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NORTH AMERICA.

FURTHER CORRESPONDENCE

RESPECTING THE

NEWFOUNDLAND FISHERIES.

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



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1891.

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RESPECTING THE

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FURTHER CORRESPONDENCE

RESPECTING THE

NEWFOUNDLAND FISHERIES.

No. 1.

SIR J. S. WINTER and MESSRS. SCOTT AND MORINE to COLONIAL
OFFICE.

Westminster Palace Hotel, London,
May 31, 1890.

MY LORD,

IN accordance with your suggestion we have the honour to lay before you in writing our views upon the condition of affairs in Newfoundland, and the course which should be adopted in order to procure a permanent settlement of the difficulty. In this expression of opinion we represent, we believe, the unanimous sentiment of the people of Newfoundland.

1. The people of the Colony object to the proposed arbitration upon the question of British and French rights respectively to take and can lobsters upon the coasts of Newfoundland, for several reasons. They say, in the first place, that the entire absence of any shadow of French right is so evident that the claim of the French should not be entertained by the British so seriously as any agreement to an arbitration at this juncture would imply.

2. To the argument that in this case the British and French meet upon an equality as nations, and that the disputes between them should therefore be settled by arbitration before either party enforces its own interpretation, the people of Newfoundland take issue, replying that Britain is the sovereign of the soil of Newfoundland, that France has only those rights which Britain has expressly ceded to her, and that where the Government of Britain is clearly of opinion that a claim set up by France is without a shadow of foundation, it is the duty of Britain to refuse to permit the exercise of the French claim, and for France to seek, and for Britain to refuse or grant, as she may deem wise, a settlement by arbitration, Britain refusing to allow the exercise of the French claim over her soil until by the award of an arbitration the right of the French has been established. In the present case the Law Officers of the Crown have given their opinion against the claims of the French, and the Government of Britain professes to be convinced of the baselessness of those claims; and therefore the people of Newfoundland say that for Britain to propose to submit those French claims to arbitration would be a disastrous confession of weakness, and that they should be resisted until France, of her own motion, has unmistakeably and conclusively established them.

3. If French and British claims respectively to take and can lobsters were submitted to arbitration under present circumstances, the French claim would come before the arbitrators upon a more substantial basis, and the British claim upon a weaker basis, than if the *modus vivendi* were not in force; but if Britain were enforcing her own interpretation of the treaties and France were the applicant for arbitration, then Britain could consistently say, "there is not a shadow of foundation to the claim made by France," and it could not be replied, as it could under present circumstances, "if France has no shadow of foundation to her claim, why have you consented to the exercise of that claim for one year, and why have you been the applicant for arbitration over a question concerning which you profess to have no doubt, and your interpretation of which you, as sovereign over the territory involved, might naturally be expected to enforce?"

4. The French would not agree to any proposition from the British Government to arbitration upon the French right to take and can lobsters alone, but would also demand that the British right to take and can should also be arbitrated upon. The award of the arbitration would probably be—

- (1.) That the French have no right to take and can lobsters, and
- (2.) That the British have no right to take and can lobsters wherever and whenever such taking and canning amounts to an interruption of the French right to "catch fish and dry them." The French, maddened by the denial of their claims, would immediately proceed to *create* opportunities for an interruption of their fishing rights by the British, and the British naval officers on the station would either be forced to adjudicate upon the *bonâ fides* of the French claim of an interruption, to which adjudication the French would never consent, or they would be forced to stop the operation of each British factory designated by the French, so that every British factory on the coast would have to be removed.

5. Such a position of affairs could, at least, only end in a compromise which would concede some right to the French, in return for some concession to the British, but which would fasten the French more strongly than ever upon the soil of Newfoundland, and make the entire extinguishment of their rights more difficult than to-day.

6. But, it will be answered, an arbitration upon the British right to take and can lobsters would only result, according to your own showing, in a declaration of that which you admit the treaty already contains—How would this prejudice you? The practical objection is, that we have twenty odd factories in operation, and twenty more ready to operate, and while our right is being discussed the factories can be operated, but as soon as an award has been given to the effect that the factories must not interrupt French fishing, and an interruption is created, all factories complained of must be forthwith closed. Is the British Government prepared for this? Have they contemplated the result in Newfoundland?

7. The suggestion contained in the foregoing—that Britain should profit by the delay caused by the discussion of a point which she admits would be decided against her—may at a first glance appear to be immoral. But it must be remembered that the application of her interpretation of the *letter* of the treaties has hitherto been insisted upon by France, as distinguished from its *spirit*, and then upon closer examination it will appear that in urging that the delay caused by discussion should be resorted to for the purpose of maintaining British factories in operation wherever and whenever they do not actually interrupt French *cod*-fishing, we are only asking that the spirit of the treaties shall be allowed to operate, rather than the French interpretation of the letter. To permit affairs to fall into a condition which would afford the French greater powers than they now possess to prevent the operation of British factories in cases where such operation was not an actual hardship to the French would, we submit, be a greater immorality in fact than our suggestion may appear to be, even at the first glance.

8. The people of Newfoundland object to an arbitration of the lobster question, or for the sole purpose of interpreting the treaties, because they regard this as merely tinkering with that which is radically bad, and the tinkering of which will only continue it in force for a longer period than otherwise. They say that the continued existence of *any* French right upon the coast of Newfoundland is anomalous and intolerable, that no matter how small might be the rights of the French upon the coast after an interpretation of the treaties, that which would remain would be no more endurable, and be exercised in a spirit no less obnoxious, than those claims which the French at present assert. Present conditions are so bad that it is evident a settlement must be made, and the French themselves cannot be blind to this fact, whereas any temporary arrangement which would lessen the strain would, for a time at least, do away with that stern necessity for an immediate settlement which is now the strongest argument which can be used by the British Government upon the Government of France. The Government of Great Britain should base upon the present tension a demand for a settlement, and should not seek to relieve that tension in any degree until a final settlement has been made.

9. But, it may be said, from your arguments it would appear that the position of affairs is intolerable now, and would be equally intolerable after an arbitration. Apparently, therefore, no satisfactory settlement of the lobster question is possible. Our answer is, the lobster question *cannot* be satisfactorily settled by itself; but if it could be so settled, difficulties between the French and the Newfoundlanders would continue.

We hold that only by the extinguishment of all French rights in Newfoundland can a permanent solution of the ever recurring difficulties be brought about.

10. The bare exercise of the right of the French to "catch fish and dry them" has never been objected to by the people of Newfoundland, and it is not the exercise of that admitted right which causes trouble. But the French construe and enforce their privilege of "freedom from interruption" in such a manner as to prevent the development of the natural resources of the land adjacent to the coast, and for many miles inland. Minerals have been discovered, but the operation of mines has been prevented by the existence of French "rights." The soil is fertile, but the title to it is "subject to French rights," whereby development is delayed. Lumbering facilities are excellent, but who would care to erect mills and build wharves "subject to French whims." The people of St. George's Bay, about the shore of which British subjects have been settled for half a century, have recently been wantonly interrupted in the prosecution of an industry they have followed for many years, and which is necessary to their prosperity. What has happened to them may at any time happen to any of the settlers upon the whole 700 miles of coast over which the French have rights, and when it is remembered that this outrage had nothing at all to do with the lobster question, it will be seen how true is our remark that nothing short of an entire extinguishment of every French claim can bring about a permanent solution of difficulties.

11. But, it is said by some, the treaties must first be interpreted, in order that French rights may be defined, and then the measure of compensation can be gauged. Our reply is, first agree that the rights *are* to be terminated, no matter what they be, and then Newfoundlanders will not object to an arbitration as to the extent and value of those rights.

12. We are convinced that the French do not place upon their rights in Newfoundland the value they profess to attach to them, and if they were firmly told by Great Britain that in some way these rights must cease they would be prepared to treat for their surrender. The recent tone of the French press gives colour to our opinion upon this point, and we most certainly urge that Her Majesty's Government will avail of the opportunity now offered.

13. The French aim, in their whole conduct towards Newfoundland, at obtaining from the Colony a right to purchase bait for use in their bank fishery, and they would probably agree to surrender their rights upon the so-called French Shore if free bait were assured to them. But this assurance Newfoundland will never give unless France either abrogates or materially reduces her bounties upon exported fish, and agrees not to increase them beyond a stipulated figure. If France were to make this concession, Newfoundland would doubtless be ready to concede to her a free right to purchase bait in Newfoundland waters.

14. In our opinion, then, some arrangement upon the following basis could be made:—

- (a.) All French rights upon the so-called French Shore to be terminated, the extent and value of those rights to be decided upon by arbitration after their surrender had been agreed upon, or by arrangement between the two Governments.
- (b.) France to agree to the abrogation of her bounties upon exported cod, or their reduction to an extent to be agreed upon, and an agreement to be made that so long as French fishermen were permitted to purchase bait in Newfoundland waters, French bounties should not be given, or should remain at the stipulated figure.
- (c.) Newfoundland to agree to allow French fishermen to purchase bait, and all other fishing supplies, in Newfoundland, subject only to such stipulation for the protection of bait fishes as may be agreed upon.

15. In making these suggestions we desire to say that our mission has only one object in view, namely, the extinction of French rights in Newfoundland, and that the Colony is willing to continue fighting French bounties by prohibiting the sale of bait to French fishermen. But recognising the French side of the case, and desirous of suggesting a settlement that is reasonable and practicable, we have herein dealt with the bounty and bait questions in addition to the French Shore difficulty.

16. That in this expression of our views we are not stronger than public sentiment in Newfoundland—that, in other words, these views are not factional—is abundantly proven by the joint address to Her Majesty from the Legislature, and we beg to assure your Lordship of our conviction that nothing less than we have suggested would meet with acceptance in Newfoundland.

17. We would esteem it an honour if we could procure an interview with Lord Salisbury, not officially, for we recognise his inability to receive us in that capacity, but simply as citizens of the Colony of Newfoundland desirous of conveying to his Lordship certain opinions and information which may aid him in securing for Newfoundland those benefits which we feel certain he is earnestly desirous of obtaining. If your Lordship can procure such an interview for us, we shall feel deeply obliged.

18. Your Lordship has kindly intimated your willingness to grant us a second interview, and we hold ourselves in readiness to attend upon you whenever you may find it most convenient.

The Right Hon. Lord Knutsford,
Secretary of State for the Colonies.

We have, &c.
(Signed) J. S. WINTER.
P. J. SCOTT.
A. B. MORINE.

No. 2.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, June 7, 1890.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a letter* from Sir James Winter and Messrs. Morine and Scott who have recently arrived from the Colony of Newfoundland to advocate the views expressed in their letter on the subject of the fishery rights enjoyed by the French on part of the coast of the island.

Lord Knutsford would be glad to learn what answer Lord Salisbury wishes to be returned to the request of these gentlemen for an unofficial interview.

If Lord Salisbury is prepared to see them he would perhaps prefer that the interview, though unofficial, should be deferred until after he has seen Sir W. Whiteway, the date of whose arrival in this country is, however, uncertain.

The Under Secretary of State,
Foreign Office.

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

No. 3.

SIR J. S. WINTER and MESSRS. SCOTT AND MORINE to COLONIAL OFFICE.

Westminster Palace Hotel, London,
June 16, 1890.

MY LORD,

WE have the honour to transmit, for your Lordship's information, a resolution adopted by the House of Assembly of Prince Edward's Island in reference to French rights and claims in Newfoundland, forwarded to us by the Speaker of the Assembly, and resolutions adopted by the Boards of Trade of Halifax, St. John, N.B., Montreal, Hamilton, and Toronto respectively, in reference to the same subject, handed to us by Mr. D. J. Greene, Q.C., M.L.A., a member of the delegation sent to Canada by the people of Newfoundland.

We have, &c.
(Signed) J. S. WINTER.
P. J. SCOTT.
A. B. MORINE.

* No. 1.

Enclosure 1 in No. 3.

DEAR SIR,

House of Assembly, Charlottetown,
Prince Edward's Island, May 8, 1890.

I HAVE much pleasure in transmitting to you the enclosed resolution which was passed unanimously by the House of Assembly of this Province on the 6th instant. I trust that it will meet with your approval and assist you in securing a just and equitable settlement of the claims of the people of Newfoundland.

I have, &c.

(Signed) PATRICK BLAKE,
Speaker.

Sir James Winter, London, G.B.

On motion of the Honourable Mr. Macleod, seconded by Mr. Yeo—

Resolved: That this House do come to a resolution as followeth:

Whereas the claims of the subjects of France to exclusive fishing and curing of fish on certain portions of the coast and waters of Newfoundland retard the development of that island:

And whereas it is the opinion of this House that as Newfoundland enjoys the privilege of responsible government, the coastal fisheries within the jurisdiction of said island should not be granted or given away without the consent of the local legislature of that Colony:

And whereas the *modus vivendi* recently entered into between the Government of Great Britain and the Republic of France constitutes an alienation of such coastal fisheries without the consent of Newfoundland:

Therefore resolved: That the action of the citizens of Newfoundland in protesting against any further concessions of fishing rights to the citizens of France, and the contention of Newfoundland in denying the right of the Imperial Government to enter into any treaty or agreement with the French Government affecting said fisheries without the consent of the local legislature, meet with the approval of this House.

(Signed) PATRICK BLAKE,
Speaker.House of Assembly, Charlottetown,
Prince Edward's Island, May 6, 1890.

And the question being proposed that the said resolution be agreed to: It was carried in the affirmative, and resolved accordingly.

On motion of the Honourable Mr. Macleod (Attorney-General), seconded by Mr. Yeo—

Resolved: That a copy of the foregoing resolution be forwarded by His Honour Mr. Speaker to the Government of Newfoundland.

