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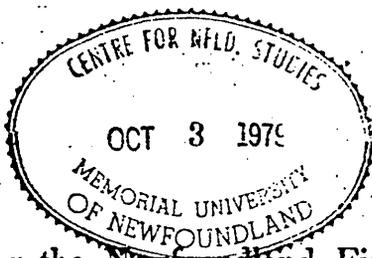
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**Correspondence respecting the Newfoundland Fisheries:
1782-83.**

No. 1.

Mr. FitzHerbert to Lord Grantham.—(Received August 21.)

(No. 52.)
(Extract.)

Paris, August 17, 1782.

HAVING been frustrated in this attempt to procure immediately from M. de Vergennes a correct state of the demands of the French Court, I can only transmit to your Lordship for the present such particulars concerning them as I have been able to collect from other sources of intelligence, and the general result of which is as follows:—

In regard to the Newfoundland fishery, I understand that the French will expect, amongst other concessions, that we shall cede to them the full and entire sovereignty of that part of the said island which they have hitherto been permitted to frequent in the fishing season for the purpose of drying their fish, marking out by a precise boundary the limits of that district, and leaving them the entire and exclusive enjoyment of the fishery upon the coasts of it.

No. 2.

Mr. FitzHerbert to Lord Grantham.—(Received August 24.)

(No. 53.)
(Extract.)

Paris, August 21, 1782.

AGREEABLY to what I had the honour of mentioning to your Lordship in my last letter by Roworth, I saw M. de Vergennes yesterday by appointment from himself, and had a long conversation with him upon the point which stands first in order in the counter-proposition of this Court, I mean the Newfoundland fishery. He began his discourse on that subject by an historical deduction of the rights and possessions of the British and French nations in that quarter, as well before the Treaty of Utrecht as from that time downwards to the breaking out of the present hostilities. In the course of this, he stated the disputes which had arisen not long after the conclusion of the Treaty of Paris respecting the boundaries of that portion of the Island of Newfoundland which the French fishermen were allowed to resort to for the purpose of drying their fish, which disputes, he said, had turned on two points: the one, the true situation of the promontory called Pointe Riche, which the Treaty of Utrecht fixes as the limit of the aforesaid district to the south-west, and which we place in latitude 50° 30', whilst the French contend that it is situated much farther to the southward; the other, the encroachments which had been made on the said district by the British settlers, who had extended themselves along the eastern coast from Cape Bonavista to Cape St. John's, to the exclusion of the French fishermen. M. de Vergennes informed me further that a negotiation had been set on foot between the two Courts for the purpose of settling amicably these points whilst Lord Rochford was Secretary of State for the Southern Department, and that it was to all appearance in a fair way of being concluded when Lord Weymouth succeeding to that office, he (as M. de Vergennes asserts) disavowed all that his predecessor had done, and broke off the business. Having stated this, and

gone into some other discourse upon the same subject which was not sufficiently material for me to repeat it here, the French Minister asked me whether I foresaw any arrangements that His Majesty was likely to be inclined to come to for settling these points to the mutual satisfaction of the two Courts, to which I replied that the most feasible plan appeared to me to be the resuming the negotiation which he had before mentioned. He then gave me to understand that, from its having been found absolutely impracticable to dislodge the British settlers from the district in question, the demand which at that time had been made by France, and which our Court had appeared (as he said before) by no means disinclined to accede to, had been in substance that we should give up to the French (during the fishing season as usual, and for the sole purposes of fishing and drying) the whole coast which stretches from Cape St. John's to the northern point of the island, and from thence running down along the whole western and a part of the southern shore to a point called, in Herman Moll's Map, Cape May, lying in latitude about 48° and longitude about 59° . This arrangement, M. de Vergennes said, would have the peculiar advantage of settling at once the two points in dispute: (1) by giving the French an adequate compensation for the ground they had lost; and (2) by fixing another and precise point of termination, so as to do away entirely all our differences respecting the true situation of Pointe Riche; and upon this head M. de Vergennes and his First Secretary, M. de Rayneval (who was present as usual), said a great deal to prove that the territory they asked for, though infinitely greater in extent than that which they gave up, was in fact barely an equivalent for it, the latter lying opposite to a part of the Great Bank, and abounding likewise in commodious havens and creeks for the various purposes of the fishery.

