called Maiden's Arm. The French fishermen drove away the rest of the

schooners alongside of me, but I would not go. I told them I would not go until they sent the Commodore, and then if I was injuring them I would go, but I would not go for them.

1914. How many Frenchmen?—There were four boats came on me. There were six of us, and they were eight men in a boat. They told me they would cut up my property, and I told them what would happen if they did, and they did not do it. I firmly believe they would have done it only I told them I would take their seine from them if they did, and I would have done it.

1915. (Mr. Morine.) After you leave home in the spring, do you go to the treaty shore first on the north-east coast?—Yes.

1916. After you have been fishing there, you go to the Straits on the Labrador side?—Yes.

1917. And if you have done very well on the north-east coast, you come back with what you have, and take that out, and then go down to the Labrador for the second trip?—Yes.

1918. (Chairman.) Is that the practice of the majority of the fishermen?—Yes, that is the custom on the north side of Bonavists Bay.

1919. (Mr. Morine.) You can get fish on the north-east coast in that way when you cannot get it on the Labrador?—Yes; it is always earlier there than on the Labrador, and if they strike in well, we have a chance to get home and back again for another lot on the Labrador. Sometimes, if interrupted by the Frenchmen, we have to clear out, and so lose our first trip.

1920. In Bonavista Bay are there a large number of craft which do not go to the Labrador?—There are a good many small hook-and-line men who go down to the treaty shore alone.

1921. You use trap and cod seine?—Yes, as a rule.

1922. Vessels of your class in Bonavista Bay use trap and cod seine?—Yes.

1923. When you go on the treaty shore, can you do at all well if you are not allowed to use trap and seine?—No; our class of vessels would do nothing on that shore without trap and seine.

1924. (Chairman.) Are you aware that traps and seines are illegal on the treaty shore?—They say it is not legal; that is the reason we have to clear out.

1925. (Sir James Erskine.) What is the name of your schooner?—One is the "Nimrod," and the other the "Aaron Perkins."

(The witness then withdrew.)

HENRY MOORE; Examined.

1926. (Chairman.) Your name, please, and occupation?—Henry Moore, retired merchant. I have an establishment at St. Anthony, managed by my son.

1927. I want to know about the mode employed by these nomadic schooners?—In the time I left there were Frenchmen occupying the shore, perhaps two crews in each piece, so that they did not allow many Englishmen there. I remember what the last witness (Hefferton) has been speaking about at Maiden's Arm. When I first went there (I lived there twenty-two years), right opposite to my present place I built my room. There were no French occupying the room at Cremaillère at that time. Some of the men at St. Anthony tore down some of the rooms at Cremaillère, and built up rooms for themselves—that is, the Englishmen did. I went there in the fall of the year, and they did it in November, after the French had gone away. As soon as the French came out in the spring, and saw that the rooms had been destroyed, they came to me, and they thought, on account of my going there to live, that I had influenced the people to tear down their rooms. I told them I had nothing to do with it. "Well," they said, "we have seven rooms in St. Anthony, and your house comes just down at the corner of the French rooms, and you will have to leave." There was no French stage or any other erection there at the time. I said, "I don't see why; I am doing you no injury." Some time afterwards, in the summer, some French fishermen went out, and cut the moorings of the salmon net belonging to the man who had taken down their house, and set the net adrift. Henry Budgell, the man who owned the net, happened to be there, and he struck one of the French fishermen across the arm with a paddle, and they had to bring the Frenchman home and lay him up. That is thirty-one or thirty-two years ago.

1781.

They sent away at once for the French man-of-war at Croc, and when he arrived, he came at once to me, and said, "Your people are using our people badly, and you must leave," and he showed me his papers. I said, "I cannot leave just now; I have my house and store here, and I cannot leave it just now." He went away, and in the fall of the year, in October or November, the English man-of-war came up just outside of the harbour, and sent a boat ashore to tell me that I had to remove my place. They never came to me; they told men to tell me. I would not shift my place without tearing it down then; so I let it remain. Next spring I was here in St. John's, getting my supplies, and when I went down again, here was the French Commodore in the harbour, just above where my place was. I said perhaps I had better humble myself a bit, and I went down to the French room, and the officer was just coming out, and he shook hands with me. I said, "You have left orders for me to clear out of this; I did not know it was a French room. I do not want to remain here in defiance of you, but I could not haul it this year on account of the snow." He said, "When you see your own time, you can take it away." Next winter was a hard winter, and I took it across the harbour on the ice to where my place has been ever since.

1928. What are the methods of the schooners?—Just as Hefferton was saying. They never heave any offal on the fishing ground. They clean their fish in the harbour. The French fishermen would go out in the morning in their large batteaux, and the English would have their salmon net out. The French would take hold of one end of the net, while you were at the other, and every salmon that would be in their way until they would meet you, they would take out, and not only take

James Hefferton.

11 October 1898.

Henry Moore.

Henry  
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1898.

out the salmon, but tear the net as well with their large boats. Sometimes our people would strike the Frenchmen, and the French man-of-war would come along, and, of course, take the part of his own countrymen, and our people would not be heard.

1929. Why have the French left the coast?—They did not get fish enough to pay expenses, as far as I can learn.

1930. Have the fish been getting less and less every year?—No, the year before last was a very good year. It was not good last year or this year.

1931. But one year with another, you think that the French do not get enough to make it worth while for them to come out?—No. I was in Quirpon one summer, trading with my vessel, about the 23rd September. We always understood that the 25th was the time for the French to leave the shore. It might be thirteen or fourteen years ago that I am speaking of. There were French rooms at Quirpon then, and there were two of our vessels there, one belonging to Change Islands and the other to Catalina. The Frenchmen were pretty well ready to go home, but the French fishing captain begrudged our people to get any fish, and he ordered them away. They would not go. They came to me and asked my advice, and I told them not to go; that I didn't see that they were interfering with the French. A day or two afterwards the French man-of-war came, and the fishing captain told them

how it was. The man-of-war then went up to these two vessels and ordered them out. This was in the morning, and he ordered them to be out by four o'clock in the afternoon. At four o'clock they came up with two boats, an officer in each, and they went right aboard of these two vessels. One boat boarded each vessel. The crews of the boats jumped aboard on to the decks of the vessels, and began hauling up the anchor and hoisting the sails. I was near by, and I sung out, and I said, "Mind what you are doing. These vessels are in British waters, and you are interfering with them. Another thing," I said, "it is getting on to five o'clock." So he sung out to the other men on the other craft and said "Stop!" and they left the two vessels and came alongside of me, and they came down in my cabin. The French captain said: "This is rebellion," and I said: "Why?" He said: "I ordered these men out, and they did not obey; that is rebellion." I said: "Your people have done fishing, and these men have done nothing on the Labrador, and they have families to support at home." And he said: "It is rebellion when I ordered them to go out." And I said: "You must look at these things." It all came to nothing in the end. However, he told the captain of the English man-of-war about it, and the English captain was up a day or two afterwards and said that it was just as well to give the Frenchman his own way.

(The witness then withdrew.)

D. W. Prosser, Recalled.

D. W.  
Prosser.

1932. (Chairman.) You had something else you wished to tell us?—Yes, one or two things I forgot to mention with regard to the movements of fish. One is that the outlying points of the coast, like Cape St. Mary's, Baccalieu, Cape Race, and so on, have always been from time immemorial the best fishing grounds, and it has become a proverb among Newfoundland fishermen that "Cape St. Mary's pays for all." That shows where the fish are passing.

1933. The fish are generally taken all along off the headlands?—Yes. Channel, again, is another illustration of the movements of the fish. It has happened there a good many times that our fishermen have got fish with French hooks in them, and that is a distance of 500 miles from the French ground. And they have got them, too, with American hooks in them. There are two distinct movements of the fish towards the Labrador; one coming through the Straits from the west coast of Newfoundland, and the other on the east or Atlantic side. The cod spawn about April. Immediately afterwards they disappear from the south coast and are found on the west coast, and later on at Labrador. In October they return the same way south.

1934. Now, with regard to smuggling from St. Pierre. Have you anything more to tell us?—There was a tremendous agitation in Newfoundland over the Bait Act. It was put into operation in March, 1888, and when it was put into operation they did not know how to set about it. They gave me instructions to carry out the Bait Act, and that was all, and the head of the Government confessed to me afterwards that he never expected it to be carried out.

1935. How did the working of that Act affect the French?—In the first year, 1888, on the 4th May, Victor Cordon, chairman of the Chamber of Commerce at St. Pierre, informed me of the Billeoram fishermen, that out of 54,000 barrels of herring which the French required for their first baiting, they had only got up to that time 4,040. The French did not believe that the Act would be put into operation. Secondly, they believed that, if put into operation, its effect would be nullified by the Fortune Bay fishermen, who would still carry bait. They had promised the people of St. Pierre that they would do so, and every inducement was held out to them from St. Pierre, and I even know of an offer of guns that was made to them from St. Pierre. Thirdly, French fishermen relied on the supply of salted squid and herring which they had put up; thousands of barrels of them. But this was badly preserved and was bad. That year, 1888, was a good year on the Banks; it was a year in which Newfoundlanders and Canadians and Americans all did fairly well. Here are the figures of the French catch for that and the three preceding years:—

	Dry Fish.	Green Fish.
1885.	7,945,091 kilos.	33,838,240 kilos.
1886.	11,198,342 "	35,042,475 "
1887.	6,881,173 "	31,543,567 "
1888.	5,836,782 "	22,129,297 "

But the most tremendous falling off is in imports. The general trade has fallen from 20,000,000 francs in 1885 to 8,000,000 francs in 1892.

1936. What has brought it down?—The operation of the Bait Act, and the curtailing of smuggling. The proportion of imports per head in Newfoundland and Canada is 31 dollars, and the proportion per head at St. Pierre is 252 dollars. The legitimate trade of St. Pierre with Newfoundland is about 1,000,000 francs; all the rest of the trade is smuggling. But that smuggling trade with Newfoundland has greatly fallen off. At one time it deprived the Revenue of Newfoundland of over 100,000 dollars per annum, and it represented a loss to the Canadian Revenue of 500,000 dollars yearly. A few years ago there was a regular exposé of the state of this smuggling trade. A number of the most respectable publicans in St. John's were found to be implicated, but the full extent of the exposure was largely checked by politics and religion.

1937. How did politics come in?—The fellows who were concerned were supporters of the Government, and the matter was taken out of my hands because I would have shown them up. But it revealed to the Government then the magnitude of the operations. It was in 1894 and 1895.

1938. And next year there was a Preventive Service put on?—Yes; when they send their officers from St. John's some good work is done, but as I said before, the local officers are wholly inefficient. It is a most difficult business to check. The system had become so lax that the largest dealers in St. John's were all buying the stuff.

1939. Are things better now?—Yes, much better now. The exports and imports of St. Pierre are fast proving that things are improving. There is one most scandalous thing at St. Pierre. The biggest smuggler there is a man named Steer, and he is the American Vice-Consul. He was dismissed some time ago on account of being mixed up with these things. The French Government had, for shame's sake, to take away his exequatur. I have been informed that he has been re-appointed. I have tried to get information about St. Pierre in all ways, but the feeling there is that any man who is opposed to smuggling must get out. Smuggling is not now done very largely by the French, who have been frightened by a few losses, but the work is carried on by provincials and Newfoundlanders settled there; and by men going across from the colony. In fact, our people do the scining for the French.

(The witness then withdrew.)

## WILLIAM KELLY, Examined.

1940. (Chairman.) What is your name, please, and occupation?—William Kelly. I am a Customs officer in St. John's, and I have been in the service twenty-five years.

1941. Have you been much in contact with the smuggling at St. Pierre?—A great deal since 1887.

1942. Will you give us briefly your experience in that capacity?—In 1887, that was the year before the Bait Act, the smuggling had reached such a height that the Government established a patrol of officers around the coast. That year I was in Burin, supposed to be one of the principal places at that time for smuggling. The Revenue in 1886 for that place had been 29 dollars; there was a collector, magistrate, acting tidewater, and constable there. We arrived there in April of that year, and at the close of the year we had 2,700 dols. collected for Customs Revenue, and 700 dols. Light Dues, and we had 1,600 contraband seizures. I don't mean to say that we got them all. I might have got 40 per cent. of them. In 1883 I was at Fortune Bay. The Customs Revenue at Burin, I should mention, was somewhere about 1,800 dols. last year. The Revenue in Fortune in 1888 was 900 dols., and at the close of 1888 it was 1,400 dols. In August of that year I had a letter from Sir Robert Thorburn, the Premier, to take a schooner, and go round the bay. She was a Revenue cutter. We found Joseph Benney supplying all the west coast, with one establishment at Lawn, one at Rencontre West, one at English Harbour, and the lobster factory was interested in it at Seal Cove, Straits Shore. I boarded his schooner at Lawn, and found about 700 dols. worth of goods straight from St. Pierre. He took a load of fish at Burin, cleared for Lorne, went to St. Pierre, which is only about eighteen miles away, and took these goods in from St. Pierre. I seized these goods, and took them on board the cutter. Ten days afterwards I got the same man at Rencontre West with sugar and other contrabanda. Came back to the lobster factory at Seal Cove. This factory was owned by Joseph Benney, brother to the captain of the schooner, and they had a third brother living at St. Pierre, who supplied all the goods.

1943. Is that firm broken up?—No, it is still going on, but not on such a large scale. I found that all the schooners that go to the Straits from Fortune Bay—and there are a large number—all clear for the fishery just as a mere matter of form. They go to St. Pierre, and get all the goods they require for the season, and you find them at Grindlay Islands, mouth of Blanc Sablon, selling gin by the bottle to the fishermen. In 1889 I was sent to the west coast, and I had a roving commission to watch over the north-west coast. I landed at Port Saunders on the 14th August of that year, and I found the schooner "Sunshine," who had passed two Custom Houses, had 2,000 dols. worth of goods on board, besides what he had landed. We seized the schooner, and brought her to Bonne Bay, and communicated with the Government; the goods were confiscated and the master of the vessel fined. I hired a small boat, and proceeded down as far as Cape Norman, and visited Port au Choix. It was reported to me by a man named Butler that he and six others were driven from the fishing ground. They had fish on board. Some got away clear from the steam launch of the French man-of-war, but those that were caught had their fish thrown overboard, with the throats cut, so that they should sink and be lost.

1944. You did not see that?—No; it was reported to me. I got there just after it happened. I had information of it from others. Louis Garroux, a Frenchman, married in Newfoundland, and settled down at Brig Bay, when I got down there, was quarrelling with the French fishermen at Brig Bay. There was then a French room there. He was round the Point just going into Brig Bay, where he had hauled some herring. He had a hundred barrels, or more, in his seine. The French, when they saw he had the herring, went and shot their seine outside his, and swept his seine of all the herring. In 1890 I was on the same coast. I was at Flower's Cove, where Captain Carrivau was. I caught him smuggling the year before, and took ten cases of gin from him, and I warned him. He was living then at Current Island. This year, in 1890, I met him again. He had been round the coast, and sold a considerable lot of goods.

1945. How do you know?—From the remnant he had on board, and the amount of Newfoundland goods he had, such as furs, sealskins, oil, etc., which he had taken in

return for goods sold. I boarded him, and he told me he was bound home, that he had come in for a clearance.

1946. Had he any papers?—No. There was a Resident Collector in Flower's Cove, but he had not arrived, so I gave the captain an hour to make out his papers and report everything, and that what I found not reported I would seize. He came aboard in about two hours in his own boat, and reported a quantity of goods. I questioned him very closely; he had a supercargo, and he was prepared to swear that he had reported everything. He paid duties on what he reported, which was about 300 dols. worth. He invited me on board, and I went on board and examined. Twenty barrels put down as barrels of salt were full of tobacco, matches, rice, spirits, and so on. I calculated about 700 dols. worth of goods on board. There being no Magistrate or Resident Custom House Officer there, I decided on taking the schooner to Bonne Bay. He asked me could I pilot him there, and I said I could. I went aboard for a chart, and he hoisted the mainsail. One man went ashore from the schooner, and three boats put off, with twelve men in each boat, from the shore. All these were our own people, to whom the cargo was to be supplied. The captain and crew gave up the vessel to these men. They threw me into the boat, me and the other Custom House officer who was with me. I got aboard again, and they threw me off a second time, hauled up the anchor, and got the vessel under weigh.

1947. Were you on board?—No. I got into their boat, which was towing astern, while they were getting under weigh. I attempted a third time to get on board, but they drove a boathook right through my clothes to the leg. I held their boats, and they towed me into the Straits, and cast me adrift in their own boat. I had an old rusty pistol, and they thought it was loaded, and they got frightened. The cutter picked me up, and we followed the other to Anchor Point, and got alongside her at daylight in the morning. The same crew then had charge, thirty-six men, with guns, and had we attempted to board her we ran the risk of our lives. The captain would hold no communication with me, and took the vessel over to Canadian waters. A few days after we were at Port Saunders. Lieutenant Wiegald was in charge of the torpedo boat. He came ashore a few days after, and said to me, "Mr. Kelly, you are not gone home yet?" I said, "No." "In my mind," he said, "you have no right to be here; I have no sympathy for you, or for the Newfoundland Government." I asked him to give me that in writing and I would return, to which he made no reply. I took down his words as spoken, and got them signed by two men who were present, and reported the matter to the Colonial Secretary and to Mr. Emerson, whom I found two days afterwards in the Straits making a tour. A very few days afterwards I proceeded to Blanc Sablon on the Newfoundland Labrador, and from information I received, I went to Forteaix, which is a port belonging to this colony; found three schooners there—two Canadian and one Nova Scotian—smuggling. I believe those vessels got a part of their goods from St. Pierre. I seized them, and brought them to Bonne Bay; they entered about 50 dols., and they had about 4,000 dols. worth of goods. Also the "Stagania," Canadian schooner, and the "Amelia Annie"; they both resisted. In 1889 there was great trouble at Port Saunders with the French. I just came in there when all the lobster traps had been thrown on the beach by the French; about three hundred traps. And round Kibble Island, too. In 1890 I found French schooners came to Bonne Bay for herring in the spring; three of them from Port au Choix. They had no money to buy herring—only a great quantity of liquor and salt. One fellow I seized, but I had no means to hold him. Actually the men would hold their hats to have them filled with gin. They were so drunk that the French schooner took fire, and they burnt the mainsail, and when the captain found they were in trouble, he got a mainsail from the shore and got out. Our instructions were to be very cautious on the treaty shore, unless we actually caught them in the act. In 1890 I also found at Rocky Harbour and the opposite harbour, at the entrance to Bonne Bay, Frenchmen trading liquor for bait. In 1890 I was also pressed for information as to the doings of our people at St. Pierre. I got up off the schooner, and went ashore in a dory, disguised as a fisherman. I had a look at Madame Cordon's, and Walsh's, and Benney's, all of whom are living at St. Pierre and do business there. I found the Penney Brothers at Ramea, an island right opposite Burgeo, nine miles off, in St.

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Pierre, buying tobacco, oilcloths, sugar, soap, and general merchandise. I left St. Pierre and went to Burgeo, a port on the south coast, found what goods they had reported and paid duty on, which were only nominal, considering what they had taken in. I went across and seized the goods, and they were fined 400 dollars. In 1895 there were great disclosures of smuggling here; there were actually two or three syndicates between St. John's, St. Pierre, and the southern shore. I was one of the officers who discovered fifteen casks, large and small, secreted in the basement of O'Dwyer's building, under Allan's shop. Shortly after that I went in the "Fiona" with Inspector O'Reilly. We seized at St. Laurence a quantity of tobacco and tea from St. Pierre at Pike and Bradley's, and Giovannini's. We came to Burin, and seized at Goddard's, Brushett's, and other places a quantity of tobacco, oilcloths, and tea. Went to Mortier Bay and found tobacco, gin, rum, wine, and tea buried in a garden in different places. It was all unearthed. Eleven prisoners were convicted in Burin, and brought to St. John's; terms of imprisonment, four and six months. I always find the Fortune Bay people have unlimited credit in St. Pierre, and even the schooner owners. They get 50 dollars worth from one, 50 dollars worth from another, and 50 dollars worth from a third. The first lot of bait they bring in they go to the biggest creditor, and when he deducts his amount he gives them an order on the next man to whom he knows he is in debt, and he gives an order on number three till they are all paid, so that the Frenchmen all look out for one another. They get their pound of flesh from the Newfoundlander. Of the amount of his—the Newfoundlander's—earnings, 75 per cent. is spent in St. Pierre, and benefits St. John's nothing. The other 25 per cent. he puts in his pocket to spend in extravagance. I can trace a murder committed in Burin to liquor. A man named Hollett was murdered by his own stepson in a drunken brawl. The French always instil into the minds of our people that the Newfoundland Government have no right to collect duties on the treaty coast. They will tell you the French Commodore has told them so.

1948. You have been acquainted with the west coast since 1887?—Yes; that was the first year we established a patrol.

1949. Have you, of your own knowledge, ever known a French naval officer come on shore and give orders to the people?—No. I think I saw a proclamation in Bay St. George about bait, but of my own knowledge I have never come across a French officer coming ashore to give orders. Their mode of doing things would be to find a British officer, and he would do what the French desired. I have seen the French fishermen bring ashore rum and sell it to the licensed house and the Custom House officers come and gauge it. He paid duty. I understand the French are not allowed to do any commerce at all, they themselves admit that while they are on a fishing voyage.

1950. Was that a St. Pierre schooner?—No; a brig from Brest; a deep sea fisherman.

1951. Did she belong to any French room on the coast

at the time?—I think she came from St. Pierre; she was one of the bankers. They have regular traders. I am speaking here of my own knowledge. There was one seized and brought down here, and tried in Court. She was seized in the Codroy Little River. She had eighty cases of gin; that was in 1890. The whole crew were brought down here, and the schooner went ashore and was sold. Besides the gin there were a hundred packages of spirits.

1952. Did you see the rum gauged in the other instance?—No, but the collector showed me the entry for the rum.

1953. You don't know what amount of spirits?—No, but I protested against their selling, for I thought it was a violation of the rules. I always understood from the French themselves at Port au Choix and Brig Bay that they were not allowed to do any commerce during the fishing season. Brig Bay is to the north of Port au Choix at St. John's Island. They all admit to me that they are not allowed to do trade, and they warn their men not to do it, but they do do it.

1954. How do you know?—Because we find traces of the goods with the people, and we find them selling liquor and we find the liquor.

1955. You found Newfoundlanders selling the liquor?—Yes. Louis Garroux was hauled up before Sir Baldwin Walker and his liquor was found. That man is still there, and he has a licence to sell. Louis Garroux brought the liquor into the woods when he heard I was coming down, and a Frenchman found it and got drunk on it, and Louis Garroux wanted compensation from the Frenchman doing business there for the other Frenchman stealing his liquor, but the French captain of the room told him that he had lost so much work through his man being made drunk. There was trouble about it. In December, 1895, the schooner "Louis," Pike, Master, loaded by Steer at St. Pierre, was seized at Burgeo. She had eighty-five cases of whiskey, twenty-five cases of brandy, six boxes of tobacco, twenty-one barrels of rum, five quarter casks of brandy, five quarter casks of gin, five quarter casks of whiskey, and a few packages of sweet liquor. Court was held on the "Fiona," at Cape Beale, by Magistrate Ryan, from Ferryland. We had the mate of the schooner "Starr," and he swore that he saw eleven loads of liquor landed in two years, principally in St. John's, with a syndicate here and along the coast. The cargo was sworn to with forty-one barrels of rum, sweetened liquor, tea, gin, and sugar. A report was made to the Government of the transaction. Last year, in September, a letter came into my possession written by Mr. Steer, of St. Pierre, to a well-known member of the smuggling syndicate here, telling him that he had not the tobacco asked for, but he had a quality which would answer just the same, naming the quality as "Stanley," and telling him that the General Elections being on that fall, he ought to be able to do a good business. The letter was given me to read by a member of the Custom House Staff, by Inspector O'Reilly himself.

(The witness then withdrew.)

Wednesday, 12th October, 1898.

PRESENT :

Sir JOHN BRAMSTON, K.C.M.G., C.B., *Chairman.*

Admiral Sir JAMES ERSKINE, K.C.B.  
The Earl of WESTMEATH, *Secretary.*

Hon. A. MORINE, *Agent for the Colony.*

St. John's, Newfoundland, 12th October, 1898.

Commodore the Hon. M. A. BOURKE, R.N., *Examined.*

Hon. M. A.  
Bourke, R.N.

1956. (Chairman.) Will you please state your name and occupation?—Maurice Archibald Bourke, Commodore of the second class, senior officer of the Newfoundland Division.

1957. You have been on the station three years?—Yes; this is my third season.

1958. You have taken a good deal of trouble to investigate the Treaty Shore question?—Yes, during the whole

three years that I have been here I have thought of nothing else. I hand you a statement of the number of French fishermen on the Treaty Shore from 1885 to 1898. (See Annexure No. 13.) In the years 1887-88-89-90 I can find no trace of any numbers being reported by the senior officer or previous to 1879, but since 1891 the figures are exact. The greater number of the French fishermen have always been on the north-east coast. In 1879 the French rooms extended down as far as Ming's Bight,

almost the southern boundary of the Treaty Shore limits on that coast. There were as many as nine rooms in some of these big harbours, where there are now none at all. In 1898 there were only two rooms occupied, namely, one at Rouge and one at St. Julien's.

1959. (Sir James Erskine.) This statement includes every class of fisherman?—Yes, lobster fishermen, *petits pêcheurs* and all. May I draw attention to the fact that the lobster fishery is apparently, from the French point of view, as also I think from the English point of view, beginning to fail; as while there were in 1897 146 men engaged by the French in this fishery, there are only 104 this year.

1960. (Chairman.) Looking at this list, there were 1,750 Metropolitan fishermen engaged in the Newfoundland fisheries in 1885?—Yes, but while they appear as Metropolitan fishermen there were probably some St. Pierre people among them. Red Island has for many years been held and worked by St. Pierre people as a separate station, under a separate arrangement in the drawing of places that the French adopt.

1961. Have you seen the French rules of 1852?—No; but these are entirely superseded by the regulations of 17th February, 1894. I have the Newfoundland report of 1857, when it was proposed to give the French fishing rights in Labrador and Belle Isle, in consequence of the friendliness of that nation during the Crimean War. The Newfoundland Committee's Report quite allows that the French Emperor was very friendly and generous, but they did not see why Newfoundland should suffer on that account.

1962. The French never fish on the Labrador?—No, nor on any of the large islands opposite the Treaty Shore. They tried once to establish a fishing station on the Gray Islands, on the N.E. coast, but it was represented to them that it was wrong, and they at once withdrew. The Gray Islands are about fifteen miles from the shore.

1963. To what do you attribute the falling off in the French fishery, as shown by these numbers?—Entirely to the fact that the shore fishery does not pay. The amateurs in France have been losing money from year to year by the Treaty Coast fishery, and therefore they cannot afford to keep up the sentimental idea of the occupation of the Treaty Shore.

1964. The fish are not there?—No, I do not say that. They are certainly there in some places, in Port au Choix, for instance. I will endeavour to give you a return (see Annexure No. 14), which I think will show that it must be loss of money which has caused the numbers to be reduced.

1965. This year has been a very bad one, has it not, on the N.E. coast?—Yes, up to the middle of the season, but it improved towards the end of the season. It has been the same with everybody—British and French. The reports of the N.E. coast fishery generally come from the Newfoundland schooners that go there. As to the local fishermen, no one ever hears anything about them; they have very limited means of catching fish, and in many places that I have been to this year, the Livyers have probably not got more than five or six quintals a man, which means about 12 dol. a head for the season's catch. But the schooners which come there bring a better outfit; six dories, and two or three cod-traps, besides hook and line, and they probably get 120 quintals. They send off their six dories to fish, and put out their cod-traps, and all the fish they catch is salted on board the schooner, stowed away green and then dried when they get back to their homes. The schooners hail generally from Bonavista or Notre Dame Bay. These are the schooners which also fish on the Labrador.

1966. When you say 120 quintals per schooner, do you mean dried fish?—No; that is green fish.

1967. It takes three parts of green, does it not, to make one of dry?—With English fish the proportion is about two to one, but it depends upon the amount of salt which is put in.

1968. Is it the fact that the French proportion would be less?—The French put fifty tons of salt to a thousand quintals; the English put from twenty tons, which is not enough, to thirty-two tons, which is about sufficient. With the French, the relation of green to dry is as fifty-five is to fifty; that is, fifty-five quintals of green will make fifty quintals of dry. The English proportion is nearly two to one.

1969. Can you inform me upon a point with regard

to which I have omitted to ask other witnesses, viz., as to the drying of fish at St. Pierre. What proportion of the fish taken into St. Pierre is dried there, and why is that portion dried on the spot?—The Grand Bank catch is practically entirely taken to France as green fish and dried there. The Treaty Shore fish of the big rooms is entirely dried before the French leave the coast. The principal fishery which is dried at St. Pierre is the small boat fishery, the St. Pierre Bank fishery, and that on the Binguereau, near Halifax. For example, in 1897, the total export from St. Pierre was 633,951 quintals, of which 190,544 quintals were cured fish. This dried fish is almost entirely exported to the French colonies. I have in a return of the exports from St. Pierre for 1898, taken from the "Journal Officiel" of St. Pierre, showing the comparison with 1897. (See Annexure No. 15.)

1970. Do the French fish in open boats along the Treaty Shore?—Not to any extent, except by the *petits pêcheurs*. Small boat fishing is not exercised by the Metropolitan fishermen, who chiefly employ large chaloupes to fish from. They don't employ the "en dégrat" form of fishery which they claim they are at liberty to do, because there are not enough harbours occupied by the French, in which, if necessary, they could take refuge. Anyone who starts to fish "en dégrat" from Port-au-Choix, for instance, must come back again to Port au Choix. Fishing "en dégrat" means following the fish in small boats when the fish leave the vicinity of the French rooms.

1971. We have heard there is a deep trench at Port au Choix into which the fish all run.—The hundred fathom line does run close up to Port au Choix, but I don't agree that the fish necessarily run on this line. The fish will follow the bait, and where the bait is not the fish won't be. Port au Choix is a celebrated place for bait, and Port Saunders close to it is a very well known place for herring, and later in the year the caplin strike in. The herring come in in large numbers at Port Saunders and at Port au Choix. Old Port au Choix, where the "Fiona" was anchored, is full of herring in the spring season. The caplin generally strike in there in great numbers, but in 1898 there were none, and therefore there was no striking in of the cod at that time. The caplin, followed by the cod, instead, struck further north, at Old Ferroll, and further north still at Flowers' Cove, with the result that in fifteen days at Flowers' Cove alone forty English cod-traps secured about 5,000 quintals of fish. That was the estimate of a Halifax trader who was there at the same time as the "Pelican". The above remarks as to bait apply equally to St. John's Island, near Port au Choix, where M. Mary has two establishments, lobster and cod; but the lobster is the real industry, and the cod fishery is only taken up when the lobsters are slack.

1972. Have you noticed whether, during your commission, the buildings are becoming improved?—No; they are absolutely the same as when I came.

1973. Do the French take salmon at Cape Rouge or at St. Julien's?—No.

1974. Do they at St. John's Island?—They have salted some salmon this year; they may have done so last year, but I did not hear anything about it.

1975. We saw that M. Villala had some cases of salmon?—There is a salmon fishery at John Mesgher's Cove, which is at the entrance of Castor's River, and the French have always had a salmon fishery there. This year there was a complaint that there were two four-inch mesh nets barring Castor's River, but I could not find any exact evidence concerning them. We had ships there to keep a look out, but as I had no particular case to go upon, I could not complain to the French Commodore. I have recommended, however, that they should be closely watched next year. I find when once they realise that they are watched they give up any infractions of the regulations.

1976. Have you found any instances of barring?—No. Since the case of Pond's River in 1887 none have been known.

1977. Have you had during your commission any cases of French officers taking action on shore?—No, none, and, moreover, Captain de Vaisseau Lapeyrère, French Senior Naval Officer, informed me that his orders to his officers were most explicit on that subject, namely, that no British subject's property was on any account to be touched by a French officer under any circumstances. There have been no complaints between fishermen *inter se* during the whole of my commission; nothing of any

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importance. I had a case of one man taking another man's boat, and I went to see about it, and the "Pelican" went, and the French Commodore went; and last year there was some man's bundle of clothes taken, and we have all been investigating that ever since, and, in fact, we are still looking for the man. But nothing more than this has occurred.

1978. Can you give us your experience of the baiting season at St. George's Bay in any of the three years of your commission?—During the three years that I have been out here, we have never had any trouble whatever, and I attribute that chiefly to the fact of never having allowed anybody to give any local fisherman any order to do anything, but only to offer advice as to the best thing to do. The French have a right to take bait on the treaty shore, and they do so sometimes in St. George's Bay. There were eight French ships there this year. On the arrival of the English warship, the inhabitants appoint a Representative Committee, and ask the Naval Officer, who is present at the baiting season, to preside over that Committee for them. They draw up their own rules, which, when agreed to, are posted on the Court House as the rules to govern the whole of the baiting season, which lasts at the outside about three weeks. I attach the rules for 1898, which are the same as for 1897 and for 1895, also a list of ships baited. (See Annexures Nos. 15 and 17.) The price of the bait is fixed by this Committee, as a rule, at 1 dol. a barrel to American and Newfoundland ships, and 60 cents a barrel to French ships. The reason for the difference in price being that the French have a right to haul their seines for herring in St. George's Bay, which, if they exercise it, very seriously interferes with the local fishery of British subjects. It is found then advisable to let them have their fish at a lower price in order to keep the seines out. After agreeing to this 60-cent price, however, the people are in the habit of going on board and underselling one another, until the price falls perhaps to 30 cents a barrel. In 1896 and 1897 I arranged that they should have a special representative drawn from one of the better class residents at St. George's Bay: Captain Ozon in 1895, and Mr. Shaw in 1897. In 1898 I could get no person to take this place, as the man who had undertaken it in 1897 had not been paid his very small fee by the local fishermen for the work which he had done, which consisted in boarding every ship on arrival to discover the amount of bait she required. In 1898 this work had to be carried out by the Naval Officer himself, as there was no representative, and he communicated the information to the fishermen of the south side, where the fishery is carried on. The only rule in the attached regulations for the baiting season which was put in by the Naval Officer, and not solely by the Committee, was rule number 2, which says that cod traps are not allowed to be set during the baiting season. This is done more to protect British than French subjects, because the owners of the cod traps, being richer than their neighbours, are men of more or less influence, and the local fishermen are, therefore, powerless to get rid of these cod traps, which are a nest to the herring nets. It is, therefore, in the general local interest that these cod traps are ordered up during the baiting season. During my commission no Naval Officer has given orders in these matters. When the Bait Act was in force a very large number of French ships came to St. George's Bay in the spring to get their bait—probably as many as 200 of them in one season. Under such circumstances no business could be carried on unless some very stringent orders were given by the person in charge, but since the number of ships visiting St. George's Bay for bait has fallen off, it has not been necessary, and it has not been done. Within the last three years I can confidently say that no British subject in St. George's Bay has been given one single order as to the price he was to get for bait from the French, nor as to baiting the French before any other nationality. It has never been done. It is an advantage to the settlement to get the French supplied with bait, so that they may go away, and leave the English people to carry on their own fishery. The herring which is not sold as bait, and which goes into barrels for export, does not, at the recent prices, pay as well as selling it for bait. It costs the fisherman 1 dol. 15 cents to put up a barrel of herring, and the price at Halifax in the spring was only 1 dol. 25 cents. It is almost impossible under such circumstances that herring can be put up at any profit.

1979. Has that anything to do with the mode of packing?—A great deal, though not so much perhaps as the actual packing as the barrels that are employed, which are of very poor manufacture. In this country they pack an article which they think the purchaser ought to buy, instead of the article which the purchaser wants to buy.

1980. Is there anything more you would particularly wish us to take down?—I might add that the French fishery on the coast is declining, because it does not pay, both as regards Metropolitan fishermen and the *petits pêcheurs*, and, as I believe will very shortly be the case as regards the lobster fishery also.

1980\*. (Sir James Erskine.) We have heard a great deal about nomadic schooners, and various complaints regarding the interruption which they cause to the livers. Would you tell us briefly what is the extent of the shore line, which would include the extent of the French fishing operations on the north-east coast?—Twenty-five miles in 1897. I estimate the twenty-five miles as from Cape Fox, south of the entrance to Cape Rouge Harbour, to Crenallère, to the north side of Hare Bay. In 1898, as the French room at Fischot had been closed, the limit is reduced to thirteen miles.

1981. Is it the practice for these nomadic schooners to carry a cod trap?—Yes; often two, but always one.

1982. You are, I believe, a Justice of the Peace for Newfoundland?—Yes.

1983. And you are, therefore, acquainted with the statutes and regulations of the local laws?—Yes.

1984. Will you tell us what the law of Newfoundland is regarding cod traps?—By an Act of the Newfoundland Government in 1888, cod traps were forbidden to be set on the Newfoundland coasts. Subsequently it was proposed to make them legal, but this was only permitted by Her Majesty's Government away from the treaty coast. On the treaty coast cod traps are illegal.

1985. I see by the reports that you carried round the coast a proclamation from the Newfoundland Government proclaiming that cod traps were illegal on the Treaty Coast by the Act of 1888, and you distributed those, I believe, along the Treaty Shore?—I helped to have them distributed at distant outports.

1986. With regard to these nomadic schooners, are there any rules or laws as to their exhibiting their names?—Yes, the Merchant Shipping Act, I think, directs that every ship shall carry her name quite clearly on her stern and on both bows.

1987. Have you had instances of the infraction of this rule?—Several have been found, but I, personally, have never caught one. I am sure from the look of them that many of them leave harbour with their names showing, and paint them out afterwards.

1988. Will you tell us if there has been any case of ordering off, either of a nomadic schooner, or of persons who are found interrupting the French fishery within those limits, which has not been duly investigated and reported?—No, every case has been investigated and reported.