(Signed) ARCHIBALD MACNEILL,
Chief Clerk.House of Assembly, Charlottetown,
Prince Edward's Island, Canada, May 6, 1890.

Enclosure 2 in No. 3.

DEAR SIRS,

London, June 14, 1890.

HEREWITH hand you resolutions passed by the Boards of Trade of Halifax, Nova Scotia; St. John, New Brunswick; Montreal, Toronto, and Hamilton approving of the course adopted by the people of Newfoundland in reference to French rights and claims upon their coast, and which were intrusted to me as one of the delegates from the people of Newfoundland to the people of Canada.

I remain, &c.
(Signed) D. J. GREENE.Sir James S. Winter, K.C.M.G.
P. J. Scott, Esq., Q.C.
A. B. Morine, Esq., M.L.A.

Resolved: That the Board of Trade of Halifax, having heard the delegates from Newfoundland on the question of French rights and claims on the coast of Newfoundland, desire to express their warmest sympathy with the people of Newfoundland in the efforts they are now making to assert their constitutional rights.

Resolved: That the Board of Trade desire to express their concurrence with the resolutions passed at a mass meeting of the citizens of St. John's, Newfoundland, held on the 26th day of March last, and feel convinced that it is the duty of the Imperial authorities to relieve the Colony of Newfoundland from a condition of affairs which has become so anomalous and intolerable.

Resolved: That in view of the important trade relations existing between Nova Scotia and Newfoundland, which are seriously prejudiced by the manner in which French rights and claims are enforced on certain parts of the coast of Newfoundland, particularly in relation to the lobster canning industry, this Board of Trade hope that the Dominion Government will carefully consider the matter and take such action as will be best calculated to conserve the interests of the trade of this Province.

(Signed) W. C. SILVER,
President.
H. C. BISHOP,
Secretary.

A RESOLUTION of the ST. JOHN, N.B., Board of Trade, passed at a Meeting held
May 23, 1890.

That the Board of Trade, St. John, N.B., have listened with deep interest to the addresses of the Newfoundland delegates, Messrs. Bowers and Greene, on the French claims on the coast of that Colony—

Resolved: That in view of the injurious character of the pretensions of the French on the coast of Newfoundland: This Board trust that the Imperial Government will take immediate steps to resume and enforce the sovereign rights on the whole coast of Newfoundland.

Resolved: That this Board wish to express their fullest sympathy with their fellow Colonists in Newfoundland in all matters pertaining to the welfare and integrity of the Great Empire of which they form a part.

(Signed) J. DE WOLFE SPURR,
President.
IRA CORNWALL,
Secretary.

Office, Board of Trade,
10, St. John Street, and 39, St. Sacramento Street,
Montreal.

RESOLUTION adopted at a SPECIAL MEETING of the MONTREAL BOARD OF TRADE held on
May 19, 1890.

Resolved: That the Montreal Board of Trade holds as a principle of the highest importance to the unity and welfare of the Empire, the right of all self-governing British Colonies to the control of their territory and coast; and that this view was endorsed by the Imperial Government in a Despatch to the Newfoundland Government, dated 26th March 1857, which stated "that the rights enjoyed by the community of Newfoundland are not to be ceded or exchanged without their consent, and that the constitutional mode of submitting measures for that assent, is by laying them before the Colonial Legislature," and that "the consent of the community of Newfoundland is regarded by Her Majesty's Government as the essential preliminary to any modification of their territorial or maritime rights."

That the *modus vivendi* adopted in March 1890, between Her Majesty's Government and the Government of France, relative to the establishment of lobster factories on

the coast of Newfoundland, where the French enjoy rights of fishing conferred by treaties, is an encroachment upon the rights of that Colony as defined in the Imperial Government's Despatch of 26th March 1857, and the Montreal Board of Trade hereby affirms its sympathy with the legislature and people of Newfoundland in their protest against such encroachment.

That the fishery privileges enjoyed in Newfoundland by the French under treaties between England and France, entered into for Imperial advantage, are, and will continue to be, a source of trouble and loss to the people of that Colony, and of annoyance to its Government; and the Montreal Board of Trade therefore considers that the Imperial Government should endeavour to effect some arrangement whereby, for an equivalent, said privileges would voluntarily be surrendered by the French Government.

Certified a true copy :

GEO. HADRILL,

Secretary.

EXCERPT from MINUTES of COUNCIL MEETING held May 13, 1890, 3.30 p.m., specially called to receive the Delegates from the People of Newfoundland.

MESSRS. D. J. GREENE, Q.C., M.L.A., P. R. BOWERS, and DONALD MORISON, M.L.A.

JOHN I. DAVIDSON, Esq., President, in the Chair.

Moved and seconded—

That whereas the Council of the Board of Trade of the city of Toronto has had placed before it by Mr. Greene, Mr. Bowers, and Mr. Morison, delegates from the people of Newfoundland, a statement of the grievances under which the Colony is suffering by reason of alleged French rights and claims to certain parts of the coast of Newfoundland, and of the manner in which these rights and claims are asserted :

Be it therefore resolved—

1st. That this Board of Trade hereby endorses the action taken by the people of Newfoundland in protesting against any treaty or Act affecting them, without having first obtained their consent through their properly constituted authority and expresses the hope that the efforts now being made by Newfoundland to assert and maintain its territorial rights will be successful.

2nd. That the treaties under which the French make claims upon a part of the coast of Newfoundland were entered into at a time when the condition and circumstances of that Colony were widely different from what they now are.

That it is the opinion of this Board of Trade that any future negotiations for the settlement of this much-vexed question should have for their basis the granting to Newfoundland of the full and complete ownership of the soil of that island and of its maritime rights pertaining thereto, in the same manner and to the full extent that these rights are now enjoyed by the people of other British Colonies having a constitutional form of Government.

3rd. That in view of the valuable and important trade relations which now exist between Canada and Newfoundland and the desire for still closer relations it is in the interests of the commerce of this country that the injury caused by French smuggling on the coast of that island should be abolished, and this Board of Trade sympathises with the efforts now being made with that end in view, and is of opinion that the vesting in the people of Newfoundland the sole and unencumbered control of all their resources would be of great advantage to the business intercourse of the two countries.

(Signed)

JOHN I. DAVIDSON,
President.
EDGAR A. WILLS,
Secretary.

Re NEWFOUNDLAND FISHERIES and the "MODUS VIVENDI" between the BRITISH GOVERNMENT and FRANCE, relative thereto.

At a meeting of the Council of the Hamilton Board of Trade, held at the Board of Trade Rooms on Monday 12th May, the following resolution was unanimously passed:—

That having heard the delegates from St. John's, Newfoundland, upon the question of the fishery rights now in dispute between Great Britain and France, in reference to that Colony, the Council of the Hamilton Board of Trade is of opinion that under the several treaties and agreements entered into, and now existing, and especially under the Despatch of March 26th, 1857, from Mr. Labouchere, Secretary of State, to the Colonial Government; reading as follows:

"That the rights enjoyed by the community of Newfoundland are not to be ceded or exchanged without their consent, and that the constitutional mode of submitting measures for that consent is by laying them before the Colonial Legislature; that the consent of the community of Newfoundland is regarded by Her Majesty's Government as the essential preliminary to any modification of their territorial or maritime rights."

Therefore the action of the British Government in agreeing to a *modus vivendi* allowing the French fishermen to take and pack lobsters, or in any way granting concessions other than defined by treaty or agreement, herein-before recited, is, in the opinion of the Council, a direct violation, and they sympathise with the Colonists of Newfoundland in their claim for their rights; that President F. C. Bruce, W. H. Gillard, Geo. E. Bristol, T. H. Macpherson, W. A. Robinson, and C. R. Smith, be a committee to prepare a resolution in accordance with the opinion expressed in this resolution.

In pursuance of the duty so imposed, this committee would most respectfully beg to report: That having carefully read and considered all the treaties, conventions, and declarations entered into and passed between Great Britain and France, from the treaty of Utrecht in 1713 to the present time, relative to the Newfoundland fisheries, they feel justified in endorsing every word and sentiment expressed in the report published by the committee of the citizens of St. John's, Newfoundland, appointed at a mass meeting held on the 26th March 1890.

On page 8 of that report, Lord Palmerston in his note to Count Sebastiani, the French Ambassador, very clearly and ably sets forth the construction put upon the treaties by the British Government; this taken in connexion with Mr. Labouchere's Despatch of 1857, as cited in the resolution of the full Council of the Board of Trade, this committee cannot arrive at any other conclusion than that the British Government, either from a want of knowledge of the paramount importance of the fisheries to the Colony of Newfoundland, or from Imperial policy, has not granted to her loyal subjects of that Colony that measure of consideration and protection from foreign encroachment and aggression that has always characterised her dealings with her other Colonial possessions, a policy that has intensified the pride of race and made stronger the bonds of union that unite the Colonies to the mother land.

This committee feels that the question has been so ably and justly dealt with by the Newfoundland Citizens' Committee, in their report, that they cannot do more than to heartily endorse the same, and deeply sympathise with their Colonial brethren in their unfortunate position, expressing the hope that Her Majesty's Government, upon proper representation of the situation being made, will most seriously consider and remove the difficulties that are to-day so grievously weighing upon the energies and aspirations of a community known to be as true and loyal to the British Crown as any over which she holds sway.

Since meeting the delegates from Newfoundland, this committee notices with satisfaction that Sir James Fergusson, Colonial Secretary, in his place in the House of Commons, has stated, that the French have no right to erect lobster factories on the coast of Newfoundland, and the *modus vivendi* in no way effected that right.

This committee cannot close its report without bearing testimony to the marked ability with which the delegates, Messrs. Greene, Bowers, and Morison, placed the case of their Colony before the Council of the Hamilton Board of Trade.

(Signed) F. C. BRUCE,
President.
C. R. SMITH,
Secretary.

No. 4.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR, Foreign Office, June 16, 1890.
I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 7th instant,* enclosing copy of a letter from Sir James Winter and Messrs. Morine and Scott upon the subject of the French fishery rights in Newfoundland.

With regard to the request of those gentlemen for an unofficial interview, I am to state that Lord Salisbury would prefer not to return a positive answer at present, but that in any case his Lordship could not receive them until he has seen Sir W. Whiteway.

The Under Secretary of State,
Colonial Office.

I am, &c.
(Signed) T. H. SANDERSON.

No. 5.

SIR J. S. WINTER and MESSRS. SCOTT AND MORINE to
COLONIAL OFFICE.

MY LORD,

Westminster Palace Hotel, London,
June 18, 1890.

In compliance with your request, we had the honour, on the 31st ultimo,† to forward, for your Lordship's consideration, our views in writing, concerning French treaty rights in Newfoundland. In the same communication we expressed our desire to have an interview with Lord Salisbury, and also our readiness to wait upon your Lordship, at your convenience, for the second interview you were so good as to express a wish for.

As we have determined to leave this city for Newfoundland, via Liverpool, on Saturday or Monday next, we have to request that if Lord Salisbury and your Lordship wish to grant us an audience before our departure you will be so kind as to inform us of your wishes at your earliest convenience.

We have, &c.
(Signed) J. S. WINTER.
P. J. SCOTT.
A. B. MORINE.

The Right Hon. Lord Knutsford,
Her Majesty's Secretary of State for the Colonies,
&c. &c. &c.

No. 6.

COLONIAL OFFICE to SIR J. S. WINTER and MESSRS. SCOTT AND
MORINE.

GENTLEMEN,

Downing Street, June 19, 1890.

I AM directed by Lord Knutsford to acknowledge the receipt of your letter of the 18th instant,‡ informing his Lordship of your intended departure from London on Saturday or Monday next on your return to Newfoundland.

Lord Knutsford has communicated with you privately on the subject of a further interview with his Lordship before your departure, and I am to state that your letter of the 31st of May, as well as that now under acknowledgment, have been submitted to the Marquis of Salisbury, who, in reference to your request for an unofficial interview, has requested Lord Knutsford to acquaint you that he fears he cannot see you until after he has had an interview with the Premier of the Colonial Government, who, as you are aware, is expected soon to arrive in this country.

Sir James Winter, K.C.M.G.
P. J. Scott, Esq.
A. B. Morine, Esq.

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

* No. 2.

† No. 1.

‡ No. 5.

No. 7.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, June 20, 1890.

WITH reference to your letter of the 16th instant,* I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a further letter† from Sir J. S. Winter forwarding the resolutions passed by various public bodies in Canada on the subject of the treaty rights of the French in Newfoundland.

Lord Knutsford has acknowledged the receipt of this letter.

I am, &c.

The Under Secretary of State,
Foreign Office.

(Signed) JOHN BRAMSTON.

No. 8.

A. W. HARVEY, Esq., to COLONIAL OFFICE.

MEMORANDUM ON FRENCH FISHING TREATIES.

Treaty of Utrecht clearly allows the French the privilege, in common with British subjects, to fish and dry their fish, and to erect stages and huts for so doing, and for that purpose only—huts not to live in—not to preserve fish in, in any other way—on the Newfoundland shore from Cape Bonavista to Point Riche.

Treaty of Paris merely confirms privilege granted by Treaty of Utrecht as regards Newfoundland; but also cedes in full right St. Pierre and Miquelon as a shelter to “erect no buildings upon them.”

Treaty of Versailles, in its fishery clauses, does not in any way allude to the next preceding one (Paris), the framers apparently ignoring it altogether, and referring back to that of Utrecht, gives French the same rights of fishing as were given by that of Utrecht, somewhat altering the coast line, but only giving the same right of fishing in common with British subjects, and of drying fish and erecting stages and huts for this purpose only, and not for dwelling-houses or buildings for the preserving of fish in any other way. It cedes St. Pierre and Miquelon in full right without the stipulation as to the non-erection of buildings.

Treaties of Paris 1814–1815 merely restore the privileges granted by Treaty of Versailles.