Having finished what he had to say upon this part of the subject, M. de Vergennes adverted to the Islands of St. Pierre and the Miquelons, the restitution of which, he said, his Court could by no means rest satisfied with, the harbour of St. Pierre being neither sufficiently large nor sufficiently commodious for the purposes of the French fishermen, besides which he could not brook the restrictions laid down by the Treaty of Paris as to the number of troops that might be stationed in garrison in these islands, nor the prohibition from fortifying them. To satisfy France as to these points, he expressed a desire that Great Britain would consent to cede to her (as I understood him in the place of St. Pierre and Miquelon) one or other of those small islands which lie off the eastern coast of Newfoundland, and he specified the Island of Belle Isle (meaning thereby not the Belle Isle which lies off the Esquimaux coast and gives its name to the Strait, but a smaller one of the same name, in latitude about $51^{\circ} 20'$), adding, however, that he would willingly accept of any other island on any other part of the coast which Great Britain might wish to substitute for it, provided that the said island should be ceded entirely to France, and with the enjoyment of every right of sovereignty whatsoever, and that it should contain a port capable of admitting ships of war, so that by means of it the French Commander in those parts might effectually superintend the fishery of this nation. I must add that though M. de Vergennes affected to speak of this matter in loose terms, as if he had not weighed it as yet with much attention, mentioning a variety of islands which he thought might suit both parties, he recurred more than once to this particular Island of Belle Isle in a manner which, I thought, shows evidently that his predilection was founded on a knowledge of its possessing the advantage he was in quest of. As for the rest, he seemed to speak of the condition mentioned above, viz., "that the French should possess this, or whatever other island should be granted to them, in full sovereignty," in the light of a *conditio sine qua non*.

Your Lordship will, of course, understand that these proposals of M. de Vergennes were stated by him merely as loose hints or outlines of possible arrangements, and not as formal offers, as also that on my side, though I entered into as much general conversation upon the subject as I thought necessary to engage him to a disclosure of his sentiments, I told him expressly from the first that I could only take what he might have to say *ad referendum*; and in order that my Report to your Lordship might be as correct as possible, I desired M. de Vergennes' leave to take down upon the spot a short summary of our conversation, which I afterwards delivered to him for his perusal, and he approved entirely of what I had written, and directed M. de Rayneval to take a copy of the paper. The original of it I inclose herewith.

In general, I have only to observe to your Lordship upon the subject of what passed in this Conference that, in the course of it, M. de Vergennes seemed to say that France would expect an exclusive right of fishing and drying on her part of the coast, but he repeated more than once that his Court did not mean to form the most distant pretension to any other rights whatsoever upon the said district, or that the French fishermen should be allowed to remain there either for the purpose of seal catching or any other,

after the expiration of the season of the cod-fishery. He likewise used some arguments to convince me that this demand of a *strictly exclusive right* was intended merely to obviate the disputes which might otherwise arise between the fishermen of the two nations, and in the end produce mutual complaints and other displeasing discussions between the Courts, a reason which, it must be owned, carries with it a great show of plausibility; however, I cannot but confess to your Lordship that upon his mentioning this matter a suspicion came across me, from my having heard that the Americans mean to claim a share in this fishery, that he meant to secure the French part of the island from a possibility of litigation, and leave us to settle with the Americans any claims that they may advance to a similar allotment of coast. But upon this head, as he said nothing of the American claims, I was of course perfectly silent.