1989. No action would be taken by you, or by any person under you, without full investigation and report?—In every instance that has been done.

1990. It would be impossible for any nomadic schooner, who might happen to fish on any part of that north-east coast outside of this twenty-five-mile limit, to have, at any time, been warned off for interruption of the French fishery?—Absolutely impossible—for this reason, that on the north-east coast, except between Crenallère and Cape Fox, no schooner has ever been boarded. I speak, of course, as to what has happened during my commission, and the orders previously were the same.

1991. There are several instances, I see by the report of 1897, of nomadic schooners fishing even within that twenty-five-mile limit, who had not been warned, because in the judgment of the competent authorities—the Naval Officers—they were not interrupting the French fishery?—Exactly so.

1992. With regard to these nomadic schooners, in cases in which they carry cod traps, and in cases where they have not their names affixed to their sterns, they enter upon that twenty-five-mile limit breaking two separate laws, quite apart from any interruption which they might cause to the French?—Yes, independently of interference, they come with cod traps, and with no name on their sterns.

1993. Do the complaints of interference within those limits come as often from the English livers as from the French?—Yes, even more so.

1994. Do you think that the duties of carrying out our treaty obligations could be more efficiently or economically carried out by the establishment of a fishery police in lieu of the ships of war at present employed on that duty?—Only if subject to the direction of a Naval Officer, and

not under the direction of the Newfoundland Government.

1995. Why?—Because I consider that a water policeman is not a person who should be in any way mixed up in the administration of an International Treaty between two first-class Powers, nor should anybody, not directly and personally responsible, through his Commander-in-chief, to the Imperial Government, have any responsibility in the matter. I may add that, for myself, as Senior Naval Officer, I should be very glad to be assisted by persons appointed to the position of water police, but I should be very sorry unless they were directly responsible to me for the action they took.

1996. (Chairman.) As far as the actual work of keeping the peace and stopping interruptions is concerned, do you consider these duties could be efficiently performed by steamboats—assuming that there is any interruption?—The French and British shore fishermen never clash by any chance whatever. I know of no case. The complaints made by the French are entirely confined to the presence of nomadic schooners, and only then when they come in abnormal numbers. During 1898 the number has been reduced from 127—which was the number in 1897—to 56, and in only one case has a schooner been ordered to go to sea for interfering unduly with the French in their fishery. So that the question hardly arises as to whether a ship or boat can prevent friction between British and French fishermen. Such questions do not arise, and never have arisen since I have been out here, nor did they in the three previous years. The English shore fishery is largely in excess of the French shore fishery in point of numbers, and the English shore fishermen who live in the vicinity of the French rooms are helped by the French in every way; the French even go so far as to supply them with bait, and to mend their boats and sails for them, and the greatest harmony exists between the two peoples. On the arrival of the French on the coast after the long winter, there is hardly a case in any of the rooms where the French prud'hommes do not help the livyers, who are generally in a starving con-

dition, by sending them flour and so forth. There is really no trouble whatever.

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1997. Can you account for the reduction in the number of schooners on the coast this year is not on account of any action taken by Naval Officers during last season, nor of any regulations issued by the Newfoundland Government, such as they were asked to issue but did not; but entirely owing to the very early clearance of the Labrador and north-east coasts of ice. Immediately, however, after the ice cleared off these coasts, strong north-east winds set in, which blew all the Labrador as well as the north-east coast ice back again on the north-east coast. Hence the schooners from Bonavista and Notre Dame Bays, who generally begin their voyage on the north-east coast in the middle of June were unable to get there, and finding the Labrador coast clear, they at once went there, which is where they would have ultimately finished their voyage. Their habit is in most cases to make their first voyage on the north-east coast, and then, leaving two men and a woman in harbour there to look after the fish, they go off to the Labrador and call for their people on their way back.

12 October 1898.

1998. Have you known of any actual cases of schooners cleaning their fish on the fishing ground?—Yes, they every one of them do it.

1999. Do they never go into harbour to clean their fish?—Not always; in proof of that they do not, vide the Rules and Regulations of the Newfoundland Government, in R.I. Gazette, dated 28th June, 1898, forbidding the cleaning of fish on the fishing grounds, which is evidence enough that it is customarily done.

2000. Do these schooners fish from the harbours?—No, in fine weather they constantly anchor near the fishing grounds outside the harbours with their boats all round them, and, as the fish is landed in their split and "guffy" them where they are.

(The witness then withdrew.)

Thursday, 13th October, 1898.

PRESENT:

Sir JOHN BRAMSTON, K.C.M.G., C.B., Chairman.

Admiral Sir JAMES ERSKINE, K.C.B.  
The Earl of WESTMEATH, Secretary.

Hon. A. MORINE, Agent for the Colony.

St. John's, 13th October, 1898.

ALEXANDER McDougall, Examined.

2001. (Chairman.) Your name and occupation, please?—Alexander McDougall, merchant, of St. John's, partner in the firm of Goodfellow and Co.

2002. In 1888 had you a lobster factory at Hauling Point, White Bay?—Yes, and I would draw your attention to a letter which I wrote to the Secretary of State upon the subject, when I was in London in March, 1895.

2003. You had this factory under the management of two men, Murphy and Andrews?—Yes. We gave them the necessary supplies and outfit to carry on the business of catching and packing lobsters. The first year we did not attempt to can them at that particular place. Previously we had canned them all over the island, both on and off the treaty shore. On the treaty shore we had canned at a place called Harbour Round, in White Bay, or near White Bay, around to the north of Cape John, in Confusion Bay. These two men took their supplies from St. John's, went to Hauling Point, and there put up their buildings, and prepared themselves for work. They had actually begun work on the 24th June, when the French warship "Drac" arrived there, and the captain sent on shore for these men to go off and see him. They did not acknowledge his authority, and refused to go, so he came on shore himself. He asked for Murphy and Andrews, and when he saw them, he told them that they had no right fishing and curing lobsters there. He told them they should at once desist from working. Murphy and

Andrews replied that they were British subjects, and acknowledged no authority except British authority.

2004. Did they continue working?—Yes, they continued working. The French ship "Drac" then left; she was away about two days, and then returned, accompanied by the British warship "Forward," Captain Bearcroft. The captain of the "Forward" landed, and told them that they should give up work.

2005. Did they leave off?—Not until they got a further notification from Captain Bearcroft, as follows:—

[Copy.]

"By John Edward Bearcroft, Esq., Lieutenant and Commander of H.M. Gunboat 'Forward.'

"To Mr. John Murphy.

"Whereas the rights of fishing enjoyed by French subjects will be interrupted and interfered with by the fishing for lobsters and working of factories on the east side of White Bay, I hereby give you notice that the fishing for lobsters and working the factory under your management is to be discontinued.

"Given under my hand, on board H.M. ship 'Forward,' at Hauling Arm, White Bay, this 29th day of June, 1888."  
"JOHN E. BEARCROFT."

2006. They then desisted working, and you have not operated since?—Yes, and we have not operated since.

Alexander McDougall.

Alexander  
McDougall.

13 October  
1896.

2007. Do you happen to know whether the French have put up a factory there?—I was informed that they did put up an extensive factory, which was a great failure.

2008. Perhaps it was a good thing for you then that things turned out as they did?—They did it in a very extensive way, and the ground did not warrant such an enterprise. They would have required thousands of cans to make it pay where we should have only wanted hundreds, and we have every reason to believe that we would have got sufficient to make it a success financially.

2009. The whole of this case has been reported to my knowledge to the British Government; what do you wish us to do in the matter?—In the first place, to represent this case, which we consider one of the hardest on the Treaty Shore. We have been looking for compensation, but from various causes our case has not been pushed. Our first proceeding was by Petition of Right to Her Majesty.

2010. In this Court?—I am not able to give you that information. The matter was left in the hands of McNeilly, Q.C.; he died before much progress had been made with the case. It was then placed in the hands of Mr., now Sir James, Winter, the present Premier of the Colony. His elevation to the Bench caused a further delay. Then in the fire of 1892 all the papers were burnt except the letter from Captain Bearcroft, which I had in one of our safes. I was in London in March, 1896, and I had hoped to have had an interview at the Colonial Office in reference to the matter, but they were so busy there with various important matters that an interview could not be arranged during the short time I was in London. Before leaving I sent that communication which I have referred to\* and some time afterwards received a reply that the claim would not be entertained. Then, some time during 1897, Sir James Winter, on our behalf, sent another communication to the Colonial Office, to which he received a reply that the Secretary of State saw no reason to depart from the decision already conveyed to the Governor upon the subject. A copy of the Governor's despatch intimating the Secretary of State's decision, was enclosed to

me in a letter from Sir James Winter, dated August 11th, 1897, in which he says:—

"I am sorry to say that the despatch puts an end to the matter so far as regards any voluntary recognition of your claim on the part of the Imperial Government.

"I have already pointed out the legal difficulties in the way of recovering in an action at law against the officer by whose orders the work at the factory was stopped. The position of the matter from this standpoint is that if an action against the officer, which originally, I think, would have been maintainable, were now met by a plea of the Statute of Limitations, that defence could not be got over, and the chances of recovering in such an action would therefore seem to turn upon the question whether or not the officer, as the servant of the Imperial Government, would set up that defence against a claim which was otherwise a good one. Upon this point I can, of course, not presume to give an opinion."

2011. Did the French officer give any other reason why your men should give up work?—A Frenchman had arrived at Hauling Point some time previously with the plant and men required for a large factory, and as far as I understand, it was on his complaint that the French officer interfered with Murphy and Andrews.

2012. Who were there first?—Our people were there first.

2013. What about the "five years' right"?—I presume that this Frenchman who arrived there had a licence or grant from the French Government, giving him the exclusive right to fish on the east side of White Bay for lobsters, and his demand that Murphy and Andrews should be turned out of that part of White Bay was based on that grant.

2014. Can you say whether a French factory was afterwards placed on the same spot as yours had occupied?—No, but Mr. Andrews is outside, and he can give you information upon this point.

(The witness then withdrew.)

\* Referred to in Question 2002.

Robert  
Andrews.

ROBERT ANDREWS, Examined.

2015. (Chairman.) Your name, please?—Robert Andrews.

2016. In 1888 you were in charge of Goodfellow's lobster factory at Hauling Arm?—Yes.

2017. And were ready to begin work when the "Drac" arrived?—Yes.

2018. Was there a Frenchman on the ground before you got there?—No.

2019. When did he come?—Twelve days after we arrived.

2020. Were your buildings up then?—Yes.

2021. But you had not begun work?—Before the Frenchman came we had been catching lobsters, but had not begun packing.

2022. How long after the Frenchman's arrival did the "Drac" come in?—About three days.

2023. Now, will you please tell us exactly what passed between you and the French officer?—He came ashore to see Murphy and Andrews, and he told us we were not allowed to pack lobsters. I said: "How was that?" He said: "It was all French." I recognised him as a Frenchman, but I did not intend to stop catching lobsters until I should see the English. He said he would bring the English to me. He did so two days afterwards, and then Captain Bearcroft gave me a written order.

2024. Did you go on board the French man-of-war?—No.

2025. Were you asked to do so?—No.

2026. Did only one officer come?—One French officer and twelve men.

2027. And then what you have described took place?—I told him we would not stop for him, and he told us he would bring the English. He told us he did not want our factory, and told us to stop right away—immediately. He asked me where I came from. I told him I came from St. John's. He told me it would be unnecessary to keep on working—getting ready. I said I intended to do so. I told him my loss would be a severe one, and I would never recover it.

2028. Were you and Murphy on wages?—We were on wages and shares for Messrs. Goodfellow.

2029. Was that the only visit the French paid you?—He came a second time with the English. Both came into port together, and we went aboard the "Forward." The English captain said he would be the responsible party about closing us down. We did not exchange any words with the Frenchman, but we had a good deal of conversation with the English, hoping we could arrange for the French to allow us to stop there one season.

(The witness then withdrew.)

RICHARD MOAKLER, Examined.

Richard  
Moakler.

2030. (Chairman.) What is your name, please?—Richard Moakler.

2031. You were a partner with Fearn?—Yes, in 1888, in a lobster factory which was closed by the British Government, and the British Government awarded Fearn 3,000 dols. compensation, of which 150 dols. was to come to me.

2032. Has Fearn ever paid you?—No; he flatly denies that he ever got the money from the British Government. I received from the Governor's Private Secretary, Captain Southey, a letter dated 16th December, 1897, enclosing

copy of a despatch from the Secretary of State to the Governor dated 18th September, 1893, which says:—

"With reference to the personal application which has been made to this Department by the Receiver-General of Newfoundland, I have the honour to transmit to you for your information a statement of claims paid on account of Newfoundland Lobster Factories Compensation." After speaking of other claims the despatch says that Fearn got 2,323 dols.; Martin, 150 dols.; and Moakler, 150 dols.

2033. Have you ever got that 150 dols.—I never got it.

2034. Did Martin get his?—No, he never got it. Here is a copy of a receipt given by Fearn to the treasury in London for 3,500 dols. on account of claims preferred, or to be preferred in respect of claims A, B, and C, by Mr. Moakler or Mr. Martin. The enclosure in Lord Ripon's despatch shows that Fearn received:—

	Dols.	£.	s.	d.
On account, Fearn	2,323			
" " Martin	150	721	17	6
" " Moakler	150			(sterling).

That in respect of our claim Fearn received 2,623 dols., of which 150 dols. was for me and 150 dols. for Martin.

2035. What was the arrangement between you and Fearn about this factory?—We three were partners in this factory in Bonne Bay, we had a legal written agreement about it. Fearn supplied the factory with bread and flour, I supplied the schooner, and Martin supplied the property; he had factory and stores already. Besides this we gave Fearn all the stuff back again, and he worked a factory at Bonne Esperance with it. I brought it all over for him in my schooner, and here is the receipt for the stuff I landed at Bonne Esperance, and on which he never paid me the freight.

2036. How were you to divide the profits of the factory, if there were any?—We were to share-and-share-alike.

2037. What are you doing now?—Since the *modus vivendi* I have kept a small shop. After the lobster factory was stopped I had to sell my schooner in order to keep myself through the winter, and I only got 80 dols. for her, and my three sons, who were to have worked the factory, had to do other work, and one was drowned on the Grand Banks.

2038. You now keep a small shop?—Yes, in the west end of the town.

2039. Why don't you go fishing?—I have nothing to go fishing in now; I lost my schooner and gear.

2040. Do I understand you that you cannot get a fit-out for the fishery?—I have no means to fit myself out for the fishery.

2041. Is your shop doing pretty well?—I just make an existence out of it.

2042. What has become of Martin?—He was drowned. He left Halifax in January of this year in a schooner coming for a load of herring and he was drowned.

2043. Did he leave any family?—He left a widow and, I think, two or three children.

2044. Are they grown up?—Yes.

2045. Are they doing pretty well?—I don't think so. The widow must be in bad circumstances, because the boys, being her stepsons, don't help her.

Richard  
Moakler.

13 October  
1898.

Saturday, 15th October, 1898.

PRESENT:

Sir JOHN BRAMSTON, K.C.M.G., C.B., *Chairman.*

Admiral Sir JAMES ESKINE, K.C.B.  
The Earl of WESTMEATH, *Secretary.*

Hon. A. MORICE, *Agent for the Colony.*

St. John's, 15th October, 1898.

A Deputation, representing the merchants of St. John's, waited upon the Royal Commissioners. The deputation consisted of the Hon. E. R. Bowring, Mr. A. F. Goodridge, Mr. R. H. Prowse, Mr. R. K. Bishop, Mr. James Gordon, Mr. W. C. Job, and Mr. John Harvey.

Mr. Prowse, on behalf of the Deputation, stated that their views had been embodied in a written document (see annexure No. 18), a copy of which had already been sent to the Commissioners, and the Deputation were now there to reply to any questions arising out of that document which the Commissioners might see fit to ask.

2046. (*Chairman to Mr. Prowse.*) The point on which we wish to satisfy ourselves is the exact manner in which the French Bounties interfere with the trade of the Colony, about which we have heard a great deal. Do you know what allowance per head is made to the ships' crews on ships coming from France to fish on the Northern and Western coasts?—About fifty francs for each man.

2047. Is there any bounty on fish shipped to the French market?—No.

2048. Then, as far as that part of the business is concerned, I presume you hold your own?—Yes.

2049. What part of the fishery is interfered with by the bounty?—Our export trade to the Mediterranean.

2050. Is the French fish that goes to the Mediterranean caught by fishermen coming from France to rooms on the Newfoundland coast or by bankers?—The bulk of the fish that goes to the Mediterranean is caught by Metropolitan bank fishermen, and also by the local fleet at St. Pierre.

2051. Then it is the bank fish that does you the mischief. What bounties are given to the crews of Metropolitan fishermen fishing on the banks?—I presume the same as the others, but I don't know positively.

2052. Do the crews that leave St. Pierre to fish on the banks receive a bounty per head?—I shall have to explain to you. There are a lot of people shipped in France who come out to fish in the local fleet from St. Pierre. These people, I understand, get the same bounty

as the Metropolitan, but whether the fisherman located and living at St. Pierre is entitled to the bounty I am not sure.

2053. And you do not know the amount of the bounty per head?—Fifty francs is what we understand.

2054. Do you know whether that bounty goes to the men or to the owners of the vessel?—I presume to the men; but I cannot tell you that positively.

2055. Do you know whether the bounty paid to the French ships, with open rooms on the coast, goes to the men or to the merchant?—I cannot tell you positively.

2056. Then what bounty is paid upon the bank catch?—They pay on any sold in North America ten francs for fifty kilos., or twenty francs per 100 kilos.; on any fish delivered in Spain, twelve francs per 100 kilos.; on any delivered into the Old Kingdom of Sardinia, which includes Sardinia and Genoa, twelve francs per 100 kilos.; and on fish delivered anywhere else in the Mediterranean, sixteen francs per 100 kilos.

2057. Can you reduce 100 kilos. to quintals?—It is within a very few pounds of two quintals—fifty kilos. is 110 lbs., and a quintal is 112 lbs.

2058. Do you know what is the average cost of sending a vessel out from France?—My French friends tell me that their fishery is more expensive than ours; that although they only give their fishermen one-third of the voyage, and we give ours half, they say the wine and restrictions and that sort of thing mounts up. I don't believe it myself.

2059. But the Frenchman comes 3,000 miles, and you go 200?—Some of us go on the Flemish Cap, that is, if the fishery is poor on the Grand Bank; they go there to supplement their voyage.

2060. Can you tell me how many vessels, on an average, go from Newfoundland to fish on Flemish Cap or Grand Bank?—From sixty to seventy.

2061. Can you give me an estimate per quintal of the cost of sending a ship to the banks?—That is rather a

Mr. R. H.  
Prowse.

Mr. R. H.  
Prouse.  
15 October  
1898.

puzzling question, because one must take into account whether the voyage is successful or unsuccessful.

2062. I want to know the cost of outfitting a ship for the banks. What is the average tonnage of a banker?—From sixty to ninety tons. It won't pay us to outfit one of these vessels for the season unless she gets 1,500 quintals of fish—that is a vessel of seventy tons. The crew get half, and we require 100 quintals per man to pay for the voyage. That will leave you no profit; taking the price of fish at 3 dol. 50 cents. a quintal.

2063. That, I understand you to say, just covers the outlay of the voyage?—Yes, from the 1st April until the 10th October, that just covers the outlay of the voyage.

2064. Without allowing for wear and tear of the vessel?—Yes, without allowing for that. My firm has two bankers, which have 1,500 quintals each, and I don't believe they will reduce their cost one iota in the books. One with 2,500 quintals will, however, do well.

2065. Then it is not the bank fishery that you complain of?—No, it is our Labrador fishery.

2066. I want to know a little about the method of fishing on the banks; after the fish are caught, how are they treated?—It is salted on board, then brought into the land, where they "make" it, wash it out in the "Ram's Horn," and put it in a pile to drain.

2067. You salt it on board, and wash it and dry it on land?—Yes.

2068. What is the French method?—The bulk of their fish, except a little they cure in St. Pierre, goes to Bordeaux as green fish. It is kept in salt bulk until they can sell it, when it is parcelled out in small quantities by rail, and sometimes by steamer trading to the different ports in the Mediterranean.

2069. Does the French fish carry that distance in that state?—It is killed with salt; they give their fish 25 per cent. more salt than we do.

2070. Your bank fish is dried in St. John's, and shipped as dry fish?—It is cured in the outports just like our shore fish, and shipped as shore fish, hard and dry. You cannot tell the difference between our shore fish and our bank fish.

2071. Is there any difference in the treatment in large establishments, and that adopted by men who catch and dry their own fish?—No, there is no difference in the mode of treatment, except that some of the fish caught on shore is pickled. All our bank fish is salt bulk, and, in fact, all the shore fish from Cape Spear, south and west. But to the north they go in more for pickle; that does not require the same quantity of salt, and it weighs heavier.

2072. Which process brings the best price in the market?—They bring both alike. The merchants prefer that all their people should make all the fish in salt bulk that they can, but the fishermen don't all do it. It is not so liable to grow dun.

2073. You have told us that an English banker must make 1,500 quintals at least. How much must the French banker make in order to cover his outlay?—A great deal depends on the size of the vessel and the crew. Some of them are full-rigged ships, with fifty men. We have two men for each dory, besides the captain and cook, so that if we have eight dories we have eighteen men—two men for each dory, and the captain and cook.

2074. Then, taking a ship double the size of one of your bankers, what must he make to cover his outlay?—I don't know. Of course, they require very much less fish than we do on account of their bounty.

2075. My question is, what is their outlay, and how much must they catch to cover that outlay?—At the present moment, green fish is worth from 16 francs 50 cents. to 17 francs in St. Pierre per 50 kilos. (equal to one quintal). I should say, from my knowledge of the bank fishery, that 800 quintals of fish paid a Frenchman like our own bankers, from the local fleet at St. Pierre, very well.

2076. I don't quite follow you. You say 1,500 quintals paid the expenses of an English banker, and that 800 quintals will satisfy a French ship of twice the size?—No, I mean a banker about the same size as ours; 70 to 80 tons: I should say 800 quintals was enough for her. In the first place the crew only get a third of the voyage, and green fish out of salt bulk, as it comes into St. Pierre, is now worth from 16 francs 50 cents. to 17 francs. That green fish to us is not worth 1 dol. 50 cents.

2077. That is a great fall in value, from 16 or 17 francs

to 1 dol. 50 cents?—That is the difference in value. They give theirs more salt.

2078. What makes the difference?—The bounty and the consumption in France puts a prohibitive tax on English fish.

2079. When you speak of 1,500 quintals in an English banker, are you speaking of green or dry?—Equal to dry—that is, 3,000 green, and when I allowed 800 quintals to a Frenchman, I meant dry quintals, which would be 1,600 green quintals. We lose 50 per cent. in curing from salt bulk fish to dry fish. The Frenchman only loses 22 per cent.; when it goes to 25 per cent. he thinks himself very unfortunate. For instance: Suppose we land 3,000 quintals of green fish—that makes 1,500 dry quintals; while if a Frenchman lands 3,000 green quintals, it will make 2,500 dry for him.

2080. Why is there that difference?—Because he does not dry it. When the fish is taken green to Bordeaux, it is washed out indoors. It is then hung up by the tail, and left there two or three days, after which it is packed up, with straw outside, in packages of 50 to 100 kilos each, and sent off by rail. You see, it has so much salt in it that it will keep for a short time.

2081. Will green fish, as landed in Bordeaux, keep for any length of time?—Anything in reason—six to eight months.

2082. And after the lavé process it only keeps a few days?—It keeps for at least a month. When it lies in Leghorn, Genoa, or Greece, it will keep for a month. After that it begins to rot.

2083. Is there more demand in the Mediterranean ports for fish got up by the French process, than for your dry fish?—I would not say there is more demand, but they always cut under the prices of our Labrador, and, of course, everybody goes in for the cheap.

2084. You cannot give us the cost to a Frenchman of putting a quintal into the market? We have got pretty well from you what it costs to get our fish up to the point when it is dried. What does it cost a Frenchman to make his fish ready for market? That is, catching it, taking it home, lavé, and preparing for market—putting the bounty aside?—I believe the cost to the French merchant to be less than it is to the St. John's merchants, because they give their men a less share of the catch, and they can get their supplies without duties, while we have to pay 30 per cent. duties upon all supplies imported into this colony, and which we have to buy. I think that is a fair average. Some articles pay a less duty than 30 per cent., and some, as, for instance, molasses, up to 100 per cent. And the food and style of living is very much more expensive for our people than for the Frenchmen, so that we have to put more supplies on board. I do not see how any trade in the world can compete with that of another country which gives a bounty of 70 per cent. The English people make a great fuss about the sugar bounties, but it is not a circumstance to the bounty on codfish. With fish at 13s. 6d. in the Mediterranean, the French are getting a bounty of eight francs on that. Then, again, the fact that St. Pierre is a free port, and that France is paying the expenses of the administration of St. Pierre, is another additional bounty, and it must also be taken into account that when the French come to the treaty coast, they don't pay any duty.

2085. May I take it for granted that the local fishermen fit out at less cost than the metropolitan fishermen, including the passage of their crews from France?—So far as we can judge, the cost per capita of the local fishermen from St. Pierre and of the metropolitan fishermen would be about the same.

2086. Do you know what bounty is paid upon fish exported from St. Pierre to foreign markets?—To all ports in America, except their own colonies, 10 francs per 50 kilos, or 20 francs per 100 kilos. To any port in Spain or Portugal 8 francs per 50 kilos. For Leghorn the bounty is the same to metropolitan fishermen. But they rarely send fish direct to the Mediterranean, except to Port de Bouc, where they cure the fish, as in Bordeaux. Some of the vessels belonging to a house called Caborsal et Cie go to a place named Port de Bouc, between Marseilles and Toulon, where they land their fish green. It is first washed out in the same way as the fish in Bordeaux and St. Servan, and exported to ports in the Mediterranean. The bounty is given on any fish exported to a foreign country.

2087. Whether direct from St. Pierre or through France?—It makes no difference.

2088. Is it the fact, as I have been informed, that

Spanish ships used to come here in large numbers, and take their fish straight home?—Yes, they used to buy their cargoes here; they then had a differential duty of 10 reals in their favour, because the fish was imported in Spanish bottoms, and it had to be on Spanish account. Some years after that we could charter Spaniards, and the cargo did not require to be sworn to as on Spanish account; we could ship it as English in Spanish bottoms, and we could get the 10 reals in our favour. I can remember in my young days as many as fifty Spanish vessels in one season.

2089. Why have they ceased to come?—Since the repeal of the Navigation Laws there is no differential duty in favour of goods imported into Spain under the Spanish flag. A Spanish ship is now in just the same position as an English ship.

2090. Can you tell me whether the total catch of Newfoundland fish is less than it used to be?—The catch has not materially increased since 1840.

2091. Why is that; because there are ten men instead of one?—No, the fish have deserted the shore. Look at the treaty shore. I can remember when there were 100 French vessels on that shore; now there are not six. They have destroyed that fishery by using huge cod seines.

2092. The number of men employed in the fishery has not increased in proportion to the population?—No, the people have gone to other industries.

2093. In those days people used to do very well?—Yes, when I was a journeyman every merchant's house used to do well. We had bad markets occasionally, but every merchant was making money, and the fishermen were all contented. Those were the days before responsible government.

2094. Then what is it that crushes you now?—The expenses of our Government are too heavy for our population, and that adds an additional cost to the catching of fish. The gear is very much more expensive than it was in the olden times. When I was a boy, in 1843, taxation was 5 per cent., and about 1s. a gallon on rum, and everything for the fishery duty free.

2095. Now the duty on fishing gear is how much?—Ten per cent. on lines and twines.

2096. Was there any French bounty in those days?—I don't know; not that I know of, but the French at that time produced only sufficient fish for their own consumption.

2097. There were then some 6,000 or 7,000 French fishermen on the Newfoundland coast?—I should say quite that. I think in large voyages they used sometimes to give us a little trouble, but it was not worth talking about. We could hold our own in those days, and there was no competing Norwegian or Iceland fishery.

2098. And now those are considerable fisheries?—The Norwegian is a very large competitor with us, but then they compete on pretty nearly the same terms, except in Portugal, where, under their commercial treaty, they get a drawback of about 8½ a quintal in consideration of their taking in Portuguese wines. We tried to get our fish placed on the same footing as the Norwegian, but although we offered to take their wines duty free the Portuguese would not do it.

2099. How does your fish sell as compared with Norwegian?—There are some markets that won't touch Norwegian, and will take ours, and there are others where the position is reversed. Bilbao and Santander take Norwegian, and won't take ours.

2100. What is it they don't like?—Perhaps they give it to them cheaper. And we can't sell our fish in the North of Spain.

2101. In what markets do you beat the Norwegian?—In Oporto, where they use the best fish that we catch and cure. Oporto takes our best fish; large and medium merchantable.

2102. How do the French do in Oporto?—They won't look at French fish.

2103. What is the objection?—Because it is salt compared with ours, and in a damp climate like that it would not keep any time. The French have no show in Portugal. The French competition is almost entirely with our Labrador fish.

2104. How is that?—The bounty, pure and simple. They have laid themselves out to meet us in markets to which our Labrador fish goes, that is, in the Mediterranean markets, where the Labrador fish is consumed. They

meet us by placing their fish at a lower price; for example, at the present moment French lavé is selling in Italy to the end of December at 13s. 6d., and our fish to-day is worth for the whole season from 14s. 6d. to 15s.

2105. You mean that that price would pay you?—That price would hardly pay us, for when you take freight, insurance, and expenses, 14s. 6d. leaves very little margin of profit. And fish is like oranges and pineapples—so soon as there is a fairly good supply in any consuming markets, prices go down. I have seen cargoes sold there which gave us nothing.

2106. I thought salt fish was not a very perishable article?—It is in those climates. A few years ago a Frenchman wrote to us that they had that year succeeded in driving the English entirely out of the Mediterranean. Thirteen shillings and sixpence to a Frenchman is as good as 20s. 6d. to us, with his 7s. bounty. And then, for that he gives them fish with 25 per cent. more water in it than we do.

2107. Do you mean that the process of lavé takes up water?—It is not dried out when it gets to Bordeaux; it is just hung up to whiten and the moisture is still in it, whereas we use two quintals of green to make one of dry. Whatever our prices are in the Mediterranean for Labrador, the Frenchman always keeps his a shilling or eightpence under ours, and he can do that by means of the bounty.

2108. The Labrador fishery is very profitable?—Sometimes it is; sometimes a total blank.

2109. What would cause that?—Nobody knows.

2110. Are there any caplin up that way?—Is it failure of bait, do you think?—No; sometimes it is from ice being late on the coast, and yet sometimes I have known the fishery with ice late on the coast to be a remarkably good one. The migration of codfish is a thing nobody can understand. A large Labrador fishery means about 600,000 quintals dry; an ordinary Labrador fishery means about 400,000 or 450,000 quintals. A few years ago the herring were very abundant on Labrador, but the last few years there has been scarcely one caught.

2111. Have you had a good Labrador fishery during these years?—Fair; there has been just enough small herring for bait.

2112. What do the codfish feed on?—They feed on caplin.

2113. Do you mean that the caplin are there?—You get caplin from Hopedale South; North of Hopedale there are no caplin.

2114. Is that far south of Cape Chudleigh?—Cape Chudleigh is hundreds of miles north of that.

2115. But cod have been taken at Cape Chudleigh?—Yes, now and then, but it is a very exceptional circumstance. When Mr. Nathan Norman, who fishes for Job's at Indian Harbour, first went there in 1830 he never saw a caplin there for twelve years, and now they are as plentiful in Indian Harbour in the season as at Holyrood. I saw, myself, at Dark Tickle squids more plentiful than anywhere in Newfoundland, but it was only for one or two seasons; they did not like the water.

2116. How is the Labrador fish made?—What we call the "floaters," or green fish catchers, return to the northern parts of Newfoundland and make their fish there. The others, called "stationary crews," make their fish on the coasts of Labrador, drying it on the rocks. They don't have flakes, such as we have here.

2117. Is anything further done with the fish dried on the Labrador before going to market?—A large proportion of it is shipped direct to the Mediterranean and England. What comes home in the green fish catchers is made in Newfoundland.

2118. The bulk of your fish is from Labrador?—No, the shore fishery is larger.

2119. Then you mean that the Bounty competes with the Labrador, because it goes direct to the Mediterranean, and there meets the French?—Yes, and because the French sell cheaper.

2120. Is there any variety in the fish or only in the curing?—None, except that the Labrador are not so fat or well fed as the Newfoundland fish. You cannot ship shore fish in the same state as Labrador. The shore fish are richer and fatter. In the spring of the year the fish are watery, and then you would not care to use it in your own house.

2121. Then the pinch of the matter is that your

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Labrador fish meets the French bank fish in the Mediterranean markets?—Yes.

2122. What has put an end to the French fishery on the treaty shore?—Bad years, and they have ruined the fishery by the huge cod seines they use, which destroy the immature fish. It is always found that where huge cod seines have been used the fishery is very much injured.

[After adjournment for lunch the sitting was resumed at 3 p.m.]

Continuing my answer to your last question, before we adjourned, the treaty shore fishery was a most expensive one to the Frenchmen. They were not allowed to carry home their cod seines; they were only used for one year, and then sold to our Newfoundland people.

2123. What date are you speaking of?—1850.

2124. Because they leave them behind them now?—I don't think they use cod seines at all now.

2125. I will tell you a place where they do—Crouce?—That is only one crew.

2126. Why are these seines destructive to the cod?—They destroy the immature fish, just as cod-traps do. We do not consider the use of cod seines on the treaty shore legal, because the treaty of Versailles stipulates that the fishery was to be carried on as heretofore, and at that date there were no seines used. I presume the Newfoundland fishery was simply a hook and line fishery.

2127. Not even bultows used?—No, not even bultows; simply hook and line.

2128. How do you know?—By tradition from our forefathers and all hands employed.

2129. Can you say when cod seines were first used?—It was before my day. There was an old merchant, a Mr. Kelson, of Trinity, who, when first cod seines were introduced, used to write very strongly against them, and used to say it would be the ruin of the fishery.

2130. Those letters were written in your time?—Yes.

2131. Do you think cod seines were used sixty years ago?—Seventy to eighty years ago, is probably the date of their introduction.

2132. When were bultows first used?—They were first used by the English about forty years ago.

2133. Were they used by the French before that?—I don't think they were; they are a modern invention altogether.

2134. Can you tell me where they were first invented? Did they come from America, or France, or England?—I rather think they came from Norway. They were first used here in Trepassay.

2135. Fine lines are an American introduction?—Yes, they are made of cotton, and our lines are made of hemp. In the Bank Fishery we use entirely tarred cotton.

2136. In olden days the lines were very coarse?—They were all made of hemp, not very much stouter than they are now.

2137. Do you look upon the bultow as injurious to the fishery?—To the in-shore fishery it is regarded as injurious. It destroys the mother fish, which are heavy with their roe. The line is close to the bottom, and these fish being heavy are swimming at the bottom, and are consequently caught.

2138. Is it known where the cod spawn?—I don't know.

2139. Is there any fishing for cod in the winter along the south coast?—There is between Placentia Bar and Channel on the south coast.

2140. Are the fish then taken at a greater depth?—Yes, they fish in a couple of lines of water all around there. After you pass Danzig Point, the water is very deep all along that shore.

2141. The fish are never taken in shallow water at that time?—No.

2142. We are told they go into deep water in winter because it is warmer?—That is the theory. There is a halibut fishery carried on between Burgeo and Cape Ray by the Americans.

2143. How is it that the French come in in such few numbers for bait now, in the spring?—The Metropolitans have got into the habit of fishing with periwinkles, which they collect on the banks. That prevents a number of Metropolitans coming in here for bait. The periwinkle is a splendid bait. They catch them in baskets, which they break up in order to take out the periwinkles.

2144. Is it true that they have only recently been known by the French?—Only within the last eight years.

2145. Were they known to any other people?—They were known to our fishermen as splendid bait, just like mussels, but they could not be got in sufficient quantity.

2146. Do any Portuguese or Spaniards fish on the banks now?—About fifteen Portuguese.

2147. Was it always their practice to fish there?—Only within the few last years. The Portuguese Government gave them some privileges, but they have notified them that they will not increase these privileges.

2148. What bait do the Portuguese use?—They don't come in here for bait. I think they must use salted clams imported from the States.

2149. So that they are practically independent of our bait. Are the French becoming so?—No, the French are beginning to find that they are exhausting the periwinkle; they cannot get enough of them.

2150. Then what bait do they use?—They come into St. Pierre and buy caplin or salted squid.

2151. But I am talking of the spring fishery?—The Metropolitans never come in for herring. They bring out salt herring and dead horse, and after they begin to get fish they use the offal to catch periwinkles.

2152. During the last few years what bait do the French use instead of periwinkles?—An odd one or two may come into St. Pierre for caplin or squid. There is a considerable quantity of caplin killed at Miquelon and Langlade.

2153. These two places are joined together by a causeway?—Yes.

2154. And there they get a quantity of caplin?—Yes, a considerable quantity of caplin at times, but rarely. It is decidedly uncertain.

2155. But they don't get these caplin in the spring?—About the 15th June, the French don't get these for their early fishing. A few years ago the French Government prohibited them hauling caplin at Langlade and Miquelon. The waters were becoming so depleted that they found it better to trust to Newfoundland for the supply. After the caplin comes the squid.

2156. You are an advocate for the Bait Act?—I am; a very strong advocate for it. If the British Government would assist us with two or three torpedo boats, so that we could carry it out properly, we would very soon settle the Frenchmen, and the treaty shore. Without bait the French are helpless.

2157. Supposing the French agreed to give up their shore rights in return for the privilege of buying bait?—We would not entertain that unless they took the Bounty off as well. We should have no objection to any protection they liked to exercise in France, but it is the Bounty that is killing us. We will give them their bait if they will take off their Bounty.