It thus appears that, apart from the Declarations of the two Kings, the treaties limit the rights of British subjects in no way whatever on sea or land on the treaty coast, and the British Government are in no wise restricted from making grants of land and giving perfect fee simple titles to any part of the country without any reservation whatever. It also appears that British subjects can fish anywhere and at all times, although such fishing may interfere with and forestall the French on all fishing grounds and thereby practically prevent their fishing.

The conclusion—that the French must be subject to all laws and regulations enacted by British authority—that French ships may be made to enter at customs—pay light dues and customs duties unless modified by some other agreement, is irresistible.

On the other hand, unless modified by some other agreement, St. Pierre and Miquelon are French territory subject to no conditions whatever.

If limited then to those conferred by treaty only, French rights on the treaty shore would be absolutely valueless to them and of very little annoyance to British subjects, while these latter would have no *locus standi* to object to any use to which the French might put the islands of St. Pierre and Miquelon; and the fishing question would be narrowed to a degree which would make a final settlement very easy.

But as it appears to have been admitted on both sides that the King's declarations should have all the force of a solemn treaty, these must be reckoned with, and herefrom appears to arise almost the whole of the troubles of the fishing question. It would appear that heretofore the provisions of these declarations have been extremely strained

* No. 4.

† No. 3.

in favour of the French, and those portions unfavourable to that nation have virtually been ignored.

It is the object of this memorandum to concentrate attention on the provisions of these declarations, which are as follows:—

The King of England declares that the mode of carrying on the fishing shall be the same as under the Treaty of Utrecht. It shall not be deviated from by either party, showing most clearly that the English were to fish there in common with the French, but not to interrupt the French. And the King further says that he will cause to be removed the fixed settlements. The context shows that such fixed settlements only are meant as interrupt the French, and the English King is evidently to be the judge of what settlements do interrupt the French, whose erections were to be such only as provided for under the Treaty of Utrecht, "scaffolds," and "stages and huts for drying fish," not dwellings, stores, or fish-preserving buildings.

Further, and this is of the utmost importance, the King cedes St. Pierre and Miquelon "for the purpose of serving as a real shelter to the French fishermen in full confidence that these Possessions will not become an object of jealousy between the two nations"; and the French King promises his "constant attention to prevent the islands of St. Pierre and Miquelon from becoming an object of jealousy between the two nations."

The cession of these islands, then, is for a certain specified purpose only, and is coupled with the condition specially reported by the French King, that they shall not be so otherwise used as to cause jealousy.

The one special purpose for which these islands were given and accepted has become in course of time a minor one, and they are used in every way to cause jealousy and great injury to the subjects of the Power making the cession, and if a breach of the conditions on which they were ceded justified the revocation of the cession, these islands should have long since been reclaimed and repossessed by Great Britain, and the present continuous and continual breach of these conditions ought to warrant their immediate restoration.

At the time of the Treaty of Utrecht, to which the Kings refer to describe the mode of prosecuting the fishery, it is pretty certain France paid no bounties on the export of fish to countries outside France, and now probably 200,000*l.* per annum are paid by the French Government on fish caught by vessels using St. Pierre and Miquelon as a basis of operations.

Surely in case of arbitration this misuse of these islands should form a substantial subject of reference.

Also their use as a smuggling depôt, for which reason no British consul is allowed on these islands, should be considered.

As a place of general trade, and an outfitting centre for French men-of-war, they are as much used as for a shelter.

The declarations of the Kings should either be ignored altogether, and matters revert to the conditions of the treaties, or all the intentions as declared by the Kings should be enforced and carried out in their integrity. Under either condition Newfoundland would be much better off than she has been when the declarations have been enforced when against her interests, and entirely ignored wherein they relate to the cession of St. Pierre and Miquelon, and the purposes to which these islands are devoted principally at the present time.

A. W. H.

July 24, 1890.

No. 9.

A. W. HARVEY, Esq., to COLONIAL OFFICE.

MEMORANDUM ON FRENCH FISHERY BOUNTY.

The operation of the French bounties as given at present does not appear to be the most advantageous possible to French interests.

At present the principal bounty is paid on the export of codfish to countries outside France, and varies in amount from 8 francs to 11 francs per English hundredweight, while practically no bounty is given on fish consumed in France.

The effect of this is that the French wine and olive grower is obliged to pay for such fish as he consumes, and the French Government for such fish as the Army and Navy

* The French version has the words "de servir réellement d'abri aux pêcheurs," which appears to more strictly confine the purposes of the cession than the English text.

consume from seven to nine francs per hundredweight more than the French fish merchant sells the same fish at to the Italian and Spanish wine and olive grower or to the Spanish and Italian Commissariat officer for consumption by their respective soldiers.

In this way the French taxpayer assists his rival to live cheaper and consequently to sell his produce cheaper than the Frenchman himself.

The Frenchman also pays a tax in this way to keep up the armies of his neighbours.

If France would take the 300,000*l.* or 400,000*l.* a year which she yearly pays in bounties to fish sent into Italy and Spain and the United States and would pay it on fish consumed in France, it would cheapen the food of her operatives and troops, probably increase the consumption of fish in her own territory sufficiently to consume the catch of as many fishermen as she has now on the banks, raise the cost of living to Spanish and Italian wine and olive growers, and thus oblige them to advance the price of their produce to the great advantage of France, and as this mode of paying bounties would be very little injurious to Newfoundland she would probably get her bait on former conditions.

A. W. H.

24/7/90.

No. 10.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, August 2, 1890.
I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a memorandum* received from Mr. A. Harvey, of Newfoundland, relating to the treaty rights of the French on the coast of that island, and to the position of the islands of St. Pierre and Miquelon ceded to the French.

There appears to Lord Knutsford to be considerable force in Mr. Harvey's arguments. The British Declaration attached to the Treaty of Versailles is no doubt the chief source of trouble in connexion with the fishery question. While the French claim to extend that declaration as to fixed establishments, so as to destroy all enterprise on the West Coast, they have no scruple in ignoring their own obligations and in turning the fishery shelter at St. Pierre into a smuggling depôt to the direct injury of the Colonial Government. Lord Knutsford is of opinion that if the meaning of the declarations are ever submitted to arbitration the purposes to which the French are in the habit of putting St. Pierre and Miquelon should be brought out.

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

The Under Secretary of State,
Foreign Office.

No. 11.

COLONIAL OFFICE to A. W. HARVEY, Esq.

SIR, Downing Street, August 2, 1890.
I AM directed by Lord Knutsford to acknowledge the receipt of your memoranda of the 24th ultimo,† on matters connected with the Newfoundland fisheries question.

Copies have been communicated to the Secretary of State for Foreign Affairs.

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

A. Harvey, Esq.

* No. 8.

† Nos. 8 and 9.

A. W. HARVEY, Esq., to COLONIAL OFFICE.

MEMOIR on the Effects of the NEWFOUNDLAND BAIT ACT as traced in the FRENCH OFFICIAL YEAR BOOK of ST. PIERRE for the Year ending December 31st, 1888.

The Bait Act was first passed by the Newfoundland Legislature in 1886, and was disallowed by the Imperial Government.

In December 1886 notice was given (after the disallowance of the Bait Act, but also after the British Government had sufficiently signified that the disallowance could not be maintained against the wishes of the Colony) by the Governor of St. Pierre that the number of French fishing licenses, which had rapidly and continuously increased since 1878, would not be further increased, but that they should be decreased.

In the session of 1886 a joint committee of both branches of the Legislature reported on the increase of the French fishery as follows:—

“The French fishery in relation to ours has undergone considerable change in recent years, seriously to our disadvantage. In the first place, to fish exported from St. Pierre to countries outside France (that is to say, to markets where it competes with ours) an average bounty of 10 francs per quintal (112 lbs. English) is at present paid by the French Government. Formerly this did not conflict with our interests, as the French bankers were equipped in France and brought most of their produce back to France to be consumed there, leaving only a small portion for exportation from St. Pierre to the French West Indies; consequently Newfoundland rarely, if ever, found France a competitor in those markets to which we exported our fish. Now, however, St. Pierre has become an extensive port of trade and of export for traders of other countries, and there is a large fleet of French bankers, and also a fleet, sailing under the French flag, managed by French agents at St. Pierre, and owned to some extent by English and American subjects, employed in catching fish to compete with us in all European markets. This increasing fleet of bank fishers has an enormous advantage over our fishermen from the fact that, in addition to the bounty before referred to, they obtain food and goods of all kinds necessary for the fishing at St. Pierre almost free of duty. While our fishermen are thus handicapped in the catching of fish, this fleet of bankers from St. Pierre obtain their supply of bait from our waters. The fish thus taken is landed at St. Pierre, and on its export receives from the French Government a bounty equivalent to about 10 francs for every 112 lbs. English, 8 francs direct, and about 2 francs indirect bounty.

“The average price of Labrador fish, which is more especially competed with by French bank fish, did not exceed in this Colony during the past season 11 francs for every 112 lbs.; it will thus be seen that the bounty as above and the differential duty on St. Pierre fish entering Spain under the most favoured nation clause in the Spanish tariff, amounts to twelve and one half francs ($12\frac{1}{2}$ frs.) on every 112 lbs., or in other words to more than the whole value obtained by our fishermen for Labrador fish.”

A reference to the statistics furnished by the Year Book and appended hereto will show that at the date of this report of the Newfoundland Legislature the quantity of French bank fish had in the nine years from 1878 to 1886 increased from 41,108 quintals dry, and 321,748 quintals green fish, to 223,967 quintals dry, and 700,849 quintals green; or, to turn it all into green fish at our usual calculation, from 403,864 quintals to 1,148,743 quintals, or close upon 300 per cent. in nine years.

In the year 1886 the Bait Bill passed, but was disallowed; but it had the effect of making the St. Pierre authorities curtail their licenses to fish. From 1886 to 1888, two years of the Bait Bill, the catch has declined to 676,251 quintals dry and green, or more than 50 per cent., and if the statistics could be had for 1889 the decline would be about 75 per cent.

To understanding the bearing of the Year Book's information it is absolutely necessary that the different dates referred to should be borne in mind.

The Year Book, page 35, says:—

This question of bait is so intimately connected with the cod fishery, it gives rise to so lively a business traffic in our port, that it will behove us to give it more than a simple mention. One most noticeable fact is the periodicity of the return of the bait. It is on account of this regularity in the dates of its arrival that the fishermen have divided their fishery season into first, second, and third fisheries.

The first fishery (April to June) is made with herring. It is in the harbours or creeks, so numerous on the coast of Newfoundland, that are captured by means of seines the herring which were brought to us here by those little Newfoundland craft known as "galopeurs."

A recent law passed by the Newfoundland Legislature, and sanctioned by the Queen of England, has put an end to this state of things. Alleging that the bounties given by France do not permit Newfoundland fishermen to compete to advantage with our countrymen in supplying codfish to foreign markets, and in the end to cause French fishermen solely to supply the metropolitan market, the said law prohibits Newfoundland fishermen from January 1st, 1888, to furnish us with bait which they have been accustomed to bring us, for which they receive from us, as they themselves confess, nearly a million of francs.

When the first herring comes it sells high enough, sometimes twenty francs a barrel, but by degrees as the demand does not come up to the supply the price declines, until when all the bankers are supplied it falls so low that it goes to enrich the soil of the farms.

The second fishery (June to July) is made with caplin; this time we are not forced tributaries to the Newfoundland coast. From the 12th to the 15th of June, with a regularity which is never belied except in entirely exceptional years and notably in 1888, a marvellous phenomenon takes place in the small bays of these two islands (Miquelon and Langlee) which lasts many days. There is in the tide which washes the shore such a multitude of caplin that the sea loses its green and becomes a milky colour. "The inflow brings them in, the recoil takes them out"; but not quickly enough to prevent millions of caplin being left behind exhausted, fluttering on the beach. The hecatomb which goes on without cessation often is as much as thirty or forty centimetres in height, but it is not among the dead or the dying that the fisherman obtains his supply, but prefers to go and take it from the waves, where he can very quickly fill his boat.

The third fishery (July and September) is made with squid, a little cuttle-fish which allows itself to be taken with a pin jigger, attached to a hand line. At the sparking of the jigger the squid approaches and is taken with the hooks of the engine In the places where squid are reported, all sorts of outfits are got to take them; women are in the majority fishing for these. In reality the sale of the squid brings a pleasant addition to these poor house-keepers. When the squid fail on our shores, or nearly fail, it is furnished us by the English; and some hundreds of thousands of francs which would be very welcome in the families of our fishermen go into the pockets of our neighbours.

These different sorts of bait are carried salted on board our bankers. The different kinds of bait are put on board the bankers in salt to preserve it. It is necessary to do this, but it is generally admitted if the cod are offered both fresh and salt bait at the same time they give the preference to the first.

It is in consequence of the knowledge of this fact that some shipowners have conceived the idea of keeping the different kinds of bait in ice.

Squid preserved in salt gave fairly satisfactory results during the last year's campaign, and will be used almost exclusively for the first baiting as long as the Bait Bill remains in force.

Why should they use salt squid when they in the same paragraph assert fresh bait to be better, if they could get fresh herring, which they assert to be the bait to be used for their first fishery?

Why do they limit the time of the use of the salted squid to the time the Bait Bill is in force?

The answers appear to be that, judging by experience, they know they will not get fresh herring in time for their first fishery as long as the Bait Bill is in force, and, secondly, that they will not use salt squid when they can get fresh herring.

Some vessels fitted out by the Colony will go for supplies of herring to Bay St. George, which is free from ice about the beginning of May.*

As for the whole first trip it will be done either with herring caught and preserved in St. Pierre, or with squid kept in some way which in 1888 gave results superior to those obtained from herring. In this way the difficulties which the Legislature of Newfoundland have wished to put in the way of our industry by the institution of the Bait Bill will be overcome.