I must likewise mention that as long as we were upon the subject of the limits of the French shore of the island the only Map that lay before us was an old one of Herman Moll's, which, from a mistake either of that geographer or of his engraver, confounds Pointe Riche with Cape Raye, an inaccuracy which M. de Vergennes endeavoured to take advantage of by affecting to consider it as a Map of the very highest authority, and both on that account and on account of Herman Moll's being an Englishman, as deciding the question in favour of the French pretensions; but this conclusion I thought it my duty by no means to subscribe to, both because the fact is undoubtedly otherwise, and because, though M. de Vergennes' proposal (if granted) does in effect make the discussion a matter of indifference hereafter, it is not at all indifferent at present to inquire what the coast they ask for consists of, more especially as the extent of it would be more than four times greater under our supposition than it would be under theirs. M. de Vergennes indeed himself betrayed to me afterwards, through inadvertency, his disingenuousness as to this particular, for when we came to the subject of the islands, which Herman Moll's Map did not sufficiently distinguish, he produced a large and, apparently, very excellent modern French Map, which laid down Pointe Riche nearly in its true situation, a circumstance which I did not fail to make a proper advantage of.

Inclosure in No. 2.

Summary of Conversation.

Premier Point.

M. LE COMTE DE VERGENNES m'a fait l'honneur de me proposer, comme un moyen possible de compenser à la France la perte de la pêche et de la sécherie depuis le Cap Bonaviste jusqu'au Cap Saint-Jean, que nous abandonnassions à Sa Majesté Très Chrétienne (pour servir simplement aux effets ci-dessus spécifiés) toute la côte depuis ce dernier cap en tournant par le nord et le nord-ouest jusqu'au Cap May, qui se trouve situé par les 48 degrés environ de latitude et les 59 degrés de longitude.

Deuxième Point.

Que comme le port de l'Isle de Saint-Pierre se trouve être trop petit pour les besoins des pêcheurs François, son Excellence proposeroit (sur le même pied d'un arrangement possible) que l'Angleterre cédât à la France, pour en jouir en toute propriété et souveraineté l'une ou l'autre de ses petites isles qui se trouvent sur la côte du nord-est de l'Isle de Terre-Neuve, où bien telle autre isle que la Cour Britannique trouveroit plus convenable, pourvu que cette isle contienne un port d'où le Commandant François dans cette partie du monde pourra protéger et contenir les pêcheurs de sa nation.

No. 3.

Lord Grantham to Mr. FitzHerbert.

(No. 3.)

Sir,

St. James', August 27, 1782.

YOUR despatch No. 53 was received on Saturday night, and was laid before the King early on Sunday morning.

His Majesty, who has been at Kew ever since the melancholy event of the death of Prince Alfred, will not be in town till to-morrow, so that I have not been able to receive his particular commands upon the subject of your letter.

It is, besides, of so important a nature, that you will readily conceive that the opinions of His Majesty's confidential servants must be taken upon it before I can give you an answer.

You will in the meantime assure M. de Vergennes (who cannot but admit the necessity of this short delay), that no time will be lost in taking up the consideration of this business.

If you have an opportunity, I desire that you would acknowledge, with suitable expressions of personal regard for him, my receipt of M. de Vergennes' answer to my letter.

I am, &c.
(Signed) GRANTHAM.

No. 4.

Lord Grantham to Mr. FitzHerbert.

(No. 5. Separate.)

Sir,

St. James', September 3, 1782.

AS M. de Vergennes alluded to a negotiation said by him to have been carried on in 1775 and 1776 with Lord Rochford, and broken off by Lord Weymouth, I think it necessary to state to you in a few words what passed on that occasion, and to furnish you with a short précis of the correspondence upon it.

Upon complaint of some damages suffered by French from English fishermen the accounts were stated, examined, and very liberally paid to the entire satisfaction of the Court of France. This incident gave rise to a proposal on the part of France for obtaining a tract of coast on the Island of Newfoundland, nearly on the same pretence as it is asked for in the present instance.

Lord Rochford did never, to the best of my information, encourage it. He did not indeed put an end to it, but wished it might not be pressed at that time on account of the troubles in America.