2158. You don't object to protective duties in France, but to the Bounty which shuts you out from the foreign markets?—What they require for France does not interfere with us; it is the surplus which is sent abroad. If they took the bounty off the export and put it on the import into France, the consumption by the French people would increase sufficiently to enable them to maintain a large number of fishermen on the banks for the purpose of supplying France, who are now fishing for export. That is to say, if they gave a bounty on fish sold in France, the fish would be so much cheaper, and, consequently, more of it would be consumed, and a great number of fishermen who are now fishing for the Spaniards and Italians would then be fishing for their own countrymen. A Spaniard once wrote to me that the French Government were very philanthropic, that they paid a large bounty on the export of fish so that the French fishermen could sell their fish cheap to the poor Spaniards.

2159. When was that Export Bounty put on?—We here have no means of searching for this information; our business is more the present condition of the fish trade, and our information does not extend back so far.

2160. When you began there was no export bounty on French fish?—I am not sure. I recollect the late Mr. Thomas, who was president of the Commercial Society—his evidence, I think, is in the Colonial Office—recommending something of the kind for us, so there must have been something of the sort in existence then. It is only within the last twenty-five years, however, that it has become such a nuisance.

2161. You say that St. Pierre is an obstacle to your trade. Tell us how?—It is the entire French catch, Metropolitan and St. Pierre all tied together, that is not consumed in France, and therefore has to be exported.

That is the competition with ours in the Mediterranean, and only two years ago thirty new vessels left Dunkirk bound for the Iceland fishery.

2162. Is there a bounty on Iceland fish?—Yes, if exported to the Mediterranean; but most of the Iceland fish, Frenchmen tell me, is consumed in France. It is an in-shore fish, and much nicer to eat than the bank fish.

2163. Do you consider our shore fish better than the bank fish?—Yes, much better.

2164. Does the difference arise from the better food in-shore?—We believe so. Since we were here this morning, we have been talking over together the matter of the cost of the French outfit, and we have come to the conclusion that the Metropolitan fleet can carry on the fishery from France in ordinary years, when they have not to come in very often for bait, rather cheaper than the local fleet from St. Pierre, on account of the bounty on tonnage on the number of miles that they have sailed. Mr. John Harvey, however, takes exception to this opinion, and states that nobody here is really competent to give an opinion; that the growth of the catch has taken place through the growth of the number of St. Pierre bankers, which we claim is a breach of the treaty. That when the island of St. Pierre was given the French as a shelter for their fishermen, we did not mean it to be a shelter for them to fish from. Another point Mr. Harvey raises is that by the treaty the fishery was to be carried on as heretofore; that at that time there was no St. Pierre fleet, and that the creation of such a fleet is therefore a breach of the treaty. Mr. Harvey also contends that the fact of the French going to St. George's Bay for herring in the spring of the year is a further breach of the treaty, on the ground that there was nothing but a shore fishery carried on when the treaty of Versailles was made, and no herring taken for any bank fishery on the west coast at that time either by English or French.

2165. Do you mean that there was no bank fishery, and that, therefore, nobody wanted the herring?—There was a bank fishery, but none carried on from St. George's Bay.

2166. Then where did the French get their bait?—They brought out salt herring, and we gave them herring from Fortune Bay, etc., and they had salt caplin that they got from St. Pierre.

2167. What is your authority that they fished on the banks with salt bait after 1783?—Because we Newfoundlanders did the same. We did not use fresh bait on the banks in those days.

2168. Is that all tradition?—No, we can prove it. There are books in the possession of Mr. Goodridge, who is sitting next to me, which show that bait was provided for that purpose, and I may add that my grandfather told me the same. Salt bait is not so efficacious on the banks now as then, and the man who uses fresh bait is sure to beat the man who uses salt. If a Newfoundland banker goes out with fresh bait any Frenchman near by is almost certain to shift his ground because he knows that the fresh bait will take all the fish.

2169. Is there any other ground of objection to St. Pierre?—It is just a den for smuggling.

2170. But that does not affect your fish trade?—No, but it affects the finances of the colony very materially.

2170\*. You think that the presence of a Coast there would limit it?—It would not entirely cure it, but it would help to check it, so far as Newfoundland is concerned. I do not know that it would affect the smuggling in the St. Lawrence and elsewhere. The Canadian Government suffers nearly as much as we do.

2171. Is there any other market besides the Mediterranean in which you meet the French fish?—They are beginning to meet us in the United States of America. The fish is imported into Nova Scotia and utilised against us in the West Indies.

2172. Does the French fish go into the United States on better terms than yours?—The French get no benefit from the United States Government. The process is to put the fish in bond in the United States and export it thence to places in the Gulf of Mexico, especially to Hayti.

2173. Then it is the Hayti market where the two kinds of fish come into competition?—They have come into competition there, but they do so no longer because the French have driven us out.

2174. What is the fish that goes to Hayti?—It is dried fish. I think most of it goes to Canadian or American ports, and is re-exported. Most of it is carried in a French steamer, which is subsidised by the French Government.

2175. Is that fish exported from St. Pierre?—It is all dried in St. Pierre, though not so well dried as ours.

2176. How does it come to beat yours?—Because of the 10 francs a quintal bounty.

2177. Is the French fish packed differently?—It goes up in bulk, just one fish on top of another like ours, and then it is bought up there and packed into casks, and exported to the Gulf of Mexico. A certain amount of our fish is packed before it leaves here. It takes two quintals of our cod fish to produce one of dry. Out of 3,000 quintals of green we get 1,500 dry. The French would have about 2,500 out of 3,000, which works out that they get the bounty on so much more salt and water instead of on fish. A Frenchman told me that their average was about 22 per cent. in reducing green to dry. Ours is 50 per cent. The French fish is so full of salt that it cannot be dried like ours, and cannot stand a warm climate.

2178. Then why do the Hayti people buy their fish?—Because it is cheap. The French fish that goes to Hayti is probably very good fish, but it is all a matter of price. All the foreign markets that consume our fish are very poor, and they are glad to get anything in the way of cheap food. Look at the rate of exchange in Brazil, Portugal, Spain, Italy, Greece. And the French pay their bounties in gold.

[The other gentlemen present, viz., the Hon. E. R. Bowring, Mr. A. F. Goodridge, Mr. H. K. Bishop, Mr. W. C. Job, Mr. James Jordan, Mr. John Harvey, being asked by the Chairman whether they agreed with the evidence which they had heard, Mr. Prowse, junr., answered in the affirmative; Mr. Harvey adding that he and some others were not agreed upon the question of the relative cost of French Metropolitan and St. Pierre bankers.]

#### JOHN HARVEY, Recalled.

2179. (Chairman.) What do you wish to tell us?—Mr. Morine suggested that I should get some extracts from letters. (See Annexure No. 19.) I wrote to the local papers on this French question, dealing more in detail with the bounties and the advantages the French hold over us thereby; and also referring to the question of duties, which as at present arranged enable the French to produce their fish more cheaply than we can. Also some figures as to the losses sustained by one of the leading firms here in connection with the Labrador fishery. I might add that if the Commissioners wished to see the effect of French bounties they need only go to Harbour Grace, at one time a most flourishing town, now only half occupied, and those that are there are on the verge of starvation.

2180. How has the French bounty brought about that condition of things?—By enabling the French to sell fish at a price that is ruinous to this country. Harbour Grace depended principally on the Labrador fishery, and the actual results can be seen more directly in Harbour Grace than in any other place, because of its connection with this Labrador fishery. Mr. Prowse was for some years

manager of the old and large firm of John Munn and Company, of Harbour Grace, and he can corroborate my statement of the losses made by them, solely due to the fact that French lavé undersold our fish, and kept on underselling it, no matter what price we fixed. One point I wish to speak of, is the question of taxation, and the increased taxation that has to some extent fallen on this colony, and which it was suggested was increasing the cost of our fishing, and so accounted to some extent for the losses that we are meeting with. The increase in taxation has not been such as to very seriously damage us. The reason of that is partially that the first cost of every article used in the prosecution of the fishery has been very much reduced, and consequently we can better afford to pay taxes. That is so much the case that I think the cost of production of Labrador fish is admittedly less now, even with our increased taxation, than it was eight or ten years ago, and in corroboration of that point in the paper which has been submitted here, the cost of producing Labrador fish has been estimated at 2'80 dols. a quintal on an average; and that after considerable discussion was agreed to as being approximately what the mercantile

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people here think is the cost of Labrador fish, that is the cost of Labrador fish at the place where the fish is put on board. I think about six or eight years ago the same question was discussed by the Mercantile Body under a Commission appointed by the Government here to enquire into the effect of the French bounty, and the figure they gave as the cost of production was 3 dols., the cost now given is 280 dols. Consequently, the increased taxation in this colony can in no way be quoted as being the cause of our distress. We consider that the cost is less even, though our duties are increased, because the first cost of provisions, etc., is reduced by more than the increase of duty. We claim that the bounty in St. Pierre is a breach of the Declaration of the King, and I wish to point out that the increase in the French fishery, which has killed ours, has been due, not to the growth of the Metropolitan fleet which is bounty fed, and which bounty it is doubtful whether we could object to, but to the growth of the St. Pierre fleet, the bounty on which we do object to on the ground that it is contrary to the treaty. The St. Pierre fleet never goes near France, and has never seen France, and the building up of that fleet has really caused jealousy and ill feeling of the worst description here, such as the French King undertook his subjects should not give rise to. And not only is St. Pierre a subject of jealousy in regard to the fishery, but it is also in connection with smuggling which is undoubtedly, and, we believe, purposely facilitated from there. In connection with smuggling I wish to say that my firm manufactures practically all the tobacco used by the fishermen in Newfoundland, with the exception of those who live between the Straits of Belle Isle and Placentia Bay, which embraces the treaty coast; and that on that particular part of the coast we sell little or no tobacco at all, the cause of which is, I can positively assert, that so much tobacco is smuggled on that part of the coast, and that tobacco is smuggled mainly from St. Pierre.

2181. Do I understand you to say that the whole of the tobacco used on the West Coast is smuggled?—Not all, but a very large proportion of it; practically the whole of it. Mr. Bishop and Mr. Jordan, who are present here now, are interested in the trade of the West Coast, and I think they will bear me out in saying that they sell no tobacco there. The amount of tobacco delivered by the "Grand Lake" from all sources to all the west shore, for this year up to this date, is about 9,000 lbs. The "Grand Lake" is our coastal steamer, which trades up and down the coast. The same story could be told by people who are in other businesses, which I do not know anything about, but I give you this about tobacco, which I do understand.

2182. Can you give us any idea of the amount of tobacco consumed on the West Coast?—We sell nearly 300,000 lbs. weight of tobacco every year, but I don't believe that more than 30,000 lbs. of that altogether goes to the West shore directly or indirectly, and every man and child on the West Coast chews or smokes. I am starting from Placentia Bay, and going by the South and West to White Bay on the East Coast, and, therefore, including all the treaty shore.

2183. Can you give me the number of people living on that coast you have just mentioned as compared with the numbers in the rest of the colony?—I cannot tell you off-hand, but, of course, it can be obtained exactly from the census. In any case it is a notorious fact this smuggling, not only as concerns the treaty shore, but, owing to its proximity to St. Pierre right up Placentia Bay as well.

2184. Can you tell me how it is smuggled; how it is distributed?—That is a matter I do not know anything about. In this matter I am not speaking entirely from the small amount of sales but from what resident after resident has told me about it. It is impossible for a man from Placentia Bay to Channel to do business honestly and live. There are many other articles besides tobacco.

2185. What about spirits?—I know, as a matter of common hearsay and common talk, that spirits are smuggled to a very large extent.

2186. Between Cape Ray and Cape John?—I am told there are quantities smuggled there, but I have no personal knowledge of it. We claim that this proximity of St. Pierre affects this colony a great deal more than the treaty shore does.

2187. Have you anything else that you would care to tell us?—With regard to our Bait Act and to the difficulties the French were under in finding a substitute for our bait. Last autumn and this spring the Frenchmen sent over and took from Burin large quantities of mussels, with the intention, as they stated, of planting them in St. Pierre. What I wish to point out is that the object was to plant them in order to supplement their supply and make them independent of us. It was done by the residents at the request of the French.

2188. Where were these mussels taken from?—From near Burin.

2189. Are there great quantities of these mussels on the Newfoundland coasts?—Very abundant in some places; in Trinity, for instance. They require a still bay.

2190. But not found everywhere?—If you build a wharf you will find them.

2191. Where there any in St. Pierre before?—I never heard of any being there. In the main our contention is that the building up of this local fleet at St. Pierre is a recent thing, and one that was never contemplated at the time these treaties were drawn up, and it was with a view to preventing any such development that these clauses were put in limiting the fishery to its being carried on as it had been. I have only one other point. The Commission have, no doubt, full information about the action of the "Pelican" in insisting upon Englishmen at Bay St. George selling bait to the Frenchmen, whether they would or not, and in connection with that, after the Treaty of Versailles was signed a law was passed by the British Parliament refusing to allow any British subject in Newfoundland to sell bait to a foreigner. At least that statement is quoted in some of our legislative papers, and I presume it is correct. If it is true it fully establishes our position that the selling of bait on the treaty shore to Frenchmen was not a method in vogue before the treaties were signed.

James  
Gordon.

JAMES GORDON; Examined.

2192. (Chairman.) Your name, please, and occupation?—James Gordon, Merchant, of St. John's.

2193. What have you to tell us?—I think, from the evidence we have, that a great deal of smuggling is done in the neighbourhood of Red Island. Red Island is occupied by the French all the year round. It is a den of smugglers. Large quantities of spirits are found there, and fishermen in the neighbourhood can always get spirits which of course pay no duty. It comes in, supposed to be for the use of the fishery, by the Frenchmen. They may not call it smuggled by the French, but it is certain the British get it smuggled.

2194. Do you mean that it comes into Red Island during the winter?—No, it comes in during the fishing season. Large quantities are brought there by the ships; it is landed there and smuggled to the fishermen on the treaty coast.

2195. What is your reason for that statement?—We happen to have a post at Port au Port; we have had one there for many years. I think there is an investigation going on now, some men having been drowned there on account of having too much spirits. There are no English people allowed on Red Island; it is a French settlement, pure and simple.

Goose Cove, and St. Julien's. But this part has not been thoroughly examined, and beyond indications I cannot say anything.

2234. Are there any other minerals that you have not mentioned?—There is galena in several places, and mica has been found recently somewhere near Bay of Islands, at all events on that part of the island within the treaty limits.

2235. What is mica used for?—Largely in stoves instead of glass. It is a refractory mineral, and some of the finer kinds are used for ornamental purposes, also for cartridges. Good mica is very valuable, but I do not know what the quality of this is, beyond that it is of a very large size. There is a lot of marble at Bay of Islands, and at Canada Bay. It runs right through the country from Bay of Islands to Canada Bay. There is nothing similar at all on our part of the island. All the indications of marble are within the treaty coast limits. There is also a good deal of limestone; all the coast from Cow Head to the extreme north is almost all limestone. There is also a good deal of timber and good land. The land of the Humber is some of the very finest land in the island.

2236. Land for agriculture?—Yes; very fine indeed, and one of the best timbered regions in the island is in the Humber Valley. It extends nearly across to White Bay, and there is another large patch of timber all around Grand Lake; altogether there is an immense timber area.

2237. Is that timber large enough for lumbering purposes?—A great deal of it is, but I think the intention is to utilise the greater part of it for pulp. I don't know whether that industry would be affected by the treaty coast. They could bring it out to the eastern coast by railway, but it would be a long distance to carry it.

2238. Is there anything else you would wish to add?—There is a great variety of building materials such as serpentine, especially at Pistolet Bay and Hare Bay, on the east coast. There is also limestone and sandstone, and a good deal of fine land on the West Coast, and wild hay-grows near Parson's Pond, and at other places on the West Coast.

2239. Have you come across any china clay?—I don't know of any on the treaty coast, but it is found in Bonavista Bay. There may be other minerals which have not yet been observed. Judging from the geological formation, I think this is probable. In fact, I might say that almost all the useful minerals might be expected here. The island contains the geological formations, which hold nearly all the useful minerals of the world, and there is a greatly disturbed condition which is most promising for mineralisation. The mineral statistics up to last year which I have referred to will show what has been done in that time. But as yet mining with us is only in its infancy. In proof I may point to the fact that up to 1895 not a pound of iron ore was shipped, while last year the export reached 58,000 tons from Bell Island alone.

2240. Is that the mine which you say has an order from Holland for 300,000 tons for next year?—Yes. Another large deposit of iron, and a richer deposit, is now being opened up on the north side of Conception Bay. They

have built wharves and tramways, and next year are expecting to ship a large quantity of ore of superior quality. They have fourteen square miles, upon which they have had the opinion of experts. The shipments of iron ore within the next half dozen years promise to reach at least a million tons, and the prospects of this developing into a great iron producing country are very marked. At Tilt Cove there is a band of magnetic iron ore, 30 feet thick, of the same quality as the Swedish ore. Mr. Bishop's mine at Bay St. George is an enormous deposit of magnetic iron, one of the largest in North America. There is an immense deposit of pyrites at Bay Verte. It was worked as a copper mine, but it showed such a small percentage of copper that it was not considered worth working. Now, as a pyrites mine, it would be very valuable. Mr. Murray speaks of it as an enormous body of ore in one of his reports.

2241. How far inland?—Within half a mile of the shore, and the place of shipment would be Bay Verte, near Ming's Bight. Gold has been found recently in White Bay; a mixture of copper, iron and galena, I think, at Sop's Arm. Mr. Rendall is, I believe, the owner of the property. Gold also occurs at the Ming's Bight copper mine on the treaty coast.

2242. How many years is it since there has been any great searching for these minerals?—Up to 1860 nothing was done; I see by the returns that up to that time 627 tons of copper were shipped.

2243. I mean prospecting?—Prospecting began about that time; scarcely anything done before; it may be said to have begun about thirty-five years ago. Mining began about the same time. Tilt Cove mine was opened then, and gave an impetus to the search for minerals. We have only begun to ship iron during the last three years. There is no return of any coal shipped so far.

2244. Speaking generally, what are the prospects for the mining industry?—Last year I wrote a paper for the "Mining Journal" outlining what I thought would be a valuable industry. I proposed a branch line of railway from the coal regions to Notre Dame Bay. There are hundreds of little places in Notre Dame Bay, none of them sufficient in themselves to warrant the erection of costly machinery, but which if worked together would pay well.

2245. If smelting works were put up in the locality they would be well worth working?—Yes.

2246. Are there other places on the treaty shore where to your knowledge the establishment of smelting works would develop small mines in the same way?—Yes, at Bay of Islands.

2247. (Sir James Erskine.) During your numerous journeys around the coast and in the interior of the island during the past thirty years have you ever observed Frenchmen fishing for salmon in the rivers or inland waters?—No, I have not myself, but I am aware that Mr. Murray found a net of theirs at Belvey Bay, in Hare Bay; I think it was about 1865, and he cut the net away. It was the French men-of-war who had it there.

2248. Did you ever see anything in Caslor's River or the Lake above it?—I have never been there during the fishing season.

Commodore the Honourable M. A. BOURKE, R.N.; Recalled.

2249. (Chairman.) Will you give us the numbers of the crews of the English and French war ships on the station this year?—Yes, they are as follows:—

BRITISH.		FRENCH.	
Ship.	Complement.	Ship.	Complement.
Condella	205	La Clocheterie	204
Felica	145	Amiral Rigault de Genouilly.	108
Partridge	78	Manche	115
Columbine	25	Caravane	100
	511		618

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2250. Can you give us the number of Frenchmen who have been on the coast for fishing and catching lobsters?—

659 altogether, being—Metropolitan, from France, 418; Petits Pêcheurs, 157; lobster factory men from St. Pierre, 104; total, 659.

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Hon. M. A. Bourke, R.N.

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land coal is not situated near the sea coast; it is all inland, and dips towards the mountains, but comes up again before it reaches the mountains. Our coal is almost similar in the mode of occurrence to the Belgian coal deposits; it dips at a high angle, and lies in narrow troughs.

2213. Does that make it more easy to work?—Some say it does, others not. Miners who have been working in flat seams find it awkward to work in vertical or highly inclined seams.

2214. But the point is whether there is the prospect of a great industry in this coal?—I have every hope that there is.

2215. Leaving the coal what next is there?—All the other economic substances usually accompanying the coal stone, clay, ironstone, freestone, whetstones, grindstones, measures elsewhere are found here, such as gypsum, limeochres, brine springs, etc.

2216. What oil strata have been found?—The oil, so far as we know, is entirely found on the western coast. None as yet found anywhere else. Some of the rock formations show indications of oil from Port au Port Bay almost to the extreme northern point of the western coast; at all events as far as Keppel and Hawk's Bay, where indications have been found this summer.

2217. That is up near Port Saunders?—Yes. This is a distance of over 150 miles of country at least. Oil is not found all along. The most prolific spots are at Port au Port Bay, Middle Point, where they have been boring this season, I believe with very good results. I mentioned the fact that oil was there as long ago as 1874. Then at St. Paul's, near Cow Head, and Parson's Pond, Shallow Bay, there has been a good showing of oil. These are the only three places as yet which have produced oil of very superior quality, and at the present moment an English company is negotiating with the holders of the Parson's Pond property. There is, however, some difficulty about shipping facilities. They are talking of laying forty miles of pipe to Bonne Bay.

2218. Then I may take it that oil of good quality is found along the western coast at various spots over a line of 150 miles?—Yes, and the quality is excellent. The same formation which holds the oil occurs again on the eastern side of the Northern Peninsula, between Pistol Bay and Canada Bay, but as to the extent I cannot speak. I have made no examination there. These places are also on the treaty shore. So far as I know there is no oil or prospect of oil anywhere in Newfoundland except in the neighbourhood of the treaty shore.

2219. The West Coast outlets for this oil are Port au Port and Bonne Bay?—They cannot be shipped very well from Parson's Pond; they might be shipped from Port Saunders. If there is oil in any quantity between Parson's Pond and Port Saunders, and the supposition is that there is, the latter would be a very good shipping place. There is a densely timbered stretch of country lying between Bay St. George and Bay of Islands, which I have examined lately, as yet untouched by the axe and unburnt. I think there is a prospect of a large pulp industry there. The timber is small and suitable for the purpose.

2220. Where would that be shipped from?—It is near the line of railway, and the port of shipment would be most likely Bay of Islands. That same district is also very rich in minerals such as asbestos, chromite, copper, and iron pyrites. Of the first, Captain Cleary and Mr. Bond own some very promising claims.

2221. Has there been any attempt to work the asbestos?—Yes, several attempts. The John's Manufacturing Company, of New York, attempted one property in the interior eight or ten years ago. They spent two seasons there, and did a lot of work. I saw a quantity of asbestos at this place recently. They abandoned it, I think, chiefly owing to the difficulty of getting the stuff out. It was not known then where the railway would run. The manager told me it would not pay to work because of the difficulty of getting material back and forth. Now the railway runs quite close to the property—about three and a-half miles off.

2222. Where would it be put on board ship?—At Bay of Islands or Bay St. George; probably the former. There are several asbestos properties on the coast of Port au Port Bay. At a place called Lewis Hills on the east side of Port au Port Bay indications of asbestos are found almost all over that range. A few days ago I was informed that an American Company have purchased a large deposit of gypsum at Bay St. George, Romaine's Brook, for the purpose of manufacturing asbestic plaster, which is made of asbestos and gypsum combined. Both these

materials are there now enough together to be used in combination. In the same place, in Port au Port Bay, are several deposits of galena, one of which gave promise of developing into a good mine. It was owned by C. F. Bennett, but the work was stopped. I think it was in 1874. I was there about that time. It was stopped by order of the non-of-war on the station.

2223. English or French?—Both. The French made the complaint, but it was decided that they could not prevent the working of the mine, though they could prevent the building of a wharf at Lead Cove, Port au Port Bay, which would be the place of shipment. It was at least twenty miles from the nearest French point. I think the nearest was Long Point, which is twenty miles away, on the opposite side of the Bay. There is pyrites also in that Bay, and this past summer a rich deposit of copper has been worked to a certain extent by Mr. Reid. On the east side of the bay the copper runs to 80 per cent. of metal; whether it is a large deposit or not I cannot say, as I have not visited the place.

2224. Where, exactly, is this?—I think the rich copper ore is at a place called Rope Cove, between the Lewis Hills and Coal River, in Port au Port Bay. Again, at Lewis Hills there is a large deposit of chromic iron which has been worked now for the last couple of years. Commodore Bourke intimated to me the other day that it was giving out, but chromic iron always occurs in irregular pockets. When I was there four years ago there was a very large amount of ore visible, but I have not been there since. They have shipped quite a lot of ore from that place. I have here a table of statistics, showing the value of the exports from the colony:—

	Dollars.
1854 to 1864 (10 years' total)	63,428
1870	202,482
1880	441,680
1890	340,482
1897	853,136

We began to ship iron ore in 1895; the first cargo was one of 750 tons; last year (1897) the shipments amounted to 58,000 tons. This year, I am informed, it will run up to 100,000 tons. One of the owners told me the other day that for next year they had orders from a firm in Rotterdam for over 300,000 tons. All this refers to the Bell Island mine.

2225. Where is Bell Island?—In Conception Bay; this is not on the treaty shore.

2226. Is there any iron on the eastern part of the treaty coast?—Yes, a large deposit of hematite has been discovered this summer in White Bay. I think it is at Sop's Arm. I saw samples, and they were excellent. I don't know of any other iron deposit on that part of the East Coast. In fact, the East Coast has not been much explored.

2227. And on the West Coast?—We have a large deposit of brown hematite pyrites at Middle Arm, Bay of Islands. One of Mr. Reid's engineers working at the place told me that the band of ore was 45 feet thick.

2228. What is the point of shipment?—Right on the spot, at Middle Arm; nothing could be better.

2229. How far inland is the place?—About two miles from the shore. At York Harbour again there is pyrites, i.e., iron and sulphur, valuable for its sulphur. This is a deposit which promises to develop into a very good mine. They have only just begun to open it up; I saw it the other day. There is also a copper mine there, which they are prospecting, and which also promises well. There is a great deal of mineral of one sort and another scattered round about the Blow-me-down Range. There is some very good slate in Bay of Islands, and native copper has been found in Bay of Islands on the north side.

2230. The shipping point for all these ores would be some cove within Bay of Islands?—All within Bay of Islands. There is another very fine deposit of iron ore at Portland Creek, between Cow Head and Port Saunders, that is north of Bonne Bay. I don't know the extent, but the quality is excellent.

2231. What would be the outlet?—I should think some part of Hawk's Bay.

2232. Is there iron elsewhere along that coast?—There is pyrites further north at Bride Bay, but I cannot say whether it is of any value or not.

2233. Can you say whether the iron at Portland Creek or this pyrites has been worked at all?—Not yet; they have only just been discovered.

2234. Now about copper?—There are indications all about the coast and on the north-east side, in Hare Bay,

Cocoa Cove, and St. Julien's. But this part has not been thoroughly examined, and beyond indications I cannot say anything.

2234. Are there any other minerals that you have not mentioned?—There is galena in several places, and mica has been found recently somewhere near Bay of Islands, at all events on that part of the island within the treaty limits.

2235. What is mica used for?—Largely in stoves instead of glass. It is a refractory mineral, and some of the finer kinds are used for ornamental purposes, also for cartridges. Good mica is very valuable, but I do not know what the quality of this is, beyond that it is of a very large size. There is a lot of marble at Bay of Islands, and at Canada Bay. It runs right through the country from Bay of Islands to Canada Bay. There is nothing similar at all on our part of the island. All the indications of marble are within the treaty coast limits. There is also a good deal of limestone; all the coast from Cow Head to the extreme north is almost all limestone. There is also a good deal of timber and good land. The land of the Humber is some of the very finest land in the island.

2236. Land for agriculture?—Yes; very fine indeed, and one of the best timbered regions in the island is in the Humber Valley. It extends nearly across to White Bay, and there is another large patch of timber all around Grand Lake; altogether there is an immense timber area.

2237. Is that timber large enough for lumbering purposes?—A great deal of it is, but I think the intention is to utilise the greater part of it for pulp. I don't know whether that industry would be affected by the treaty coast. They could bring it out to the eastern coast by railway, but it would be a long distance to carry it.

2238. Is there anything else you would wish to add?—There is a great variety of building materials such as serpentine, especially at Pistolet Bay and Hare Bay, on the east coast. There is also limestone and sandstone, and a good deal of fine land on the West Coast, and wild hay grows near Parson's Pond, and at other places on the West Coast.

2239. Have you come across any china clay?—I don't know of any on the treaty coast, but it is found in Bonavista Bay. There may be other minerals which have not yet been observed. Judging from the geological formation, I think this is probable. In fact, I might say that almost all the useful minerals might be expected here. The island contains the geological formations, which hold nearly all the useful minerals of the world, and there in a greatly disturbed condition which is most promising for mineralisation. The mineral statistics up to last year which I have referred to will show what has been done in that time. But as yet mining with us is only in its infancy. In proof I may point to the fact that up to 1895 not a pound of iron ore was shipped, while last year the export reached 58,000 tons from Bell Island alone.

2240. Is that the mine which you say has an order from Holland for 300,000 tons for next year?—Yes. Another large deposit of iron, and a richer deposit, is now being opened up on the north side of Conception Bay. They

have built wharves and tramways, and next year are expecting to ship a large quantity of ore of superior quality. They have fourteen square miles, upon which they have had the opinion of experts. The shipments of iron ore within the next half dozen years promise to reach at least a million tons, and the prospects of this developing into a great iron producing country are very marked. At Tilt Cove there is a band of magnetic iron ore, 30 feet thick, of the same quality as the Swedish ore. Mr. Bishop's mine at Bay St. George is an enormous deposit of magnetic iron, one of the largest in North America. There is an immense deposit of pyrites at Bay Verte. It was worked as a copper mine, but it showed such a small percentage of copper that it was not considered worth working. Now, as a pyrites mine, it would be very valuable. Mr. Murray speaks of it as an enormous body of ore in one of his reports.

2241. How far inland?—Within half a mile of the shore, and the place of shipment would be Bay Verte, near Ming's Bight. Gold has been found recently in White Bay; a mixture of copper, iron and galena, I think, at Sop's Arm. Mr. Rendall is, I believe, the owner of the property. Gold also occurs at the Ming's Bight copper mine on the treaty coast.

2242. How many years is it since there has been any great searching for these minerals?—Up to 1860 nothing was done; I see by the returns that up to that time 627½ tons of copper were shipped.

2243. I mean prospecting?—Prospecting began about that time; scarcely anything done before; it may be said to have begun about thirty-five years ago. Mining began about the same time. Tilt Cove mine was opened then, and gave an impetus to the search for minerals. We have only begun to ship iron during the last three years. There is no return of any coal shipped so far.

2244. Speaking generally, what are the prospects for the mining industry?—Last year I wrote a paper for the "Mining Journal" outlining what I thought would be a valuable industry. I proposed a branch line of railway from the coal regions to Notre Dame Bay. There are hundreds of little places in Notre Dame Bay, none of them sufficient in themselves to warrant the erection of costly machinery, but which if worked together would pay well.

2245. If smelting works were put up in the locality they would be well worth working?—Yes.

2246. Are there other places on the treaty shore where to your knowledge the establishment of smelting works would develop small mines in the same way?—Yes, at Bay of Islands.

2247. (Sir James Esikine.) During your numerous journeys around the coast and in the interior of the island during the past thirty years have you ever observed Frenchmen fishing for salmon in the rivers or inland waters?—No, I have not myself, but I am aware that Mr. Murray found a net of theirs at Belver Bay, in Hare Bay; I think it was about 1865, and he cut the net away. It was the French men-of-war who had it there.

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ally given to encourage the Petits Pêcheurs to, as they describe it, "reoccupy the French shore." In 1896 there were 159 Petits Pêcheurs on the coast; in 1897 there were 109. The interest taken by the late French Commodore, Captain Reculoux, after returning to France, as well as by his public speeches at Fécamp on the subject of not permitting the ancient heritage enjoyed by France on the coast of Newfoundland, to lapse, was the main cause for an increase of 4,000 francs, which encouragement brought the numbers of Petits Pêcheurs in 1898 up to 137. To this also I attribute the appearance of two extra ships on the coast this year, which fished "en défiant," a system which hitherto had not been thus employed, and which I don't expect they will employ again owing to the failure of the coast fishery of these two ships. Of these two, the barque "Jean Agathe," which left Fécamp fitted out by the Fécamp Syndicate with thirty men, secured 144 quintals of dry fish. The brigantine "Sainte Anne," fitted out by a syndicate of Granville, on the coast of France, with twenty-one men, secured twenty-one quintals of dry fish. The "Jean Agathe" left for the Bank Fishery on July 24th; and the "Sainte Anne" left for the Bank Fishery early in June.

2254. Does the Petite Pêche by the men on shore pay?—No. I believe it does not pay the fishermen to come to the treaty shore, and for this reason: The bounties that are paid are not received by the fishermen themselves, but by the Armateurs, who exploit the fishermen. The truck system at St. Pierre is even more unfavourable to the fishermen than it is in Newfoundland. Notwithstanding the bounties, the fishermen are not easily persuaded to come to Newfoundland, as under any circumstances they would fish in the small boat fishery at St. Pierre, where they would have the comforts of their own home life instead of the discomforts of the coast on the treaty shore, and it does not pay them sufficiently in excess of what they would have made at St. Pierre to make it worth their while to be expatriated.

2255. What sort of places do the men live in on the shore?—They are entirely at the mercy of anybody who will give them a roof over their heads. At Long Point and Red Island the arrangements are different; but in small places like Little Port and Woody Bay they live in hovels. At Long Point there is a room which this year had seventy-eight men. A "Room" means an establishment including stages, huts and everything.

2256. What sort of huts are they?—Log huts at Long Point. More solid to look at, perhaps, than an ordinary house run up with boards, but there would be no difficulty in removing them, and they have been like that since 1893, which was when they were first put up.

2257. Can you give us the figures of the French bounties?—They will be found in the paper which I here put in. (See Annexure No. 22.)

2258. Have you, in going round the coast, looked for places which would be suitable for the erection of wharves or piers?—Yes, I have always noted a place where a pier could be built if necessary, and my views on this subject are comprised in two letters which I have written to His Excellency, the Governor, and which are, I believe, before the Royal Commission. (See Annexures Nos. 23 and 24.)

2259. Are all the French lobster factories manned by people from St. Pierre?—The catching of lobsters is entirely carried out by French subjects, but in the factories they hire natives of Newfoundland. The number of natives so hired in 1898 was eleven males and seventeen females; in 1897 the number was five males and eight females; in 1896 it was twenty-eight males and six females. These people assist in putting up the cases and in the general work of the factory.

2260. Do you know of any reason for this variation in numbers?—It varies a good deal according to the number of men the French bring with them to the coast. They bring, of course, as few as they can to do the work which they expect; and if lobsters become more plentiful than they expected they get native labour in to help them. I made a special report on the number so employed in 1896. The details are in the fishery report for each year.

2261. Do all the French factories do well—is it a profitable business for them all?—I should say not. I don't mean that they don't make money, but they don't make as much as they expect. This year they have had 3,000 more traps out, and have only filled the same number of cases of lobsters as they had last year. But that failure is not necessarily confined to the French. The English factories have had 6,000 more traps, and have packed 3,000 less cases of lobsters.

2262. To what do you attribute that falling off?—To

the steady departure of the lobster in certain places. The comparisons are given in the columns of the fishery reports for 1896-97-98.

2263. The lobsters are fewer and also smaller?—Certainly smaller, and in some cases I know that they have packed lobsters of such a size that they are not even old enough to carry eggs: immature and out of season as well. There are no rules on the coast to govern this, nor are there any regulations for any fishery on the treaty coast.

2264. Can you tell me the effect of the absence of regulations upon the cod?—As far as the English are concerned the fishery is carried on to the maximum disadvantage of everybody.

2265. Do you know whether the lobsters away from the treaty shore are becoming fewer and smaller?—The regulations are that no man is to pack lobsters on any part of the coast in Newfoundland on or off the treaty shore without a licence, for which he pays nothing. Off the treaty shore all he has to do is to guarantee to give true returns of what his industry produces. There are as many cases of illicit packing off the treaty shore as on the treaty shore. The men off the treaty shore are prosecuted and stopped as often as they are on the treaty shore. The regulations say that the minimum size of the lobster to be canned is nine inches. It will take four and a-half to five nine-inch lobsters to fill a 1lb. tin. In many cases I have heard of lobsters off the treaty shore being canned to the number of twelve and thirteen to the 1lb. tin. On the treaty shore the largest number that I have reported in 1898 is eight to the can. The Bay of Islands is the place where the reduction in the size of the lobster has been most marked in 1898.

2266. Have you noticed whether lobsters decrease in size on the coast as well as in the bays of the treaty shore?—There is practically no difference. I may mention as an interesting fact that lobsters do not spread laterally; their tendency is to stick to the ground on which they were hatched, going into deep water in the cold weather and returning in-shore in the warm weather, but always opposite the length of coast where they were hatched. This I gather from interesting reports by Professor McPhail and Professor Prince, the latter of whom is the Canadian Commissioner of Fisheries.

2267. Have the number of illicit packers increased during your commission, so far as you could see?—Largely, up to 1897; but they were less in 1898.