The foregoing extracts from the St. Pierre Year Book appear to prove the whole case for the Bait Bill as regards the first, and by far the most important, of their three trips. A reference to the statistics given below appears to confirm this in every particular.

As to the loss suffered by the revenue by smuggling before the Bait Bill, and as confirmatory evidence that in 1888 exceedingly few Newfoundland craft went to St. Pierre, the following extract is most significant (page 48):—

On account of the proximity of the southern shore of Newfoundland there has existed up to the present an incessant to and fro trading of small vessels, which during the fishery season carried to St. Pierre the bait required by the bankers, taking back from here in exchange various goods, such as molasses, flour, salt pork, brandy, tea, sugar, &c. This business in the multiplicity of the articles dealt in gave an extremely brisk trade, which has singularly fallen off since the putting in force of the Bait Bill.

* Note that they only claim to be able to get to the banks some time in May, when baiting at Bay St. George.

How much of the expense of enforcing the Bait Bill has been recouped to the Colony by the revenue collected on goods which formerly came in from St. Pierre, duty evaded?

It will be noted, from the following statistics, that decline in quantity and advance in price follow immediately on the enactment of the Bait Bill, and a similar advance in the price of the Newfoundland catch of Labrador is recorded, from (12s.) twelve shillings, as stated in the report of the Newfoundland Legislature in 1886, to (17s. 6d.) seventeen shillings and sixpence in 1888, and (15s.) fifteen shillings in 1889.

It will be seen that the increase in catch on account of a large number of small vessels fitted out from St. Pierre, not from Old France, took place from 1880 to 1886.

STATISTICS OF FRENCH COD FISHERY.

	Quintals of Dry Fish.	Price in Francs.	Total Value Dry Fish.	Quintals of Green Fish.	Price in Francs.	Total Value Green Fish in Francs.	Total Bounty (exclusive of that paid on the "Roe" and the Outfit).
		Francs.	Francs.		Francs.	Francs.	Francs.
1878 - -	41,108	26	1,068,827	321,748	22½	7,239,338	
1879 - -	62,280	22½	1,401,317	343,237	17½	6,007,592	
1880 - -	92,705	25	2,317,646	324,469	17½	5,678,223	
1881 - -	91,683	20	1,833,669	289,132	15	4,337,017	
1882 - -	91,878	45	4,134,524	327,598	20	6,551,978	1,468,925
1883 - -	69,141	45	3,111,356	470,878	19½	9,117,570	1,899,315
1884 - -	165,713	20	3,314,266	877,783	17½	8,361,206	2,662,935
1885 - -	158,902	20	3,178,035	678,765	17½	11,843,381	3,226,274
1886 - -	223,967	12	2,687,691	700,849	6	4,205,097	4,451,480
Bait Bill enacted. 1887 - -	137,623	25	3,445,591	630,871	16	10,093,941	4,111,558
1888 - -	116,733	28	3,268,596	442,785	18	7,970,146	
1889 - -	Total catch estimated from <i>unofficial</i> sources equivalent to 480,000 quintals dry, against 594,520 quintals equivalent to dry in 1888, and 903,300 quintals in 1886.						

It must be noted that the gain to Newfoundland does not consist in the difference between twelve shillings in 1886 and fifteen in 1889, because at twelve shillings no merchant or planter would outfit for the Labrador, and consequently the catch would practically cease, and the loss to the Colony would be the total, 400,000 to 500,000 quintals and the resulting cod oil, say \$1,600,000 per annum, a loss from which Newfoundland has been so far saved by the Bait Bill.

In the above table two things may be worth noting, that the year when the Newfoundland Legislature said the value of Labrador fish did not exceed twelve shillings per quintal the French dry fish was valued at exactly the same figure, and in 1888 they valued it at twenty-eight shillings; and it will be observed that whereas the whole of their large catch in 1886 only netted 2,441,308 francs after the bounty is deducted, their catch, which was 50 per cent. less in 1888, would in that year net 8,738,742 francs, or more than 300 per cent. more.

If once the French fishermen are assured of a supply of bait, their outfit will again increase, and the result will be a return to the prices of 1886, and the Labrador fishery will cease to be prosecuted.

The French first trip to the banks is the most valuable one to them. They want to be there on the 10th of April; and herrings in St. Pierre after the 10th of May are of very little value.

If herring can be kept from them between the 1st of April and 10th of May, the first banking trip is terribly handicapped. This can be done with certainty and with not too great a cost; but until it is allowed that it is a matter of vital importance to accomplish this end the improved means need not be discussed.

A. W. HARVEY.

August 7, 1890.

The portions of this Memoir in small type are verbatim extracts from the Official Year Book of St. Pierre issued by the French Government. The Memoir was originally written to show the French view of the effect of the Bait Act.

A. W. H.

No. 13.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, August 26, 1890.

I AM directed by Lord Knutsford to transmit to you herewith, for the information of the Marquis of Salisbury, a copy of a memorandum* received from Mr. A. W. Harvey, of Newfoundland, on the effects of the Newfoundland Bait Act as traced in the French Official Year Book of St. Pierre for the year ending December 31st, 1888.

The Under Secretary of State,
Foreign Office.

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

No. 14.

COLONIAL OFFICE to A. W. HARVEY, Esq.

SIR,

Downing Street, August 26, 1890.

I AM directed by Lord Knutsford to acknowledge the receipt of your memorandum, dated 7th instant,* on the effects of the Newfoundland Bait Act as traced in the French Official Year Book of St. Pierre for the year ending 31st December 1888.

Lord Knutsford desires me to thank you for this interesting memorandum, of which he has sent a copy to the Foreign Office for the information of the Marquis of Salisbury.

A. W. Harvey, Esq.

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

No. 15.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received September 11, 1890.)

Government House, St. John's, Newfoundland,
August 23, 1890.

MY LORD,

I HAVE the honour to forward, for your information, duplicate copies of the Annual Report of the Chamber of Commerce of St. John's, and while I cannot but strongly deprecate the discourteous action of that body, which should be aware that naval officers have but to obey their orders, when the Admiral recently visited us, still I am happy to be able to add that I learn that, though it shows the feeling of the majority of the commercial community, such action was in no way unanimously approved of.

The question of the confiscation of the "Mary" has already been reported on by me, and the case, if as stated, seems, to say the best of it, to have been a very hard application of the law on the part of the authorities at St. Pierre, particularly as the punishment falls mainly on innocent parties.

The case clearly shows, in my opinion, the necessity for English interests being represented in that Colony by a proper consul, or, if that be impossible, at all events by some resident Imperial official similar to the gentleman (a consul of the first class) who is stationed here by France, who, although unrecognised by us, being on the spot is ever ready to give or obtain advice and furnish much needed information to his Government. I therefore would most strongly support the Chamber and urge that action in this direction be taken without delay.

I have, &c.
(Signed) T. O'BRIEN, Lieut.-Colonel,
Governor.

The Right Hon. Lord Knutsford, G.C.M.G.,
&c. &c. &c.

Enclosure in No. 15.

REPORT of the CHAMBER OF COMMERCE for 1890.

The Chamber of Commerce at the close of its official year has the honour to submit to the Commercial Society, the report of its proceedings and a record of the trade and fisheries to the first of August.

The cod fisheries of last year were not successful. The fishery in the northern bays and on the shore where the French have treaty rights was far below an average catch. On the south and west coasts it was nearly up to an average voyage. The Grand Bank fishery was 25 per cent. less than in 1888, whilst on a very large section of the Labrador coast the result was a wretched one. The prices realised abroad in most of the consuming markets although not satisfactory were unattended with the heavy losses of many former years. The Chamber is pleased to note some improvement in the cure of codfish in the past year, but from the keen competition of our French and Norwegian rivals further improvement is still desirable and necessary to enable our staple to hold first place in the several foreign markets. The quantity of salmon caught was short, but good prices were realised. The take of herring on the Labrador coast was very small, and the prices obtained abroad was not at all equal to the rates current here. The Chamber would again urge on all parties interested in the herring fishery the necessity of greater care in the cure, and the desirability of better and stronger packages. The lobster canning business has increased enormously, giving profitable employment to many, and the result last season was generally remunerative to most parties engaged in that industry.

The seal fishery of 1890 was on the whole a satisfactory one. In point of numbers the seals taken were considerably short of the previous spring, but the excellent yield of oil and the superior quality of the skins compensated for the deficiency; and the realisation of both promises well.

The Chamber regrets that it cannot report favourably on the prospects of the present shore cod fishery. In the northern bays they have again a poor catch. South and west there is evidence of a fair voyage, while the Grand Bank fishery to date is the worst for several years. It is too early in the season to form a definite opinion as to the Labrador catch, but the prospects are very promising on the southern section of that shore, which has of late years (owing to unsuccessful results) been largely abandoned by fishermen, consequently the total take from that area will not be so great as might otherwise have been expected. The fishery in the Straits of Belle Isle is very encouraging. The salmon fishery is likely to be a good one, and fair prices are anticipated. The take of lobsters this year has been small, and although the prices realised here and abroad are high, it is not likely to be generally remunerative to those engaged in the canning business.

The Chamber having learnt that the Government intended to substitute a system of licenses in lieu of vigorously carrying out the Bait Act, called a special meeting of the Society on the 8th of April last, at which meeting, after careful consideration, the following resolutions were passed and were promptly presented to his Excellency the Governor, for the information of his Ministers:—

Resolved,—That the Commercial Society having learnt that it has been proposed during the present session of the Legislature to modify the recent legislation in relation to the supply of bait to foreigners by the adoption of a system of licenses to enter the ports of the Colony, and obtain supplies of bait in consideration of a tonnage rate or tax, desires to express its conviction that the magnitude of the consequences involved in such a proposal calls for the earnest and urgent consideration of this body.

Resolved,—That the policy embodied in the measures known as the Bait Acts, namely, the absolute prohibition of the supply of bait to the French whose competition against us in foreign markets, assisted by large bounties from their national treasury, threatened the destruction of our fish trade in those markets and disaster to the general interests of the Colony, was after the most mature and earnest deliberation adopted by this body and the entire commercial community as the only effective means of self-preservation within our reach.

Resolved,—That the Colony having been successful in obtaining the assent of the Imperial Government to a measure attended with considerable international difficulties, and the experience of the working of the measure having been such as to demonstrate the wisdom of the policy which led to its enactment, that under the proposed modifications the French will at a trifling cost be again enabled to obtain unlimited supplies of

bait, and to continue their bounty-fed competition against us upon an increasing scale, and that a return to the former condition of things with all its dreaded consequences is inevitable, this body is of opinion, therefore, that no sufficient reason can be shown for a reversal of that policy.

Resolved,—That for these reasons this body considers it to be its duty, with a view to the preservation of the general interests of the Colony, to make its most earnest and emphatic protest against the contemplated legislation, and to adopt such a course as upon further consideration may be deemed desirable for the prevention of the threatened calamity.

Resolved,—That it is the firm belief of this meeting that if the proposed change is made, the Labrador fishery supplies for the ensuing season will be materially restricted, and that consequently considerable suffering will result to many of the fishermen of the Colony who are depending on that branch of the fishery.

The Chamber now regrets having to record that, notwithstanding the earnest protest made in these resolutions, the contemplated changes were made, and the fears expressed by you, with the probable results arising from such change, have unfortunately been fully confirmed. The number of French fishing vessels availing of the privilege of coming in for bait, being so small, clearly proves that the protection of our bait (intentionally or otherwise) has not been effectively carried out this season, and that while the operation of the law under the present system has been the cause of considerable irritation and expense to our immediate neighbours (United States and Canada) with whom we have large interdependent business relations, our chief rivals have been largely supplied with bait at a moderate cost.

The Chamber is glad to report that the experimental fish hatchery at Dildo Island is turning out a large number of codfish and lobsters, and hopes the success of the undertaking may prove so great that it may lead to the establishment of other hatcheries in our northern and western bays.

In July H.M.S. "Bellerophon" carrying the flag of Vice-Admiral Watson, paid St. John's a visit. Looking to the excited state of public feeling arising out of the recent troubles on the so-called French shore, and intensified by arbitrary, if not unlawful, acts on the part of officers of the squadron, acting under his Excellency's orders, the Chamber deemed it prudent to withhold the customary address, not wishing to introduce subjects of controversy which would interfere with the hearty welcome which the citizens of the capital always extend to the Admiral in command of the North American fleet.

The Chamber regrets to record its opinion that the orders received and enforced by the British naval officers on the station, while grievously operating against Newfoundland fishermen, powerfully aid the officers of the French fleet in giving effect to their misinterpretation of existing treaties. Years ago the Chamber was in the habit of calling attention to the necessity that existed of having a Consular agent at St. Pierre, and the consequent representations that were made to the proper authorities having borne no fruit the matter of late has not been referred to in the Annual Report. True, in that remarkable monument to British-Colonial Diplomacy the Ford-Pennell Convention of 1885, our just demand in this respect was, as a favour, to be conceded in exchange for everything that made the French shore of any value to us; but the absolute rejection by the Colony of that arrangement left matters *in statu quo*. Now, however, an intolerable outrage (vindictive in the light of recent events) has once more caused the Chamber of Commerce in the interests of the trade of the Colony to demand that the oft repeated request of the Colonial Government should be acceded to.

It appears that a freighting schooner called the "Mary," bound from Rose Blanche to St. John's, was forced by adverse winds to take shelter at St. Pierre. This schooner, owned by one Draddy of Placentia Bay, was laden with a cargo of codfish consigned and belonging to a St. John's mercantile firm. While at St. Pierre some of the crew landed and sold a small quantity of cod roes which were their own property, and this act was made a pretext for not only seizing the schooner but also for confiscating the cargo, the property of parties who had no connexion with or control over the said crew or vessel.