Lord Weymouth more explicitly declined entering into the negotiation at all, but communicated to M. de Vergennes, through Lord Stormont, the orders given to the Commanders on that station, with which M. de Vergennes appeared at that time quite satisfied.

The question now does not at all relate to the right on either side; it is in reality a question of calculation upon the advantages which France may gain, and of the expediency of granting or rejecting the proposition.

For the sake of stating the question, I have in a separate paper drawn it up, and added some observations upon it; and as M. de Vergennes only considers what he said to you as loose hints and general conversation, you are hereby furnished with something in reply to them, which will, however, show him that the subject has not been unattended to.

As to the grant of the full and complete sovereignty of some island near the coast, such as he describes Belle Isle to be, and the possession of it upon principles so different to those by which in the Treaty of Paris the Islands of St. Pierre and Miquelon were given up, it is a matter of such importance that, till it comes on in some more formal shape, an answer to it cannot even be hinted at.

I am, &c.
(Signed) GRANTHAM.

Inclosure in No. 4.

Précis of Correspondence.

Lord Rochford to
M. Garnier,
February 12, 1775.

DESIRES a statement of the loss of some French fishermen, in order that they may be indemnified.

M. Garnier,
February 14, 1775.

Speaks of the sedentary establishment at Bonavista as a reason for hindering the English from settling against both our inclinations.

- Sends him the claims, which are to be paid, if settled. Lord Rochford to Lord Stormont, February 17, 1775.
- Ascertains the claims. Lord Shuldham, February 15, 1775.
- M. de Vergennes seemed satisfied of the intention of paying the claims, but touched on more important points. Our fishermen settled where the French were allowed to dry, and left them no room. Was for allotting the French a portion. Lord Stormont, February 22, 1775.
- Our fishermen originally to blame. The money to be paid roundly. Lord Rochford to Lord Stormont, March 3, 1775.
- M. de Vergennes much pleased with the handsome payment of the money. Lord Stormont to Lord Rochford.
- French Ambassador presses for some Regulation about the fisheries. Their pretensions ill-founded and unjustifiable. Lord Rochford to Mr. St. Paul, July 21, 1775.
- Hopes the hurry of the times will prevent the French Minister pressing this point, lest it should appear compulsory. Lord Rochford to Lord Stormont, Private, October 27, 1775.
- M. de Vergennes treated the fishery as an important point: on its present footing endless disputes must arise; that the exchange he had proposed was to remove the possibility of a dispute. An exclusive right to the French could never be granted; a place where our fishermen did not resort might "on chercheroit des facilités et des arrangements." Lord Stormont, October 31, 1775.
- M. de Vergennes has no inclination to drop the business; urged it seriously; they have it much at heart. Lord Stormont has done all he can to get delay. Pretended difficulty in getting information. Lord Stormont to Lord Rochford, Private, November 1, 1775.
- M. de Vergennes repeated that France had the adjustment of the Newfoundland fishery much at heart. Lord Stormont to Lord Weymouth, December 27, 1775.
- French Ambassador has proposed a certain portion from Baye des Trois Isles, Cap Baye, Baye de Désespoir, on a "Carte réduite du Golphe de Saint-Laurent, 1754." This Map erroneous, and reason to believe intentionally so. The XIIIth Article of the Treaty of Utrecht does not restrain the residence of the English, but does that of the French. This is a constant ground of dispute. Lord Weymouth to Lord Stormont, January 26, 1776.
- We have a right to reside, but discourage it as against our interests. M. de Guines presses for a new district as a compensation for that part of the concurrent fishery they lose by our Settlements. Lord Weymouth declined a negotiation. Necessary to explain our right as an old one; we cannot remove our fisheries. Regulations for bounties from France are the cause of the disturbances. To Lord Stormont, February 2, 1776.
- No hopes of compensation to be given. Ibid.
- Proposes to delay mentioning it to M. de Vergennes. Lord Stormont.
- Leaves it to his discretion and knowledge of M. de Vergennes' character. Lord Weymouth.
- Conference with M. de Vergennes. France wants some alterations or ascertainment of its rights, and the limits of its fisheries on the banks of Newfoundland. M. de Vergennes owned—"Though there may be no direct violation of Treaty, Treaties should be construed in a liberal manner. Should France interpret the right of fishing there into an exclusive right, it would be a false and strained construction. Should England, by Settlements not directly contrary to the letter of the Treaty, preclude France from the exercise of its right, it would be unkind, and, in effect, be taking away the right." Lord Stormont to Lord Weymouth, February 21, 1776.
- Lord Stormont told M. de Vergennes that we meant to fulfil our engagements with them "loyalement," with good faith. Our officers on that station would have positive orders to prevent molesting their fishermen, who should enjoy to the fullest extent all those rights to which the Treaties of Utrecht and Paris entitled them. That the exchange proposed by M. de Guines was inadmissible, and, besides, would not remedy the evil complained of, as the same concurrence would be established there: consequently, the possibility of jealousies. That Lord Weymouth could not do otherwise than decline all further negotiation on the subject, because appearing to treat about what we could not agree to would not have been "selon notre caractère, et la franchise de nos procédés."
- M. de Vergennes said they proposed the exchange as an expedient; that what they offered was by far the best of the two. He admitted we were at liberty to accept or refuse.