2268. What is the reason for that?—Illicit packing, in my opinion, was started by men on the treaty shore when the price of a case of lobsters began to rise rapidly. In 1885 the price was about 6 dols. to 7 dols. a case. In 1896, when I came on the coast, it was 8 dols. 50 cents, and in 1898, at the present time, it is 10 dols., and some merchants have even paid 10 dols. 50 cents. The privilege of packing lobsters is one which brings in a great deal of profit. The cost of packing a case of lobsters in a properly organised factory is 5 dols. at the maximum, which, with freight to Halifax or St. John (30 cents), leaves over 4 dols. profit on every case of lobsters packed, and as in 1898 there were 13,618 cases packed in the authorised English factories on the treaty shore, it is easy to calculate the profit which accrues to persons holding the privilege of packing. The fishermen when I came on the coast were paid at the rate of 60 cents to 70 cents a hundred, the men providing their own gear. In some cases it was more, but as a rule the prices were practically starvation prices. I consider that the establishment of these illicit factories is entirely due to the fact that the fishermen could not, by fishing legally, live, and, therefore, they had to adopt some method by which they could get enough to keep them through the winter and the following spring. Whenever I have spoken to men packing illicitly, their excuse has always been: "We cannot get a fair price for our lobsters, and we cannot starve. It is very hard that A is allowed to pack lobsters and I am not." And, therefore, they adopted the method of putting up three or four cases for themselves. In 1897 I pointed out to all the factory owners in a letter which appears in the 1897 report that the minimum price for lobsters should be 1 dol. per hundred. Ever since then I have never passed a lobster factory without impressing upon the owner the necessity of paying a proper price for lobsters. I have pointed out his enormous profits, and also pointed out that I had informed the fishermen of these enormous profits, and had advised them to combine and refuse to fish for the factory owners unless they paid them a proper price. Hitherto, besides this, the legal factory owner has claimed that he alone had the right to fish off the length of shore allotted to his factory. This, however,

is now settled by a letter from the Colonial Office, though previously I never admitted to factory owners that they had any exclusive rights, and have always directed the fishermen that as long as they were not fishing in waters allotted for lobsters to the French factories, they might fish where they liked.

2269. Are the French allowed the monopoly of the waters off their factories?—As I read the *modus vivendi*, yes, as far as lobsters are concerned. I might add that my reading of the *modus vivendi* is this: That the length of shore allotted to a French lobster factory guarantees that British subjects will not interfere in that length of shore as far as the lobster fishery is concerned. An equal length of shore having been allotted to a British subject, the French undertake not to fish opposite that length of shore for lobsters, and this is how the *modus vivendi* practically works itself out. But either other English or other French fishermen are at liberty to catch lobsters within the factory limits of their compatriots. To continue my answer to your former question, owing to the fact that in 1898 fishermen have fished where they liked, and to the increased price for lobsters paid by the legal factory owners, it has not been so worth while for illicit packers to start a factory in which they run a very great risk of losing all the canning plant with which they have fitted themselves out—cans, boilers, etc., etc. The price has risen from 60 cents to 70 cents in 1896 to a minimum of 1 dol. 50 cents, and a maximum of 2 dol. 25 cents, and I have no doubt that next year the price of live lobsters will rise still higher if some pressure is put upon the factory owners. At 2 dol. 25 cents a hundred it pays the fishermen a great deal better to fish lobsters and sell them to the factory owners than it does to can them illegally. To secure this price I have in recent exchanges of ground which have taken place in 1898 refused to exchange a British subject's ground unless he guaranteed to give 2 dol. 25 cents to his fishermen, and they have all been too glad to do it.

2270. Are the English fishermen allowed to sell to anyone except the owner of the factory within whose limits they have caught the lobsters?—I have always told them that the lobster in the sea belongs to him who can take it out, and he can sell to the highest bidder. The great difficulty is the "smacking" of the lobsters—which have to be delivered alive—to distant factories. Quite in-

dependently of the *modus vivendi*, the illicit packers are a curse to the Newfoundland lobster trade, because these men cannot afford to buy anything but small and inferior article.

Hon. M. A.  
Bourke, R.N.  
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2271. You have had to interfere with some of these illicit packers—do you ever touch their traps?—Never. No man's traps or fishing gear have ever been interfered with since I have been on the coast. With the exception of one man this season at Black Duck Brook, who insisted on fishing in direct competition within a French limit.

2272. Can you tell us whether there are many disputes between British subjects in consequence of the *modus vivendi*?—The British subjects—*inter se*—never cease to fight on the subject of the lobsters. All my information concerning illicit factories is provided for me by British subjects, representing the legal factories, who ask for protection against the local men who are canning in competition with them. I have endeavoured to refer these complaints always to the local magistrates, but up to now I have never succeeded in getting the magistrates to take the slightest notice of anything I have suggested. The Attorney-General of Newfoundland issued in 1897 an order that they were to do it, but the magistrates refused to do it, as they could find no law to act under.

2273. Have you made any calculation of the cost to the Frenchman of his room?—Yes, I hand in a paper to show this. (See Annexure No. 14.)

2274. Can you say what pecuniary benefit arises to the colony from the presence of the British subjects?—In 1898 the sum of £13,000 sterling was left in the colony in purchases and cash. We left Halifax with a certain amount of cash, and we got back without it. I hand in a statement to show where the money has gone. (See Annexure No. 25.)

2275. Is there anything else you would wish to tell us?—I would put in a statement of the expenses of a lobster factory on the West Treaty Shore, where it will also be seen how, when payment is made in "truck," a supplier acknowledges to a profit of 25 per cent. on the "truck," in addition to the profit on his lobster industry. (See Annexure No. 26.)

JOHN HARVEY; Recalled.

2276. (Chairman.) Can you give me a few particulars about the Romaine's Brook gypsum property which you mentioned the other day? Had you anything to show that your correspondents would not go into the matter because of the treaty shore difficulties?—De Wolff, the London firm with whom I was working, are prepared to go into it on joint account with ourselves, getting a certain amount of outside capital—which they could get—provided we could assure them of the safety of the business. The Keystone Plaster Company are a large firm, the largest but one in the United States doing business in gypsum, and to them I sent some very substantial samples from Romaine's Brook. They wrote to the De Wolffs, who were in correspondence with them, and said they were prepared to take 25,000 tons a year themselves. De Wolff has written me most distinctly that he was convinced there would be no difficulty in marketing 100,000 tons per annum.

2277. Are the negotiations broken off?—Not entirely broken off. I am still in correspondence with them.

2278. Now, tell us about yourself in the matter?—De Wolffs had wanted us, if they go into this matter, to go into it with them. They could raise a considerable amount of money outside, and they wanted us interested with them financially. The expenditure, as estimated by an expert I had down, on the cheapest method of working this property, would be about £5,000 in the fitting up of wharves, breastworks, and other works. If it goes on, we shall be interested in it, and will put some money into it, but we hesitate very much about doing anything there at all in view of the fact that Reid's Wharf, just outside there, was stopped when in process of rebuilding, and the Chrome Company were also prevented from building a wharf. We are hesitating at the present moment about putting any money in it ourselves, or in recommending De Wolff and his friends to do so, and I think we could get them to go in. Practically the place is locked up.

2279. Where is Romaine's Brook?—Just a mile or two west of Port au Port, on the north side of Bay St.

George. Last year, when I was in England, I sold the York Harbour mine through my broker, Mr. Baird. He was the one with whom I dealt directly, and he had associated with him a gentleman named Broomhead; they are both prominent men. I sold the place subject to a report by Mr. Howley. I got the Government to send Mr. Howley to the place, and he gave what we consider a very strong report on the prospects. Mr. Baird's letters, and my other letters on the subject, after I got out here, were filled with the trouble that was being met with in floating this concern, on account of the treaty shore. (See Annexures 27 and 28.) I asked Sir James Winter to see these brokers when he went home, and I believe that they wrote him of their difficulties in connection with the treaty shore; I think he has some letters from them bearing on the question. I have not got my letters with me now, and may have some difficulty in finding them. This refers to the copper at Bay of Islands.

John Harvey.

2280. We have heard that the residents of the treaty shore like to have the French there?—To begin with, the fishermen there are very uneducated, and are not competent to form an opinion even on matters affecting their own welfare, and I believe that the people are not averse to seeing the French traders and fishermen on the treaty shore. I might instance York Harbour. We in no way object to the French personally; for the simple reason that there are none to object to, and if there were a resident population of Frenchmen there, I should not object in the slightest degree, and the fact that they are not there only emphasises the anomalous condition that exists.

2281. How near is the nearest French room?—I don't know. There is a small English settlement at a place called Frenchman's Cove, but, practically, they don't fish at all in York Harbour, and in the interests of these Frenchmen—who are not there—and of the fishery, which does not exist, and of the treaty rights, which—we claim—do not exist, we are not allowed the ordinary rights of ownership there. We cannot, except by taking

John Harvey.  
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1898.

risks, build a road or put up a building, or a wharf, or ship. I only wish to show that, though the residents may not object to the presence of Frenchmen on the shore, that really is beside the question. I should also like to point out that the population of the treaty shore is small, and one decent mine started there would practically support in comfort every family on the shore. There are only 7,000 men from Cape John to Cape Ray, against 93,000 for the rest of the shore. There is no reason why the treaty shore should not maintain as many people as the other parts of the coast, except that it has not quite so many harbours. I here beg to hand in a short statement (see Annexure No. 29), signed by the gentlemen who were here the other day as a deputation from the merchants, which I would ask you to consider. I wished to speak to you of the connection between the low prices of the Labrador fish and the large catch of the French. We find here that the price of Labrador fish is really directly dependent on the quantity of French fish for sale in Europe. In 1886, the year of one of the largest French catches on record at St. Pierre, my own firm, for whom I was book-keeper at the time, sent over several cargoes of Labrador fish. One of these cargoes we bought at 1 dol. a quintal, and we lost about £500 sterling on it. Another large cargo went to Spain, I think, and we lost nearly the entire value of that. These are the two first cargoes I recollect, and the reason of their failure to bring a fair price was, according to our correspondent, the competition of the French. This particular cargo did not realise enough to pay the freight.

2282. Was there any complaint of the quality?—Not that I can remember; certainly not to account for any serious loss.

2283. Since you were here the other day we have seen some letters published in the local newspapers, in March of this year, stating, in reply to a circular from Messrs. Devine and O'Mara, publishers of the "Trade Review," that the bad prices are due to the bad handling and careless packing of the Labrador fish; what can you say about that?—I may say that, like every article produced on a large scale, and dependent on the weather, some of it will, no doubt, be bad and justify adverse criticism when it gets across, but this is not the case with regard to the bulk of the Labrador catch. In Italian markets, Labrador fish at the same price, will always be preferred to the French.

2284. Do you know whether the Italian consumption is mostly along the coasts?—I don't know. Most of it,

at least, as far as we are concerned, is realised on the coasts. I think it is mostly used by farm labourers.

2285. Those letters I have referred to went into considerable detail of the kind of cure employed on the Labrador?—I don't remember now about those letters. In the pamphlet drawn up by the Newfoundland Delegates to England, some years ago, entitled "The Case for the Colony," there are a great number of reports from European ports about the decline in the consumption of Newfoundland fish in the face of the French competition, and stating that in almost all cases it was due to price. With regard to the sales of tobacco in Newfoundland, about which I was speaking the other day (see Annexure No. 30), I estimate the total sales on the west coasts, from Placentia to White Bay, of our tobacco as not over 30,000lb. per annum, and on the rest of the coast 320,000lb. Taking the figures of the population the first should be 203,000lb.

2286. Have you any knowledge of shipments of tobacco to the west coast from St. Pierre?—No precise knowledge; but at times smugglers have been caught around there, and it is a fact of common notoriety that most of the tobacco consumed there is smuggled. I have interviewed a great number of people who ordinarily would buy tobacco, and I have interviewed the people on our coastal steamer, the "Grand Lake," who are in touch with the people on that coast, and I gather from these sources that three-quarters of the tobacco consumed from Placentia Bay West is smuggled.

2287. In connection with these figures that you have just quoted, what do you consider the west shore?—From Placentia, westward, to White Bay, inclusive.

2288. You have not attempted any distinction between that strip of coast between Placentia and Cape Ray, and the rest of it?—No.

2289. What proportion would the population of from Placentia Bay to Cape Ray bear to that of the treaty coast itself?—It might be double; certainly, half as many again.

2290. Then we might fairly take one-third of your figures as applying to the treaty shore?—Yes, though I cannot speak positively. I should think there is a great deal more smuggled between Placentia Bay and Cape Ray than on the treaty shore itself, principally because the population and the consumption per head are larger.

(The witness then withdrew.)

Wednesday, 19th October, 1898.

PRESENT:

Sir JOHN BRAMSTON, K.C.M.G., C.B., *Chairman.*

Admiral Sir JAMES ERSKINE, K.C.B.  
The Earl of WESTMEATH, *Secretary.*

Hon. A. MORINE, *Agent for the Colony.*

St. John's, 19th October, 1898.

Hon. EDGAR R. BOWRING; Examined.

Hon. Edgar  
R. Bowring.  
18 October  
1898.

2291. (Chairman.) Your name, please, and occupation?—Edgar R. Bowring, merchant, of the firm of Bowring Brothers.

2292. Can you give us a few figures to show the results of shipments to foreign markets of Labrador fish?—Yes. I have taken up the results of the shipments of fish for 1895, 1896, and 1897, and I find that for 1895 the average price which we received was 1 dol. 96 cents a quintal, which in English money is about 8s. 2d. The average result for 1896 was 2 dols. 7 cents, which in English money is about 8s. 7d.; and the average result for 1897 was 2 dols. 67 cents, in English money about 11s. 1d. This is a little better, but still not up to the price at which we can possibly work the business. We must get 2 dols. 80 cents (about 11s. 8d., English) in this country to make it pay; to which has to be added freight and expenses, amounting to about 3s. a quintal; in all, about 14s. 8d.

2293. And may we take it that these figures are a fair statement of all shipments?—Yes, we should require to get that price for the whole Labrador voyage to make it a paying one, and it must be the same with other firms.

2294. Was there a time when you did get better prices?—Many years ago much better prices were secured for the Labrador catch.

2295. To what do you attribute the fall in price?—To the competition from the French fish.

2296. Does that include the Iceland fish?—Yes, if caught by the French.

2297. And what about Norwegian?—The Norwegian comes into competition with our shore fish, not with the Labrador, to which we are more particularly referring just now.

2298. In what markets does the Norwegian meet the shore fish?—In the Portuguese and Spanish markets.

2299. In those markets how does the French fish compare with yours?—The French fish finds its way to the Spanish markets in very large quantities, and sells at low prices; much lower than we can afford to take.

2300. I think in the Portuguese markets you hold your own?—Yes, we hold our own in the Portuguese markets.

2301. Can you explain why you do better in Portugal than in Spain?—Chiefly because they look for large, and medium fish—which is the next size. In Oporto and the Portuguese markets generally they want a very superior class of fish, and it is there they take the greater part of our merchantable large and medium fish, for which they are willing to pay a very fair price.

2302. Can you say whether in the Mediterranean markets the French or your fish would be preferred at equal prices?—Our Labrador fish is preferred to the French at equal prices.

2303. What reason have you for saying that?—I have been in Italy myself, and have seen the fish in the stores in Naples and Genoa, which are the two principal markets for the Labrador fish. I have seen the French fish lying there alongside our own in the stores, and the information which I gathered on the spot, was to the effect that the Labrador fish was preferred at equal prices.

2304. On what grounds?—That the Labrador had a better flavour than the French. It was explained to me there that the French fish, being so heavily salted, the flavour of the fish was, in consequence, greatly lost; the French process being to bury the fish in salt in their vessels, and to leave it in salt for a lengthened period.

2305. Now about the prices that the French are able to take?—I found that the French were always willing to cut the price a shilling or eightpence below that asked for Labrador, and no matter how low the price of Labrador fish might be ruling, the French were prepared to go lower still. This they could do, because of the enormous bounty.

2306. Do you know what, exactly, the bounties are that the French bankers receive?—I know nothing further than we told you the other day; I cannot give you definite information.

2307. Is there anything else you would like us to take down?—I don't think there is anything else that I have to say, unless I read you this letter, which bears entirely upon the points of French prices and competition. It is a letter from Mr. Jago, of Leghorn, the largest fish buyer and general merchant in Italy, and is as follows:—

“OPINION OF JOHN G. JAGO, Esq.

“Leghorn, March 7th, 1898.

“Messrs. DEVINE AND O'MARA,

“Dear Sirs,—I have been much interested in reading Sir Robert Thorburn's and Mr. W. B. Grieve's letters which appeared in the “Trade Review” of the 29th January, as to the causes of the decline of prices of Newfoundland codfish in the Mediterranean markets. Nothing could be more to the point than all the remarks and suggestions contained in the above mentioned letters; and, as you have been pleased to ask my opinion on the subject, it strikes me forcibly that, as long as the bounty-fed competition of the French is brought to bear on your staple, the Mediterranean markets for Newfoundland codfish are at the mercy of the so-called lavé, of which no less than 81,772 quintals have been landed here since the commencement of the season, against 30,298 quintals of Labrador, and 15,155 quintals of shore fish.

“The average price of lavé is 14s. for c.i.f., and Labrador is about the same, though early arrivals fetched

more. For every quintal of lavé landed in Leghorn, the bounty is 16 francs for 100 kil.; at Naples 14s., and Genoa 12s. These differential bounties were not altered when Italy became united in one kingdom. The higher bounties were allowed to remain from the time when lavé was less inquired after, and in order to stimulate consumption.

“Twenty years ago this cure was hardly known in many parts of Tuscany—to-day it is asked for from all quarters. The quality has improved steadily every year, and, as far as appearances go, nothing can show to better advantage. As to taste, however, it cannot be compared even to an indifferent Labrador. Buyers, however, are attracted by appearances, and, as the saying goes, ‘went with their eyes.’ Lavé is shipped in bundles, weighing 50 kil., and in wrappers, well culled, and of the sizes required; a dealer has only to write and ask for 30 or 50 bundles containing the required number of fish of a given weight, and they are sent to him from Bordeaux or Port-de-Bouc, via Marseilles, in a few days after the order is given.

“With bulk cargoes of Labrador or shore fish, the great and general complaint is, that they are not properly culled. In some cases 15 to 20 per cent. of inferior fish is to be met with, which, of course, buyers reject, and make the most of, causing innumerable disputes, which always more or less are felt by the shippers.

“The traps should be made away with. All French fish is caught by hook and line, once the practice in Newfoundland. The old firm of Punton and Mann exported the first cargo of Labrador to this port, consigned to Rowth and Garland, which was sold, it is stated, to remit 6s. for c.i.f. In those days only shore fish was known in this country. A few cargoes came from North America, and Genoa only took small dry cured fish from St. Pierre et Miquelon. Prices were infinitely lower than they are at present, and yet the Newfoundland trade flourished.

“But, to return to the bounty question, the French Government is not likely to do away with it as long as it considers the bank fishery as a school for mariners, and there are now too many interests at stake to hope even of its being reduced. The Imperial Government alone can mitigate—to use Sir Robert Thorburn's expression—the hardships of the country, which has been the sport of historic misfortune. I can now add but little more, but should recommend a better supervision of fish on the coast of Labrador, and supercargoes should pay greater attention to what they take on board. I omitted to say that all the lavé intended for Genoa is landed here, so as to get the 16 francs premium. It is then forwarded there, at a small expense, by steamer. Another strange anomaly is that some of the largest importers of lavé act as agents to Newfoundland firms.

“Your obedient servant,

“JOHN GEO. JAGO.

“P.S.—Besides the 81,772 quintals of lavé landed here, a large quantity of lavé goes to Naples, and other places in Italy. The bounty paid here amounts to £27,620 sterling. Besides this, the French Government give bounties to all vessels engaged in the fishery; to the crews employed, and to first arrivals with fish at Bordeaux, etc.—in fact, on everything connected with the fisheries.—J. G. J.”

2308. Can you dispute what Mr. Jago says about the packing of the Labrador fish?—Of course, we know that at certain times, when the weather is bad, it is impossible to make good fish. Good cure depends largely upon climatic conditions, the absence of fog and wet, etc., which cannot be controlled. In some seasons, of course, the fish will be better than in others.

(The witness then withdrew.)

Hon. Edgar  
R. Bourring.

19 October  
1898.

Thursday, 20th October, 1898.

PRESENT :

Sir JOHN BRAMSTON, K.C.M.G., C.B., *Chairman.*

Admiral Sir JAMES ERSKINE, K.C.B.  
The Earl of WESTMEATH, *Secretary.*

Hon. A. MORINE, *Agent for the Colony.*

St. John's, 20th October, 1898.

The Hon. AUGUSTUS W. HARVEY; Examined.

The Hon.  
Augustus W.  
Harvey.

20 October  
1898.

2309. (Chairman.) Will you please state your name and occupation?—Augustus W. Harvey, merchant of St. John's.

2310. How long have you been engaged in the fish business?—Forty years.

2311. Have you anything to say about the sale of bait to the French?—I would ask you to look at the Act 26 of George III., Sections 10, 11, 12, 13, showing that in 1786 the sale of bait was a penal offence and punishable by fine and imprisonment, and I contend that the treaty which was agreed to in 1783 did not include either the selling of bait to the French or the catching of bait by the French.

2312. Why do you say does not include the catching of bait?—Because by the Treaty of Versailles the whole sovereignty of the island of every sort, on sea and on land, being secured to Great Britain, only such things as were specifically allowed to the French, can be claimed by them, and the taking of bait is not one of those things. The words of the treaty are most particular, down to the smallest detail, and bait is not included. I should like to mention another subject, and that is, that no Frenchman has a right to take a meal on shore, nor to sleep there. It is especially said in the treaty that they are only allowed to erect scaffolds for the drying of fish and huts to keep the fish in. There is no article in the treaty by which they are allowed to eat their meals or to sleep on shore. It is most clearly stated what the purpose of the huts is, and residence is not part of it. These provisions have a very great bearing on the lobster question. They are only to have these buildings for the purpose of salting and drying fish, which clearly, and beyond any doubt, excludes the erection of factories where they boil and can lobsters and do other things necessary to the industry. The treaty specially prohibits that, inasmuch as it does not specially allow them to do it, and anything which is not specifically allowed is withheld. Therefore they are not allowed to catch lobsters nor bait. They must catch their fish with a jigger and with seines and nets. The fishery carried on before 1783 was with hook and line, which includes jiggers, and seines and nets, and by the strict letter of the law they may catch fish in any way in which fish were caught in 1783. But they are only allowed to catch and dry fish. It is impossible to cure herring or lobster or salmon by drying. The only things they can dry are cod and haddock, and there are very few haddock in the country.

2313. Have you anything you wish to tell us with regard to the Bounties?—I don't wish to offer any evidence with regard to the price of Labrador fish being tremendously affected by the Bounties of the French. I think you have had that fairly well established. The price of our shore fish is also affected by the price of French bank fish, and the catch of French bank fish depends to a very large degree indeed on the supply of bait. If we can prevent the French getting bait we can reduce the French catch on the banks very materially. Under the present rules adopted by the British Government at St. George's Bay, the English are made to catch bait and supply it to the French bankers before all others, and at a lower price than that at which it is sold to others. I presume they would sell in any case, but I think there is a marked difference between their selling of their own free will and being made to sell by the British authorities. The local legislation might make it prohibitive to see bait on the treaty shore, as well as on the rest of the Newfoundland coast.

2314. Do you consider that this forced selling of bait of which you complain is adopted to prevent the French interfering with the English fishery by putting down a line for themselves?—I think not unlikely.

2315. Do you agree that it is to the advantage of the St. George's Bay men to get the French out of the harbour as quickly as possible?—No; I think the longer they can be kept in port the better for the island.

2316. But not for St. George's Bay?—That is a local question.

2317. Are you acquainted with the St. George's Bay herring fishery?—Not personally.

2318. Do you know how long it lasts?—It is usually over by the 16th June, I think; but I only know from hearsay. The value of bait to cod fishers is enormous, and I feel sure that if the French were prohibited from getting fresh bait from Newfoundland, the price of our Labrador fish would be larger by 25 per cent. to 50 per cent.

2319. Were the French able to buy bait on the south coast—from Fortune and Florencia Bays this year?—They have come in for it; they were allowed to buy, but the English were not allowed to export it, and the fact that the French were short of bait till this season has reduced the French catch very materially, and the result is reflected here in St. John's immediately. The quantity of *lavé* going into Italy is much less than it has been in the two previous years, and the prices for Labrador fish are much better.

2320. How does the Labrador catch for this year compare with those of the last two years?—It is impossible to tell until all the Customs returns are in, but I think the universal opinion is that the fishery is considerably larger than for either last year or the year before.

2321. Are you aware that on the north-east coast of this island the fishery has been a failure?—Yes, in Green Bay and White Bay it has been almost an entire failure. Speaking generally the quantity of shore fish does not much affect the price of Labrador, nor does the price of Labrador necessarily affect the price of shore fish.

2322. Do they go to the same markets?—The shore fish goes principally to Brazil and the Labrador fish does not go there. Another large market for shore fish is Portugal, and scarcely any Labrador fish goes to Portugal. Scarcely any shore fish goes to Greece, and comparatively very little to Italy. No shore fish goes to Great Britain; nothing but Labrador. Greece is supplied almost entirely with Labrador, and nine-tenths of the Italian demand is for Labrador. At the present time Labrador is worth in St. John's from 30 cents to 40 cents a quintal more than it was last year, which I attribute entirely to the short catch of St. Pierre.

2323. Do you know how many bankers coming from France do not visit St. Pierre at all, or come in here for bait?—No; I have the figures, but they are only taken from the St. Pierre Year Book.

2324. We may take it a great number do not visit this colony or St. Pierre for bait?—Yes, a great number do neither.

2325. Do you know what bait these people use?—They bring out from home sardines and shell fish of different descriptions, and they catch shell fish on the banks.

2326. Do they do as well as their neighbours?—I have no statistics, but I should think not. If they did as well as their neighbours nobody would want bait from us. The value of bait for banking purposes is well illustrated by what the Americans agreed to give us under the celebrated Bond-Blaine Convention, where they undertook to allow all our-dry fish and oil to go into the United States interfering with the English fishery by putting down a line their bankers.

2327. What year was that?—In 1891.

2328. Had the French discovered the wrinkle by that fact?—They had just begun to do so.

2329. Do you know how many ships came into the southern ports of Newfoundland to buy bait?—No.

2330. Nor how many went to St. George's Bay?—No.

2331. Do you know how many ships go from St. Pierre to fish?—I think about 500 who go to fish on the banks. I am speaking from memory—the number fluctuates from year to year.

2332. What is the next point you wish us to understand?—The impossibility of carrying on businesses other than fishing on the treaty shore. This has been the case to my knowledge since 1869. Some Canadians who were interested in iron manufacture at Three Rivers, St. Lawrence, came down to Newfoundland, and in several places between St. George's Bay and Ferroll found iron and were anxious to develop iron mines. I applied on behalf of several people to the Government here for liberty to begin to work these deposits. The Government could not grant the liberty to do so, and could not, or would not, give any title. I know that has continued to the present day—twenty-nine years.

2333. Do you mean that no grants are issued?—In 1869 no grant of any sort was issued. I entered applications at that time for four or five properties—one at Port au Port, another one in Bay of Islands, and a third one south of Flowers' Cove; and there is a fourth one, not Canadian, but Newfoundland, on the north-east coast. Money was tendered for the licences, but they were refused. At that time, the Premier of the Colony, Mr. C. F. Bennett, was working a lead deposit at Port au Port, and, although Premier, he had to discontinue.

2334. Could you get any licences for the interior, away from the coast?—All these deposits were quite close to the coast, within four or five miles.

2335. Do you mean that licences were refused as far back from the coast as that?—Yes, in 1869.

2336. Can you say of your own knowledge what reason was given for the refusal?—I think there were orders issued from Great Britain, but I don't know of my own knowledge.

2337. But they grant licences now?—Yes, but what they give with the right hand they take away with the left, because there is no means of shipping. They will give no property on the shore by which minerals can be shipped. At the present moment, I know of my own certain knowledge that, with regard to the gypsum deposits, money would be found to work them immediately, if there was any security that a wharf could be placed there, and that the gypsum could be shipped over the wharf. We are interested in one of these deposits, and we have capitalists in England, who are willing to come in with us if we will guarantee the safety of a wharf and works necessary to shipping.

2338. What capitalists do you refer to?—London people.

2339. Can you give me their names?—The name of the principal man who offered for this gypsum is De Wolf.

2340. Are these the properties that your son has already told us of?—I suppose so.

2341. Have you tried to float any other property?—One at York Harbour, which the people at home would not go on with, partly for the same reason. I know of a chrome iron deposit, which is being worked at Bluff Head by a chrome company of Jersey. They are still working on, but they are not allowed to build a wharf; they have to send their iron off, and get their goods ashore in punts.

2342. Do you know the locality at Bluff Head?—I have not been there, but I have seen a chart of it.

2343. You don't know whether a wharf could stand there if erected?—It might have to be erected every spring, but it is not allowed to be erected at all.

2344. Are you interested in any other properties?—I have no other grants at all.

2345. Have you anything else to say about the French on the shore?—Not on the treaty shore. I think that under the terms of that same treaty, the French are using St. Pierre and Miquelon in a way which was never intended, and I contend that, if the treaties were enforced literally, St. Pierre would not be so much a thorn in our side as at present.

2346. In what way is it a thorn in your side?—It is a great smuggling port for the whole of Newfoundland, and the French authorities not only connive at it, but absolutely assist it.

2347. In what way do they assist it?—By absolutely refusing to allow us to have a Consular Agent there, for the purpose of checking our own boats and ships going out, and by conniving in every possible way at the smuggling that goes on. The whole of our western coast is supplied with tobacco and rum from St. Pierre—the highest dutiable articles—and which, when they come from St. Pierre, pay absolutely no duty.

2348. What do you call the western coast?—From Cape St. Mary's to St. George's Bay. The St. Pierre authorities connive at smuggling on this coast. We ourselves had a letter last week from a St. Pierre house, asking us to supply them with tobacco in a circuitous way by shipping it to Halifax, and letting it come down thence to St. Pierre, for the purpose, I know, of smuggling it on to our western coast. They have been getting their supplies from Canada, but recently the Canadian Customs have become a little more awake to what is going on, and they probably threw some impediments in the way. And now St. Pierre applies to this Colony to be supplied *via* Halifax. These people are quite willing to buy our tobacco if we will ship it *via* Halifax, whence it would be brought down to St. Pierre, and put on our western coast. It was thought, no doubt, that by supplying the brands which we supply to the westward, the tobacco would not be so easily detected as smuggled. But, of course, we could not do it.

2349. Was that from a French firm in St. Pierre?—Yes.

2350. Are there English firms also trading in this business at St. Pierre?—I think there are.

2351. (Sir James Erskine.) Can you tell us when the bultow was first used?—I have no idea; but I know that it is of very ancient date, because I have seen some old plates of Newfoundland, in which appear some very long lines coiled up with a number of hooks attached.

2352. Do you know whether it is an English, or French, or American invention?—I have not the faintest idea.

2353. Have you any idea of when cod seine nets were first used?—No, I have not, but I think cod seines were, date very far back, because they are mentioned in the Act of 1786, which I read just now—"an Englishman shall not sell his seine or net."

2354. (Chairman.) Might that not be within the catching bait?—It is any kind of seine.

2355. Have you anything else you would wish to say?—No, I think not. The points which I particularly wished to emphasise are the injury which we suffer on account of the bounties, the extent of the smuggling from St. Pierre, and the fact that the whole of the treaty coast, so far as any economic industries are concerned, is practically locked up, and I think that these three things are beyond any possible controversy.

JOSEPH OUTERBRIDGE; Examined.

2356. (Chairman.) Your name and occupation, please?—Joseph Outerbridge, merchant, of St. John's, of the firm of Harvey and Co.

2357. How long have you been in the fish business?—About thirty-five years. I only wish to say a few words on the relation of the price of Labrador fish to that of French *laré*, and as briefly as possible to state my experience. Until about 1880, in my experience, there was no discussion about the competition with our Labrador fish of French-caught fish from St. Pierre.

By "French-caught fish" I mean that in my experience it is the local bank fleet from St. Pierre which has caused the competition which we are suffering from, and until 1880 that competition was not felt. Between 1880 and 1884, the competition became very serious, and, in 1885 I believe it was, I wrote to a newspaper here the first correspondence which appeared in Newfoundland in connection with this increase to the French bank fishery. My statements were disputed next day by the Rev. Moses Harvey, which goes to show that before that time

The Hon.  
Augustus W.  
Harvey.  
20 October  
1896.

Joseph  
Outerbridge.

Joseph  
Outerbridge,  
20 October  
1898.

there had been no discussion on the subject, and that the matter was not generally recognised. I then gave figures to show that the increase in the St. Pierre fishing fleet was only made possible in my belief by the bounty which I complained of. The St. Pierre local ships are very much smaller than the French bankers. In 1884 there were 290 vessels, with a tonnage of 27,000 tons, and their catch, 900,000 quintals of green fish. In 1885 there were 323 vessels of 30,000 tons, and their catch 1,000,000 quintals. It was stated that there would be 40 vessels more in 1886. I am speaking of local schooners.

2358. Can you tell us how many there are at the present day?—I do not know how many, but it is very largely increased. The catch went on increasing with some variations from various causes until 1896, when we had the smallest Labrador fishery that we had had for many years. My firm is interested in two harbours, which are adjoining one another in Hamilton Inlet. In 1895 40,000 quintals were taken from those two harbours. In 1896 only 3,500 quintals were shipped from these two harbours, as against 40,000 quintals the previous year, and that 3,500 quintals of fish could not be sold except at a sacrifice. Along with the immense number of cargoes shipped by other houses, for which scarcely any remittance was received at all, this cargo suffered as well, though not to the same extent as the great bulk of the cargoes, partly because the fish sent away by these planters, with whom we are connected there, has always held the highest pos-

sible character for quality, and is preferred in Genoa to any other Labrador that goes there. I have a letter from our correspondents in London, Messrs. Holmwood and Holmwood, dated 11th December, 1893, in connection with this particular cargo of fish being the only cargo shipped from these two harbours, which the previous year had shipped 40,000 quintals. Our correspondents expected a fair price at Genoa, but by the time the ship arrived there the whole market there was supplied for monthly deliveries by the French, and our fish was only sold with great difficulty after several months and at a wretchedly low price. It remitted us only 9s. a quintal. Our correspondents wrote:—"The markets for Labrador fish would be very much better had it not been for the immense quantities of French fish which have filled up the Italian markets. It is now invading Spain, and large quantities have been sold there at 13s. 6d. to 14s. for monthly delivery to the end of March. Unless this fishery can be curtailed by the Bait Act the Labrador fish must be ruined. This year the Labrador catch being so very small it has not made very much difference, but had there been even 50,000 quintals more, we do not know what would have become of it." I do not think there is any other evidence which I can give you that you have not already had. I do not know what the high duty on the fishing gear adds to the price of fish. I should think that any such calculation as that would have to include the duty on all the products which the fishermen use, such as flour, etc., and I have made no calculation.

William D.  
Reid.

WILLIAM REID; Examined.

2359. (Chairman.) What is your name, please, and occupation?—William D. Reid, manager of the Newfoundland Railway.

2360. We want to know what information you can give us as to how far the railway which you have built has tended to the development of the colony?—When I came down here in the fall of 1890, they were practically getting all the timber required in the place outside the colony, and the timber industry is one of the things which has now been brought to the front. There is now, for instance, a large saw mill we know of in Notre Dame Bay at Botwoodville. It was here when we came; but was not then doing very much. It has passed into new hands now.

2361. You have a saw mill of your own?—Yes, a large saw mill at Benton. Both these places are off the treaty shore.

2362. Have you started any lumber industry near the west coast?—We have not started anything yet, but we are negotiating now to start a pulp factory at Grand Lake, which I think will go through all right.

2363. The pulp industry means a considerable export?—The product from that mill will mean about 5,000 dollars a day of export.

2364. Where do you ship?—It will be shipped all over the world. The product will be bleached sulphide pulp. The position is this: the wood is round the lake, where it can be cut cheaply. Then we shall want lime, and there is lime on a river near Bay of Islands. Sulphur we shall want, too, and we have a sulphur property on one of the arms of Bay of Islands. These conditions practically make this place about the best known place in the world for the production of this pulp. The last couple of days I had an expert there going into the thing. We shall use there every day in connection with this pulp mill about 150 cords of wood, 45 tons of limestone, 45 tons of iron pyrite, and 65 tons of coal.

2365. What quantity of pulp does that produce?—Between 90 and 100 tons. It will be shipped to the United States, to England, Germany, France, Austria, and other places.

2366. Where do you ship it?—In the summer time, at River Head, Bay of Islands; in the winter from Port aux Basques.

2367. Have you ever had any difficulty about making shipments there?—No.

2368. Are you interested in minerals on the west coast?—We are interested to a certain extent. This pyrites property is at Middle Arm, or Goose Arm, Bay of Islands, which is on the west coast. This summer I had some men at work in there, and they cut a 50 ft. drift right across the thing. They got samples from the end of that drift which analysed 49 per cent. of sulphur and the balance iron.

2369. Have you any wharf there for shipping?—No, we have done nothing except drive this drift. Understanding that there was some difficulty about wharves, I wrote to the Commodore to ask if there would be any objection to building one on the north shore of Goose Arm. This was on the 26th June, 1897, and so far I have had no answer. This pyrites property is necessary to the development of the pulp factory. As to the property of itself, I don't know what the Pilley's Island property is bonded at in England, but I should think it must be pretty close on 1,500,000 dollars. Pilley's Island, I believe, is becoming played out, and that, of course, is going to leave a market open to any other mine of the kind that is being opened up; and so far as I know, ours is the only other property of the kind that has been found, so that one can say definitely that it is there.

2370. With regard to the pier at River Head, I should just like to know how far it is from the sea?—It is in the salt water, on the treaty shore.

2371. How far from the Heads of the bay?—One side of it runs along the bank that has been formed from the drift of the river, that is, just at the mouth of the river, in the salt water, and thirty miles from the open sea.

2372. Where do you contemplate getting the pyrites for the pulp mill?—At that mine in Middle Arm, and we should then take it round to Bay of Islands to this railway pier, and along the railway to Grand Lake.