In the absence of a British consular agent prompt and adequate representations cannot be made, and the master and crew of the schooner are deprived of that moral support and assistance which, as British subjects, they are entitled to. But whilst this right of representation, which is respectively accorded by European nationalities in amity with one another, such has been persistently denied to the most ancient of Great Britain's Colonies. The French have had their interests conserved by a resident consul, although latterly he has not been furnished with Her Majesty's Exequatur, but he is *de facto*

consul and exercises all the functions of one; whilst Newfoundland is denied even an unofficial agent at St. Pierre as was lately proved when a British commercial agent was expelled therefrom by the French authorities.

While France refuses the usual national courtesy as regards this British Colony, she recognises a representative of the United States of America at St. Pierre in the person of a vice-consul. The Chamber again calls the attention of the trade to this anomaly, and will continue to urge the Colonial Executive to demand its just right.

The Chamber sincerely regrets having to record the death of the Honourable Charles Bowring, who for many years was an active and prominent member of the Commercial Society.

ROBERT H. PROWSE,
President.

St. John's, August 13th, 1890.

No. 16.

SIR W. V. WHITEWAY and A. W. HARVEY, Esq., to COLONIAL OFFICE.

SIR,

Hôtel Métropole, October 9, 1890.

You having "confidentially" only read to us a copy of the communication from Lord Salisbury to Lord Lytton, and his reply in relation to the French fishery question, we are not in a position, in the absence of a careful perusal of this correspondence, to appreciate the contents in all their bearings, but we desire to express to Her Majesty's Government our strong opinion that the absolute concession to the French of the right to procure bait in Newfoundland *is far in excess of* an equivalent for a withdrawal by them from the treaty coast. We would remind Her Majesty's Government that this bait supply is an *indispensable necessity* to the efficient prosecution of the bank fishery, and that it is the only lever (as far as we can now see) by which we can hope to force the French into a reduction or alteration of their bounties, such alteration being that the French Government should confine the bounty to fish consumed in French territory, and not grant a specific bounty upon fish exported to foreign countries. We are fully alive to the position that under ordinary circumstances one nation has no right to interfere with the fiscal affairs of another, but the present case may be viewed as unique.

The Islands of St. Pierre and Miquelon were ceded for a special purpose and there is a clear provision that they should be used for no other, whereas this provision has been disregarded by the French and not only have these Islands been made "an object of jealousy" between the two nations, but a source of grievous injury to British fishermen.

We submit that a treaty of reciprocity between two nations is one of common occurrence, and that our proposals can only reasonably be viewed as such.

We beg to suggest that the case would stand thus :

The French require our bait, we say they can have it so long as they do not give a bounty upon the fish caught with it, and exported to foreign markets, for then we are furnishing them with a weapon to destroy our trade.

A fair bargain might be that during such time as the bounties were payable on fish consumed in French possessions, Newfoundland should accord to French fishermen the privilege of purchasing bait of every description on all parts of its coast, but such privilege should cease upon France granting such export bounty.

Any arrangement to be satisfactory, permanent and calculated to terminate the unhappy disputes between the people of the two nations, should embody the provisions—

First. That the French treaty rights on the mainland of Newfoundland be extinguished.

Second. That the French enjoy a free trade in bait so long as they confine the payment of bounties to fish consumed in French territory.

Third. That a French Consul be recognised in St. John's, and an English Consul in St. Pierre.

The tone of the Newfoundland Legislature when considering the proposed arrangement in 1886, indicated a strong opinion that a free traffic in bait ought not to be granted to France unless coupled with an undertaking on its part to modify the bounties. Mr. Harvey, who was chairman of the joint committee of the Legislature in 1886, urged these views strongly during recent interviews at the Colonial Office.

We may quote a paragraph from an address in reply to a requisition calling upon Mr. Fox to offer himself for election to the House of Assembly as a candidate to represent St. John's, one of the largest constituencies in the Island, which we have just received.

“With regard to the French shore question, I shall be satisfied with nothing less than the complete possession and government of our own territory and waters, and I shall aim at the abolition and reduction of those French bounties which so seriously affect our markets abroad.”

And we are confident that the views here expressed are universally entertained. We deem it our duty to make this communication and

We have, &c.
(Signed) W. V. WHITEWAY.
A. W. HARVEY.

Sir Robert G. W. Herbert, K.C.B.

No. 17.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, October 24, 1890.

WITH reference to the letter from this Department of the 22nd instant* enclosing copy of a communication from Sir Wm. Whiteway and Mr. Harvey relating to the proposals recently made to the French Government for a settlement of the Newfoundland fishery question, I am directed by Lord Knutsford to state, for the information of the Marquis of Salisbury, that his Lordship had an interview with these gentlemen in reference to the above matter on the 21st instant.

At this interview Sir Wm. Whiteway and Mr. Harvey explained that their wish was that the negotiations should proceed on the following basis: that the French should relinquish their rights on the Newfoundland coasts, and should confine their bounties to fish consumed in French territories or possessions, in exchange for the free purchase of bait from all parts of the coasts of Newfoundland, and for a territorial or money compensation in addition. Sir Wm. Whiteway and Mr. Harvey further assured his Lordship that they would be prepared to agree on behalf of the Colony to any arbitration upon the basis of the withdrawal of the French from the coasts of Newfoundland.

Lord Salisbury will doubtless consider whether M. Ribois's objection to the restricted nature of the conditions mentioned in his Lordship's Despatch of the 24th of September† would be met by a proposal to expand them by negotiations upon the double basis now suggested by the Newfoundland delegates.

The Under Secretary of State,
Foreign Office.

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

No. 18.

ADMIRALTY to COLONIAL OFFICE.

SIR,

Admiralty, December 19, 1890.

I AM commanded by the Lords Commissioners of the Admiralty to transmit, for the perusal of the Secretary of State for the Colonies, copy‡ of a Report by Captain Sir Baldwin Walker, of H.M.S. "Emerald," dated the 24th November, on the working of the Bait Act, &c.

The Under Secretary of State,
Colonial Office.

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

* Not printed, being only formal letter of transmission.

† No. 22 in [C.—6256] March 1891.

‡ Extract only printed.

Enclosure in No. 18.

NEWFOUNDLAND. WORKING OF BAIT ACT, &c.

(Extract.)

H.M.S. "Emerald," Bermuda,
November 24, 1890.

* * * * *

SIR,

I BEG to enclose a set of tabulated statistics which, though not absolutely correct in all cases, are near enough for all practical purposes.

Table 1 shows the respective catches of the Shore, Bank, and Labrador (Fisheries) for Newfoundland.

Table No. 2 gives the particulars of the Bank fishery of Newfoundland and that of France; in the latter the whole of the fisheries, except the treaty shore, is included. From these two tables it will be seen of what very small importance the Shore fishery is to France, and of what immense value to Newfoundland.

There is no doubt, if she had full control of her shores, in a very few years with proper legislation the value of her great industry could be considerably augmented, thus giving her a chance of competing successfully with her real rival, Norway.

Tables 3, 4, and 5 show the French Shore fishery, from which it will be seen, in 1885 there were 1,731 men employed, whereas in 1890 there were only 774, and of these 162 were employed in the lobster industry; this number may be further reduced by 30, as these men only occupied a room for a month in order to obtain the higher bounty, and then went on the Banks.

Thus a steady decline has taken place in spite of all efforts of the French Government to the contrary.

The question of bait has next to be considered, and the value of the legislation restricting its sale.

From table 2 it will be seen that the effect of this legislation was to bring an increased number of vessels to the shore for bait, and also to check the relinquishment of the Shore fishery. At the same time it has in a measure been successful, as it is one of the causes of the decreased export from St. Pierre.

Besides the foregoing, the indirect losses resulting from the Act should be taken into account; bait to the average value of at least \$100,000 was sold annually to the French previous to the Act; this sale has been enormously reduced, with the consequent ruin of many of the inhabitants of Fortune Bay.

The direct cost of the carrying out of the Act has to be considered, and is, as nearly as I can arrive at, about \$44,000 annually; this is without any legal expenses or the cost of the imprisonment of the offenders, neither item a small one.

The effect of the Bill has been to cause the French to procure a substitute, and several experiments have been made, I believe, with this object.

There is one thing which should not be lost sight of, which is this, that the French do not (like the Americans, Canadians, and Newfoundlanders) use iced bait, but have always preferred fresh salted bait.

Their reasons for doing so are that they are enabled by this means to remain longer on the fishing grounds. Iced bait will not last longer than three weeks, and after the first 10 days is, I understand, no better than the salted; by using the latter three trips for bait is all that is required, and if squid are on the Banks only two.

One of the substitutes, and undoubtedly the best, is the periwinkle; this is said to be equal to any bait, and many of the French bankers say it is the best to be had. The objections to its use are:—

- 1st. It is not procurable on all parts of the Banks, but only where the bottom is rocky.
- 2nd. It requires a larger crew, as it takes of an average two boats and four men to keep the vessel baited.
- 3rd. Its liability to exhaustion should it come into general use.

It is caught in cages very similar to an English lobster pot, but lower; these are connected to trawls in the same way as the lobster traps, about 50 on a trawl.

Salted sardines have also been extensively used, but are not very successful.

Salted squid are better than the sardines, but cannot be considered altogether satisfactory.

Dried squid is of all the preserved baits, I believe, the best, and will probably be extensively used should the necessity arise.

Variously
estimated at
between
\$100,000 and
\$300,000.

The next point to be considered is the carrying out of the Act and the difficulties attendant thereon. The weather, undoubtedly, adds very greatly to the difficulties and expense of successfully administering the Act.

The numerous systematic evasions on a large scale, which I have satisfied myself did actually take place, rendered easy by the laxity of the Custom House system in Newfoundland, and also either by connivance or neglect in Canada, caused the incidence to be very much less onerous on the French, who have in consequence been able to obtain a great deal more bait than Newfoundland is willing to allow, and each year their arrangements for evading and otherwise obtaining what they require are more complete.

Table 2 is a strong proof of this, as far as the early bait (herring) is concerned. As regards the capelin, they were scarce everywhere in 1889, the Fortune Bay vessels themselves had difficulty in obtaining what they required; the fact that the capelin hardly struck in at all to Miquelon was the principal reason of the French visiting the east coast in such numbers, and was also one of the causes of the reduced catch.

To sum up the effects of the Bait Act:—

- 1st. It entails a direct expenditure of about \$44,000 per annum.
- 2nd. It is the cause of loss by the non-sale of bait of at least \$100,000 per annum.
- 3rd. It creates a great deal of hardship on many of the fishermen on the south coast without any corresponding advantage.
- 4th. It has checked the abandonment of the coast by the French, which up to 1887, when the bait question was first raised, had been rapidly taking place.
- 5th. It has failed to maintain the price of fish even during seasons when the export from Newfoundland has been under average, and that from St. Pierre considerably reduced.

I think it must be allowed to have failed, notwithstanding the reduced exports from St. Pierre, and this with seasons especially favourable to the Newfoundland Legislature, for the scarcity of bait in 1889 and the lateness of the herring in St. George's Bay in 1890 were both of very decided advantage.

But in dealing with the question, the great object of the Act must be kept in view, which was to enhance the value of the fish, especially of the Labrador cure, with which the French fish were said to principally compete. It is when looked at from this point that it has failed utterly. The price at present is lower, especially for the Labrador fish, than it has been for some time; the price in 1886, before the Bill was sanctioned, and at the time when the competition was felt the most, was 15 shillings currency, equal to \$3; in 1889 it had fallen to 14 shillings currency, equal to \$2.80; and this year it is only worth 13 shillings or \$2.60, and this after the Act has been in force three years and is claimed by the self-constituted delegates to have been successfully administered.

The real causes for the depression must be looked for elsewhere, the French bounties being by no means the only reason.

The following are, I think, in a principal degree responsible:—

- 1st. The Norwegian fishery, which is improving.
- 2nd. The unsound state of the relations between the fishermen and merchants.
- 3rd. The jealousy of the merchants themselves.

Vice-Admiral George W. Watson,
Commander-in-Chief.

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

(No. 1.)

NEWFOUNDLAND.
CATCH OF COD FISH.

Locality.	1887.	1888.	1889.
Bank - - -	213,840	226,954	236,821
Shore - - -	699,305	726,583	652,753
*Labrador - - -	166,879	222,183	186,933
Total - - -	1,080,024	1,175,720	1,076,507

* This is the export only, and does not include the home consumption.

AVERAGE LOCAL PRICE.

Year.	Custom House Authorities.			Credit on Men's Accounts.		
	Bank.	Shore.	Labrador.	Bank.	Shore.	Labrador.
1887	4.10	4.10	3.20	4.10	4.10	3.0
1888	4.40	4.40	3.40	4.40	4.40	3.40
1889	4.40	4.40	3.40	4.20	4.20	2.80
1890	4.0	4.0	2.60	4.0	4.0	2.60

B. W. WALKER,
Captain.

(No. 2.)

BANK FISHERY.

NUMBER OF MEN employed and CATCH of VESSELS belonging to NEWFOUNDLAND.

Year.	No. of Vessels.	No. of Men.	Quantity.	Average per Man.	Price per Quintal.
1887	270	3,510	213,840 Quintals	60	\$4.10
1888	301	3,913	216,954 "	57	\$4.40
1889	330	4,401	236,821 "	52	\$4.20
1890	—	—	180,000 " estimated only.	42	\$4.00

FRENCH.

NUMBER OF MEN employed on the BANKS and from ST. PIERRE (excluding the Shore Fishery of Newfoundland), and EXPORTS from ST. PIERRE.