M. de Guines had desired our settlers might be removed. Lord Stormont told M. de Vergennes that could not be done. Those Settlements were contrary to no law nor Treaty; they preceded that of Utrecht many years, as is proved by a Charter of 1610; and no objection was made to them at the time of the Treaty of Utrecht, nor of that of Paris; however, we wished not to increase them. The sedentary fishery, once encouraged upon false principles, was not what a great maritime Power ought to encourage, which M. de Vergennes admitted, but added, if no objection had formerly been made to those Settlements, it was because they were not then an object to France, who had such extensive fisheries in the "embouchure de Saint-Laurent, Cape Breton, &c.;" but those being lost by the last peace, she feared we might by degrees settle the whole coast, and leave her no room for the exercise of that right the Treaty had given her, which was like taking the right away.

Lord Stormont said that was foreign to our intentions; those Settlements would be rather checked than encouraged. Our Governors had prevented any (one person excepted) from settling upon that coast the French fishers formerly frequented, viz., from White Bay to Cape de Grat. Whilst the French fished there almost exclusively *de fait*, though not *de droit*, there were no disputes; now they explored new fisheries, and bounties were given with orders to fish wherever the English fished: disputes and jealousies unavoidably arose.

M. de Vergennes denied such orders, and said, with regard to new fisheries, they had in fact discovered one on the coast of Iceland.

Lord Stormont repeated that the bounties had caused disputes, as they induced their fishers to go among our settlers, though (Sir Hugh Palliser says) the ice driven thither from Labrador makes those parts unfavourable for summer fisheries unless compensated by bounties.

Jefferys' Map was examined. Lord Stormont remarked the extent of the coast formerly fished upon by the French, which was sufficient for every purpose, as the ablest fishermen allowed, who blamed the new fisheries, which, however, France might continue if she pleased, as we should not molest her on any part allotted to her by Treaty.

Lord Stormont to
Lord Weymouth,
February 23, 1776.

M. de Vergennes said that the French King thought we did not act in this business with the friendship he expected. Lord Stormont maintained that our conduct was candid and reasonable (the same arguments on both sides as those reported in the preceding despatch). M. de Vergennes desired a communication of the orders we said would be given to the naval officers on the Newfoundland Station, in the whole or in part.

Lord Weymouth to
Lord Stormont,
March 8, 1776.

The King will give every proper satisfactory proof that no interruption is intended to the French fishery on the coast of Newfoundland, agreeably to Treaty; but His Majesty claims the full sovereignty of the island.