2373. I understand you have not yet set up these mills?—No, but I don't think there will be any question about that. The money is practically all subscribed now. It is a company. The only thing now is the report of this gentleman who has come down here to see into it, but I don't think it can be anything but favourable.

2374. Is there marble near Bay of Islands?—There is marble on the Humber River; real statuary marble, and other kinds as well. This particular statuary marble is now a very scarce article, and I think the only other place where it is properly found is Italy. Now the pulp mill means the opening up of this marble for the lime from the pulp mill will be got from the marble quarries, and of course the moment that this pulp business begins, if this really is that particular kind of marble, it is bound to be in immediate demand, and its development is likely to go right ahead.

2375. Where would be the place of shipment for the marble?—Bay of Islands; it is right alongside there.

2376. At your railway pier?—Yes, at the railway wharf.

2377. You don't mean to make a new wharf?—No, at the spot where our present railway wharf is.

2378. Have you had any complaints or any objections raised to that railway wharf from anybody?—I have heard in a roundabout way that there is some objection to it, but nothing official.

2379. Can you give any estimate of the number of hands that pulp mill would employ?—I cannot tell you exactly.

But this gentleman I have spoken of, who has been down here in connection with it, told me that there would be a village of 3,000 people there within a year. This gentleman had to do with a similar factory of similar proportions erected this year at Gran' Mère, Quebec, and there are 3,500 people at that place already.

2380. The pulp is used for making paper, is it not?—Yes, the finest quality is.

2381. Are you concerned in any other minerals?—We are opening coal at Grand Lake, which would supply the pulp mill there. We are also using the coal for the working of the railway. We also have some coal at Codroy, but it did not turn out as well as we expected, and after working it one season we abandoned it. This is up the Codroy River. The prospects did not look good, or probably we would not have left it.

2382. Are you concerned in minerals in any other parts of the west coast?—We have other properties there; we have a copper property on the Serpentine River.

2383. Have you anything in connection with other people?—We are interested in this oil property at Port au Port, with six others here and seven at Montreal. The six in Newfoundland are one company, which has been at work about three years, and they have given the Montreal people a half interest to develop it. We are in both companies.

2384. Whom do you mean by "we"?—My father.

2385. Can you tell us anything about the difficulty of shipping that oil?—They have four wells there now, and they have struck oil in all of them. One well is 680 feet deep, and the last one is about 136 feet deep, and the oil is supposed to be, as far as analysis goes, of excellent quality. They would have to ship it in Port au Port Bay. That is the only harbour in the whole place; and the oil would be shipped at the far end, at a place called Piccadilly.

2386. Has any objection been raised to shipping there that you know of?—No; nothing has been done yet to cause any objection.

2387. Are you interested in oil to the north of Bay of Islands?—We have applications in to the Government for a considerable part of that land up along there, and we are satisfied with the prospects there, but we shall have to go down deeper than at Port au Port.

2388. Is the oil there equally good?—Yes, it is all good.

2389. Do you know whether oil has been discovered in other parts, besides in these two places?—We have other oil properties on the west coast, between Bay St. George and Bay of Islands; not exactly on the coast, but two or three miles inland. It would have to be shipped on the coast.

2390. Can you say where the place of shipment would be?—I am not quite sure of that. In order to get a good harbour, we might have to carry the oil a long way in pipes, and in that case we should probably go to Bay St. George; Turf Point, where our temporary railway pier now is, and which is practically the only place to which we could take it without going to considerable expense.

2391. Have you anything to do with gypsum there?—There is a property in Port au Port. I gave a letter to Mr. John Harvey about it; he said that he could get somebody interested in it. I don't know whether he has done anything in it or not.

2392. Do you know whether there are minerals on the east coast, north of Cape St. John?—We never had anybody looking about there.

2393. Do you know whether any gold has been discovered anywhere?—The only free gold that I know of was brought in by our man from Bay of Islands within the last few days. But I don't know much about it yet.

2394. Is there anything else you can tell us?—There is coal at Stephenville, between Port au Port Bay and

Bay St. George, and our man seems to think that it is the best place for coal in the island, so far as he has seen. There the formation of the country is pretty flat, while in the rest of the country it is pretty well disturbed and tumbled about. There is considerable magnetic iron found there, too.

2395. There is a great bed of granite going from the south to the north of the island?—Yes.

2396. And these minerals lie between the granite and the western shore?—Yes.

2397. Is it true that they are found pretty well from Cape Ray to Cape Norman along the coast?—Yes; there are all kinds of minerals: pyrites, mica, silver, and lead, coal, gypsum, copper, iron, plumbago, nickel, etc. Copper is found in many different forms there. Then there is marble and salt springs also, near Bay St. George. There is any amount of timber suitable for pulp, and a considerable lot, too, suitable for lumbering purposes. There is a gentleman here now from Egypt trying to close with us for the kind of lumber they use there; three to five inches square. If the prices were right, he wanted to close with us for about 750,000 dols. worth per annum for ten years. What is against the thing so far is the freights, which, I suppose, are very high just now on account of this war, and one thing and another. This sized timber (three to five inches square) is lying right beside the railway track, and up any of these rivers. It would not take more than ten to twelve square miles of land to produce all that he required, it grows so thickly. This will give you an idea of the value of that timber.

2398. Have you anything else to tell us?—We have done a good deal of prospecting in Bonne Bay, and will probably want a wharf up there. All this prospecting has practically been along the shore, and there is no reason why a little way inland there should not be the same kind of thing as on the coast. Just around Grand Lake and Deer Lake there is room for a couple more pulp mills of the same size as that we have been talking about.

2399. Can you say what distance from the coast Grand Lake is?—At the nearest part of Bay of Islands probably about twenty-two or twenty-three miles.

2400. And Deer Lake is how far from the coast?—Eight or nine miles. Our man considers that that part of the coast, that is, the west coast, is probably the best part of the whole island that he has been on. I am referring to Mr. Scott. He is a civil engineer who did a good deal of the locating for the railway line. One winter I sent him to Edinburgh, paid him his wages while there, and put him through the school of geology and mineralogy. The first year after he came back he found nothing until the fall, but last year every couple of weeks he brought something in with him. I must say that Mr. Murray's geological map of Newfoundland has been a great help to him, and I think from the fact of its assistance to Mr. Scott that the Government should engage more than they do in the geological exploration of the country. We sent another man, a Newfoundlander, to Montreal last winter to go through the same course, and he has been since on the east coast. He is a man who has been working for us ever since we came to the country. He has found copper on the east coast and iron, but this is not on the treaty shore.

2401. How about Portland Creek, on the treaty shore?—We have not yet been able to look anything up properly, but there is iron ore there. We went up late in the fall, but could not do any work there. It is very near to the water. I don't know whether they would have to build a wharf there or not. It is right on the coast, half way between St. John's Bay and Bonne Bay, on the west coast. Of course we have a lot of other things there, but they don't amount to much yet. Of course, as far as the railway is concerned, if it had not been for the railway none of these developments would have been going on.

2402. Have you tried to float any companies for minerals?—No, the railway belongs to us, and we have been working for ourselves.

William D.  
Brid.

20 October  
1898.

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ANNEXURES.

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## ANNEXURES TO EVIDENCE.

## ANNEXURE, No. 1.

Bonne Bay, August 27, 1898.

To the Honourable Her Majesty's Colonial Secretary,  
Saint John's.

SIR,

I have the honour to submit for your consideration my limited report showing the total number of English and French lobster factories now in operation on all that stretch of coast between St. Barbes and Trout River. Also the price now paid for lobster per hundred (count), with opinions and comments thereon.

There are, as per schedule annexed, 16 English and six French factories now in operation within the above limits. The average price now paid for lobsters when gear is supplied the fishermen by the packer is one dollar per hundred.

In A.D. 1890 the British and French naval officers on this station set apart certain defined portions of the waters on the Treaty Coast which they allotted to British and French factory holders with the understanding that the British should not fish outside the waters allotted to them, and the British were to fish within these limits.

I am of opinion that this was a fairly good arrangement (although I believe neither party could claim such a right) as between British and French subjects—seeing the *modus vivendi* was then in force, as it prevented them from interrupting each other in the prosecution of the lobster fishery.

The British naval officers also gave British factory holders, hereafter called packers, the sole and exclusive right to fish the waters allotted to them, and no other British packer was allowed to fish the waters assigned to another, or *vice versa*.

This in my opinion was a very hard and fast law, and it operated very materially against the packer upon whose ground lobsters were scarce and *vice versa*. Hence the disputes that continually arose between the fishermen of the several factories, many of whom were born and brought up within the limits assigned to other persons.

Nor was this all. There many—yes, very many—by far the greater number of the people—were prevented from fishing or catching lobsters unless they did so under contract with the above packers and at the low prices offered by them.

These packers engaged a limited number of men every spring to fish lobsters at 70c. to 80c. per hundred, the gear being supplied them, and as there was no competition (none but their own men being allowed to fish within the limits) the fishermen had to accept the price offered or sit idly by and look at others who would (the latter being single men).

Truly, this is a great hardship to men who, as aforesaid, were born and brought up in a settlement not fifty yards from the sea, many of whom had borne the heat and burden of the day in prosecuting the cod-fishery, now a partial failure, to be prevented from taking advantage of the means which Providence has so bountifully provided for the support of themselves and their family. Hence the poverty and destitution to be met on every hand on this so-called French Shore.

To prove that poverty has resulted from the above arrangement I will produce one of the many cases which have come under my notice during the past few years.

In 1896 a packer, who had made preparation for a large pack, agreed with his men in the spring to pay them 70c. per hundred for all lobster delivered. There being no competition, and the men not allowed to fish under any other circumstances, they had to accept that price, and although their pack for that season amounted to 1,600 cases application for poor relief was made by some of these fishermen early in February that year, and the Government had to dole out pauper relief to keep many of them from starving.

It must be understood that the packers always employ a great number of fishermen, so that though this was a very large pack, the number of lobster caught, when divided amongst so many men, amounted to but a very little per man.

Seeing that 1,600 cases were packed, and that it took about 200 lobster to fill a case, the fishermen must have caught about 320,000 (three hundred and twenty thousand) lobsters. These calculated at \$7 per thousand would cost about \$2,240, which were paid for mostly in goods at high prices.

Valuing 1,600 cases at \$8.50 per case we have \$13,600—deducting the cost of the lobster we have \$11,360 left to pay servants' wages, boats, traps, etc., so that the monopoliser of these waters must have cleared a very handsome sum that year, while some of those who caught the lobster had large families to support were in debt at the close of the voyage and paupers three months afterwards.

Since the above arrangements were made I have had many complaints from British subjects against other British subjects for fishing within their limits, and I declined to adjudicate upon them, and on May the 21st, 1897, Sir Wm. V. Whiteway, the then Attorney-General, wrote me as follows:—"It has been represented by the Hon. Commodore Bourke that Her Majesty's Government is unwilling that naval officers, although holding commissions as Justices of the Peace, should adjudicate upon any question arising between British subjects in relation to the lobster fishery, and that you refuse to take notice of complaints of this nature, probably under a misapprehension of your powers. This is to advise you that you have such power, and that you will hear and determine such complaints according to the laws of this colony."

Extract from my letter in reply:—

"Sir,—I have the honour to state that I have had several complaints from legal packers against other legal packers fishing within the limits assigned them by the British naval officers, and I have declined to adjudicate upon them (1) because it is my opinion that the right of fishery in public waters is a public one, and no British subject has an absolute or exclusive right to any portion of the tidal waters, and feel sure that my position is supported by the laws of the colony.

"If the laws framed by the naval officers are sanctioned by the Government of this colony I will be most happy to have them respected, but at present I fail to interpret them in this way. If my opinion is erroneous I most respectfully request that you will advise me."

On June the 3rd, A.D. 1897, the Hon. Commodore Bourke wrote a letter to all authorised British packers, extracts from which are as follows:—

"Complaints are being made to the naval authorities by owners of factories working under the *modus vivendi* concerning the number of unauthorised British subjects who not only catch lobster on the ground lawfully given to the owners of lobster factories, but also and in most cases establish illicit factories for the canning of such lobsters. This action is entirely wrong on the part of such persons, and the owners of such factories should take action against such offenders before the local magistrates.

"At the same time, factory holders are cautioned that they are not empowered to force into poverty and starvation the fishermen resident on the allotted ground of their factories. It is not acknowledged for one moment that those residents are not allowed to catch lobsters. The result of their catch must be sold at a fair and reasonable price to the owners of the factories within whose limits such lobsters are taken. A fair price would seem to be as a minimum 80c. per hundred, when gear is supplied, and \$1 when the fishing gear is owned by the man fishing."

This as you will perceive is a step in the right direction, and I am informed by the legal packers of Bonne

Bay that the Commodore has this year allowed all British subjects to fish on all that part of the coast marked red. A right they have not hitherto enjoyed, and one for which our people are deeply thankful, more especially as they can now sell to whomsoever they will.

Has this arrangement been filled, then? It has. Competition has set in, and as a result lobsters are worth from \$1.50 to \$2.25 per hundred count, the fishermen finding their own gear.

As to the effect of the *modus vivendi* on our people, I am of opinion that it has been most injurious, as has been above set forth, and further I would state that, according to the Treaty, the French never had the right they claimed, and they should never have been allowed to pack lobster where the same was a clear violation of the aforesaid Treaty.

And, further, it has placed the lobster industry in the hands of a few to the detriment of a great number of the residents of this coast. In other words, it has deprived the masses of an industry which if properly conducted and protected when coupled with the cod-fishery is sufficient to

give every family residing on this part of the Treaty Shore a comfortable living.

French Fishing Stations.—There is one at Port-au-Choix, at which place two fishing rooms are kept and several fishing vessels. This is a beautiful harbour, and as a cod fishing and sealing station it is worth nearly all the rest of the coast between Cow Head and Flower's Cove. There is another at St. John's Island, about eight miles from the former. This is also a beautiful harbour.

French Floaters.—I don't know of any.

Minerals.—Some of different kinds have been discovered on this part of the Treaty Coast, but cannot say why they are not developed, nor do I know the kind of minerals discovered. Harvey, of St. John's, owns several claims at Bonne Bay.

I have not heard that the French have interfered with the working of the oil wells at Parson's Pond and Saint Paul's River.

I have the honour to be, Sir,

Your obedient servant,

(Signed) S. AVERY, J.P.

### ANNEXURE No. 2.

H.M.S. "Cordelia," at St. George's Bay,  
5th June, 1897.

From Commodore The Hon. M. A. Bourke, H.M.S.  
"Cordelia," to S. Avery, Esq., Stipendiary Magistrate, Bonne Bay.

Sir,

I beg to forward herewith for your information a copy of a letter I have addressed to every authorised lobster factory owner on the Treaty Coast of Newfoundland.

I am, sir, your obedient servant,  
M. A. BOURKE (Commodore).

### ENCLOSURE IN ANNEXURE No. 2.

H.M.S. "Cordelia," at Bonne Bay, 3rd June, 1897.

Sir,

Complaints are continually being made to the naval authorities by owners of lobster factories working under the terms of the *modus vivendi* concerning the number of unauthorised British subjects, who not only catch lobsters on the ground lawfully given to the owners of the lobster factories, but also in most cases establish illicit factories for the canning of such lobsters. This action is entirely wrong on the part of such persons, and the owners of such factories should take action against such offenders before the local magistrates. The establishment of an illegal factory on any ground lawfully allotted to any person will be the object of severe measures on the part of the naval authorities.

At the same time factory holders are cautioned that they are not empowered to force into poverty and starvation the fishermen resident on the allotted grounds of their factories. It is not acknowledged for one instant that these residents are not to catch lobsters. The result of their catch must be sold at a fair and reasonable price to the owners of the factories within whose limits such lobsters are taken. A fair price would seem to be, as a minimum, 80 cents per hundred lobsters when the fishing gear is supplied, and one dollar when the fishing gear is owned by the man fishing.

The attention of factory owners is most seriously drawn to this question. It lies chiefly in their power to assist loyally the naval authorities by coming forward and giving

a fair and good price for the lobsters caught for them by the resident fishermen on their length of shore.

It is also pointed out to the factory holders that the naval authorities will surely take action against such owners who attempt to bring about the misery and starvation of the fishermen resident near the factories by not paying fair prices for their catch. It is entirely to the benefit of factory owners that such fishermen should be encouraged.

Illicit factories cannot be run by poor fishermen, unless they are supplied in some way. The supplier is considered to be equally culpable with the fisherman he supplies, and thus deliberately disobeys the spirit and letter of the *modus vivendi*. Factory owners should inform the naval authorities of such offenders.

Many complaints have been made lately of the quality of the pack of lobsters from Newfoundland, also that frequent cases arise of cans being short weight. No doubt these shortcomings are chiefly due to the work turned out by the unauthorised factories; thus it is to the benefit of all concerned that the lobster should be canned in the best manner possible, and so keep up a good name for good articles.

It is very easy to lose a market and thus get the Newfoundland lobster pack into bad repute.

The attention of factory owners is especially drawn to this point on which the livelihood of so many depends.

I am, sir, your obedient servant,  
(Signed) M. A. BOURKE (Commodore).

### ANNEXURE No. 3.

Custom House, Bonne Bay, January 1st, 1896.

P. J. Scott, Esq., Q.C., Receiver General, St. John's.

Sir,

Hereby be apprised of the fact that on receipt of your wire of the 7th ult., in re Nelson Breton of Point Riche, whom I was informed was violating the Customs Management Act of 1882, by illicitly importing goods from Canada, and offering the same for sale (the aforesaid goods being

uncustomed) that by the authority of the power vested in me as Sub-Collector of Her Majesty's Customs in this colony I proceeded to investigate this matter, and sent two officers duly sworn and a peace officer to Point Riche, who, on arrival there, found uncustomed goods as surmised, and had the same placed in safety.

Nelson Breton came with the officers to Bonne Bay (a distance of 110 miles on foot), and arrived here on the evening of the 26th ult.

On the 28th ult. I proceeded to conviction in the name of the Hon. Receiver General before Stipendiary Justice of the Peace in open court, who found the prisoner guilty of a violation of the 101st section of the Act, and fined him 200 dollars, without confiscation of goods.

In the interval, and whilst on the same mission the officers also secured at Port-au-Choix the following liquors, viz:—

In the possession of widow Henry Plowman:—

One cask of brandy - - - 25 gallons  
One cask of wine - - - 30 gallons; also

In possession of Wm. Rumbolt:—

One cask of brandy - - - 50 gallons  
Two casks of wine - - - 100 gallons

Total in all - - - 205 gallons

which they seized (on behalf of the Crown pending prosecution), and placed in a place of safety, the distance from here being so great that it is impossible to get it here at this season of the year, but in the meantime I have proceeded against these for conviction, but, as I said before, owing to the great distance, I fear that very little will be done before the spring of the year opens.

I may here relate for your information that these goods are also uncustomed, having been brought (I presume) by the French to this colony, who every year leave gallons, very many, for the subjects of Her Majesty on this coast to sell, which they do, and the French captains, so it is said, reap the benefit in a pecuniary way in the spring. These are not the only goods these people sell, so I am informed, for during the summer Port-au-Choix is a rendezvous for all kinds of vessels, which go there regularly on their way to the Labrador and procure whatever they require. It is hard I know to get at the French captains (who are wily Bretons), for they do not (so it is alleged) sell these goods themselves, but obtain the services of their guardians (that is, British subjects) whom they feed to guard their property which they leave behind during the winter (contrary, I contend, to the Treaty) which does not allow this liberty. Do you please advise me in this matter, as this liquor business on this coast is a demoralizing curse, and I hold the French in many ways responsible for it. If the Imperial Government would only see the state of this shore or His Excellency the Governor of this Island, and my master, would only take a walk with me for a month along this

coast they would see more poverty, more ignorance and immorality than I question they ever saw before, and I would be bound to say would immediately take steps for the liberation of this cursed shore from Treaty with the French. Among these people are not foreigners but pure descendants from the stock of Britain, untainted in blood and as loyal as any subjects under the British Crown; but from lack of education, lack of communication, laws, etc., they will, if not rescued in time, I believe degenerate to a very low ebb, which "may God forbid."

Next summer I purpose (D.V.) with your permission placing a tidewater at Port Saunders or thereabout, whose duty it will be to look after, enquire into and report to me regularly every month as to the actions of every one who commits a breach of the laws of this colony, necessary certainly for prosecution, as I intend, if not otherwise prevented, to put to an end if possible these pernicious breaches of the laws of our country, be they French or English, American or Canadian. If the "Harlow" is not running as usual next summer, on which I monthly make my rounds, I certainly must have either a steam launch or sailing cutter for that purpose, either of which I am well able to manage myself with the aid of tidewaters, having spent nearly twenty years of life in foreign service as a mariner, and am, therefore, no novice at sea, either under steam or sail, and ask no further remuneration for the extra labours it would entail, and for the responsibility that would further devolve upon me.

This is a very long, hard, and trying district, being more than 140 miles in length, coastwise, with no roads, no way of communication, but by water, unless walked, which is at times impossible; so that to carry out the law thoroughly I deem it my duty (as the responsible officer here), and being under large bonds also for my conduct generally, to ask you very kindly to do to the utmost of your power, as the principal officer of the customs, to provide the means wherewith I be empowered not only to get round this extensive district, but also to facilitate the carrying out of the law so that order may ensue, and that the coast be purged from the smuggler of all nations.

Your advice anent the foregoing I shall be pleased to receive as early as conveniently possible, and at some length.

I beg to remain, sir,

Your obedient servant,

JAMES F. BARCROFT (Sub-Collector).

#### ANNEXURE No. 4.

Bay of Islands, August 30, 1898.

Statement of ALEXANDER McCLLOUD, of Bay of Islands, saith:—

That I had a fishing stage and camp to live in at French Island and used it for eleven years without any interruption. About five summers ago I went out as usual to carry on my fishery, and when I arrived on the island my stage was taken away by Mr. Haccala and filled up with salt. Also my camp was taken and used by Mr. Haccala's men. I went to Mr. Haccala and told him that it was a hardship for me to lose my fishery, and would he not give up my property. His answer that he would not, that he would take as much as he wanted, that I had no claim to it. I asked him to let me go upon another

part of the island, and he said that he would not allow any Englishman there to fish. I sustained a considerable loss by my fishery being taken from me that summer. The following year I went to the same island to fish in a craft and Mr. Haccala threatened to have me towed off by the man-of-war ship. I refused to leave, and did fish there that summer on board a small schooner. In my opinion the *modus vivendi* has not worked well, because it has given a monopoly to a few against the number of settlers, and I hope it will not be continued in future.

(Signed) ALEXANDER McCLLOUD.

[Sworn before me at Bay of Islands, this 30th day of August, A.D. 1898, LEVI MARCH, J.P.]

#### ANNEXURE No. 5.

Statement of ANSALOM NOSWORTHY, of Bay of Islands, taken upon oath before me, saith:—

That about twelve years ago I built a fishing stage and camp at Tweed Island, and fished there for six years uninterrupted by any person. About six years ago Mr. Haccala came upon the island and told me that I was to get out of it, and he took charge of my fish house and camp, and would not pay me anything for it. I was considerably put about for that season, and lost a part of the first of the fishery. I left the island and have not been there since to carry on fishery operations. The *modus vivendi* has worked very hard against the poor English settlers. I was catching and packing lobsters for two years, but the *modus vivendi* has taken away that

privilege from me, and altogether the people have suffered from the unsettled state of the shore very considerably. Three years ago I went to Tweed Island to get caplin bait. When I landed, the French fishermen were getting caplin. I took my cast net to throw it for caplin. Mr. Haccala came down with the master of a schooner, and the captain of the schooner took my cast net from me, said that he would not allow me to take the caplin, and took up a piece of a long stick and struck me with it. I was compelled to leave the island without bait.

(Signed) ANSALOM NOSWORTHY.

[Sworn before me at Bay of Islands, this 3rd day of September, A.D. 1898, LEVI MARCH, J.P.]

## ANNEXURE No. 6.

Statement of JOHN HAYES, upon oath, saith:—

That I have lived in Bay of Islands for thirty-five years, and I have been prevented from the carrying out of my fishery because of the interference of French fishermen upon the Treaty Shore. About twelve years ago I built a fishing station and camp on the French Island. I used it continuously for six years. I went out the seventh year to carry on my fishery as usual, and I found that Mr. Haccola had charge of my property, and would not give me possession of it or allow me to fish there any more. I had to come back home and go to the woods and rind the trees to

get rinds, and then went away further down the bay to another point called Shoal Point, and built up another place. By this time the coplin school was over, and I lost my summer. Mr. Haccola drove me off the island, and I have not been there since. In my opinion the modus vivendi has worked disastrous to the poor settlers on the coast, and I hope and pray it will not be renewed.

(Signed) JOHN HAYES.

[Sworn before me at Bay of Islands, this 30th day of August, A.D. 1898, LEVI MARCH, J.P.]

## ANNEXURE No. 7.

The sworn statement of FRANCIS BUTT, of Giles Point, Bay of Islands, saith:—

That I was catching lobsters last July and packing them myself, as no other means was then available to get a living. On August the 2nd H.M.S. "Partridge" came to my place, Beverley Cove, and took away all my outfits for canning, also cases of empty tins, boilers, and other stuff. I have lost about \$80 by the loss of my property. I know that under the modus vivendi that I was not allowed to pack lobsters, but I was fishing on Mr. Angwin's ground by his permission. The prices paid for the lobsters by the factory owners were too small, that I was

compelled to pack a few myself, and by the loss that I have sustained will put me out of the most part of a winter's provisions. The modus vivendi has worked all against the poor settler. I hope that some new and better arrangement will be entered into, and the right that belongs to British settlers given them. From my experience the French are protected on this shore and not the poor British settler.

(Signed) FRANCIS BUTT.

[Sworn before me at Bay of Islands, this 6th day of September A.D. 1898, LEVI MARCH, J.P.]

## ANNEXURE No. 8.

Statement of GEORGE SHEPPARD, of Lark Harbour, Bay of Islands, saith:—

That I have suffered considerable loss on account of the interference of the French. They have prevented me from using my codtraps, which would have enabled me many times to secure a good voyage for myself and other settlers. I have been prevented from the means of living—in the

first place, by the Frenchmen who would make a complaint to the British officer on board H.M. ships, and second, the officer of the British ship would order my trap to be taken up and put on shore.

(Signed) GEORGE SHEPPARD.

[Sworn before me at Bay of Islands, this 6th day of September, A.D. 1896, LEVI MARCH, J.P.]

## ANNEXURE No. 9.

Statement of JAMES STICKLAND, of Absey Beach, Bay of Islands, taken upon oath, saith:—

That I fished upon French Island about fifteen years, and carried on my fishery then, and did well most every summer. About four years ago Mr. Haccola took charge of my station and camp and would not allow me to carry on my fishery then. He said that it belonged to him. He paid me nothing for the property I had then on the island. I sustained a considerable loss by being knocked about the past four years. When I fished on French Island I did well, since then I have done nothing worth

while. I can safely say that the means for a portion of my living was taken away by my fishing station being taken from me at French Island. The modus vivendi has not worked favourably for the settlers on the shore, because it gave power to a few lobster packers against the poor settlers, and I hope a new agreement will be entered into that will prove a general benefit.

(Signed) JAMES STICKLAND.

[Sworn before me at Bay of Islands, this 6th day of September, A.D. 1898, LEVI MARCH, J.P.]

## ANNEXURE No. 10.

Statement of J. R. HAYES, of Bay St. George. Losses sustained by the closing down of his lobster factories in July, 1891, by order of Sir B. Walker, Senior Naval Officer Commanding H.M. ships on this station.

I commenced to build my factories the fall of 1890, completing them the spring of 1891, together with outfit of all gear necessary for prosecuting the lobster packing industry, at a cost of \$1,900.

If allowed to operate these factories unmolested, the pack for the season averaging by other factories of like capacity would have been 600 cases, cash price then ob-

tained \$8 50c. per case \$5,100. Deducting the cost of running same, fishermen's wages, etc., including other incidental expenses, \$1,000. Cr. for year not used \$1,000, would show a loss to me by being closed down of at least \$5,000.

I had these factories completed, and in order for prosecuting the business vigorously, before receiving directly or indirectly any order or instruction to close or against carrying on the business. On the contrary, one Wilton, of Bonne Bay, had received a message from Sir W. V. Whiteway, the then Premier and Attorney-General, to effect that there was no hindrance or objection against

the business for him and others to go ahead, and to make same known to all parties interested therein.

That not till July, 1891, was I ordered by Sir B. Walker, Senior Officer H.M. ships on this station, through Commander Riddell, H.M.S. "Pelican," to close down; that on receiving this order I immediately obeyed, to my great loss and detriment.

That in 1892 the foregoing statement was brought to Sir W. V. Whiteway's notice, together with my claim for \$5,000 compensation, which claim Sir W. V. Whiteway stated was against the British Government, although he expressed warm sympathy for me.

That I was requested to make a statutory declaration by the Colonial Secretary, the Hon. R. Bond, setting forth the amount of my losses, which was done and forwarded, and its receipt acknowledged.

CONDENSED STATEMENT OF LOSSES, &c.

	\$ c.	\$ a.
Cost of Factories and Equipment . . . . .	1,900.00	
Value of Pack, as per average, 600 cases at 8.50 dollars . . . . .	5,100.00	
	7,000.00	7,000.00
Deducting cost running and wages . . . . .	1,000.00	
Cr. to Self for gear not used . . . . .	1,000.00	
	\$ 2,000.00	2,000.00
Direct loss to Self . . . . .		\$ 5,000.00

That by advice of Sir J. S. Winter, on June 8th, I sent petition to the Governor, Sir Terence O'Brien, setting forth the foregoing facts, which was acknowledged.

That May 17th, 1892, I received a note from my lawyer stating Sir J. S. Winter suggested my forwarding a petition to the Secretary of State for the Colonies on the subject. I also did this, and though not receiving direct reply, received from my lawyer the following advice, viz.: "I had a conversation with Sir James, and he told me that he put your case strongly before the authorities at the Colonial Office. He is strongly of opinion that as Baird's has now been disposed of compensation will be granted."

That I also received letter from Sir W. V. Whiteway,

in which he said he would recommend his Excellency the Governor to forward my communication to the Secretary of State for the Colonies.

That in 1892 I imported certain goods from Halifax, the duty leviable on such I was unable to pay, owing to the above break in my business. The goods were stored by the Collector of Customs, and I wired to Sir W. V. Whiteway asking him to instruct the Collector to give up my goods, and that as soon as I received compensation I would pay the amount due. To which I received reply: "Duties must be paid. Your claim is against the British Government."

I saw Sir Baldwin Walker in fall of 1891 in reference to my case. He said he was going to England and would do whatever he could for me in the matter. On his arrival at St. George's in the spring of 1892 I called on him to ask had he done anything for me. He said he had been unable to do anything for me, as my claim was against the Colonial Government. I showed him my reply (re duties) from Sir W. V. Whiteway. He smiled, and said he was going to St. John's; would see if he could do anything to help me there. I called on him on his return, when he seemed very much disgusted about it, and said he could do nothing for me at all.

Since that time my business, hitherto a thriving one, has, owing solely to my loss of capital and consequent inability to meet outstanding accounts, gone steadily backward, although I have used every exertion, toiling early and late, until now, after twelve years' hard struggle, seven in the vain attempt to recover from this severe blow, I am absolutely bankrupt, whereas, had I been allowed to carry on my lobster packing industry, I should have been in a position of solvency and comfort. I attribute my whole failure and subsequent suffering directly to the foregoing set forth causes, and I humbly plead to your Excellencies that this my statement be embodied in your reports, with a recommendation that I may receive what is only just compensation for grave losses sustained by the action of the *modus vivendi* as applied in my case. To me it is urgent. I may say my all depends on it. I have used every lawful means to help me recover my loss, even sending petitions for consideration to the House of Assembly, in addition to others, without avail. My hope now rests in you, the honourable members of a Commission representing our beloved Queen, the fountain of all justice, to whom I humbly plead.

J. R. HAYES.

ANNEXURE No. 11.

I have been for many years engaged in the business of mining and exploring for minerals in Newfoundland, and I am at present the owner of several mining properties, some of which are situated on the French shore. My French shore properties are shown on the accompanying tracing "A" marked in red.

The properties are:—

- (a.) A coal field comprising 12 square miles.
- (b.) A gypsum area comprising 3 square miles.
- (c.) A chromic iron and asbestos property comprising 20 square miles.
- (d.) A marble area comprising 3 square miles.

In the latter property I own only half interest.

The properties are all valuable properties, and rich in the minerals indicated.

I have held the coal, gypsum, and chromic iron properties since about the year 1873, and the marble property since 1866, and I have at different times spent a large amount of money on them. I have been unable to dispose of any of these properties to foreign capitalists or to systematically work them myself, on account of the certain prospect of interference with any shipping operations which might be undertaken in connection with extensive mining operations.

The field is situated on Barachois and Robinson's Brooks, near St. George's Bay, and is about five miles at its nearest point from the shore. The nearest harbour is Flat Bay, Bay St. George, on the French shore, distant about seventeen miles. The only other harbour in the neighbourhood is Port aux Basques, distant about sixty-five miles, and not on the French shore, but situated too far away to be available as

an outlet for the product of this property. Flat Bay is the only harbour giving at once shelter and anchorage for shipping of large tonnage, between Port aux Basques and Bay of Islands, a distance of nearly 200 miles by the shore, and is the only harbour from which coal mined on my property can be shipped. There is no anchorage on the East side of Flat Bay, except at the Seal Rocks, where the deep water has a shore frontage of about 1,450 feet. The railway pier occupies part of this frontage, and I have been informed that the French have protested against the reconstruction of this pier as a violation of French rights. I am the owner of the land at Seal Rocks, which I acquired from the Government, as a necessary adjunct to my coal property.

The importance of Flat Bay to the St. George's Bay region, which is very rich in minerals, cannot be too strongly emphasised.

The coal property has been sufficiently developed, and gives sufficient promise of being of value to have enabled me to sell it and have it actively operated. I would have worked it myself, had I been able to ship the product. I have made several attempts to sell this property, but have always failed because capitalists were afraid to invest in it with the certain prospect of having their shipping operations interfered with. The content of the field is estimated by Mr. Howley, F.G.S., Director of the Geological Survey, calculating on the thickness of the outcrops showing in the brooks at 25,920,000 tons per square mile. The reports of Mr. Howley on this property are appended.

In the year 1888 I placed this property in the hands of Messrs. D. MacM. Niven and Co. (Incorporated), Colliery Proprietors, Miners and Shippers, of "Standard" Clearfield Coal, Washington Building, No. 1, Broadway, New York, who were anxious to acquire and operate it; but after some negotiation, in which they expressed themselves as satisfied with my price, and with the property,

they wrote me to the effect that they could not safely invest their money, or induce other capitalists to invest theirs in the property, while the French shore question still remained unsettled, and while their shipping operations were likely to be interfered with.

Messrs. Niven and Co. also wished to acquire an iron property in the same neighbourhood, but were deterred by the same cause which also operated to prevent the sale to them of my property in Port au Port, which they wanted to undertake for asbestos.

In the year 1891 Mr. J. Warren Coulston, of the firm of Coulston and Driver, 505, Chestnut Street, Philadelphia, made an inquiry regarding the property, and attempted to stock a company to operate it, but after he had issued a prospectus he found that there was no certainty that shipping operations would be allowed to be proceeded with, and that he could not conscientiously recommend investors to subscribe, in view of the state of the French Treaty Rights, and so expressed himself to me. He was satisfied with the property, and found the prospect of being interfered with, an insuperable obstacle. I do not think that Mr. Coulston would have proceeded so far in his negotiations respecting the property had he not seen an assurance contained in a letter of Sir William Whiteway, that the French Rights were of no importance. Mr. Coulston had command of large capital.

In the year 1893 an inquiry for this property was made by Mr. Robert W. Cunningham and Mr. Edward B. Grev, of New York, who were acquainted with the property, and wished to acquire it, but they were also deterred by the same prospect of interference. This inquiry was made through Messrs. J. E. Simpson and Co., Dock Contractors, of New York, who informed me that these men were of good character, and had command of large capital.

This property comprises three square miles, and is an immense deposit of this mineral. It is situated about two miles from the sea, on Fishel's Brook, Bay St. George, and is about five miles from Flat Bay, the nearest shipping place. Owing to my ill-success in floating my coal property, I have made no attempt to float this property abroad, as it is subject to the adverse conditions affecting

the coal property. The mineral in this area is of the best quality, is pure white in colour, and the deposit is of enormous extent.

This property extends from Three Guts in Port au Choix, Port Bay to Serpentine River, a distance of about 20 miles, and goes one mile inland. The best developed part of this property is that between Bluff Head and Lewis Brook, where I have spent about 14,000dols. This part of the area is very rich in chromic iron, and gives very good indications of asbestos. Last winter I attempted to dispose of this property in London, but the persons with whom I was negotiating, although satisfied with the property in other respects, were afraid of their shipping operations being interfered with, and declined to negotiate any further on this account.

I am also the owner of a half interest in a marble property at the head of the Humber Arm, Bay of Islands. The property comprises three square miles and extends for three miles up the Humber River on both sides from its mouth. In 1882 I had a company formed in England to acquire and operate this property, but after a prospectus had been issued, it transpired that the French asserted a claim to tidal and navigable waters as well as to the shore, and the prospectus was withdrawn I had also another company formed at the same time to acquire and operate another part of this property, but it failed from the same cause.

The marble is of the finest quality, the principal bed of "Louise," or pure white marble, being from 70 to 80 feet thick, and there are besides on the property extensive deposits of variegated, veined, and mottled marbles in about a dozen varieties.

Neither at the Humber Arm, or at East Bay, Port au Port, nor at Seal Rocks, Flat Bay, are there, or have there been for very many years any French fishing operations carried on, and if leave for the construction of piers and wharves for shipping at these places, were given by the Imperial Government, the fishery of any Frenchmen would not be interfered with, and these properties would all be available for operation, instead of being as now kept compulsorily idle.