Year.	No. of Vessels.	No. of Men.	Quantity exported from St. Pierre.	Average.	Number of Vessels that baited at		Remarks.
					St. George's Bay.	East Coast.	
1887	687	6,360	754,770	118	—	2	Bait scarce on both coasts, especially at St. Pierre. *This is only up to the end of August.
1888	824	8,144	594,530	73	132	78	
1889	784	8,724	496,223	57	71	146	
1890	—	—	(307,240*)	—	16	25	

B. W. WALKER,
Captain.

(No. 3.)

BOTH COASTS.

FRENCH.

Particulars.	1887.	1888.	1889.	1890.
Total number of men	793	805	757	774
" " vessels	12	12	13	14
" " lobster factories	4	5	6	6
Men employed in " "	80	136	130	162
Quantity of cod fish	—	22,600 qtls.	16,690 qt's.	17,410 qtls.
" " lobster	116,640 lbs.	132,000 lbs.	188,832 lb.	168,480 lbs.
Number of vessels visited East Coast for bait.	2	78	146	25

B. W. WALKER,
Captain.

(No. 4.)

EAST COAST.

NUMBER OF OCCUPIED FRENCH ROOMS and MEN EMPLOYED.

Locality.	1885.		1886.		1887.		1888.		1889.		1890.	
	Room	Men.	Room.	Men.	Room.	Men.	Room.	Men.	Room.	Men.	Room.	Men.
La Scie - - -	1	77	1	77	1	60	—	—	—	—	—	—
Degrat de Cheval - - -	1	56	1	56	—	—	1	30	—	—	—	—
Canaries Harbour - - -	1	72	1	72	1	35	—	—	1	33	—	—
Rouge - - -	7	420	6	290	2	80	2	72	2	64	2*	60*
Croc - - -	2	110	1	56	1	43	1	33	1	33	—	—
St. Julien - - -	1	100	1	100	1	80	1	60	1	38	1	38
Petits Islets - - -	1	43	1	43	1	33	—	—	—	—	—	—
Fischot - - -	2	57	1	57	1	57	1	40	1	40	1	40
Three Mountain Harbour - - -	1	43	—	—	—	—	—	—	—	—	—	—
Cremailliere - - -	1	43	—	—	—	—	—	—	—	—	—	—
St. Anthony - - -	2	90	—	—	—	—	—	—	—	—	—	—
Kirpon - - -	1	56	1	56	—	—	—	—	—	—	—	—
Mauve Bay - - -	2	60	1	44	—	—	—	—	—	—	—	—
Cape Onion - - -	1	30	—	—	—	—	—	—	—	—	—	—
White Bay (lobster factory)	—	—	—	—	—	—	1	60	—	—	—	—
Total - - -	24	1,257	15	851	8	388	7	295	6	208	4	138

* 1 Room closed on 25th July. Vessel with crew, 30 men, went on banks.

B. W WALKER,
Captain.

(No. 5.)

WEST COAST.

NUMBER OF MEN employed, including LOBSTER FACTORIES.

Locality.	1885.	1886.	1887.	1888.	1889.	1890.	Remarks.
Red Island - - -	110	125	—	60	110	116	
Port-aux-Choix - - -	300 <i>12</i>	210 <i>67</i>	300 <i>12</i>	340 <i>12</i>	291 <i>12</i>	315 <i>12</i>	
St. John's Island* - - -	64 <i>6</i>	30 <i>8</i>	110 <i>68</i>	110 <i>68</i>	73 <i>43</i>	98 <i>64</i>	
Bartlett's Harbour* - - -	—	—	—	—	27 <i>27</i>	23 <i>23</i>	
Brig Bay* - - -	—	—	—	—	48 <i>48</i>	82 <i>61</i>	
Clam Bank Cove* - - -	—	—	—	—	—	2 <i>2</i>	
Total number employed - - -	474	365	410	510	549	636	

* Lobster principal or only industry, cod fishery auxiliary.
Figures in italics denote the numbers employed in factories.(Signed) B. W. WALKER,
Captain.

(No. 6.)

PARTICULARS AS TO DISTRIBUTION OF GOVERNMENT RELIEF.

Date.	Amount given.	Name.	Remarks.
25th January	Flour. 1 barrel	Edward Daulton	Could have cut wood for Shearer's factory at Brig Bay for \$1.50 per cord. Was at the time of receipt of relief getting bows and tills for French factory.
15th March	"	"	
22nd January	2 barrels	William Humber	Received \$30 from Newfoundland Government for running ferry at St. Barbe's. On 18th December received another \$30, which the inhabitants subscribed, for taking a telegram to notify to the Government that they were all starving. Received over \$80 from Chetwynd for lobsters caught during season of 1889.
22nd January	1 barrel	John Bonnelle	Refused work during season of 1889, for which he would have been paid \$23 a month and all found.
28th January	$\frac{1}{2}$ barrel	James Mahr	This man received \$150 for lobsters caught during season of 1889. Sold 15 barrels of herring to a trader for \$37.50.
22nd January	1 barrel	John Page	Worked for Brig Bay factory as watchman, \$24 a month and all found (a wife, no family).
22nd February	1 barrel	Abram Rhumbolt	Fished for Chetwynd the whole season of 1889.
22nd January	1 barrel	George Dempster	Refused \$30 a season to run the ferry at St. Barbe's, which carries, on an average, about six people a day.

Besides these, Joseph Edmund, Herbert Pashan, and Samuel Way received 1 barrel of flour each; they are all strong able-bodied men.

Edward Daulton, after having received 2 barrels of flour, refused work in April unless he was given \$8 to buy another barrel of flour.

(Signed) B. W. WALKER,
Captain.

FORWARDING REPORT ON NORTH EAST COAST OF NEWFOUNDLAND.

H.M.S. "Forward," at St. John's,
October 1890.

SIR,

In obedience to your orders dated 26th July, I have the honour to forward the enclosed report.

2. As no regular statistics are kept, it was difficult in some places to obtain the number of French bankers for previous years with positive certainty, but the most reliable residents were closely questioned, and the result arrived at I believe to be accurate.

3. Nearly every family has a covered fish stage, and many houses have sheds, out-buildings, &c. attached; these have not been counted, the number given being dwellings only.

4. The nature of the soil was judged by the small kitchen gardens of the place, the quantity of land by report and observation, of course the majority of it requires clearing.

5. If asked, fishermen generally gave the size allowed by law, but examination proved the mesh to be, salmon $4\frac{1}{2}$ " to 6", herring $1\frac{1}{2}$ " to $2\frac{1}{2}$ ", caplin $\frac{1}{4}$ " to 1". The excuse then was that merchants sold them for the proper size. In many nets the centre has smaller mesh than the ends.

I have, &c.

Captain Sir Baldwin Walker, Bart.,
Senior Officer,
Newfoundland Division.

(Signed) SCOTT W. A. H. GRAY,
Lieutenant and Commander.

Place.	Date.	No. of French Bankers.				Reason assigned for increase or decrease.	Bait used by French early this season.	Number of				
		1887.	1888.	1889.	1890.			Houses.	Boats.	Inhabitants.	Cod traps.	Other nets.
Cape Norman and Cook's Harbour.	1890. 17.7.90	-	-	-	-	-	-	21	40	85	2	28
Ha-ha Bay	12.9.90	-	-	-	-	-	-	4	9	23	1	4
Sacred Bay and Onion Cove.	12.9.90	-	-	-	-	-	-	4	6	20	-	3
Maria Bay and L'Anse Medee.	15.9.90	-	-	-	-	-	-	7	16	50	1	3
Mauve Bay	15.9.90	-	-	3 schooners	-	-	-	7	7	34	1	4
Kirpon	11.9.90	-	1 wrecked	-	-	-	-	27	41	150	4	38
Fortune	9.9.90	-	-	-	-	-	-	8	15	42	-	12
Griguet	9.9.90	-	-	-	-	-	-	27	49	172	-	120
St. Tunaire Bay	10.9.90	-	-	-	-	-	-	9	14	65	-	17
Little Brehat	9.9.90	-	-	-	-	-	-	8	30	58	-	22
Great Brehat	9.9.90	-	-	-	-	-	-	6	9	38	-	10
French and St. Mien Bays.	20.9.90	-	-	-	-	-	-	11	38	92	-	-
St. Anthony	20.9.90	-	-	-	-	-	-	22	37	135	-	82
Cremalliere	20.9.90	Nil	5 or 6	14	2	Bait obtained elsewhere.	Sardines and periwinkles.	4	7	20	-	5
Three Mountains	20.9.90	-	-	-	-	-	-	1	3	7	-	3
Goose Cove	21.9.90	-	-	-	-	-	-	13	22	83	1	32
Ireland Cove	22.9.90	-	-	-	-	-	-	4	6	23	-	36
How Harbour and Ivy Bay.												
Petites Ialettes	22.9.90	Nil	3	2	Nil	Not known	Periwinkle	3	3	22	-	2
Fischot	30.9.90	-	-	-	-	Bait obtained elsewhere.	Periwinkle and salt bait from France and St. Pierre.	7	12	42	-	35
St. Julien	30.9.90	-	-	-	-	Do.	-	10	20	60	-	73
Croc	7.9.90	2	20	5	4	Bait easier obtained elsewhere.	Periwinkle and salt bait from France.	7	8	37	-	18
Rouge	6.9.90	Nil	6	11	6	Bait got elsewhere	Do.	2	3	13	-	-
Conche	27.9.90	Nil	14	40	4	Do.	Periwinkle and salt bait from St. Pierre.	55	82	232	11	224
Englee	28.6.90	-	-	-	-	-	-	35	100	200	7	90
Gouffre	28.6.90	Nil	3	15	Nil	Obtained elsewhere or because caplin were scarce in previous year.	Not known	3	4	19	3	11
Canary Harbour	27.6.90	Nil	5	17	Nil	-	Do.	7	13	46	-	20
Little Canada Harbour.	28.6.90	-	-	-	-	-	-	3	3	14	-	5
Degrat-de-Cheval	28.6.90	-	-	-	-	-	-	2	4	29	-	8
Hooping Harbour and coast to	5.7.90	-	-	-	-	-	-	4	7	21	-	6
Little Orange Bay	29.7.90	-	-	-	-	-	-	3	2	20	-	3
Duggan's Cove	29.7.90	-	-	-	-	-	-	15	17	50	4	26
Chat Cove	29.7.90	-	-	-	-	-	-	9	16	72	3	57
Jacques' Cove	29.7.90	-	-	-	-	-	-	5	8	25	2	30
Union Cove	29.7.90	-	-	-	-	-	-	8	22	57	3	49
Little Coney Arm	30.7.90	-	-	-	-	-	-	5	12	50	-	26
Jackson's Arm	30.7.90	-	-	-	-	-	-	22	36	85	-	40
Carried forward												

Capability of Land.	Opinion of Inhabitants.						Reasons.						Size of mesh of cod traps.	No. of people asked.	Remarks.
	Cod traps.		Cod nets.		Bultows.		For			Against					
	For.	Against.	For.	Against.	For.	Against.	Cod traps.	Cod nets.	Bultows.	Cod traps.	Cod nets.	Bultows.			
Soil good and fair quantity.	2	3	-	5	-	5							2 1/2 to 4	5	-
Soil good and good quantity.	2	-	-	2	-	2								2	Several cattle and sheep.
Good in patches	-	1	-	-	-	1								1	No knowledge of cod nets.
Good and fair amount	2	-	2	-	-	2								2	-
Good and large quantity.	-	2	-	2	-	2								2	-
Good but no quantity	2	3†	-	5	-	5								5	Several cattle, sheep, and goats. Local agreement against cod nets and bultows. †One owner of cod traps.
Good and good quantity.	-	4	-	4	-	4								4	Good many sheep.
Good in patches	-	5	-	5	-	5								5	5-inch mesh considered proper for cod traps.
Poor and not much	-	3	-	3	-	3								3	Do. Good many sheep.
Good and not much	4	-	4	-	-	4								4	Local agreement against bultows.
Good and fair quantity	8	-	8	-	-	8								8	Distress in 1889 relieved by master of a schooner from Labrador who fished in vicinity of G. and L. Brehat with cod traps, and served out half his catch of about 100 quintals to inhabitants.
Good in patches	10	-	10	-	10	1								10	-
Good. Fair quantity	-	5	-	5	-	5								5	Good number of sheep.
Do.	-	2	-	2	-	2								2	-
Poor and little of it	-	4	4	-	-	4								4	-
Good and fair quantity	1	2	1	2	1	2								3	-
Poor and rocky	-	5	-	5	-	5								5	-
Good and fair quantity	-	3	-	3	3	1								3	Several cattle and sheep.
Good. Not much of it	-	2	-	2	-	2								2	-
Do.	-	5	-	5	-	5								5	Some cattle.
Poor. Small amount	-	3	-	3	-	3								3	Some sheep and goats.
Good. Fair quantity	-	3	-	3	-	3								3	-
Do.	-	2	-	2	-	2								2	-
Do.	-	3	3†	3	8	1	10							11	†One owner of cod trap. Good number of cattle, sheep, and goats.
Do.	-	5	-	15	-	15								15	Sheep and goats.
Do.	-	2	2	-	-	2								2	Cattle and sheep.
Do.	5	1	6	-	-	6								6	Do.
Poor. Small quantity	-	3	-	3	-	3								3	-
Rocky. Do.	6	-	-	6	-	6								6	-
Good and fair quantity	-	-	-	-	-	-								-	-
Poor. Heavy to clear	-	-	-	-	-	-								-	-
Good. Heavily timbered.	-	1	-	1	-	1								1	-
Soil good. Net much	8	-	8	-	8	-								8	Goats and sheep.
Do.	3	-	3	-	3	-								3	-
Rocky	-	7	-	7	-	7								7	-
Poor. Not much	-	9	-	9	-	9								9	Cattle, sheep, pigs, &c.
Good and good quantity.	-	8	-	8	-	8								8	Cattle and sheep.