#### ENCLOSURE IN ANNEXURE No. 11.

[COPY.]

New York, November 22nd, 1893.

HON. PHILIP CLEARY, St. John's, N.F.

DEAR SIR,

Mr. Simpson of this city has brought to our attention the matter of your coal property on St. George's Bay, and has shown us the maps and papers in his hands relating thereto. Can you give us any particulars as to the extent of the seam, and how far it extends, and how much it has been worked, characteristics of the coal, analysis,

etc. Also how far from deep water. As we understand it the most serious matter in the way of an operation is the French claim to the shore. Is not this true, and what is the prospect of a settlement of that question? Diplomacy is proverbially slow, and we doubt if capitalists would invest money if there was any doubt as to their being allowed to ship the coal. Any and all information you could give us would assist us to determine the prospects for a profitable venture.

Yours very truly,

(Signed) D. MACM. NIVEN AND Co. (Inc.)

#### ENCLOSURE IN ANNEXURE No. 11.

45, Broadway, New York,  
September 26th, 1893.

JOHN M. CLEARY, Esq., Barrister and Solicitor, Temple Building, Duckworth Street, St. John's, N.F.

DEAR SIR,

Your letter of September 17th, addressed to D. MacM. Niven and Co., Washington Buildings, New York, was duly received.

I enclose herewith copy of the letter of November 22nd, 1893, to Hon. Philip Cleary to which you refer, and hope

it will be of some use to you in the matter of the French shore question. I cannot say that the situation has changed in the interim, and my opinion is that while, from what I have read in the public press, I think the French have no rights beyond fishing rights, yet until the question is definitely settled it would be difficult to get parties to go into an operation there where they may be interfered with by French men-of-war. Such interference might be illegal, but the fact remains just the same.

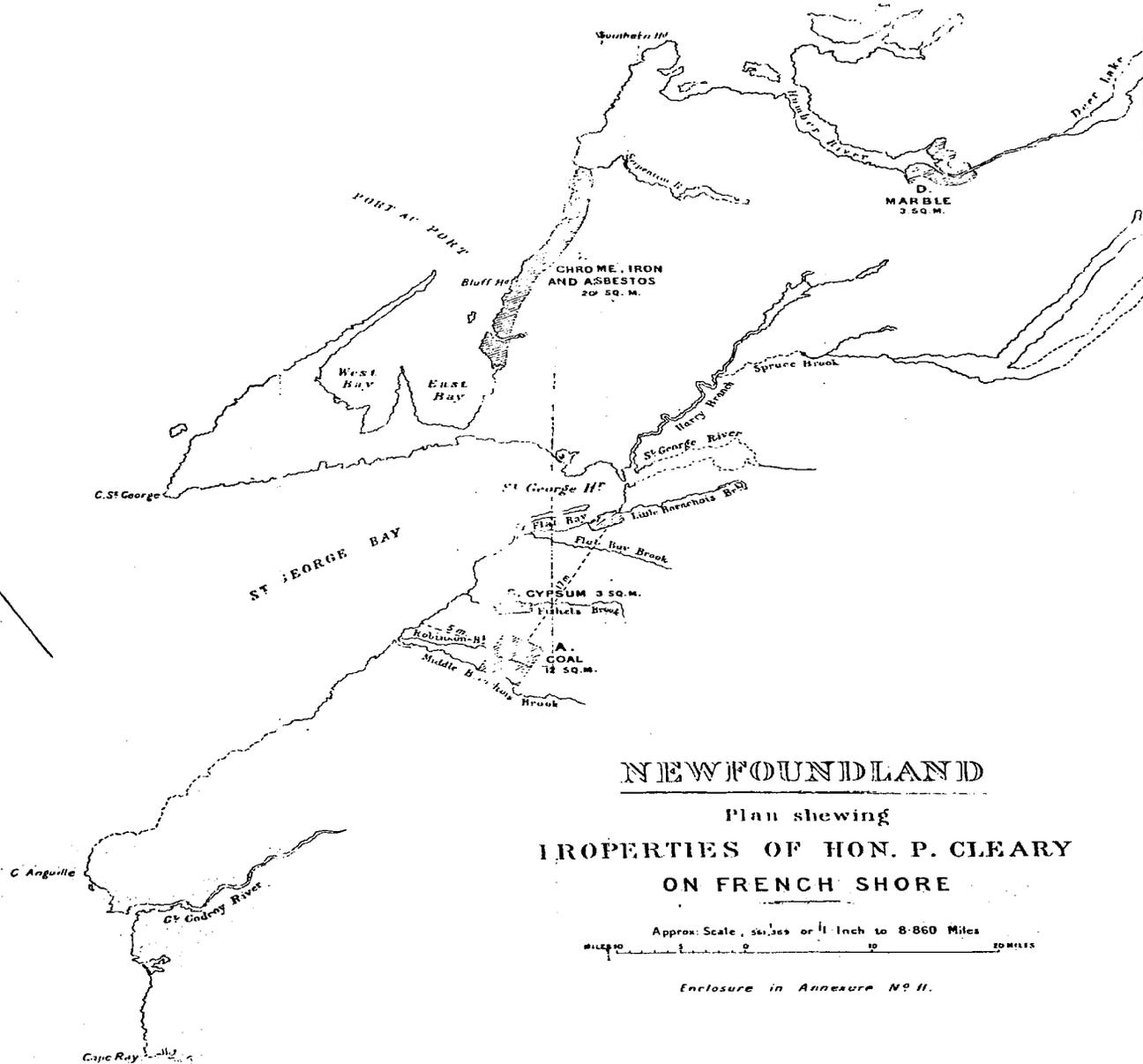
Yours very truly,

D. MACM. NIVEN.

#### ANNEXURE No. 12.

I have for some years past taken a good deal of interest in the mineral conditions on the French Shore. There

being practically no local capital available for the exploitation and working of mineral lands, I have made considerable efforts to get outsiders interested. So far, however, very largely owing to the difficulties one has to meet in combating the fear raised by the question of French



**NEWFOUNDLAND**  
 Plan shewing  
**PROPERTIES OF HON. P. CLEARY**  
**ON FRENCH SHORE**

Approx. Scale, 561,369 or 11 Inch to 8-860 Miles

*Enclosure in Annexure No. II.*

rights, affecting, as it does, the all-important question of title to property, road building, ingress to and right to ship at salt water, I have been quite unsuccessful in reaching any practical results, although many of the prospects are most favourable, and though export reports have been encouraging. Nothing is so timid as capital, and I do not think that until the present stigma upon the integrity of this territory is removed, any ordinary attraction in the way of mineral deposits will tempt either speculator or investor.

I am, for instance, interested in a large block consisting in all of about ten square miles, situated at York Harbour, Bay of Islands. I have had various expert reports on the property during the past few years, and have myself done some development and prospecting work there. All reports made have been without exception very good. I have visited and inspected the district myself. It undoubtedly carries an enormous quantity of fine copper ore. Shipping facilities are all that can be desired. An expert who accompanied me last year made a strongly favourable report to his principals. They were extremely anxious to procure good copper properties; there was no disagreement as to terms, but, notwithstanding, they would not do anything with these areas on any terms. There are no Frenchmen living or fishing there.

When in London last winter I made arrangements for the floating of a company to work part of this area, taking payment entirely in stock. The brokers interested were Mr. Baird and Mr. Broomhead (who is connected with the well-known firm of Lumsden and Myers, of Finch Lane, Cornhill). These gentlemen subsequently found the greatest difficulty in dealing with this question, though the tangible value of the property itself was undoubted. My letters on the subject have been full of the handicap caused by the French Shore question. The matter has practically fallen through for the present, though I still have some hopes of being able to do something with the property. There is not the smallest question that, if situated anywhere else, these York Harbour areas would be extremely valuable; in fact, I should hesitate to say what I think they would be worth. Under present conditions their value is extremely problematical.

The small prospecting work done shows that there are a number of rich copper deposits upon them, as well as iron pyrites in paying quantity and other minerals. One copper lode traced for three-quarters of a mile runs over 30ft. in width, and another, according to Mr. Howley's report, probably runs continuously for over three miles, and has been actually traced for a considerable part of the distance.

Besides Mr. Howley's report, I have had most flattering reports from various experts, among others, Mr. Mitchell, sent out by the London Mercantile Association, of 8, Finch Lane, Cornhill, who had the highest opinion of the district. Finding it difficult to get outside capital to operate York Harbour, I was anxious to do some mining there myself on a limited scale. I accordingly applied a year ago in writing to the Commodore in command of the British squadron in Newfoundland waters, asking leave to construct a road for a distance of about half a mile from the shore to the proposed workings, and asking also about a wharf. I have, however, not been able to get permission to either make a road or to build a wharf.

I have for two years been in correspondence with the London chalk and plaster firm of J. E. De Wolfe and Co., 12, Great St. Helen's, in reference to plaster. These people have interested themselves a good deal in the question, and I have had a first-class gypsum expert—Mr. Jennison—to report on the deposits in St. George's Bay. The quality of the gypsum is of the very finest. Mr. Jennison reports more especially on the deposit at Romaine's Brook, Bay St. George. He describes it as

superior in every way to any deposit in Nova Scotia or Cape Breton, and he is familiar with them all. The quantity is unlimited, the quality unsurpassed, and can be put free on board ship at a cost to defy competition. My own firm are prepared to take a large monetary interest in the venture if it can be worked. I have sent samples to American buyers; Messrs. J. E. De Wolfe, who are directly in touch with the large American business firms, had a representative go out and interview them as to the contracts that might be made. They consider that they could dispose of 100,000 tons per annum in the United States. One concern—The Keystone Plaster Co., of Philadelphia—to whom samples were sent, stated that they would themselves be prepared to take 20,000 tons per annum. But before shipments on any considerable scale can be made, it is necessary to build a breakwater and a large loading pier. This, of course, blocks our way, though there is no fishery, nor are there any Frenchmen there.

In the same region on Port-au-Port Peninsula, a fine deposit of lead occurs at Lead Cove, and a short distance from it a promising vein of barrytes. I have been in correspondence about both these places, and have had them visited, examined, and reported upon by an expert.

I can get capital to develop both properties, but am again blocked by French restrictions.

Some years ago Mr. Bennett did some work at Lead Cove, but was forced to abandon it, although the deposit was a most promising one, on account of French interference. I think I could also get some further exploration work done on the iron pyrites at Bellman's Cove, near Lead Cove.

A year or two since I had some inquiries from London about chrome iron, and I had an expert, sent out to me from London, examine and report upon Captain Cleary's chrome properties near Bluff Head. His opinion of them was most favourable, and his report satisfactory so far as quality and quantity of ore was concerned. Just about that time, however, the Halifax Chrome Company had their difficulty in connection with the building of a loading wharf, and I found nothing could be done, though these people are still ready to interest themselves in chrome iron.

I am interested in some auriferous areas at Ming's Right. I had an expert examine and report upon this district a year ago. He reported to me that he had panned gold from several very large and strong quartz reefs there, and that he thought very highly of the district's prospect as a gold producer. I consider, however, that it is quite useless under present conditions, and with the well-known difficulty that occurred with the French on the Barry and Cunningham claim some years back, to do anything with it.

I am interested in the manufacture of pulp, and have had competent men through most of the timber districts in the colony, reporting on the forest lands. I find that probably the finest pulp wood both in quality and quantity in Newfoundland, occurs in White Bay (Gaulds Bay, Orange Bay, etc.), and in the Baie Verte district, and my reports show also a splendid growth of wood suitable for pulp making in Bonne Bay. This industry requires the investment of a large amount of capital, but it is a profitable one in every country where it can be carried on, and capital is available when the conditions are favourable.

There is, however, no chance for developing the industry on the French Shore with French rights to be reckoned with. The requisite capital is not to be had where such restrictions and risks have to be faced, and where shipments cannot be made with certainty.

(Signed) JOHN HARVEY.

St. John's, September 8th, 1893.

ANNEXURE No. 13.

NUMBERS of French on Treaty Shore from 1885 to 1893.

Year.	Metropolitan Cod Fishermen.	Lobster Fishery.	Petits Pocheurs.	Total.	Remarks.
1885	1,750	-	-	1,750	
1886	1,150	-	-	1,150	
1887	-	-	-	878	
1888	-	-	-	941	
1889	-	-	-	887	
1890	-	-	-	836	
1891	620	100	-	726	
1892	605	138	-	803	
1893	608	114	13	735	
1894	679	170	71	920	
1895	683	148	152	983	
1896	582	141	159	882	
1897	481	146	109	736	
1898	418	104	137	659	

ANNEXURE No. 14.

To show that in my opinion the steady diminution of the number of metropolitan fishermen is due to the fact that the Treaty Coast fishery does not now as a rule pay, I beg to hand in a statement on the subject.

The facts shown are not from any official source, but are compiled from various notes on conversations with the French Capitaines Prud'hommes during the last three fishery seasons. My inquiries were made entirely independently, and without comparing one Prud'homme's statement with that of another. On the west coast I based my inquiries on the total cost of a French room for seventy men, which was the number then employed by the two Capitaines Prud'hommes at Port-au-Choix. My inquiries were made in 1897, and it came to this: that it took 100,000 francs to fit out a French room of seventy men and fish for one season. This sum, though, was modified on inquiries being made by me in 1893, when they told me that the sum was more like 75,000 francs. This covered wages, food, cost of bait, repairs of boats and fishing gear, and incidental expenses for the season, as well as the repair, refit, and care for twelve months of the ship in which the French fishermen come from France. The average time they are absent from France is eight months.

Thus the calculation comes to this:—  
Expenses, 75,000 francs.

To the credit of the French room comes:—

Head bounty for 70 men at 50 francs a man. 3,500 francs.  
The catch bounty on the amount exported to foreign or colonial ports must always be a varying quantity. Any fish imported to France for home consumption does not receive bounty. However, to make my case clear, I will take the extreme condition that the whole catch is exported, and claims the average of the catch bounty paid, namely, 8½ francs per English quintal (dry).

The catch for the two rooms in 1897 was reported as 306,000 fish, which, at eleven quintals (dry) per thousand fish, which is the proportion on the west coast, equals 3,366 dry quintals, which at 8½ francs per quintal gives the catch bounty at 28,611 francs between the two French rooms, 14,305 francs for each.

So the bounties amounted to:—

Head Bounty	-	-	3,500 francs.
Maximum Catch Bounty	-	-	14,305 "
<b>Total</b>	-	-	<b>17,805</b>

which leaves 82,195 francs to be made up in the price obtained for the 3,366 quintals of cod taken by the two rooms.

Allowing the outside margin of the market price to be 30 francs per quintal, this gives 100,980 francs as the price obtained, or the mean of 50,490 francs for each room at Port-au-Choix.

WEST COAST.

For one Room, 70 Men.

RECEIPTS.		EXPENDITURE.	
Head Bounty	3,500	Up-keep of French Rooms	75,000
Catch Bounty	14,305		
Price of Fish	50,490		
	68,295		
Balance Debtor	6,705		
	75,000		75,000

This shows that by the cod fishery each room must have lost at least 6,705 francs.

However, owing to the lobster fishery, the two rooms at Port-au-Choix packed 571 cases of lobsters, which at the current price, 47½ francs per case, gives 27,075 francs, or 13,537 francs for each room, of which about 10,000 francs was clear profit to each. So the loss on the cod fishery is rather more than balanced by the profit on the lobsters, having a balance of about 3,000 francs in favour of the French room. It must be remembered that I have worked this out to, in my opinion, the maximum advantage of the French undertaking, and showing

the smallest loss which they probably experienced. The 1897 fishery at Port-au-Choix was above the average.

FRENCH ROOMS AT PORT-AU-CHOIX.

1893—321 Men took	11,740 quintals.
1894—372 " "	10,300 "
1895—339 " "	11,337 "
1896—270 " "	7,600 "
1897—141 " "	3,336 "
1898—127 " "	3,622 "
	11 to 12 quintals = 1,000 fish.

Though worked quite separately, there is a lobster factory at John Meagher's Cove (Bartlett's Harbour) in conjunction with one of the rooms at Port-au-Choix, which, at the excellent ruling prices, further assists in helping out the losses made on the cod fishery.

It is thus, as a rule, to the lobster fishery on the West Coast that the French metropolitan cod fishery on that coast is able to continue with moderate success, and I can only suggest that this feature of the case should be closely watched and borne in mind.

At St. John's Island near Port-au-Choix there is a French room, but as the lobster industry is far more exercised than the cod fishery the losses in the latter industry are more than compensated for by the successes in the former, as the lobster fishery in the vicinity of St. John's Island is very productive.

I now propose to examine the same question for an east coast French room, where, owing to the ice on the coast, they begin fishing somewhat later, and where they have no lobsters to help them out with their expenses. Whereas ninety codfish go to a dry quintal on the west coast, it takes 145 to make a dry quintal on the east coast, where the fish run much smaller.

At St. Julien's, in 1897, I asked the French Capitaine Prud'homme, who then had sixty-eight men at his establishment, how many codfish he considered he would have to catch to pay his expenses. I adopted this method of inquiry so as to check the investigations I had made on the west coast, where I started my calculations from the basis of expenditure. He told me that with sixty-eight men he required to take 2,000 quintals of codfish before he touched any profits. Now this at 145 codfish to the quintal gives 290,000 codfish.

For his sixty-eight men his head bounty is 3,400 francs. Assuming as in the west coast case that the whole of this 2,000 quintals is exported from France, the catch bounty at 8½ francs per quintal amounts to 17,000 francs,

Total - 20,400

The east coast codfish being smaller, do not command quite so good a price, so, taking as a liberal allowance the price obtained at 25 francs per quintal, we have:—

FRENCH ROOM, EAST COAST, 68 MEN.

Necessary Catch, 2,000 quintals to pay expenses.

RECEIPTS.

	Francs.
Head Bounty (68 Men)	3,400
Catch Bounty on 2,000 quintals, at 8½ francs	17,000
Price for 2,000 quintals of Cod at 25 francs per quintal	50,000
<b>TOTAL</b>	<b>70,400</b>

and the result is approximately the same as the west coast rooms. Thus I am inclined to believe that the foregoing fairly represents the state of the case.

AT ST. JULIEN'S -

In 1893—68 Men took	230,000 fish.
In 1894—70 " "	200,000 "
In 1895—72 " "	290,000 "
In 1896—69 " "	320,000 "
In 1897—68 " "	140,000 "
In 1898—60 " "	75,000 "
	1,000 Codfish = 6 to 7 dry quintals

Thus the whole is reduced to this practical consideration. To pay expenses on the Treaty Coast metropolitan fishery the men employed must average thirty quintals per man, which on the west coast means that for each fisherman the catch must average about 2,500 codfish, and on the east coast 4,500.

I have not touched the question of the expenses of the *Petite Pêcheurs*, but it could be shown, I am certain, that

though the original outlay is not as great as in the metropolitan industry, and notwithstanding the bounties and extra bounties paid in 1898, the results gained by this class of fishery on the Treaty Coast do not pay sufficiently in excess of the St. Pierre fishery (which the *Petite Pêcheurs* would otherwise exercise) to make it worth while for the St. Pierre Armateurs to largely embark in the Treaty Shore fishery.

ANNEXURE No. 15.

EXTRACTS FROM THE "JOURNAL OFFICIEL" OF ST. PIERRE.

Up to the Month of June, 1898.

NAME OF EXPORTS.	Weight.	EXPORTS.							Exports during same Period, 1897.	1898.	
		For June 1898.		Total Previous Catch during the Year 1898.		Total to 30 June 1898.		TOTAL.		Increase.	Decrease.
		For France.	Colonies and Abroad.	For France.	Colonies and Abroad.	For France.	Colonies and Abroad.				
Dry Cod	NI	71,063	255,941	103,456	901,904	170,509	1,377,305	1,643,814	2,001,008	-	337,796
Green Cod	NI	4,323,090	-	629,315	-	4,952,405	-	4,952,405	7,028,337	-	2,075,932

The Month of July, 1898.

NAME OF EXPORTS.	Weight.	EXPORTS.							Exports during same Period, 1897.	1898.	
		For July 1898.		Total Previous Catch during the Year 1898.		Total to 31 July 1898.		TOTAL.		Increase.	Decrease.
		For France.	Colonies and Abroad.	For France.	Colonies and Abroad.	For France.	Colonies and Abroad.				
Dry Cod	NI	128,425	632,363	170,509	1,377,305	311,334	1,916,673	2,327,007	2,632,853	-	1,446,076
Green Cod	NI	2,872,573	-	4,952,405	-	7,827,330	-	7,827,330	9,105,340	-	1,278,010

The Month of August, 1898.

NAME OF EXPORTS.	Weight.	EXPORTS.							Exports during same Period, 1897.	1898.	
		For August 1898.		Total Previous Catch during the Year 1898.		Total to 31 August 1898.		TOTAL.		Increase.	Decrease.
		For France.	Colonies and Abroad.	For France.	Colonies and Abroad.	For France.	Colonies and Abroad.				
Dry Cod	NI	82,143	242,809	311,334	1,916,673	396,117	2,314,072	2,542,130	4,054,418	-	2,183,329
Green Cod	NI	6,472,445	-	7,827,330	-	14,259,835	-	14,259,835	18,300,810	-	1,000,975

The Month of September, 1898.

NAME OF EXPORTS.	Weight.	EXPORTS.							Exports during same Period, 1897.	1898.	
		For September 1898.		Total Previous Catch during the Year 1898.		Total to 30 September 1898.		TOTAL.		Increase.	Decrease.
		For France.	Colonies and Abroad.	For France.	Colonies and Abroad.	For France.	Colonies and Abroad.				
Dry Cod	NI	104,974	470,524	396,117	2,314,072	490,091	2,822,698	3,127,057	6,290,291	-	2,370,708
Green Cod	NI	2,578,800	-	14,259,835	-	17,058,635	-	17,058,635	17,845,820	-	787,185

Decrease of Export in 1898 from 1897 up to 30th September in each year.  
 2,170,704 kilos of Dry Cod = 62,305 English dry quintals.  
 780,256 kilos of Green Cod = 14,077 English dry quintals.

TOTAL . . . . . 78,472

Probable decrease for the whole of 1898 from 1897—100,000 English dry quintals.

## ENCLOSURE No. 1 IN ANNEXURE No. 15.

## NOTES ON THE EXPORT RETURNS FROM ST. PIERRE.

It will be observed that there is a considerable decrease shown in this return as compared with the exports of 1897 for the same period.

This decrease undoubtedly took place in the early part of the season, and is claimed by Newfoundlanders to be due to the restrictions placed on the supply of bait. The return has tended I fancy to mislead these parties.

My information, gathered at St. Pierre and elsewhere, shows that on the contrary the season's fishery has been an average one. The years of 1896 and 1897 were certainly abnormal as shown in the attached return, and 1898 will probably prove an average year.

Very bad weather was experienced on the banks in the early April fishing, and only the largest and best equipped vessels could weather the storms experienced at that period. These were chiefly those ships which now do not call at St. Pierre at all, and fish entirely in the early season with winkle (bulot) for bait. The bad weather undoubtedly affected the spring voyage on the banks more than anything else.

The restrictions as to bait are not such as would prevent the French getting it if they wanted to; \$1 50c. has to be paid per registered tonnage for a baiting license, which is small in comparison to the loss in fishery to the French from want of bait, which seems to be the governing idea with the above-mentioned interested parties.

When so much is at stake, if the French really wanted the bait, and could not get it otherwise, they would take out a license.

Ten or twelve years ago the French spent annually 800,000 francs on bait on the southern shores of Newfoundland. At present the sum so spent is 6,000 francs.

The Bait Act taught them how to do without bait obtained in large quantities from the Newfoundlanders.

On account of the abnormal years of 1896 and 1897 the price of fish at St. Pierre was at 11 francs a quintal. In June, 1898, it had already risen to 18 francs per quintal.

## TOTAL ST. PIERRE EXPORTS SINCE 1885, REDUCED TO ENGLISH DRY QUINTALS.

		Value in dollars.
1885	— 847,262	- - - 1,378,539
1887	— 699,714	- - - 2,707,906
1893	— 510,923	- - - 2,247,748
1889	— 494,117	- - - 2,189,735
1890	— 470,309	- - - 2,088,636
1891	— 380,184	- - - 1,892,870
1892	— 404,010	- - - 1,580,349
1893	— 481,217	- - - 1,794,167
1894	— 447,375	- - - 1,626,093
1895	— 546,431	- - - 1,948,270
1896	— 684,861	- - - 1,831,116
1897	— 633,951	- - - 1,829,622

The amount of fish imported annually to France for home consumption averages 680,000 dry quintals. This receives no "export bounty," and exceeds generally the total catch exported from St. Pierre.

When on the subject of exports from St. Pierre, which in 1897 was 633,951 quintals, it is interesting, when discussing the Treaty Shore question, to observe that the total catch for the whole season on the Treaty Coast, including all fishery, both Metropolitan and Petits Pêcheurs, in 1897 was 18,000 quintals, indeed not much in comparison with the bank fishery, and hardly capable of influencing the markets detrimentally to the profit expected by the Newfoundland merchants.

18,000 quintals is, perhaps, equal to the amount exported during any ten consecutive days throughout the season from the port of St. John's alone.

## ENCLOSURE No. 2 IN ANNEXURE No. 15.

## DETAILS re ST. PIERRE FISHERY RECEIVED FROM A PERSON RESIDENT THERE.

Forty vessels, 300 tons; thirty-three men fish on the banks, who do not get shore bait in any form.

Ninety vessels come in about June, and will take bait when, if it is there and cheap; 150 tons, twenty-six men, is the average size of these ships.

Fifty vessels come out to St. Pierre in the spring with goods, and who will take bait if it is there then and cheap.

Two hundred and sixty St. Pierre vessels, 60 tons, sixteen men outfit from St. Pierre. Twelve new vessels were added to this fleet last year.

About fifteen of these vessels take all the bait they can; the owners wish them to take it, but they (the captain and crew) wish to save the expense, etc.

Caplin can be got at Miquelon.

Squid on the banks all the time.

Salted or frozen herring is not used.

St. Pierre will suffer through the operation of the Bait Act through the loss of a cash trade to the smaller merchants. Fortune Bay will suffer by the loss of sale of bait, and the French shore will suffer by reason of the occupancy of every hole and corner.

The fishery round St. Pierre and Miquelon has been falling off these last few years; quite a number of persons went to the west coast last year. Several lobster stations have been taken up, and if the Act is put into operation there is no doubt that their operation will be more extensive than ever.

You can compete with the French bounties if you will cure your fish properly.

You do not clean it enough.

You do not wash it.

You do not take all the blood out of it.

You do not salt it enough.

You do not use proper salt.

The French wash their fish boracic acid cullid.

A spoon is used getting rid of the blood.

You cannot sell fish at Porto Rico where we sell a large quantity.

It is not cured properly.

You cannot sell your fish in Boston for the same reason.

Two pounds borax to thirty gallons water to wash the fish; the wash is used before putting the fish in the hold of the vessel.

The expenses of the French are greater than ours.

Wages are higher.

Freight is higher.

Insurance higher.

The 260 vessels are manned by men who are brought out from France, and their passage money is about \$23, besides doctor's fees.

And a bonus or gratification of \$40 each.

The captain gets a bonus of 1 franc per quintal, green up to 3,000.

After that a bonus of 10 per cent. on the realised value on balance.

A clean white fish is what the purchaser wants.

It is not what your ideas of what good fish is.

It is what the purchaser wants.

You ought to canvas the Italian ports.

You can smell St. John's fish when it is being moved.

## ANNEXURE No. 16.

[COPY OF A COPY.]

M. A. BOURKE, Commodore.

## NOTICE

## REGULATIONS FOR THE BAITING SEASON.

I.—The inhabitants of Bay St. George are hereby forbidden to fish for herring between the hours of 8 p.m.

and 4 a.m. A gun will be fired from the "Pelican" to mark the commencement and conclusion of the prohibited hours, and any case of robbery from the nets reported to me will necessitate a guard being rowed at night.

II.—No cod traps are allowed to be set.

III.—No English seines are allowed.

IV.—No fishing is allowed on Sunday.

V.—No bait is to be sold to vessels other than French for less than one dollar (\$1) a barrel.

VI.—No bait is to be sold outside the limits of the harbour taking a line from the lighthouse.

The inhabitants of Bay St. George are strictly to observe these regulations, and to refrain from interfering with or

molesting the French in the exercise of their Treaty right of fishing.

Regulations Nos. I, III, IV., and V. were unanimously agreed to at a meeting of fishermen held on May 14th.

(Signed) H. LYON,  
Commander H.M.S. "Pelican."

Bay St. George, 16th May, 1898.

ANNEXURE No. 17.

List of Vessels baited at Bay St. George during Season of 1898.

Name.	Nationality.	No. of Barrels of Herring.		Name.	Nationality.	No. of Barrels of Herring.	
		Caught.	Bought.			Caught.	Bought.
"Neerlande"	French	22	168	Brought forward		217	287
"Sainte Anne"	Ditto	15	80	"B. P. Willard"	U.E.A.	—	60
"D.P." (first time)	Ditto	—	12	"Maggie and May"	Ditto	—	60
"D.P." (second time)	Ditto	—	15	"A. E. Weyland"	Ditto	—	75
"D.P." (third time)	Ditto	—	10	"W. E. Morrissey"	Ditto	—	75
"Helene et Louise"	Ditto	—	30	"Thetis"	Ditto	—	63
"Odour"	Ditto	—	40	"Winona"	Ditto	—	75
"Jean Baptiste"	Ditto	—	16	"Mondego"	Ditto	—	60
"Terre Neuve"	Ditto	—	60	"May Belle"	Newfoundland	—	30
"Nouvelle Ecosse"	Ditto	—	18	Total, U.E.A. and Newfoundland		—	495
Total, French		217	287	Grand Total		217	885

(Signed) Hon. M. A. Bourke, Comptroller,  
H.M.S. "Cordella."  
H. Lyon, Commander,  
H.M.S. "Pelican."

6 June 1898.

ANNEXURE No. 18.

Memo. re damage sustained by British subjects in Newfoundland, owing to the presence of the French at St. Pierre and on the French Shore, viewed more especially from the point of view of the fishing interest.

Passing over (1) the loss in lobsters taken by the French factories,

(2) The smuggling carried on from St. Pierre, where the imports average something like \$450 per head yearly against \$40 in this colony,

(3) The locking up of the timber and mineral resources of a large part of the island, and considering only

(4.) The loss on the cod fishery industry—more especially on the Labrador fishing industry—owing to French competition, the position presents itself as follows:—

Our shore and bank fish competes mainly with Norwegian in the Mediterranean markets. It meets the French fish, however, in some of the West India Islands, particularly in Hayti, which is a very large market, and in Boston, where very large quantities are taken to the exclusion of our fish.

While our shore fish does, of course, suffer in the Mediterranean markets from the plethora of cheap fish, due to excessive French exports, it is really the Labrador fish which suffers most directly from its competition. Labrador has no serious competitor of similar grade in these markets excepting French law. This French law is carried "green" from St. Pierre to France, where it is dried as required, and the surplus, not needed by France and her Colonies, is sent to Spain, Italy, and Greece, largely by rail in small parcels.

For many years the French fishing bounties of about \$2 per quintal dry, were only paid on the catch of vessels outfitted in old France. Under that system the French catch had been for many years stationary, and showed no indication of increase.

Aside from the questions of smuggling and fortifications (in each of which we hold that St. Pierre has been a constant offender against the Treaties), St. Pierre was under that Bounty system more or less what the Treaties intended it should be, "really a shelter" for her fishermen. Their fish did not disastrously interfere with ours.

After a time the Bounty system was extended to include vessels fitting out and sailing from St. Pierre also. Under this St. Pierre soon became the centre of a very extensive industry.

A local St. Pierre banking fleet began to spring into existence, and the catch of French fish increased enormously. In 1885, 1886, and 1887, which may be termed the culminating period, the average catch had more than doubled the average catches of fifteen or twenty years before.

Most of this increase had to look for consumers outside France, and, of course, overflowed into all the Mediterranean markets. There it completely flooded, and owing to the low price at which the fish was sold, it prevented the sale of Labrador fish, and caused ruinous loss to Newfoundland. This colony thereupon enacted the Bait Act, in order to curtail the supply of herring, and other bait fishes to the French fleet. Most of this bait, and especially the herring, had to be obtained from the shore waters of Newfoundland, the herring bait being principally used for the first month's fishing. The French tried to overcome the disability thus imposed, in various ways. They endeavoured by salting and icing to keep their bait fishes over from one season to another, they also tried various substitutes unsuccessfully, and finally they were driven to make the journey to Bay St. George, Bay of Islands, and other places on the Treaty shore in quest of fresh herring. The Treaty Shore Bays are, however, filled with ice and inaccessible long after the bank fishery opens, while they were further handicapped by the great loss of time entailed by the passage, and though by these methods they expected to some extent to counteract the

efforts, the means at their disposal, fortunately for Newfoundland, proved inadequate to combat the loss of the bait that they had been in the habit of drawing from Placentia and Fortune Bays, and, as a result, the growth of their fishery was checked. The potency of the Bait Act was a good deal lessened because Newfoundland could only control a portion of her coast line; the French vessels were, and are still, able to get herring in White Bay, Bay St. George, Bay of Islands, etc. The French have no right to obtain bait on the Treaty Shore.

The French claims are based mainly on the Declaration attached to the Treaty of Versailles, which guaranteed that the fishery should be carried on as heretofore (i.e., as it was prior to 1783), and it is certain that it was not at that time the custom of French bankers to go to Bay St. George for their bait. The only weapon of defence, therefore, we have against those French bounties is already carefully blunted for us by the illegal admission of their vessels to the French shore under Imperial sanction, for the purpose of procuring bait. The growth of the local fleet also entirely altered the character of the French fishery, and this under the terms of the King's Declaration, constitutes a breach of the Treaty.

The competition of French haves never ceased to be a disastrous one for many years past. It has a constantly depressing effect on the markets.

The partial reduction in the French catch, due principally to our efforts to stop their bait supply, has enabled the colony to continue the Labrador fishery, though under most onerous conditions.

The enormous extension of their catch during the last twenty years has been the principal factor in the commercial and financial troubles that the colony has recently passed through, and it is still staggering under the load.

The average loss entailed upon the colony by the artificial extension of the French fishery, has (in addition to the cost of the Bait Protection service) been not less than \$1 per quintal on the gross Labrador catch (estimated at about 450,000 quintals annually) since 1884, or a total of over six million dollars, while the Labrador fishing industry has been, and still is, threatened with extinction. This would entail the sacrifice of the whole of the permanent capital invested, as well as the livelihood of all dependent upon it.

Appended is a table compiled from French official figures, as given in the St. Pierre year book for 1897, giving the statistics of the French fishery since 1870. These figures prove that the influence we can exercise on the French catch is considerable, even with our present limited control of our bait fishes, and that it is a matter of grave regret that we cannot extend that control to the Treaty Shore.

The figures also prove to demonstration that the value, and, in fact, the existence of the Labrador fishery depends absolutely on the amount of fish caught for export by the French, and that their latest breach of the Treaties, by the enactment granting the Bounty to local fishing vessels, thereby making the Island of St. Pierre the centre and

base of large commercial operations, has imposed a very heavy burden upon this Colony.

In 1885 and 1886 the local value of Labrador fish was \$2.40. A large quantity exported in these years did not realize enough to pay the freight across the Atlantic, and the same thing has occurred in recent years, since the Bait Act has been suspended. As a proof of the utter impossibility of competition with French fish, it will suffice to mention the fact that French shippers have actually offered and sold fish to Spain for nothing in Bordeaux, and Spanish buyers, therefore, have obtained it merely for the cost of carriage and Spanish duties, while the French shippers were satisfied with the bounty which they received from their Government. This being the case, the complete destruction of the Newfoundland trade with Spain is, of course, only a question of time.

During the five years 1888 to 1892 inclusive—that is, while the Bait Act was in force—the French catch declined; the average local price of Labrador fish for these years was \$2.85. In 1896, three years after the suspension of the Act, the price was \$2.30. In 1896 the Labrador fishery was a failure, not more than one-half a fair voyage being obtained; but notwithstanding the great shortage in quantity, the price was only \$2.60. In 1897 the price had got down to \$2 (about the amount of the French Bounty). In the present year the attempt has again been made to curtail the supply of herring to the St. Pierre fleet, and the local price is \$2.30, and a better realisation is probably in view.

Labrador fish cannot be profitably produced on an average for less than \$2.80. The low price of provisions and other materials required for the carrying on of this fishery has tended to reduce the cost of production somewhat of late years; but for many years its realisable value has been far below its cost, and the fishery has been carried on at a loss.

As evidence of the injustice done to the Newfoundland trade by the French at St. Pierre, may be mentioned the fact that while the U.S. of America have their interests conserved by an American Vice-Consul, this Colony is not only denied an Imperial representative, but when an attempt was made to establish a commercial agent in St. Pierre to report to the Newfoundland Government, and look after British interests; he was at once compelled to leave, and had to return to St. John's. In contradistinction we have the fact before us in our every action is noticed and reported by a French Consul-General, who unofficially discharges his duties of a Vice-Consul at St. John's.

Tobacco, tea, sugar, &c., &c., cannot be sold to any extent on the coast line contiguous to St. Pierre, to the serious loss not only to the revenue, but of the trade of the Colony. This largely arises from the facilities for wholesale smuggling offered by St. Pierre, and the impossibility of obtaining proper information as to the exports from that Island, which prevents the Colony putting forth any effective effort to stop it.

ENCLOSURE IN ANNEXURE No. 12.

Statistics of French catch in kilos, reckoned dry, 1870 to 1896.

1870	11,340,766
1871	11,060,495
1872	13,596,907
1873	12,080,297
1874	11,972,063
1875	9,483,753
1876	9,444,058
1877	8,787,518
1878	10,039,146
1879	11,686,228
1880	12,747,039
1881	11,812,637
1882	12,783,889
1883	15,229,026
1884	20,230,247

1885	24,864,214
1886	28,716,579
First Bait Act passed by Newfoundland, but disallowed.	
1887	22,652,956
Bait Act in force.	
1888	16,906,430
1889	16,568,760
1890	15,830,889
1891	12,070,497
1892	13,476,672
Bait Act Suspended.	
1893	17,158,693
1894	16,013,919
1895	18,488,417
1896	23,312,357

ANNEXURE No. 19.

Extracts from a series of articles on the "Bounty Question," published in the Daily News:—

FRENCH CUSHIONS.

HOW NEWFOUNDLAND IS HANDICAPPED—AN EYE-OPENER FOR THE FISHERMEN.—(Editor Daily News.)

What really are the odds that this colony has against it in its struggle with its competitor, St. Pierre?

France is, as we know, a large eater of salted codfish. She begins by giving her own market absolutely to her own fishermen by the imposition of a duty of 4.80 dols. per quintal on foreign fish. This is her own business, and no one objects to it.

But then we come to the bounty system.

The first bounty is a bounty on outfits for fishing vessels. This takes the form of a direct bonus to every craft engaged in fishing. In the case of the banking schooners of 90 to 100 tons, which compose most of the St. Pierre fleet, it comes to 200 dols. annually per vessel.

Then, on the fish caught, they give sundry and various bounties. The principal features which interest us are: (1) 2 dols. per quintal of dry fish exported to a port in America, in the Indies, or on the West Coast of Africa—always provided a French Consul is stationed at the said port. (2) 1.60 dols. per quintal of dry fish, whether exported directly from St. Pierre or through a French port to any destination in European countries and foreign states on the shores of the Mediterranean, special arrangements being made, however, for Sardinia and Algeria. It is the second item that weighs so heavily on us just now.

There is next a bounty of 2 dols. per quintal on all cod roes imported into France. (These are used for purposes of bait in the sardine fishery.)

Finally, there is a substantial bounty on the mileage covered by French vessels. This means a subsidy on all freights to and from St. Pierre. The ship that brings supplies out, the schooner that takes those supplies to the fishery on the banks, the fish that she catches and the vessel that takes the fish to market are all under direct subsidy.

These are some of the cushions that are between the French exporter of fish and a loss in his business.

Taken together they form a direct bounty of fully 2 dols. per quintal on all fish sent into Spain, Italy, and Greece, and of more elsewhere.

In the whole history of bounties it is doubtful if this bounty has any parallel.

It is evident, too, that if with the above cited duty of 4.80 dols. per quintal the French market is managed at all judiciously there must be a very handsome profit in handling the fish in France; so that adding this profit to the bounties it would appear that the exporter cannot very well lose money, no matter what price he has to accept for his exports. Naturally he aims at getting control of foreign markets, with every prospect of making money, even while we continue to compete with him, and the certainty of a very big thing whenever he succeeds in driving Labrador fish out altogether. And to judge by what we have recently seen and heard, that is exactly what the French propose to do.

How to struggle successfully against this threatening flood of fish—produced and marketed under these outrageous bounties, how, in short, to sustain itself against the competition of the Government of France: this is a pretty hard nut to be given a little colony like this to crack. And our disabilities are still greater than appear from the above.

In going over the statistics relating to St. Pierre, we find that the local taxes, municipal and otherwise, amount roughly to 100,000 dols. per annum. Taking then the catch for 1895, a fairly average year, say 362,518 quintals dry, we get a contribution on this count of 27 to 28 cents from every quintal exported. This has to be reduced a trifle by the proportion of the taxes contributed by agriculture and by the fish consumed in the colony itself. It is not altogether so easy to find out what each quintal exported from this colony pays toward the revenue; but I have ventured on the following estimate. Putting the

taxes at, say, 1,600,000 dols., and distributing this amount approximately over our various items of production, we get something like this:—

		Approximate Income.	Proportionate Contribution.
Beal Fishery . . . . .	\$ 600,000	—	—
Lobster Fishery . . . . .	300,000	—	—
Salmon and Herring Fishery . . . . .	150,000	—	—
Cod consumed in Newfoundland.	750,000	1,700,000	144,000
Hay . . . . .	700,000	—	—
Potatoes . . . . .	250,000	—	—
Poultry, sheep, swine, and sundries.	650,000	—	—
Horses and cattle . . . . .	140,000	—	—
Turnips, &c. . . . .	100,000	—	—
Other productive Industries . . . . .	250,000	2,700,000	645,840
Codfish exported, say 1,160,000 quintals.	—	3,000,000	702,160
	\$	7,000,000	1,700,000

This figures out a contribution for taxes of about 62 cents per quintal on our export of codfish, whereas the French export pays but 27 cents, so that they have a further advantage over us under the head of State contributions of somewhere about 35 cents per quintal. We have, therefore, direct bounties amounting to 2 dols., and an indirect but none the less potential pull of 35 cents per quintal. In all a nett advantage of 2.35 dols. per quintal. To appreciate the true import of these figures it may be mentioned that Labrador fish has recently sold in Europe at 12s. 6d. per quintal (twelve shillings and sixpence). In self defence, this colony must prevent the fish being caught if she can.

In this connection it is interesting to quote that now notorious extract from the letter of the French fish merchant at Bordeaux, written to a prominent gentleman in Leghorn:—

"At last we may now say the battle is fought and the day won. The dream of my younger days has been verified. I foresaw the result, but never expected that in so short a time not only Italy but Greece and the Iberian Peninsula should become our customers—to the entire annihilation of the British fisheries, which are now doomed to oblivion. In three years hence the Newfoundland and Labrador fisheries will be looked upon as things of the past."

FIGURES THAT TALK.

MUNN'S HOUSE AND HARBOUR GRACE—A FURTHER DISCUSSION OF BOUNTIES, BAIT, AND THE OUTLOOK.—(Editor Daily News.)

The above considerations and others that may be urged constitute strong reasons for immediate and vigorous action towards the stopping of the French supply of herring bait. The need is so urgent (and such is also the view of everyone, without exception, as present interested in the export of fish) that if something is not done it is going to be most difficult, if, indeed, it does not become impossible, to sell Labrador fish at all.

The beginning of the trouble which necessitated the enactment of the original Bait Act in 1886 was the growth of the St. Pierre local banking fleet.

For many years the bounty was only payable to the "Metropolitan" Fleet, i.e., to vessels being out in old France. But eventually the French Government extended the bounty, so as to include schooners fitting out in St. Pierre. And then, as it began to be apparent what a gold mine it was, the local fleet started expanding and growing at an appalling rate, and with it came their surplus catch, until they ended by nearly ruining the colony.

It will be remembered that the 1866 Bait Act was vetoed, and early in 1887 Sir J. W. Dea Vosuz wrote his plucky and able despatch; the Bait Act was re-enacted, and Sir A. Thorburn and Sir A. Shea proceeded

house as a delegation on the subject. Finally, the Act was allowed, and in the spring of 1883 it was actively enforced. It continued in force until 1893, when its operation was suspended. The history of the St. Pierre fishery is one of steady decline during this period. On the other hand, from 1893 to the present date its history is one of steady increase again.

The French decree, which, by giving the bounty to local schooners, created the St. Pierre local banking fleet, sowed the seed that ripened in our commercial crash of 1894.

The largest firm engaged in the handling of Labrador fish was that of John Munn and Co., of Harbour Grace, one of the oldest and best known of our Newfoundland mercantile houses. It was also, up to the creation of the St. Pierre fleet, one of the most substantial. The flag of these merchant princes of Harbour Grace had continued to float proudly over the "Bay Metropolis," while reckless mismanagement and other causes had, one after another, laid its near competitors low. What has been the effect of the hard times of the eighties on John Munn and Co. and Harbour Grace? On their legitimate shipments of fish between the years 1884 and 1889, John Munn and Co. sank 300,000 dols. (three hundred thousand dollars)—the exact figures are 295,923 dols.—and this with facilities superior to those of any other house in the trade, due solely and directly to French competition.

Nothing short of the purse of a Rothschild could stand much of that sort of thing; John Munn and Co. never recovered, and finally succumbed, leaving a vacancy in Harbour Grace that can never be filled—at least, so long as the French surplus which killed them is allowed to grow. No wonder our Legislature declared in 1887 that:—

"When it is suggested as regards our Bait Act, that a consultation with the French may lead to a remedy being found in some other direction for the admitted evils, the proposal appears to originate with a want of knowledge of the situation. A free supply of bait to the French from our coasts means the effacement of our British trade, and the exclusion of our population, and forbids all thought of possible equivalents."

So much for the effect of the St. Pierre fishery on us. Let us now see what was the effect of our action upon them.

I will let them tell the story themselves.

Says the St. Pierre Official Year Book for 1889:—

"Owing to its geographical position and its nearness to the south coast of Newfoundland, St. Pierre is an important commercial (!!) centre. There formerly existed a constant traffic of small coasting vessels, which carried to St. Pierre, during the fishing season, the bait necessary for the bankers, and took back from here in exchange different articles, such as flour, molasses, salt pork (very innocent this, ah! but also), spirits, tea, and sugar, etc., etc. But since the enforcement of the Bait Act this traffic has greatly diminished."

And again:

"The Gulf fishing ground is a matter of great importance to our colony, especially since the Bait Bill was enacted by the Newfoundland Legislature. This has put our fishermen under the necessity of going to Bay St. George to look for the bait which they require for the first trip, which the English used formerly to carry to St. Pierre from Fortune Bay."

A letter quoted in Judge Prowse's History to the *Petit Journal*, of Paris, dated St. Pierre, July, 1899, says:—

"Our colony is very severely tried this year; the cod fishery, which constitutes its principal, we might say its only industry, has up to this date given deplorable results.

During the first trip seven-eighths of our fishermen have barely paid for their wine; all have returned from this trip with an average of from four to eight thousand fish—say 65 to 130 quintals—for each craft, which represents almost nothing. . . . The schooners from St. Pierre are obliged to go to the east coast on the French shore of Newfoundland in search of bait, which means a month's fishing lost."

The French newspaper *Le Progrès* of June 2nd, 1895, says:—

"This bait consists of a small fish which is only to be found in the warmer waters of the south coast of the island, and is the necessary bait for cod fishing, and which until 1889 the French could buy according to their wants at St. Pierre. The law forbidding its sale was therefore a blow for them, as they were obliged to bring from France a salted bait less liked by the cod, or else to find for themselves on the French shore a fresh bait, which would always be costly, and the supply of which would be irregular. Thus the Bait Bill entailed both loss of time and money to the French, and they found their fishing much less productive than before."

(That's what we want)

On top of this eloquent and uncontroverted evidence, let us look at the official statistics of the French catch.

Up to the year 1880, the French fishery was not increasing. It had, in fact, been rather going back.

About the year 1880 the St. Pierre fleet of local banking schooners began to grow very rapidly.

1881 catch was	-	-	-	11,812,537	} First period increase.
1882 " "	-	-	-	12,783,880	
1883 " "	-	-	-	15,329,026	
1884 " "	-	-	-	20,230,247	
1885 " "	-	-	-	24,864,214	
1886 " "	-	-	-	28,719,579	
First Bait Act passed but dissolved					
1887 " "	-	-	-	2,652,958	

1888 Bait Act in Force.

1888 catch was	-	-	-	16,006,430	} Second period decrease.
1889 " "	-	-	-	16,368,760	
1890 " "	-	-	-	15,830,896	
1891 " "	-	-	-	12,070,497	
1892 " "	-	-	-	13,476,672	

1893 Bait Act Suspended.

1893 catch was	-	-	-	17,158,693	} Third period increase.
1894 " "	-	-	-	18,013,919	
1895 " "	-	-	-	18,488,417	
1896 " "	-	-	-	23,312,357	

Such figures as these are too easily explained away.

In 1885 and in 1886, the dealing price of Labrador fish was 2.40 dols. At one time the value in St. John's fell to 1 dol.

In 1888, the first Bait Act year, the dealing price was over 3 dols. During the period that the Bait Act was in force, 1888 to 1892 inclusive, the average dealing price was nearly 2.95 dols.

In 1895 we had got the price back again to 2.30 dols. Only the very short catch in 1893 prevented it going down to 2 dols., and where it will be if this is allowed to go on, goodness only knows.

Yours truly,

J. H.

ANNEXURE No. 20.

RETURN of Numbers of French employed on Treaty Coast of Newfoundland for the Year 1898, showing Particular Industry at each Place, the Catch, the usual Dates of Arrival and Departure, and Actual Dates of Departure at close of Season of 1898.

PLACE.	Number of		Belonging to	Particular Industry.	Catch in Numbers.	Usual dates of		Actual Dates of Departure in 1898.
	Ships.	Men.				Arrival.	Departure.	
Red Island . . . . .	-	38*	St. Pierre	Cod	100,000 fish	End of April	5 October	9 October.
Les Vaches . . . . .	-	18	ditto	Lobster	300 cases	ditto	ditto	ditto.
Black Duck Brook . . . . .	-	31	ditto	ditto	1,000 cases	ditto	20 September	25 September.
Long Point . . . . .	-	72*	ditto	Cod	90,000 fish	ditto	15 July	8 July.
Woody Bay . . . . .	-	8*	ditto	ditto	18,300 fish	ditto	ditto	16 July.
Tweed Island . . . . .	-	15*	ditto	ditto	65,500 fish	ditto	15 October	14 July. 15 October.
Lark Harbour . . . . .	}	10	ditto	Lobster	226 cases	ditto	ditto	15 October.
Tweed Island . . . . .								
Middle Arm . . . . .								
Pearl Island . . . . .								
North Arm . . . . .	}	17	ditto	ditto		ditto	ditto	ditto.
Port-au-Choix . . . . .								
Marlett's Harbour . . . . .	1	24	ditto	Lobster	1,127 cases	ditto	ditto	ditto.
St. John's Island . . . . .	2	98	ditto	{ Cod and lobster	{ 75,000 fish 2,450 cases	} ditto	ditto	ditto.
St. Margaret's Bay . . . . .	1	23	St. Pierre	Lobster	770 cases			
St. Julien's . . . . .	1	50	France	Cod	78,000 fish	15 June	25 September	25 September.
Rouge . . . . .	2	63	ditto	ditto	118,000 fish	ditto	ditto	ditto.
* <i>En Diplom.</i> †								
Barque "Jean Agathe" . . . . .	1	30	ditto	ditto	12,750 fish	Not applicable		Arrived 1 June, Sailed 26 July.
Brigantine "Sainte Anne" . . . . .	1	21	ditto	ditto	2,000 fish	Not applicable		Arrived 25 May, Sailed early in June.
Totals . . . . .	11	659			668,550 fish, 7,123 cases.			

\* *Petits Pêcheurs.*

† The barque "Jean Agathe" and the brigantine "Sainte Anne" were fishing "en diplomé" the Coast. These ships were by the French Commodore shown to be fishing at Port Saunders and Keppel Island. They never visited these Ports but fished in the different harbours on the West Coast. Their fishery was a failure and they finished the season on the Grand Banks.

N.B.—1,000 cod on East Coast equal 6 to 7 dry quintals. 1,000 cod on West Coast equal 11 to 12 dry quintals.

TOTALS of French, 1893 to 1898.

1893 . . . . .							715
1894 . . . . .							620
1895 . . . . .							393
1896 . . . . .	}			Metropolitan		506	} 328
				St. Pierre's		32	
				<i>Petits Pêcheurs</i>		129	
				Lobster Men		100	
1897 . . . . .	}			Metropolitan		451	} 708
				<i>Petits Pêcheurs</i>		200	
				Lobster Men		346	
1898 . . . . .	}			Metropolitan		418	} 659
				<i>Petits Pêcheurs</i>		157	
				Lobster Men		104	

Note.—*Petits Pêcheurs* and Lobster Men are brought in schooners from St. Pierre, and these vessels call again for them in the month of October.

H.M.S. "Cordelia," 18 October 1898.

H. A. Bourke,  
Commodore.

## ANNEXURE No. 21.

(Corr.)

Petits Pêcheurs.

"Cordelia," at St. John's, Newfoundland, June 23rd, 1898.

SIR,  
With reference to Admiralty letter M. No. 168, of the 30th of May, 1898, on the subject of the encouragement of the Petits Pêcheurs to visit the Treaty Shore, I have the honour to forward the following remarks:—

2. Extra encouragement has been recently given for the prosecution of the early fishery, in dories, on the Treaty coast of Newfoundland, to the Petits Pêcheurs from St. Pierre. I say early fishery, as this style of fishery is only carried on up to the beginning of July, at which period of the season the Petits Pêcheurs find it is most remunerative to fish around St. Pierre.

3. The bounties which have lately been paid amount to 100 francs per head, and as two men at least work a dory, that boat can command the minimum of 200 francs. This sounds a great deal when, in addition, the bounty on the catch is taken into consideration. This amounts on an average to 8½ francs a quintal (112 lbs.).

4. The question arises then—Why don't the Petits Pêcheurs go readily to the Treaty coast?

The answer is—Because, notwithstanding the bounties, it does not pay them well enough.

5. The occupation of the Treaty coast for fishing purposes is to the French Government a matter of extreme sentiment, but to these very poor class of fishermen it is only a matter of £ s. d., and if they don't make money at it, they don't want to go.

The life they lead in the shore fishery is no more difficult than that experienced in the early season fishing at St. Pierre. But notwithstanding this, they hate going, and the many with whom I have conversed hardly make a secret of saying they hate it.

Nevertheless, at St. Pierre and in France every encouragement is being given to them to go, and in addition to the governor of St. Pierre's recent action, as reported in the *Journal Officiel de St. Pierre* of March 5th and 12th, 1898, the following appears in the *Annuaire de St. Pierre* for 1898, page 36, under the heading of "Bounties":—

## "PRIMES D'ARMEMENT."

1. "50 fr. par homme d'équipage pour la pêche avec sêcherie, soit à la côte de Terre Neuve, soit à St. Pierre et Miquelon, soit sur le Grand Banc de Terre Neuve."

## "PRIME POUR LA RE OCCUPATION DU FRENCH SHORE."

"Indépendamment des primes d'armement, une prime de 50 fr. par homme est allouée, sur les fonds du budget local, aux petits pêcheurs qui se livrent chaque année à la pêche sur la côte de Terre Neuve dite 'French shore.'"

"En outre, une somme de 4,000 fr. qui doit être répartie en fin de campagne entre les embarcations de petits pêche qui se seront rendus au French shore a été accordée pour 1898, à titre exceptionnel par le Département de la Marine."

6. Thus, in addition to former bounties, the sum of 4,000 francs has been allowed for the season of 1898 to further encourage what at St. Pierre they are pleased to describe as the "Re-occupation of the French shore."

7. I append the numbers of Petits Pêcheurs on the coast for the seasons of 1893 to 1898 inclusive:—

Place.	1893.	1894.	1895.	1896.	1897.	1898.
Lone Point (Beach Point).	18	71	118	90	63	78
Tweed Island . . .	-	-	14	-	24	18
Woody Bay . . .	-	-	4	48	8	8
Little Port . . .	-	-	-	-	-	-
Wood's Island . . .	-	-	-	-	-	-
Red Island . . .	-	-	12	11	14	26
	*18	*71	*153	1160	1100	1187

\* Frud'hommes not included in Totals.  
† Frud'hommes included in Totals.

It is seen how from their first start in 1893 their numbers gradually increased up to 1896. The numbers then fell,

owing to the system having been proved unremunerative to the Petits Pêcheurs themselves.

8. The difference which the addition of 4,000 francs bounty for the season of 1898 has made can be seen, and, I submit, points to the fact that, whatever the wish of the French Government is, the leanings of the majority of St. Pierre fishermen are not at present towards the Treaty Shore fishery.

9. None of the French metropolitan fisheries on the Treaty Coast are actually remunerative. Large sums of money have to be expended in keeping up the sentimental ideas which the French Government hold on the subject. This loss is chiefly borne by the "Armateurs" of the large fishing enterprises in France.

10. In 1879 there were 6,000; in 1885, 1,750; in 1886, 1,200; and in 1897, 451 metropolitan fishermen from France fishing on the Treaty Shore, upwards of 500 miles in length, not counting the huge bays and indentations.

11. There is but one reason why the numbers have fallen away, namely, that the shore fishery business does not pay.

12. The Bait Act of Newfoundland (1887) caused an unfavourable feeling on the part of the French Government, and this eventually gave birth to the idea of the petits pêcheurs.

13. I would respectfully draw attention to the fact that, notwithstanding the repeated contentions of H.M. Government, that petits pêcheurs are contrary to the spirit and letter of the Treaty, these keep coming and fishing on the coast each year.

14. If the French Government continue to increase the bounties the time will come when the "petite pêche" on the Treaty Shore will become remunerative, and from that moment the petits pêcheurs will rapidly increase in numbers.

When this condition of affairs is reached the ancient expensive system of shore fishery, so long carried on by the fishermen coming direct from France, will be abandoned, and at a reduced expenditure the "petite pêche" substituted. This would be a real misfortune for the Treaty Coast.

15. The French Government expended in bounties in 1896 (*Vide St. Pierre Annuaire*, 1898, page 40) a total of 600,530 francs head bounty amongst the 12,615 men employed in the fisheries in Newfoundland, Iceland, and on the Dogger Bank. Of this number the Newfoundland fishery claimed 8,110 men, of whom 4,620 were from France direct, and formed the crews of 151 ships sailing from France; 3,590 fitted out the 221 schooners and boats at St. Pierre. The greater number, though, of this 3,590 really come from France each year for the season's fishing, getting employment under the local "Armateurs" in the same manner as the inhabitants of St. Pierre in the local fishery. These men return again to France at the end of the season.

Of the 4,620 men in the 151 ships, 451 men in ten of the ships were employed on the shore fishery of Newfoundland.

Of the 3,590 men in the 221 schooners and boats from St. Pierre, 109 men fished on the coast of Newfoundland as petits pêcheurs, and 146 men were employed in the lobster fishery on the same coast.

All the remainder, in both cases, fished on the Grand Banks, the St. Pierre Banks, the Banquereau, and a few in the gulf.

16. The French Government also paid 4,843,420 francs bounty on the fish exported from France or from the fishing localities direct, to the markets where the French fish go. The 4,000 francs voted for the encouragement of petits pêcheurs to go to the Treaty Shore is a mere flea-bite compared with this enormous sum, and the French will not stop here when they find that the fulfilment of their sentimental policy with regard to the Treaty Shore is unsuccessful.

17. Viewing the question generally from the British side, the evils from which the colony of Newfoundland suffers on account of the French fishing rights on the Treaty Shore is by many persons, for many reasons, greatly exaggerated.

In the manner in which the French metropolitan fishery is now prosecuted and the number of French subjects employed thereon, the loss to the colony, both in money and opportunities, can be easily shown to be very small.

18. At all times, the objections to the French Treaty Shore rights are easily understood from a patriotic point of view, but at the present moment, from a commercial and the "Expansion of the Colony" side of the question, these objections are almost entirely interested or sentimental.

But the serious increase of petits pêcheurs on the coast would quite alter the aspect of affairs.

19. A very strong position was taken up on the subject of the British "concurrent right" of fishing, and the practical result is that the French now do not complain of the permanently resident British fishermen on the coast, and the term "exclusive right" on the part of the French fishermen seems to have been practically forgotten.

20. An equally strong position was taken up, and with most effective results, as to the active interference with

British fishermen by French naval officers within British waters on the coasts of Newfoundland.

21. Thus, before the French Government take any further action to encourage the "petits pêcheurs" to increase their numbers on the Treaty coast, I would respectfully urge that further firm diplomatic action is necessary at an early date to settle this vexed question.

If the question of the petits pêcheurs is allowed to drag on, and become a custom, it will eventually, as many other customs imported by the French, be claimed as a right to the great detriment of the Treaty Shore.

I have, etc.,

(Signed) M. A. Bourne

Commodore.

Vice-Admiral Sir JOHN A. FISHER, K.C.B.,

Commander-in-Chief.

ANNEXURE No. 22.

[TRANSLATION OF A COPY.]

Commodore.

BOUNTIES.

Bounties to assist the cod fishery have always been allowed by the different Governments who have succeeded one another since the year 1816. These encouragements are divided into "head bounties" and "bounties" on the catch.

The bounties are at the present time regulated in the following manner:—

HEAD BOUNTIES.

1. 50 francs for each man of the crew for dried fish taken, whether on the coast of Newfoundland, at St. Pierre and Miquelon, or on the Grand Bank of Newfoundland.
2. 50 francs for each man of the crew for green fish from the waters of Iceland.
3. 30 francs for each man of the crew for the green fish from the Grand Bank of Newfoundland.
4. 15 francs for each man of the crew for the fishery on the Dogger Bank.

BOUNTIES ON THE CATCH OF COD.

1. 20 francs per metric quintal (100 kilos.) for the dried fish taken by the French, and sent either direct from the fishing places or from the French markets to the French Colonies of America, India, the West Coast of Africa, and other Transatlantic countries, provided that it is landed at a port where there is a French Consul.
2. 15 francs per metric quintal for dried fish taken by the French and sent either direct from the fishing places or from the ports of France to European and foreign countries on the coasts of the Mediterranean, excepting Sardinia and Algeria.
3. 15 francs per metric quintal for the importation into the French Colonies of America, of India, and other Transatlantic countries, of dried fish taken by the French and exported from French ports without having been put in bond.
4. 12 francs per metric quintal for dried fish taken by the French and sent either direct from the fishing places or from the ports of France to Sardinia or Algeria.

5. 20 francs per metric quintal for cods' ribs that the fishermen bring back to France from the produce of their fishing.

The "petite pêche" gets the bounty of 10 francs per man (head bounty).

The catch of the "petite pêche" enjoys the same advantages as the catch of the "grande pêche."

Lobster fishers have a right to the head bounty (50 francs per man), but there is no bounty on the catch of their fishery.

Note:—

- Dried fish is fish split, salted, and dried.
- Green fish is fish split and salted, but not dried.
- Metric quintal—100 kilos.
- English quintal—112 lbs.
- 100 kilos.—220.7 lbs.

BOUNTIES.

20 francs per 100 kilos.,	9.90 francs per English quintal.
16 " 100 "	7.90 " " "
12 " 100 "	5.90 " " "

9.90 francs - 7s. 3d.	- \$1.76 (Newfoundland coinage.)
7.90 " - 6s. 4d.	- \$1.54 " "
5.90 " - 4s. 9d.	- \$1.15 " "

1 English quintal of dried fish = 2 English quintals of green fish.

1 quintal (French) of dried fish = 50 kilos = 110.2 lbs.  
 1 quintal (French) of green fish = 50 kilos = 121.2 lbs.

French use 50 tons of salt for every 1,000 quintals dry.  
 British use 20 to 25 tons of salt for every 1,000 quintals dry.

To convert French kilogrammes of dried fish into English quintals of dried fish—

$$\frac{\text{Kilos.} \times 2,204}{112} = \text{English dried quintals.}$$

To convert French kilogrammes of green fish into English quintals of dried fish—

$$\frac{\text{Kilos.} \times 110.2}{55 \times 112} = \text{English dry quintals.}$$

ANNEXURE No. 23.

[COPY.]

H.M.S. "Cordelia," at St. John's, Newfoundland, 29th June, 1898.

Sir,

With reference to your Excellency's letter, dated 22nd June, 1898, concerning piers on the Treaty Shore, I have the honour to lay before you the following remarks.

The claim so constantly made that the presence of the

French on the Treaty coast, and the fishing rights they have there, leads to checking the development of the colony is, I think, one more of sentiment than of reality. As far as I can learn, practically every mineral claim worth having is taken up on the Treaty coast. This points to the fact that the presence of the French does not impede the taking up of claims which are likely to prove remunerative.

It is then said that these claims cannot be worked on

account of the objections the French have to the shipping of minerals. This is not the case, for, though the French have in former years objected, their objections have not within the last fifteen years been allowed to hold weight.

It is said that the mining claims cannot be worked without piers. This may be the case, though I strongly doubt it; anyhow, on the west Treaty coast there are only five harbours or bays where piers of any length could be built.

I have consulted with Staff-Commander Tooker of the surveying ship "Gulnare," and his report enclosed puts the whole question most clearly.

There is only one remark that I have to add to his letter,

and that is, that even in the five places where he recommends as possible, that it must be remembered that these would be frozen in during the winter, so as to prevent ships going alongside.

In none of the five places would piers interfere with the fishery of the French, though the one in Flat Bay, St. George's Bay, might require some care in the selecting of its position owing to the spring herring fishery.

I have, etc.,  
(Signed) M. A. Bourke, Commodore.

HIS EXCELLENCY SIR HERBERT MURRAY, K.C.B.,  
Governor, etc., Newfoundland.

ENCLOSURE TO COMMODORE'S LETTER OF 29TH JUNE, 1898.

H.M. Newfoundland Survey, Surveying Vessel "Gulnare," Trepassay, June 26th, 1898.

SIR,

In accordance with your request I have now the honour to submit the following information relative to places on the west coast of Newfoundland where wharves or piers, suitable for the use of ocean-going vessels, might be constructed.

My experience of the coast, I may here state, is based on six seasons' triangulating and surveying, during which time I have personally traversed on foot the whole shore between Cape Anguille and Point Rich.

Certain portions of the outer coastline may at once be set aside as being altogether beyond this question, owing to their exposure to the heavy north-westerly sea which rolls in at intervals even during the summer months, and also to the action of the moving ice during the winter. The force with which this sea strikes the shore is clearly shown by the immense quantities of driftwood extending for miles and in many places lying as much as one hundred yards inside the high water line.

Those places then which, from their sheltered positions or their proximity to known mineral deposits, might be considered available would possibly be St. George's Bay, Port-au-Port, Bay of Islands, Bonny Bay, the neighbourhood of Cow Head, and Port Saunders.

Of these Bay of Islands and Bonne Bay already have wharves, and no doubt one might be constructed at Port Saunders, but in St. George's Bay the conditions are very different. A pier was constructed inside Flat Island, but even there it has, I believe, been destroyed. Another was commenced some years ago on the west side of Isthmus Bay, but my experience of this locality, during the summer I was working there, goes to show that the periods during which a vessel could lie alongside would be very few and short. In no other place in St. George's Bay could a pier, even if constructed, be available for large vessels. The sea, which rolls in on both north and south sides, is very heavy during bad weather, and even with the ordinary fresh westerly winds of summer it is such as to make landing, except in one or two partially sheltered coves, quite impossible.

Besides this the numerous ice-deposited boulders along the south shore, and smooth steep rocks along the north bear evidence of the action of moving ice.

The only parts of Port-au-Port where such a work would be the least likely to stand are in the West Bay or Pic à Dennis Harbour. East Bay is far too exposed, as is also the shore under Bluff Head, while the inner side of Long Point is subject to such a short sea with southerly winds that it is a most undesirable place even as an anchorage.

Broad Cove, immediately to the westward of Bluff Head, is in close proximity to asbestos mines, and would probably be looked on as a desirable situation from one point of view, but from that of the seaman it cannot be regarded as other than quite unfit for shipping operations in large vessels. The cove is too much exposed to winds from seaward, and rocky ledges extend for some 250 yards from the shore. It is extremely unlikely therefore that a pier of sufficient length could be constructed to stand against the sea, and even if it was, I am of opinion that large vessels could seldom use it.

St. Paul's Bay, though backed by a large sheet of water, on the shores of which mineral oil wells are being worked, is one of the most exposed and dangerous anchorages on this coast, while Cow Head Harbour is entirely too shallow for other than the smallest vessels.

Therefore, over the whole of the area under review, the only places where wooden piers would stand any chance of success seems to me to be:—

- (1) A carefully selected site inside Flat Island in St. George's Bay.
- (2) West Bay or Pic à Dennis Harbour, Port-au-Port.
- (3) Bay of Islands.
- (4) Bonne Bay.
- (5) Port Saunders.

I have, etc.,  
(Signed) WM. TOOKER,  
Staff Commander in Charge.

COMMODORE THE HON. MAURICE A. BOURKE,  
H.M.S. "Cordelia," St. John's.

ANNEXURE No. 24.

[Corr.]

H.M.S. "Cordelia," at Twillingate, Newfoundland, 26th August, 1898.

SIR,

In continuation of my letter to your Excellency, dated 29th June, 1898, I have the honour to submit the following considerations.

With reference to my general remarks on piers in my former letter, having just completed a cruise along the Treaty Shore, I have only to add that, after a close inspection of the coast, I am all the more convinced that the statement so constantly made that the presence of the French on the Treaty coast leads to checking the development, more especially of the mining interests on that coast, is imaginary and not real.

It must first be shown in support of this claim that there are any mineral possibilities on the coast which have not been taken up as mining claims. I go so far as to say there are none, and it seems to me that before the state-

ment concerning the stifling of the expansion of the mineral wealth, due to the presence of the French on the coast, are accepted, it should be clearly shown that any one known mineral claim has not been taken up in consequence.

As I before pointed out to your Excellency, the places where piers can be built on the Treaty Shore (west coast) is limited to five between Cape Ray and Point Rich. I append a list of harbours between Point Rich on the west coast through the Straits of Belle Isle to Cape St. John on the east coast, where, from general considerations and the depth of water, piers could be built to allow deep-draught vessels to come alongside to load minerals, always provided such minerals existed.

I would at the same time point out that, whereas on the west coast the piers would be unapproachable on account of ice during at least four and a-half months in the year, they would on the east coast be closed to traffic for about six and a-half months. Also the ice on the east coast during this period is of such a heavy nature that a pier

would have to be built of enormous strength to resist the pressure to which it would be subjected.

With reference to the attached list of harbours, in no instance would any claim on the part of the French against a pier, as interfering with their fishery, have any

possible foundation. This would be owing to the entire absence of any French fisheries at the place named.

I have, etc.

(Signed) M. A. BOURKE.

HIS EXCELLENCY SIR HERBERT MURRAY, K.C.B.,  
Governor, etc., Newfoundland.

ENCLOSURE IN ANNEXURE No. 24.

List of places on the Treaty coast where piers could be built, between Point Rich and Cape St. John:—

- On the West Coast.
- Old Ferolle Harbour (Brig Bay).
- In the Straits of Belle Isle.
- Pistolet Bay.
- On the East Coast.
- Griguet Harbour.
- St. Lunaire Bay.
- St. Anthony Harbour.
- Chemaillere Harbour.
- Hare Bay (protected portion).
- Croc Harbour.
- Canada Bay—Timber grant applied for.
- Hooping Harbour.
- Fourche Harbour.
- Orange Bay.
- White Bay:
  - Little Harbour Deep.
  - Great Cat Arm.

- Jackson's Arm.
- Sops Arm—A saw mill and timber grant established late in 1896.
- Riverhead.
- Hauling Arm.
- Southern, or Seal Arm.

Bay Verte, } Mineral claims have been granted in  
Mingh's Bight. } this locality.

Paquet Harbour.  
Confusion Bay.

Practically in many of these harbours, though a pier would be possible, it would be most inadvisable to construct one owing to great depth of water and the circumstances of ice-bound harbours.

I consider that in these harbours instead of long piers shoots would be preferable for loading ore. But the above remarks are valueless unless it can be shown that minerals exist in the vicinity of the above harbours.

(Signed) M. A. BOURKE, Commodore.  
26th August 1898.

ANNEXURE No. 25.

Table.

Money expended in Newfoundland by Her Majesty's Ships during the season of 1898:—

"Cordelia" brought £5,000 from Halifax for "Cordelia" and "Columbine"; returning with £350.  
"Pelican" brought £3,052, and is returning with £1,274.  
"Partridge" brought £1,500, and returns with £207.  
Bills drawn for coal, fresh provisions at St. John's, and fresh provisions on the Treaty Coast during season of 1898, £4,398.

"Cordelia" and "Columbine" spent in Newfoundland during the 1898 season	£4,550	0	0
"Pelican" spent in Newfoundland during the 1898 season	£1,788	0	0
"Partridge" spent in Newfoundland during the 1898 season	£1,293	0	0
Bills drawn	£4,398	0	0
<b>Total</b>	<b>£12,129</b>	<b>0</b>	<b>0</b>

In addition to the above I estimate that unrecorded incidental expenses probably increased this sum by £500.

ANNEXURE No. 26.

Estimate for Pack of 250 Cases at Shoal Point, Summer, 1898. Time, 2½ months.

Boss, 45.00	-	-	-	-	-	125.00
Sealer, 25.00	-	-	-	-	-	70.00
Cracker, 18.00	-	-	-	-	-	50.00
Boiler, 18.00	-	-	-	-	-	50.00
Tails, 16.00	-	-	-	-	-	44.00
2 Boys, 2½ months, 10 and 12.00	-	-	-	-	-	55.00
3 Girls " 6.00	-	-	-	-	-	45.00
Cook, 2½ months, 8.00	-	-	-	-	-	22.00
<b>Factory Crew, Total</b>	-	-	-	-	-	<b>461.00</b>
6 Fishermen 18.00 per month, and 25 cents per 100 on lobsters	} and found					450.00
Board of 17 hands say	-	-	-	-	-	170.00
Fuel	-	-	-	-	-	30.00
Bait say	-	-	-	-	-	100.00
Traps say	-	-	-	-	-	200.00
Boats and incidentals, say	-	-	-	-	-	80.00

Brought forward	-	-	-
Snack	-	-	140.00
Cases, Solder and Linings, 250 x 130	-	-	325.00
			<b>1,956.00</b>
250 cases at 9.50, price at which contracted for them at Halifax,—say 9.20, allowing 30 cents freight	-	-	2,300.00
			<b>344.00</b>
Profit on supplies furnished	-	-	300.00
<b>Net Profit, say</b>	-	-	<b>\$ 644.00</b>

Then analysed amounts to this, that on an expenditure of \$1,956 in 2½ months a profit of \$344, or 17½ per cent. can be made. But in the foregoing bill all payments to fishery and working hands were made in "truck," or \$1,200 was paid in kind, on which \$300 profit was made, or 25 per cent.