CENSUS of the WEST COAST OF NEWFOUNDLAND.

Port or Place.	No. of				French Rooms, and when last occupied.	Size of Mesh of Seine or Net.	Remarks. Cod Traps, Bultows, Nets, &c., and whether injurious to fishing.
	Boats.	Houses.	Inhabi- tants.	Seines.			
Savage Bay - -	24	9	64	21	—	—	
Mistaken Cove - -	57	28	110	66	—	—	
Chambers Island - -	13	8	44	15	—	—	
French Island Har- bour - -	36	23	119	2 cod traps	—	—	
Flowers Cove - -				44	—	—	
Bear Cove - -	6	5	28	2	—	—	
Deadman's Cove - -	4	2	17	—	—	—	Fish with bultows.
Anchor Point - -	10	5	35	23	—	—	
St. Barbe - -	8	3	25	7	—	—	
Current Island - -	88	20	136	19	—	—	
St. Genevieve Bay - -	3	2	12	1	—	—	
Seal Cove - -	4	2	8	6	—	—	
Brig Bay - -	10	5	22	12	1 Brig Bay 1 Old Fer- role. 7 years -	—	A French lobster factory, employing 82 hands; four buildings.
				3 cod traps			
Old Ferrole - -		Nil		—	—	—	
Bird Cove - -	3	2	7	12	—	—	
Dog Island - -	5	4	23	6	—	—	
New Ferrole - -	5	3	24	5	—	—	
Castors River - -	4	4	9	2 cod traps	—	—	French lobster factory; 23 men, 1,000 traps; five buildings.
Bartlett's Harbour - -				4	—	—	
St. John's Island - -	7	4	33	—	Yes, present	—	French room and lobster factory; 98 men; six buildings. Also rooms at Sesostris and Savage Island.
Port-au-Choix - -	7	13	13	—	Yes, present	—	Seven French rooms.
Barbacé - -				—			
Gargamelle - -	5	3	10	1	—	—	
Point Riche - -	—	2	10	—	—	—	
Sandy Cove - -	1	2	4	1	—	—	Lighthouse keepers.
Port Saunders - -	7	7	48	13	—	—	
Hawkes Bay - -	4	2	7	4	—	—	
Spirity Cove - -	4	3	8	2	—	—	
River Ponds - -	7	5	26	3	—	—	
Battoo - -	—	2	—	—	—	—	
Belburns - -	4	4	37	1	—	6"	English lobster factory.
Daniel's Harbour - -	17	23	74	4 cod	—	—	Cod traps very injurious if small mesh, hook and line fairest way; two men asked.
				8 herring			
Portland Creek - -	1	5	1	—	—	—	English factory.
Parson's Pond - -	11	7	23	1 herring	—	6"	
				1 capelan			
				7 salmon			
Shallow Bay - -	—	3	6	—	—	—	
Cow Head - -	17	18	144	10	—	6"	English factory.
				salmon			
St. Paul's - -	7	6	18	3	—	—	English factory.
Broom Point, Gull Marsh. - -	6	4	20	10	—	—	Five bultows. English factory.
Salley Cove - -	8	5	21	6	—	—	English factory.
Green Point - -	5	4	6	7 cod	—	6"	
				4 salmon			
Baker's Brook - -	2	1	12	2	—	6"	English factory in frame.
Lobster Cove - -	11	13	27	11 cod	—	6"	English factory in frame.
				17 salmon			
Rocky Harbour - -	47	29	148	35	—	—	Bultows most objectionable form of fishing; three men asked.
Norris Point - -	261	189	1,039	280	—	6" 4" traps	English factories.
Wild Cove - -							
Humber Valley - -							
Gad's Harbour - -							
Deep Water Cove - -							
South Side - -							
West Side - -							
Bailey's Point - -							
Woody Point - -							
Crawley's Cove - -							
Carried forward - -							

Port or Place.	No. of				French Rooms, and when last occupied.	Size of Mesh of Seine or Net.	Remarks. Cod Traps, Bultows, Nets, &c. and whether injurious to fishing.
	Boats.	Houses.	Inhabi- tants.	Seines.			
Brought forward	-	-	-	-	-	-	-
Trout River -	60	28	150	{ 5 salmon	-	6"	Fish with hook and line. English factory.
Chimney Corner to Cape Gregory.	4	3	25	6	-	6"	Three bultows. Two Eng- lish factories.
Crabb Brook -	11	5	26	31	-	-	English factory.
Liverpool Cove -	2	1	6	7	-	-	-
North and Goose Arm	6	4	28	16	-	-	English factories.
Middle Arm -	8	8	50	4	-	6"	English factory.
Rivers Cove -	5	5	34	7	-	-	-
Strickland Beach -	2	2	9	6	-	-	-
Farm -	5	5	28	12	-	-	-
Meadows -	5	14	106	7	-	-	-
Petitpas Creek -	7	5	37	21	-	-	-
Mill Cove to Hughes Brook.	40	23	115	105	-	-	-
Corner Brook -	19	28	184	58	-	-	-
Birchy Cove to Bal- lantine Cove.	22	32	233	{ 91 2 traps	-	{ 6" cod traps 4"	English factories.
Ballantine Cove -	14	11	60	25	-	-	-
Giles Point -	4	4	26	{ 10 1 trap	-	{ 6" trap 4"	-
Half-Way Point -	15	12	63	22	-	-	-
Bennett's Cove -	9	9	30	{ 22 1 trap	-	-	-
Clarke's Brook -	8	7	48	{ 13 1 trap	-	-	-
Frenchman's Cove -	18	14	66	8	-	-	English factory.
Blow Me Down -	6	5	23	2	-	-	-
Broom Bottom -	2	2	11	5	-	-	-
Harbour Island -	12	12	67	19	-	-	-
Lark Harbour -	14	10	77	10	-	6"	English factories.
Little Harbour and Battean Cove.	3	1	4	-	1887	-	Hook and line fishing. Cod traps not injurious if large mesh. One man asked.
Serpentine River -	5	3	17	-	-	-	English factory.
Three Guts -	9	3	28	9	-	-	-
Brond Cove -	4	8	20	{ 1 caplin	-	-	Two bultows. English factory.
Fox Island and River	11	8	45	4	-	-	English factory.
Long Point, Port-au- Port.	9	6	28	-	1883	-	-
Black Duck Brook -	33	13	86	28	-	-	-
Clambank Cove -	3	2	43	15	Yes, present	-	French lobster factory.
Three Rock Cove -	3	2	12	-	-	-	Hook and line. English factory.
Red Island -	-	-	10	-	Yes, an- nually.	-	-
Mainland -	12	6	29	16	-	-	-
Green Gardens -	4	6	30	4	-	-	-
Marshes Point -	20	15	70	10	-	-	English factory.
Charlie Sheave's Cove	7	3	15	2	-	-	English factory.
Lower Cove -	2	3	18	-	-	-	-
Ship and Abraham's Cove.	8	5	25	-	-	-	English factory.
Campbells and Messer- vey's Cove.	24	17	97	12	-	-	A few cod trawls used. Cod traps injurious to fishing, bultows not Three men asked.
Gravels -	{ 31 3 schooners 1 steamer	17	90	33	-	-	English factories.
Kippens Brook -	8	5	30	-	-	-	English factory.
Stephensville -	40	46	267	93	-	-	English factory.
Main River and Seal Cove.	46	32	180	63	-	-	English factory.
Seal Rocks -	35	35	160	78	-	-	English factory.
Sandy Point -	100	60	350	270	-	-	English factory.
South Side -	20	34	170	-	-	-	English factories.
Shalop Cove -	19	12	87	85	-	-	-
Bank Head and Flat Bay.	18	21	187	85	-	-	English factory.
Fishel's Brooks -	4	-	30	-	-	-	-
Red and Middle Brooks.	21	25	163	{ 68 22 bultows	-	-	English factories.
Robinson's Head and Bear Cove.	{ 40 12 schooners	40	160	{ 122 20 bultows	-	-	English factories.
Crabb's Brook	{ 48 2 schooners	32	190	{ 145 82 bultows	-	-	English factory.
Highlands -	27	21	136	{ 57 27 bultows	-	-	English factories.
Codroy to Cape Ray -	163	277	1,459	235	-	-	-
			8,156				

D. McN. RIDDEL,
Commander.

No. 19.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

SIR,

Downing Street, January 15, 1891.

I HAVE the honour to transmit to you, for communication to your Ministers, extracts from a report* on the working of the Bait Act which has been received from Sir B. Walker.

I am not aware at what stage the inquiry ordered by your Government into this question has arrived, but I think the facts contained in this report are deserving of their serious consideration. It appears that in addition to the initial expenditure involved in providing the machinery required for carrying out the Act, the annual charge amounts to nearly 9,000*l.* while the loss to the Colony of the price formerly paid by the French for bait reaches 20,000*l.* a year. At the same time a very important result of the Act has been to arrest the abandonment of the shore fishery by the French which was proceeding rapidly, and to lead to a great development of their lobster fishery which was altogether insignificant, as subsidiary to their bait and cod fishery on the treaty shore.

The Act has also failed to realise the expectations of its advocates by advancing the price of fish, as, although the French catch has very largely diminished, prices show a steady decline.

In view of the large falling off in the French catch this decline cannot be ascribed to the bounties paid to the French fishermen, but, more probably, is referable either to increased competition from other sources of supply, as suggested by Sir B. Walker, or to a falling off in the demand.

The figures supplied by Sir B. Walker also show the great importance to the Colony of the shore fishery, which yields more than two-thirds of the whole Colonial export. But for the Bait Act, the insignificant share which the French retain of this fishery would probably have been still further reduced, and an arrangement for the termination of the French rights greatly facilitated.

The great interest of the Colony in this branch of the fishing industry appears also to demand the abolition of injurious methods of fishing.

Sir T. O'Brien.

I have, &c.
(Signed) KNUTSFORD.

No. 20.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

23rd January 1891.—I request that you will inform your Ministers confidentially that as, after rejection by France of all their proposals, they decline to concur in arbitration, and refuse to legislate for *modus vivendi* while French rights are being ascertained, Her Majesty's Government feel compelled to maintain the position they have taken up, both as regards commencing negotiations with France for arbitration, and as to deferring the ratification of the draft convention with the United States until its effect on other British interests has been considered. But looking to depressed condition of the Colony, and the importance of opening up its resources, they are now prepared to accept in principle Imperial guarantee of a loan for railway construction, as asked by delegates. They desire further information as to direction, extent, and probable cost of lines, and the probable amount of loan required.

In order to satisfy Imperial Parliament, a previous inquiry by a competent person into the merits of the proposed railway would be necessary, and security afforded perhaps by the creation of an independent commission that the loan will be expended to the best advantage of the Colony.

* Enclosure in No. 18.

No. 21.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

9th February.—Her Majesty's Government, are willing to act on my telegram of the 23rd January,* and, as also pointed out in that message, it will be necessary, in order to justify their action to Parliament, to have a Commission sent out—

1. To inquire into the agricultural, mining, and other resources of the Colony, and the manner in which they may best be developed;

2. To inquire into and report upon the general financial condition of the Colony;

3. To inquire into and report upon the present condition of the population resident on or near the parts of the coast on which the French have rights of fishery, and to ascertain in what particular respects the Treaty obligations of Great Britain and the Colony may have operated to the prejudice of that population; and, further, to report by what remedies consistent with those obligations, and with the rights and interests of other portions of the Empire it may be practicable to remove the disadvantages under which the inhabitants of the Colony labour.

If your Government accepts this Commission, Her Majesty's Government will propose to Parliament the legislation already indicated.

It will be necessary at the same time to satisfy Parliament that proper measures are being taken for adjusting the controversy with France, and that the Colony is co-operating with Her Majesty's Government for that purpose.

No. 22.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

7th March.—I request that you will inform your Government that arbitration on the lobster fishery questions will shortly take place, and that Her Majesty's Government would wish one of the British representatives to be a member of the legal profession from Newfoundland.

Can the Prime Minister come, or would your Ministers approve the appointment of Sir R. Pinsent or of Mr. Justice Little, who is now here on leave, or whom would they propose?

No. 23.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.

(Received March 10, 1891.)

TELEGRAPHIC.

9th March.—My Government desire me, in reply to your Lordship's telegram of the 7th instant,† to reiterate the views already so often expressed by them to Her Majesty's Government: that they can assent to no reference of any one particular point arising under the Fisheries Clauses of the Treaties of Utrecht, Paris, and Versailles, while other questions involved in these clauses and the declarations appended to the Treaty of Versailles are withheld from the reference.

My Government contend that the only arbitration, if such a course be necessary, should be on the whole of the Fisheries Clauses and Declarations, and this view has been repeatedly expressed by the delegates to Her Majesty's Government, and my Government cannot agree to have any legal representative before any such partial arbitration, and they protest against any such restricted reference.

* No. 20.

† No. 22.

They beg to remind Her Majesty's Government that the Colony cannot be bound by the decision of any arbitration to which it has not given its adhesion; and, moreover, they cannot comprehend why Her Majesty's Government should desire such an arbitration after the conclusive opinion expressed by the Marquis of Salisbury and after Comte d'Aubigny's admission that the French had no right to lobster factories on the Treaty shore.

No. 24.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

12th March 1891.—Agreement for arbitration signed yesterday. Further full information will be sent as soon as possible.

No. 25.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

SIR,

Downing Street, March 12, 1891.

I HAVE the honour to acquaint you that it has been brought to the notice of Her Majesty's Government that since the publication of the temporary arrangement entered into with the Government of France last year with respect to lobster factories on that part of the coast of Newfoundland on which the French have certain rights of fishing, several new lobster factories are being erected or are in contemplation.

2. As you are aware, the French Government have always maintained that such factories, being buildings of a more or less permanent character, come within the definition of "fixed settlements," and that they are entitled to call upon Her Majesty's Government to remove them, under the Declaration attached to the Treaty of Versailles, 1783.

3. Whether this construction is well founded or not is one of the questions which will shortly have to be decided; and in the meantime Her Majesty's Government are undoubtedly bound to prevent British subjects from interrupting the prosecution of the legitimate fishery of the French, and consequently in all Crown grants on that part of the coast a reservation is required of the rights guaranteed to the French by the various treaties and engagements entered into by the Government of Great Britain.

4. These circumstances are well known in Newfoundland, and Her Majesty's Government cannot admit that they are under any legal liability to pay compensation to the owners of factories which, in pursuance of engagements with the Government of France, they may be called upon to close as interfering with the rights guaranteed to French subjects. Prior, however, to March last, when the temporary arrangement with France was published, there had been, in spite of the frequent complaints of the French Government, practically but little interference with the working of the numerous factories erected and worked by British subjects; and, encouraged by this immunity, many new factories were constructed in 1889 and the earlier part of 1890, the operations of some of which were interfered with under that arrangement, although a large number were allowed to pursue the fishery.

5. The question of the legal right of Her Majesty's Government to give effect to that arrangement is now before the courts, but some time must necessarily elapse before a final decision can be given.

Her Majesty's Government therefore, in view of the circumstances mentioned above, though they cannot admit any legal claim to compensation on the part of persons whose factories had to be closed, or who had expended money and entered into contracts, subsequently to the 1st of July 1889, and before the publication of the *modus vivendi*, which that arrangement prevented them from executing, think it desirable that you should appoint a Commission to inquire into all such cases, with the exception of those which form the subject of the legal proceedings referred to, and report for the consideration of Her Majesty's Government what was the actual loss (if any) sustained in each case through the enforcement of the provisions of the *modus vivendi*.

While, however, they are willing to examine into the cases mentioned, it being possible that in some instances persons proposing to erect factories may not have had sufficient notice that such factories were liable to be closed, no such consideration occurs in the case of persons who have erected factories since the 12th of March 1890, and I request that you will give public notice that all persons erecting or having erected lobster factories since that date, will do so, and have done so, at their own risk, and that Her Majesty's Government will not entertain any claims for compensation in respect of such factories if it should be found necessary to close them pending a permanent settlement of the fishery question.

I have the less hesitation in desiring you to issue this notice, as from the reports which I have received on the lobster industry, it seems clear that the fishery is being exhausted by over fishing, and there is reason to think that factories are being unduly multiplied on the coast.

Sir Terence O'Brien.

I have, &c.
(Signed) KNUTSFORD.

No. 26.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

16th March 1891.—I have received your telegram of 9th March.* Regret that your Ministers raise objection to arbitration on lobster questions. It has been explained to them that arbitration is proper course where two friendly Powers, parties to treaties, differ as to their true interpretation on any point.

Following is text of Agreement for arbitration as signed 11th March:—

Agreement begins: The Government of Her Britannic Majesty and the Government of the French Republic having resolved to submit to a Commission of Arbitration the solution of certain difficulties which have arisen on the portion of the coasts of Newfoundland comprised between Cape St. John and Cape Ray, passing by the north, have agreed upon the following provisions:—

1. The Commission of Arbitration shall judge and decide all the questions of principle which shall be submitted to it by either Government or by their Delegates concerning the catching and preparation of lobsters on the above-mentioned portion of the coasts of Newfoundland.

2. The two Governments engage, in so far as each may be concerned, to execute the decisions of the Commission of Arbitration.

3. The *modus vivendi* of 1890, relative to the catching and preparation of lobsters, is renewed purely and simply for the fishery season of 1891.

4. As soon as the questions relative to the catching and preparation of lobsters shall have been decided by the Commission it may take cognizance of other subsidiary questions relative to the fisheries on the above-mentioned portion of the coasts of Newfoundland, and upon the text of which the two Governments shall have previously come to an agreement.

5. The Commission of Arbitration shall be composed (1) of three specialists or juriconsults designated by common consent by the two Governments; (2) of two Delegates of each country, who shall be the authorised channels of communication between the two Governments and the other Arbitrators.

6. The Commission of Arbitration thus formed of seven members shall decide by majority of votes and without appeal.

7. It shall meet as soon as possible. *Agreement ends.*

By a separate note it is provided that the three neutral arbitrators shall be M. de Martens, Professor of International Law at the University of St. Petersburg; M. Rivier, Consul-General of Switzerland at Brussels, President of the Institute of International Law; M. Gram, formerly member of the Supreme Court of Norway; and that, except in the case provided for by Article 4 of the Agreement, the Arbitrators shall exclude from their discussions all questions which do not relate to the catching and preparation of lobsters. We believe that one of the French Arbitrators will be selected

to represent the French fishermen, and our desire is that of the British members one should be an eminent English jurist, and the other should more specially represent the Colony with full local knowledge. Am I to understand that your Ministers still decline to give assistance to place British Case strongly before Tribunal? Communicate this to your Ministers.

No. 27.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received March 18, 1891.)

TELEGRAPHIC.

Baird v. Walker. Judgment in favour of plaintiff on points of law on ground that as between Sovereign and subject there can be no such act of State as would justify trespass complained of.

No. 28.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received March 18, 1891.)

TELEGRAPHIC.

Colonial Government decides to enforce Bait Act this year. No licenses will be granted to Canadian or French, but issued free to United States of America.

No. 29.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received 5.10 p.m., March 20, 1891.)

TELEGRAPHIC.

20th March.—Houses of Legislature last night unanimously resolved to send telegram to Speaker of House of Commons and Lord Chancellor, and to several Members of Parliament, requesting that both Houses of Parliament will delay consideration of Act for legalisation of naval authority on treaty shore.

No. 30.

THE PRESIDENT OF THE LEGISLATIVE COUNCIL AND SPEAKER OF
THE HOUSE OF ASSEMBLY OF NEWFOUNDLAND to the SPEAKER
OF THE HOUSE OF COMMONS.
(Received March 20, 1891.)

TELEGRAPHIC.

We are directed to transmit to you the following resolutions unanimously adopted by both branches of the Legislature of this Colony:—

“Resolved,—That the Newfoundland Legislature have had under consideration the despatches from Her Majesty's Government relative to the French Treaties question; and especially the despatches in which it is intimated that Imperial coercive legislation relative to this Colony would be introduced.

Resolved,—That the Legislature humbly and earnestly pray that the House of Commons will be graciously pleased to take the necessary steps to delay the legislation referred to, so as to enable the Legislature of this Colony to present their views before the British House of Commons, which they will do at the earliest possible moment."

EDWARD D. SHEA,

President of the Legislative Council.

GEORGE H. EMERSON,

Speaker of the House of Assembly of
Newfoundland.

No. 31.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

20th March 1891.—Speaker has received telegram* from President and Speaker of House of Assembly conveying Resolutions of Legislature.

No 32.

THE PRESIDENT OF THE LEGISLATIVE COUNCIL AND THE SPEAKER
OF THE HOUSE OF ASSEMBLY, NEWFOUNDLAND, to LORD
KNUTSFORD.

(Received March 20, 1891.)

TELEGRAPHIC.

WE are directed by this Legislature to respectfully acquaint you that it has been unanimously resolved by both branches of this Legislature that a delegation be appointed to proceed forthwith to lay before the Imperial Parliament the reasons of this Colony for opposing the proposed legislation now before Parliament in reference to the French Treaty question, and that such delegation will proceed to England immediately for that purpose, and to respectfully request that all further proceedings on the proposed legislation be delayed until the delegation can be heard.

EDWARD D. SHEA,

President, Legislative Council.

GEORGE H. EMERSON,

Speaker, House of Assembly,
Newfoundland.

No. 33.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.

(Received 3.45 p.m., March 21, 1891.)

TELEGRAPHIC.

Following is text of Resolutions passed by Houses of Legislature last night:—

Resolved,—That a delegation to be selected from members of the Legislature be appointed by the Legislature to proceed forthwith to lay before the British Parliament and people the reasons of this Colony for opposing the proposed legislation with reference to the French Treaties question, and that, in the meanwhile, the Committee proceed to consider the propositions which the delegation shall be empowered to make for the settlement of the whole question.

Resolved,—That the delegation proceed to England immediately for the above purpose.
Ending of Resolutions.

These resolutions have been forwarded to Lord Chancellor and Speaker of House of Commons.

No. 34.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

21st March 1891. Inform President of Legislative Council and Speaker of Assembly their telegram of yesterday* received. Telegraph when delegates will leave.

No. 35.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

21st March. Inform President and Speaker, in reply to their telegram,† Bill will not come on in House of Lords for second reading before 16th April. Ample time, therefore, before that date for such further communications as may be desired, but in absence of effective colonial legislation for securing observance of treaties and temporary arrangements with France Her Majesty's Government must proceed with Bill.

No. 36.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

23rd March, 5.30 p.m.—The Secretary of State for Foreign Affairs duly received telegram of 20th,‡ conveying Resolutions. Following answer was given to-day to questions in House of Commons. *Begins:* The Secretary of State telegraphed on Saturday to the Governor of Newfoundland requesting him to inform the President of the Legislative Council and the Speaker of the House of Assembly that the Bill to give effect to the *modus vivendi* would not be proceeded with in the House of Lords until the 16th April, allowing ample time for such further communications from the Parliament of Newfoundland as they might think it right to make; but it would be necessary, if the Colony failed to make legislative provision for the observance of existing Treaties and the temporary arrangements with France, for Her Majesty's Government to proceed with the Bill. *Ends.*

There will be provision in Imperial Bill suspending its operation if and when the Newfoundland Legislature passes Law sufficiently providing for carrying out fishery engagements as required by Her Majesty's Government.

No. 37.

The REV. M. F. HOWLEY and MESSRS. BISHOP and McFATRIDGE to
COLONIAL OFFICE.

(Received March 23, 1891.)

TELEGRAPHIC.

'People this shore will loyally accept decision French rights; earnestly request Government not withdraw Act; only ask guarantee, mining, other land industries.

HOWLEY, Pref. Ap.

BISHOP, J. P.

McFATRIDGE, Merchant.

No. 38.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.

(Received March 24, 1891.)

TELEGRAPHIC.

I AM requested by my Government to forward following Minute of Executive Council. My ministers are more than surprised that after their equitable proposal to submit to arbitration the treaties, Declarations, and all questions arising thereunder, Her Majesty's Government should, without replying to this proposition, have actually signed an Agreement submitting not merely the lobster question, but subsidiary questions relative to the fisheries on the Treaty coast, without even forwarding a copy of such Agreement for their consideration. My Government deeply regret that they are compelled by the action of Her Majesty's Government to adopt the only course which seems open to them, viz., that of declining to take part in, or to be bound by, an Agreement to which they are not parties, and of relying upon the indefeasible position which was secured to the Colony by Labouchere's despatch that the rights of the Colony shall not be modified or affected without its consent, and of accordingly resisting the Agreement and all action thereunder. It is a matter of deep regret that the Colony is driven to this conclusion.

No. 39.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

March 25, 1891, 4.30 p.m.—I trust no action will be taken as mentioned in your telegram of 18th March* until after delegates arrived here.

No. 40.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.

(Received March 25, 1891.)

TELEGRAPHIC.

Referring to your telegram of 23rd March,† Colonial Government request that you will send by telegraph text of provisions of Bill.

No. 41.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.

(Received March 26, 1891.)

TELEGRAPHIC.

Referring to your telegram of to-day,‡ Colonial Government send reply as follows:—
 "Bait Act is already being enforced, and must be rigidly executed, more especially from middle of this month till June, to be of any avail. All arrangements made and are now in operation for total prohibition to fishing-boats of France and Dominion of Canada."

No. 42.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

26th March 1891. Referring to your telegram of 25th March,§ Bill revives sections 12 and 13 of 5 George IV., chapter 51, and empowers Queen, by Order of Privy Council, to suspend its operation if Newfoundland Legislature passes Law making sufficient provision for carrying out, under Queen's instructions, fishery engagements with France, including any temporary arrangements made either before or after passing of Act for adjusting differences. Copy of Bill will be sent as soon as it is circulated here.

* No. 28.

† No. 36.

‡ No. 39.

§ No. 40.

No. 43.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received 8.12 p.m., 31st March 1891.)

TELEGRAPHIC.

Delegation from Houses of Legislature, consisting of Harvey and Monroe, Members of Legislative Council, Whiteway, Emerson, Speaker of House of Assembly, and Morine, Leader of the Opposition in House of Assembly, will leave here by mail steamer direct for England on 6th April.

No. 44.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

SIR,

Downing Street, March 31, 1891

I HAVE the honour to transmit, for your information, a copy of a telegram* which I have received from the Rev. Dr. Howley, Mr. McFatridge, and Mr. Bishop urging Her Majesty's Government not to withdraw the Bill empowering Her Majesty to carry out the treaty engagements with France.

I request that you will cause these gentlemen to be informed that I have received their message.

Sir T. O'Brien.

I have, &c.,
(Signed) KNUTSFORD.

No. 45.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

3rd April 3.35 p.m.—I have received your telegram of the 24th ultimo,† and regret the decision of your Ministers.

Her Majesty's Government will now proceed to choose the British delegates.

I am unable to concur in the statements of your Ministers in your telegram under reply. The position of Her Majesty's Government is fully stated in the letter from the Foreign Office of the 16th January.‡

No. 46.

The REV. M. F. HOWLEY to LORD KNUTSFORD.
(Received April 10, 1891.)

TELEGRAPHIC.

10th April.—Beg no agreement with delegates till our views heard. Full statement posted.

* No. 37.

† No. 38.

‡ No. 42 in [C. 6256].

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