In the factory in question the estimated pack for 1898

has been exceeded by forty cases. This has only entailed the following additional expenses:—

40 cases—10,800 lobsters. At a bonus of 25 cents per hundred to the fishermen.

This represents - - - - - \$27.00  
40 cases, solder, lining, &c., at \$1.30 - - - - - 62.00

Making a total of - - - - - \$79.00

These additional cases packed brought—

\$9.20, or 40 cases at \$9.20 - - - - - \$368.00

Less additional expenses - - - - - \$79.00

Profit on 40 additional cases - - - - - \$289.00

Thus the net result to this factory for 1898 amounts to this:—

Estimated expenditure for catch of 250 cases - - - - - \$1,956.00

Expenditure due to packing 40 additional cases - - - - - 79.00

Total - - - - - \$2,035.00

Against this the receipts are:—

Estimated catch of 250 cases at \$9.20 - \$2,300.00

Additional 40 cases packed at \$9.20 - 368.00

Total receipts - - - - - \$2,668.00

Expenditure - - - - - \$2,035.00

Profit - - - - - \$633.00

Add \$300.00 profit on truck payment - \$300.00

Total profit to lobster factory owner - \$933.00

in 2½ months.

These accounts were rendered to me by a factory owner himself, and shows what a valuable industry the lobster industry is.

It also shows how the "truck system" reduces the fisherman's wages by about 25 per cent.

This system unfortunately obtains throughout Newfoundland.

M. A. BOURKE,  
Commodore.

#### ANNEXURE No. 27.

Extract from letter from MAJOR CLARK, who was representing my interest in London re York Harbour, April 29th, 1898.

"Some people (there are always such around) have been posing as authorities and saying that the French will prevent the working of the mines and the export

of ore. I said the French (and more the pity) were only concerned in the Fishery rights, but they want evidence from your side, so you might cable a few words along with reference to Howley's report, that the property can be worked and ore shipped without interference from Frenchmen or anyone else."

#### ANNEXURE No. 28.

Extract from letter from Mr. BAIRD, dated London, June 1st.

DEAR SIR,

I am duly in receipt of your two cables, one reading: Unbridl Didelphy. (Trans.: "I cannot undertake." I take it this refers to York Harbour Copper in regard to the French Shore rights question. But in

these matters a letter will suffice; we don't do things here in a day. I take it you don't want to take any responsibility in the matter, but cannot you get a letter from Sir J. Winter or some one in authority that it will not or cannot interfere with the working of the mine or shipment of the ore? This is all we require. Sample in box received. It looks very well.

#### ANNEXURE No. 29.

Referring to the interview accorded by the Royal Commissioners on Saturday to the undersigned merchants of St. John's, it is desired by the latter to put in the following short statement of their position:—

1. Common sense, statistics, and our actual experience prove that the value of Labrador fish is directly dependent upon the quantity of lavé the French have for export.

2. The enormous quantities they have had for export of late years has been due to the fact that a very large fishery has been created as a purely local industry in St. Pierre.

3. The character of the French fishery has been entirely changed thereby.

4. Had our Bait Act not proved effective in 1888 and in subsequent years, in reducing to some extent the French catch, the Labrador fishery must have been abandoned, and this colony ruined.

5. For these reasons St. Pierre has become a standing menace to the welfare and solvent existence of this colony.

6. Furthermore St. Pierre is a notorious smuggling centre, and thereby is in actual fact reducing our revenue, dislocating the legitimate internal trade of the colony, and exerting a demoralising influence on a large section of our people.

7. And, finally, these facts constitute a gross breach of every word in the following clauses of the Declarations attached to the Treaty of Versailles, defining on what terms the Islands of St. Pierre and Miquelon are to be held by France.

His Britannic Majesty declares:—

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

The King of France declares:—

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

ROBERT H. PROWSE  
A. F. GOODRIDGE  
R. K. BISHOP.  
WILLIAM C. JOB.  
JAMES GORDON.  
EDGAR R. BOWRING.  
JOHN HARVEY.

ANNEXURE No. 30.

TOBACCO.		lbs.	Nos.
Annual sale, local manufacture, about	350,000	(1) Population last census, Placentia Bay to White Bay, east coast - - - - -	112,716
Estimated annual sales on western coastline from Placentia Bay to White Bay inclu- sive - - - - -	30,000	(2) Population western shore, Placentia Bay to White Bay - - - - -	49,724
Ditto, east coastline, St. Mary's Bay to Green Bay, say - - - - -	320,000	Consumption (1) of local make - - - - -	320,000
		Consumption (2) of local make - - - - -	30,000
		At same rate of consumption as No. 1, No. 2 should take - - - - -	103,000



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19	Embarkation of Spirituous Liquors. Circular of the French Minister of Marine, February 6, 1896 - - - - -	87	190
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21	Letter from Colonel Young of November 19, 1898, relating to Mr. C. F. Bennett's lead mine at Port-au-Port - - - - -	88	200
22	Letter from Mr. J. W. Withers, of October 14, 1898, relating to the Pulp industry - - - - -	"	202
23	Letter from the Assistant Collector of Customs covering extract from a Report by Mr. William Reddin on the subject of Smuggling - - - - -	89	213

## PART III.

## SYNOPSIS OF EVIDENCE.

No. of Witness.	Name and Occupation.	Date and Place of Examination.	Synopsis of Evidence.	Page.
1	William J. Burt, fisherman.	Moreton's Harbour, September 19th, 1898.	Interference by French man-of-war with the witnesses fishing on the East Coast.	91
2	William Critch, fisherman	" " "	" " " "	94
3	Joshua Mills, fisherman -	" " "	" " " "	95
4	Edward White, fisherman	Twillingate, September 19th, 1898.	" " " "	96
5	Arthur J. Gillett - -	" " "	Loss incurred owing to the Proclamation against cod-traps.	97
6	John Philpot, fisherman -	Croce, September 22nd, 1898.	Difficulties in obtaining bait at Croce -	98
7	William Langdon - -	Port-au-Choix, September 24th, 1898.	Waters at Gargamel assigned to a French lobster factory. Is obliged to sell to the French.	99
8	Mr. Simeon Avery, Stipendiary Magistrate at Bonne Bay.	Bonne Bay, September 26th, 1898.	Injury to cod fishing caused by bultows and lobster traps. Price of lobsters. Has not interfered with illicit factories. Refused to admit exclusive claims of factory owners. No clear title can be given to land, consequently little improvement in houses, &c. Good land near Bonne Bay. Indications of asbestos, copper, coal, iron. Restrictions on sale of lobsters removed, 1898. French smuggling used to be bad, but has greatly decreased.	100
9	Commander H. Lyon, R.N., Commanding H.M.S. "Pelican."	" " "	Has found no trouble between French and English fishermen. People can now take lobsters everywhere and sell to whom they please, but are not allowed to pack.	104
10	Rev. Charles W. Hollands, A.P.O.	" " "	Beneficial effect of throwing open the waters to all. Difficult to combine farming and fishing. Prohibition of cod-traps a hardship. Land near Bonne Bay good. Smuggling greatly decreased.	"
11	Mr. J. P. Bancroft, Sub-Collector of Customs.	" " "	Smuggling greatly diminished. Trade and import duties increased; gives details.	105
12	Alfred Taff, fisherman -	" " "	Loss suffered owing to former monopoly of the waters by factory owners. Cod have been driven away by all the lobster-traps.	106
13	Ingram Taylor - -	" " "	French smuggling of liquor. Violence done to witness by captain and supercargo of a St. Pierre vessel.	"
14	Mr. J. F. Bancroft (re-called).	" " "	Introduction of immoral cards by the French. French built boats on the Treaty shore. They refuse to pay duty on salvage.	"
15	Mr. James C. Seeley, lobster factory owner.	" " "	Has paid large sums for his factories under the <i>Modus Vivendi</i> , and would expect compensation should the system be changed. Cost of traps and boiler; process of boiling.	107
16	Mr. George E. Bearns, mine owner.	Bay of Islands, September 27th, 1898.	Interested in petroleum claim at Parson's Pond and other claims. Cannot be worked until the French question is settled.	"
17	Charles E. Parsons, farmer.	" " "	Has lived in Bay of Islands for 37 years. Has never known any French rooms there.	108

No. of Witnesses.	Name and Occupation.	Date and Place of Examination.	Synopsis of Evidence.	Page.
18	Mr. Levi March, Stipendiary Magistrate at Bay of Islands.	Bay of Islands, September 27th, 1898.	Much friction between British factory owners and fishermen, but none between British and French. Prices paid for lobsters. Wishes to have a Board appointed to prevent rotten herring and offal from being thrown into the harbours.	108
19	William H. Bagg, fisherman.	" " "	Has lived 38 years at Birchy Cove. There is a good herring fishery in the North Arm. Used to own a lobster factory at Lark Harbour, but was obliged to sell it, as the waters were assigned to M. Hacala by Sir B. Walker.	109
20	Mr. Lawrence Barron, Collector of Customs.	" " "	Has had difficulty in obtaining Customs duties from Frenchmen. Thinks that all Frenchmen should report at the Custom House on arrival. Suspects that the people are paid for their work in goods by the French. States that a Frenchman admitted that he had no right to catch lobsters. A copper mine has been opened at York Harbour.	110
21	John Hayes, fisherman	" " "	Used to fish at French Island until M. Hacala started his lobster factory there. States that the lobster traps have driven the capelin out of the cove. He lost 375 dollars, which he had spent in preparing for lobster catching, owing to not being allowed to can.	"
22	Abraham Noseworthy, fisherman.	" " "	Used to fish at French Island until displaced by M. Hacala. Describes violent conduct of the latter.	111
23	Mr. W. K. Anguin, lobster factory owner.	" " "	Owens three factories. Prices paid to lobster catchers. M. Bourget and Hacala get their tins and cases in Newfoundland. Does not think that lobster traps keep away the bait. Is in favour of a close season for lobsters.	112
24	Mrs. Emma Park	" " "	Had owned a salmon post at North Arm, but had to give it up, as M. Bourget started a lobster factory there. He had afterwards put down nets himself. The "Pelican" had ordered her to take up her nets. M. Bourget put a net on her land and built his house on the land she had cleared.	113
25	Mr. Thomas Carter, lobster factory owner.	Wood's Island, September 30th, 1898.	His factory was started before the French came there. Little trouble between French and English. Thinks lobsters have decreased in numbers, but is not in favour of a close season. Does not believe that lobster catching injures the other fisheries.	114
26	George Sheppard	Lark Harbour, September 30th, 1898.	Having to leave French Island was a hardship to British fishermen. Frenchmen can change their ground more easily than the British. Good herring fishery at Lark Harbour.	"
27	Mr. Henry Norman, Customs Officer.	" " "	States that M. Hacala has more ground than he can fish. A French gardien is left at Lark Harbour every winter. M. Hacala had employed native labour to cut timber for constructing a breakwater.	115
28	Herbert Sheppard, fisherman.	" " "	Trawls robbed and cut off Sundays by Frenchmen.	"
29	William Sheppard, fisherman.	" " "	Prevented by the French from using cast-trap. Serious loss.	"
30	John Sheppard, fisherman	" " "	Lobster factory stopped by British man-of-war. Damage to property by Frenchmen.	116
31	Herbert Sheppard, fisherman (re-called).	" " "	Damage to property by St. Pierre men. Complaints of restrictions on lobster canning.	"
32	Robert Park, fisherman	" " "	Trawls cut by St. Pierre men	"
33	Francis Sheppard, fisherman.	" " "	" " " " " "	117

No of Witness.	Name and Occupation.	Date and Place of Examination.	Synopsis of Evidence.	Page.
34	Mr. William Gabriel, schoolmaster.	Lark Harbour, September 30th, 1898.	Illicit sales by six Frenchmen during the winter. Destruction of property. Salmon fishing by M. Macal.	117
35	Mr. H. H. Haliburton, agent for Mr. Baird of St. John's.	The Gravels, October 1st, 1898.	A close season for lobsters desirable. Was prevented from building a pier. Destruction of property by fishermen at Long Point. Illicit sale of liquor by the French.	118
36	Arthur Cashin, fisherman	St. George's Bay, October 3rd, 1898.	Price paid for herring. French bait bait first. Robbery of nets. Baiting of British nets. Actions of British naval officers with regard to baiting. Meetings of fisherman. Price paid by the French very low.	119
37	Right Rev. Dr. McNeill, Roman Catholic Bishop of West Coast.	" " "	Want of regulations will bring about extinction of lobster industry. Vested interests growing up owing to sale of factories among British. Action of naval officers during baiting season. Land good round St. George's Bay. Wharf required at Long Point.	121
38	Nathaniel Butt, lobster factory owner.	" " "	Decrease of the herring export trade since the arrival of the French at St. George's Bay. Interference by the French. Removal of British nets. House erected by the French in 1898 removed after correspondence.	"
39	Francis Garnier, fisherman.	" " "	Lifting and shaking of British nets. Destruction of property.	122
40	Mr. Charles R. Bishop, mine owner.	" " "	Robbery and destruction of British nets. Loss to the export herring trade. Was obliged to relinquish the business. Owns large claim of magnetic iron near St. George's Bay, which cannot be sold owing to the French. Is also interested in mining properties at Bluff Head.	"
41	Mr. Michael Edward Dwyer, Stipendiary Magistrate.	" " "	Stipendiary magistrate. Diminution in the export of herring. British nets robbed and destroyed on Sundays.	123
42	Right Rev. Dr. McNeill (re-called).	" " "	Petroleum at Shoal Point in Port-a-Port Bay. A channel should be cut from latter bay to Bay St. George. Colonel Robinson's Brook.	124
43	Antonio Nardini, mill-owner.	" " "	Owner's lumber mill up the main river. Received permission to work it from Sir B. Walker and the French Commodore.	"
44	James R. Hayes	" " "	Obliged to give up exporting herring and packing lobsters. Factory closed in 1891.	"
45	Alloysius O'Reilly, fisherman.	" " "	Prevented by a French officer from selling bait to an American vessel. Had to stop packing lobsters at Bank Head in 1890.	"
	Rev. Charles Jeffrey, incumbent of St. George's Bay Mission.	" " "	No great diminution in herring export trade. French use seines, which are damaging to the fishery, as they break up the shoals.	125
47	Commander H. Lyon, R.N. (re-called).	" " "	Action during the baiting season. Rules fixed at fishermen's meeting. No agent could be got to arrange matters with the men-of-war, as his fees had not been paid in previous years. Had to do the work himself. Gave no orders. Only eight French ships in 1898. The dead herring in the seines fouled the bottom and spoiled the fishery. Details of Bluff Head mine. Manager told him that the French did not object to his work.	"
48	Mr. Arthur Mudge, R.N., Assistant Paymaster, H.M.S. "Pelican."	" " "	Complaint of M. Bourget with reference to Mrs. Park's salmon nets.	126
49	Mr. Clement Renouf, Customs officer.	" " "	Diminution in the herring export trade. Objection to seines.	"
50	Mr. R. K. Bishop, merchant.	St. John's, October 8th, 1898.	Details of mineral properties. Gold mine at Ming's Bight stopped in 1883. System of mining licences. Copper at York Harbour. Cannot get mines worked owing to French restrictions.	127

No. of Witness.	Name and Occupation.	Date and Place of Examination.	Synopsis of Evidence.	Page.
51.	Mr. Alexander Mackay, manager Anglo-American Telegraph Company.	St. John's, October 10th, 1898.	Was interested in Mr. Bennett's lead mine at Port-au-Port. 20,000 dollars spent on mine. Stopped working in 1873, after French protest.	127
52	Mr. H. W. Le Mesurier, Assistant Collector of Customs.	" " "	Copper mine near the Serpentine River. Inspection favourable. Could not be disposed of as no lease or right of way to the shore could be secured.	128
53	Rev. Moses Harvey, LL.D., Presbyterian minister.	" " "	Secretary to Fishery Commission. Habits of the cod and capelin. Labrador fishery very prolific. Fish on the coast less numerous, owing to over-fishing. Has tried a fish hatchery with partial success. Lobster catching diminishing, owing to absence of regulations. Salmon also recklessly taken. Serpentine at Bonne Bay. Gypsum at Romaine's Brook. French claims prevent working of mines.	
54	Mr. Robert J. Rendell, merchant.	" " "	Interested in saw mill and mineral claims at Sop's Arm. Iron. Cannot get permission to erect buildings.	129
55	Mr. John Harvey, merchant.	" " "	Copper at York Harbour. Indications good. Gypsum at Romaine's Brook. Gold at Ming's Bight. Lead, barite and pyrites at Port-au-Port. Pulp. Hesitates to invest money for fear the works might be stopped.	"
56.	Mr. Simeon H. Parsons, photographer.	" " "	Mineral claims at Harbour Deep, south of Ming's Bight. Proposed purchase by a Glasgow company stopped by French restrictions. Claims at Coachman's Cove in White Bay.	130
57.	Mr. Charles R. Steer, merchant.	" " "	Holds 40 mining licences and 33 applications for properties on Treaty Coast. Oil at Cow Head, gold at Ming's Bight, copper at White Bay, iron pyrites at Pistolet Bay. Cannot get clear title.	"
58	Mr. Archibald Lindsay, accountant.	" " "	Mineral Oil at Parson's Pond. Favourable report by expert. Proposes to run pipes to Bonne Bay, and fears there may then be difficulties, owing to the French restrictions.	
59	Mr. Adolf Nielsen, late Superintendent of Newfoundland Fisheries.	" " "	Fishery diminishing, owing to abusive methods. Colony not rich enough to properly enforce regulations. Habits of codfish. Temperature of the water. Habits of the lobster; diminishing in size and quantity. Is in favour of a close season.	131
60	Rev. M. Harvey, LL.D. (re-called).	" " "	River wardens for rivers on the Treaty Coast. No collisions with the French. Beneficial to salmon.	132
61	Mr. James F. McGrath, Superintendent of the Penitentiary.	" " "	Length and description of trawls. French baiting. Must get licences to buy bait on South Coast. The winkle. St. Pierre banking vessels. Details of smuggling from St. Pierre.	"
62	Mr. W. A. B. Selater, merchant.	" " "	Lead and silver mine at Gravels; stopped in 1873 in consequence of French complaint. Oil at Port-au-Port. Gold at Ming's Bight. French claims prevent development of mines. Former smuggling of spirits by the French.	133
63	Mr. James P. Fox	" " "	Smuggling from St. Pierre: details of methods employed. Could not remain an agent for the colony in the island, owing to the conduct of the inhabitants.	"
64	Mr. H. W. Le Mesurier (re-called).	" " "	Smuggling from St. Pierre curtailed by the Bait Act. Before the Act the colony was losing 60,000 to 100,000 dollars a year in duties not collected. Imports at St. Pierre disproportionate to population. Much bait wasted there in former years. No fish or cod-ros may be brought to St. Pierre by British fishermen. Seizure of British fishing vessels. French countries. St. Pierre fishing fleet.	134

No of Witness.	Name and Occupation.	Date and Place of Examination.	Synopsis of Evidence.	Page.
65.	Mr. Joseph O'Reilly, Inspector of Customs.	St. John's, October 10th, 1898.	Details of operations of preventive service. Its effect upon smuggling; increase of the revenue. Still much smuggling on West Coast, but people too poor now to buy much from traders. Packing of herring very careless. Destruction of herring at St. Pierre. Law passed in 1898 prohibiting export of bait to that island. French use salted squid and winkles.	135
66	Mr. D. J. Henderson, mining prospector.	St. John's, October 11th, 1898.	Owns mineral claims at Mingle Bight. Sold one gold mine to Captain Cunningham. Was in charge there when the French made objections to it. Interview with French officer. Work was stopped in following year. Mine very rich. Claims at York Harbour. Could have sold property for 33,000L, only for its being on the Treaty shore. Complaints of prohibition against erection of buildings.	,
67	Mr. D. W. Prowse, LL.D., retired Judge of the Central District Court.	" " "	Movements and habits of cod-fish and capelin. Winter fishery on South coast. Smuggling with St. Pierre: sugar, tea, tobacco, liquor. Methods adopted. Very extensive formerly. Curtailed by the operation of the Bait Act. French require large quantities of bait.	137
68	James Heilerton, fisherman.	" " "	Operations of nomadic schooners. Offal always thrown into the harbour, not on the fishing grounds. Differences with the French on the Treaty coast. Usually makes two trips to Labrador. Uses trap and cod-seine.	138
69	Mr. Henry Moore, retired merchant.	" " "	Difficulties between British and French at Cremaillere. Destruction of French Property. Removal of witness. Methods of nomadic schooners. Schooners ordered away by French man-of-war. French left the coast owing to the fishery not being remunerative.	139
70.	Mr. D. W. Prowse (re-called).	" " "	Further details as to movements of the fish. Effect of the Bait Act upon the French. Curtailment of smuggling. Exposure of smugglers largely checked for political reasons.	140
71	Mr. William Kelly, Customs officer.	" " "	Smuggling extensive in 1897. Methods adopted by Louis Garroux and others. Actions of preventive officers. Diminution of the illicit traffic and increase of the revenue. Has never seen French officer giving orders to the people on the West Coast.	141
72	Commodore the Hon. M. A. Bourke, R.N., senior officer of the Newfoundland Division.	St. John's, October 12th, 1898.	French fishermen on Treaty coast, 1885-1898. Numbers falling off because the fishery does not pay. Outfitting methods of nomadic schooners. Preparation of green fish to dry in a quinquina. British and French—export of fish from St. Pierre. Fishing "en dégrat." Port-au-Choix celebrated for bait. Has not found any barring of rivers by the French. French officers do not take action on shore. Has had no trouble with regard to the baiting at St. George's Bay. Details of action of British naval officers. Matters arranged at a representative meeting of fishermen. British officer only inserts rule prohibiting cod-traps. Herring badly packed for export. Had helped to distribute proclamation against cod-traps. Evasion of laws by nomadic schooners. Complaints against them by British settlers. Considers that fishery police, if established, should be under the orders of a naval officer. Fewer schooners in 1898 owing to early clearance of ice from the Labrador coast. They all clean their fish on the fishing grounds. French fishermen help the British settlers; their relations very friendly.	142

No. of Witness.	Name and Occupation.	Date and Place of Examination.	Synopsis of Evidence.	Page.
73	Mr. Alexander Mc Dougal, merchant.	St. John's, October 13th, 1898.	Lobster factory at Hauling Point, worked by Messrs. Murphy and Andrews. Protest of the captain of the "Drac." Action of Lieutenant-Commander Bearcroft. Closing of factory. Failure of the French factory which replaced it. Demand for compensation.	145
74	Mr. Robert Andrews, manager of lobster factory.	" " "	Had charge of factory at Hauling Point. Had begun to catch lobsters before the arrival of the French. Visit of the "Drac." Received written order to leave from Lieutenant Bearcroft.	146
75	Mr. Richard Moakier, shopkeeper.	" " "	Partner with Fearn and Martin in lobster factory closed in 1888. British Government awarded 3,000 dollars compensation. Had never received his share of 150 dollars from Fearn. Obligated to sell his schooner and keep a small shop.	"
76	Mr. R. H. Prowse, merchant.	St. John's, October 15th, 1898.	French bounties, "Armement" and export bounties. Cost of outfitting a ship for the Banks—catch necessary for profit. Treatment of British and French fish caught on the Banks. Price of fish. British lose 50 per cent. in curing their fish, French only 22 per cent. French fishery less expensive. Details of bounties. French fish compete with Labrador fish in European markets. Norway and Iceland also compete, but on more equal terms. Favourite markets for different fish.—Portugal. Bounties on French fish are driving the Labrador fish out of the market. The lavé process. Labrador fishery uncertain. "Making" of the fish. French cod-seines have destroyed the Treaty Shore fishery. Bultows injurious to the in-shore fishery. Winter fishery on the South Coast—habits of the fish. The Winkle—different kinds of bait used by the French. Bait Act advisable. Would not agree to give bait to the French unless they took off the export bounty. Thinks that the fishery of the French Metropolitan Fleet is probably cheaper than that of the St. Pierre local fleet. Salted bait formerly used—inferior to fresh. Proportion of green fish to dry in quintal. Difference between British and French.	147
77	Mr. John Harvey (recalled).	" " "	French "lavé" always underseil the Labrador fish. Does not think that increased taxation has injured their fishery, as cost of production is less. Considers extension of bounty to St. Pierre to be contrary to the Treaty. Loss incurred by his firm owing to smuggling of tobacco. Spirits. Planting of mussels at St. Pierre by the French. Local fishing fleet at St. Pierre not contemplated by the Treaties.	151
78	Mr. James Gordon, merchant.	" " "	Extensive smuggling of spirits by the French at Red Island. No British allowed there.	152
79	Mr. J. P. Howley, F.G.S., Director of Survey in Newfoundland.	St. John's, October 18th, 1898.	Geological formation of the Island favourable to deposits of minerals. Minerals on West Coast—Coal at Bay St. George and Grand Lake—Indication good—First attempt at coal mining successful—Gypsum, freestone, grindstones, whetstone, in Codroy Valley; also good land and hardwood timber. Oil on west coast—indications from Port-au-Port to Port Saunders. Superior quality at Cow Head and Parson's Pond. Good timber suitable for Pulp industry between Bay St. George and Bay of Islands; also asbestos, chromite, copper, and iron pyrites. Asbestos at Port-au-Port Bay. Gypsum deposit at Romaine's Brook bought by American Company. Galena mine at Port-au-Port stopped. Chromic iron at the Lewis Hills. Statistics of shipment of ores. Brown hematite pyrites at Middle Arm. Pyrites and	153

No. of Witness.	Name and Occupation.	Date and Place of Examination.	Synopsis of Evidence.	Page.
79	Mr. J. P. Howley, F.G.S.— <i>continued.</i>	St. John's, October 18th, 1898.	copper at York Harbour. Pyrites at Brig Bay. Mica and marble near Bay of Islands. Good land and timber in the Humber Valley. Mr. Bishop's magnetic iron mine at St. George's Bay. <i>Minerals on the East Coast</i> —Formations containing oil between Pistolet Bay and Canada Bay—Hematite iron at Sop's Arm—Copper indications at Hare Bay, Goose Cove and St. Julien's—Marble at Canada Bay—Pyrites at Bay Vert—Gold at White Bay and Ming's Bay—Copper, iron and galena at Sop's Arm. East coast very little developed as yet. Suggests smelting works at Notre Dame Bay and Bay of Islands. Has never seen Frenchmen fishing for salmon in rivers.	
80	Commodore the Hon. M. A. Bourke, R.N. (re-called).	" " "	Crews of English and French warships on Treaty coast in 1898. Numbers of French fishermen—lobster catchers—Petits Pêcheurs. Statistics and details of the latter. Petite Pêche unpopular—not remunerative in spite of the bounty. Attempt to revive fishing "en blanc" in 1898 a failure. Places on Treaty coast suitable for wharves. Employment of native labour in lobster factories by the French. Lobsters diminishing in quantity and size. Price formerly paid to lobster catchers by factory owners most insufficient—much larger now. Monopoly of British owners to their waters not admitted now. French have monopoly as against the British, but not as against their own countrymen. Number of illicit factories much less in 1898. More remunerative for lobster catchers to sell to factory owners at increased price than to can illegally. Constant disputes between British subjects in consequence of the <i>Modus Vivendi</i> . Money spent by the warships in the island. Expenses of a lobster factory on the west Treaty shore.	155
81	Mr. John Harvey (re-called).	" " "	Gypsum property at Romaine's Brook. De Wolfe, a London firm, could get capital to work it only for French claims. Sold his York Harbour copper mine, subject to expert report. Difficulties in floating any company. Labrador fish. Competition of French disastrous in 1886, bulk of Labrador fish not badly cured. Details of sales of tobacco. Amount not in proportion to the population. Think that three-quarters of the tobacco consumed from French. West round to White Bay is smuggled.	157
82	Hon. Edgar R. Bowring, merchant.	St. John's, October 19th, 1898.	Prices obtained in foreign markets by Labrador fish not sufficient to cover expenses, fall in price due to French competition. Norwegian fish competes with Newfoundland shore fish in Portuguese and Spanish markets. Labrador fish preferred to French at equal prices in Mediterranean markets. French fish are always kept a shilling or eightpence cheaper. Opinion of Mr. Jago, of Leghorn.	158
83	Hon. Augustus W. Harvey, merchant.	St. John's, October 20th, 1898.	Sale of bait forbidden in 1783. Treaty of 1783 did not include the sale of bait to the French or the taking of bait by them. Words of treaty most precise, did not give the French the right to take lobsters, salmon, or herring. Fishermen at St. George's Bay should not be compelled to sell bait first to the French. French catch less now owing to difficulty in getting bait. Price of Labrador fish consequently improved. Iron mines near St. George's Bay. Licenses refused in 1869, now shipping difficulties. Wharf not allowed at Bluff Head. Smuggling from St. Pierre. Thinks bultows and seines of very ancient date.	160

No. of Witness.	Name and Occupation.	Date and Place of Examination.	Synopsis of Evidence.	Page.
84	Mr. Joseph Outerbridge, merchant.	St. John's, October 20th, 1898.	French competition became serious after the extension of the armament bounty to St. Pierre in 1881. Increase in St. Pierre fishing fleet. Increase of French fish in foreign markets. Difficulties in selling Labrador fish.	161
85	Mr. William D. Reid, manager of the Newfoundland Railway.	" " "	Development of timber trade; sawmill at Botwoodville and Benton; latter belongs to witness. Proposed pulp factory at Grand Lake. Pyrites at Middle Arm. Has not yet received permission to build a wharf there. Marble on the Hunter River. Coal at Grand Lake and at Codroy; the latter abandoned as unsatisfactory. Copper on the Serpentine River. Oil at Port au-Port and north of Bay of Islands. Gypsum at Port-au-Port. Gold at Bay of Islands. Coal and magnetic iron at Stephenville. Mica, silver, lead, plumbago, nickel along the Treaty Coast; also good timber. Could be two more pulp mills at Grand Lake and Deer Lake. Iron ore at Portland Creek. Railway has greatly helped development of minerals.	162

## PART IV.

## ANNEXURES TO EVIDENCE

Number of Annexure.	SYNOPSIS OF CONTENTS.	Page.	Referred to on Page
1	Letter from Mr. Avery, J.P., to the Colonial Secretary relating to the interpretation of the <i>Modus Vivendi</i> by Naval Officers.	165	102
2	Letter from Commodore the Honourable M. A. Bourke, 5th June 1897, to Mr. Avery covering Circular letter addressed to authorised factory owners on the Treaty Coast.	166	"
3	Letter from Mr. Bancroft, dated 1st January 1896, to the Receiver General relating to certain seizures at Port-au-Choix.	"	105
4	Statement of Alexander McCloud relating to losses suffered under the <i>Modus Vivendi</i> .	167	108
5	Statement of Absalom Noseworthy relating to losses suffered under the <i>Modus Vivendi</i> .	"	"
6	Statement of John Hayes relating to losses suffered under the <i>Modus Vivendi</i> .	168	"
7	Statement of Francis Butt relating to losses suffered under the <i>Modus Vivendi</i> .	"	"
8	Statement of George Sheppard complaining of prohibition against fish traps.	"	"
9	Statement of James Stickland relating to losses suffered under the <i>Modus Vivendi</i> .	"	"
10	Statement of J. R. Hayes, of St. George's Bay, relating to losses sustained by the closing of his lobster factories in 1891.	"	110
11	Statement of Honourable P. Cleary with regard to his mining properties on the West coast, together with plan of his property and letters from Messrs. McNiven & Co., of New York.	169	126
12	Statement of Mr. John Harvey, 8th September 1898, with regard to his interest in mineral properties on the Treaty Shore.	170	"
13	Numbers of French on the Treaty Coast from 1885 to 1898	171	142
14	Return by Commodore the Honourable M. A. Bourke showing the expenses and profits of French Rooms on the East and West coasts.	172	143
15	Extracts from the "Journal Officiel" of St. Pierre showing exports of codfish, June-September, 1898, with notes and comments.	173	"
16	Regulations for the baiting season in St. George's Bay	174	144
17	List of vessels baited at St. George's Bay in 1898	175	"
18	Memorandum forwarded by Mr. R. Prowse relating to the damage sustained by British subjects owing to the presence of the French on the Treaty Coast and at St. Pierre, with statistics of French catch, 1870-1896.	"	147
19	Extracts from letters written by Mr. John Harvey to the " <i>St. John's Daily News</i> ," relating to French Bounties.	177	151
20	Return of Numbers of French on the Treaty Coast in 1898, showing particular industry at each place, and giving other details.	179	155
21	Letter from Commodore the Hon. M. A. Bourke to Vice-Admiral Sir John Fisher, dated 23rd June 1898, relating to Petits Pêcheurs.	180	"
22	Details of French Bounties.	181	156
23	Letters from Commodore the Hon. M. A. Bourke to the Governor of Newfoundland, dated 29th June, 1898, relating to the erection of piers on the Treaty Coast, with list of places suitable for such a purpose.	"	"
24		182	"
25	Money expended in Newfoundland by Her Majesty's ships in 1898.	183	157
26	Expenses of a lobster factory on the Treaty Coast with remarks on the "Truck System" by a factory owner.	"	"
27	Extracts of letters to Mr. John Harvey from Major Clark, dated 23rd April 1898, and Mr. Baird, dated 1st June, with regard to the difficulty experienced in developing mining properties on the Treaty Shore.	184	"
28		"	"
29	Statement signed by seven merchants of St. John's with regard to the increase of the St. Pierre fishery and to the smuggling at that Island.	"	158
30	Estimated annual sales of tobacco on the coasts of Newfoundland, and population as given by the last census.	185	"

# NEWFOUNDLAND

## SKETCH MAP

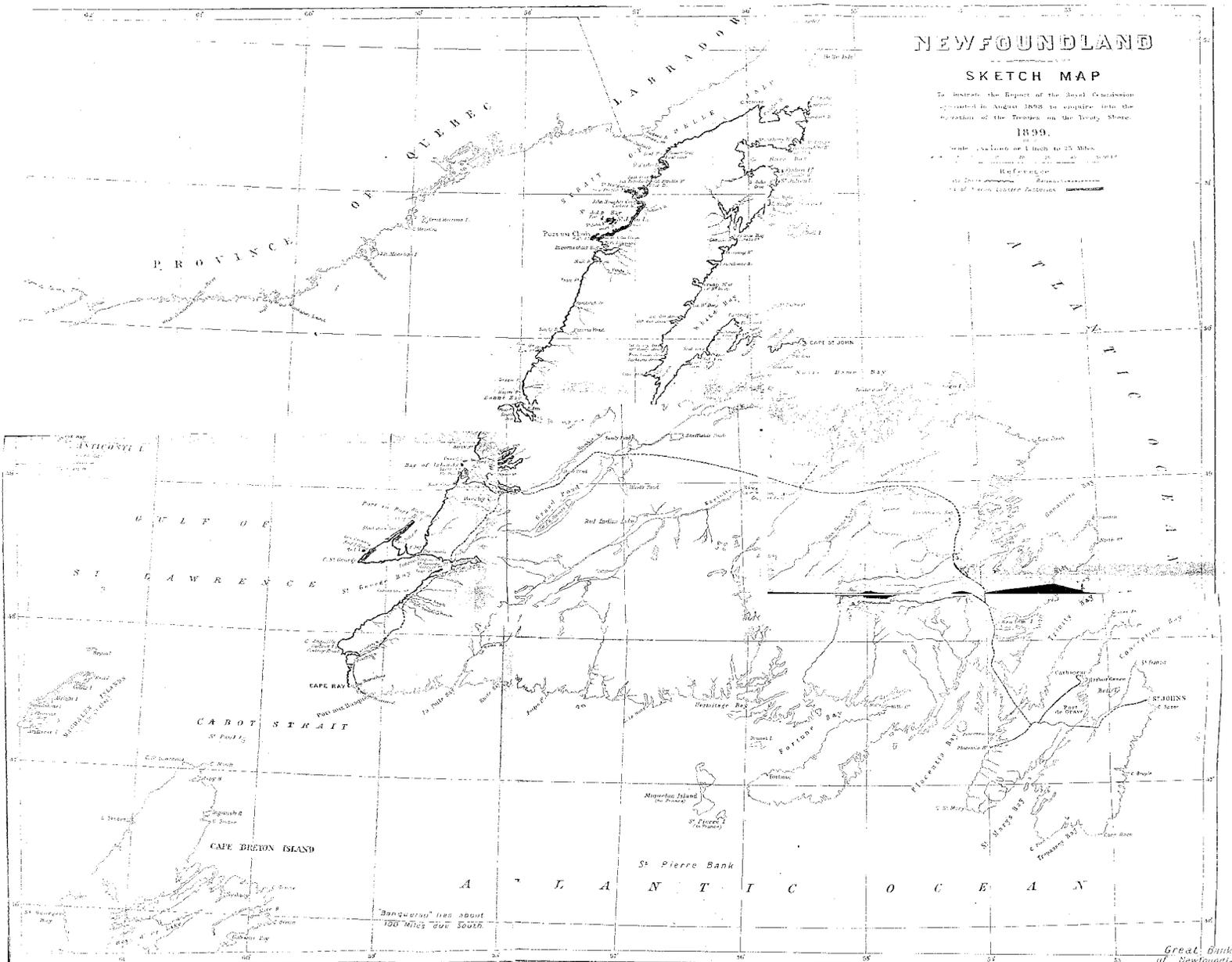
To illustrate the Report of the Royal Commission appointed in August 1898 to enquire into the Operation of the Treaty on the Treaty Shore.

1899.

Scale: One Inch or 1 Inch to 25 Miles.

Projection: Mercator's Projection.

Reference: The Treaty Shore follows 



PROVINCE OF QUEBEC

LABRADOR

ATLANTIC OCEAN

GULF OF ST. LAWRENCE

CABOT STRAIT

CAPE BRETON ISLAND

ATLANTIC OCEAN

"Benquois" lies about 100 miles due SOUTH

Great Bank of Newfoundland

Geographical in the Year 1899