Sent a copy of the instructions to the Governor of Newfoundland.

Extract of the
Instructions.

"Prevent British subjects from taking any exclusive possession, as private property, in the northern parts of Newfoundland, between Bonavista and Point Riche, or from forming any Settlement capable of prejudicing the French subjects' fisheries, as allowed by Treaty, &c., and to do strict justice, without partiality, to the subjects of both Crowns, according to the 'Treaty of Paris,' &c.

The remainder of the instructions relates to the permission given to the inhabitants of St. Pierre and Miquelon of supplying themselves from Newfoundland with lumber, &c., for building, repairing, &c., on their establishments.

Lord Stormont to
Lord Weymouth,
March 20, 1776.

M. de Vergennes was pleased with the instructions. Lord Stormont pointed out that we did not mean to encourage a sedentary fishery, only to support the right to propriety in the island, as given at Utrecht.

No. 5.

Lord Grantham to Mr. FitzHerbert.

(No. 6. Most Secret and Confidential.)

(Extract.)

St. James', September 23, 1782.

M. DE RAYNEVAL has, of course, had several conferences with me; and you will be enabled by this despatch to confirm in the most particular manner everything that has been said to him here.

I know no method of more clearly supplying you with the means of doing this than by His Majesty's commands to communicate to you a copy of a note which M. de Rayneval drew up as a Memorandum, and of the observations which occurred to me upon it.

It will not however escape your notice, that the observations are stated only as what

might be done if hereafter approved, when the subject of them would come before His Majesty's confidential servants. Whereas, M. de Vergennes' ideas may justly be supposed to be more decisive.

To this paper, which M. de Rayneval is possessed of, I will now add in the order of the several Articles which it contains, the heads of such reasonings as you will urge in support and defence of the observations I have mentioned.

I have in a paper of observations already communicated to you informed you that the southern coast of Newfoundland from Cape Ray to Cape May is possessed of great advantages in point of harbours and fisheries, and is, therefore, not to be given up.

You will not fail to speak of the western coast as very valuable, of St. George's Bay as of great importance, and, above all, give no hopes of any allowance to fish and dry to the south or east of Cape Ray, which would take in Port aux Basque.

You will also on this occasion, as on all others when any alterations are expected, point out in the strongest manner the high national value which is set on the fisheries, and that nothing but the prospect of preventing future disputes could admit the idea of ascertaining any new boundary to the respective districts.

Inclosure in No. 5.

Note Confidentielle sur les Moyens d'acheminer les Préliminaires de la Paix.

(Extrait.)

Mr. FitzHerbert pourrait recevoir des instructions de traiter cet Article; il est bon pourtant de prévenir que la côte méridionale de l'Isle de Terre-Neuve ne sauroit être comprise dans cette discussion.

3. UN arrangement pour la pêche de la Terre-Neuve. Cette matière a été traitée consultativement avec Mr. FitzHerbert; si les idées qui lui ont été proposées sont jugées impraticables, je suis persuadé qu'elles seront pesées avec équité à Versailles.

No. 6.

Mr. FitzHerbert to Lord Grantham.—(Received October 8.)

(No. 60.)

(Extract.)

Paris, October 3, 1782.

WE (M. de Vergennes and Mr. FitzHerbert) afterwards talked over together M. de Rayneval's *note confidentielle*, and your Lordship's observations thereupon; but this was only in the way of general discourse, matters being not yet sufficiently ripe for us to enter into that regular discussion of the demands of France which is to take place between us previously to their being reduced into the form of a Memorial. What passed in this conversation may be reduced to the following heads:—

1. With regard to Newfoundland, I took this first opportunity of rectifying the mistake I had been led into respecting the Port aux Basques, which I told him, being to the eastward of Cape Ray, could not be given up; and I likewise discouraged as strongly as I could all idea of their being allowed to erect any fortifications in those parts, or even of their obtaining (on any terms or under any restrictions whatsoever) another island, as a place of shelter for their fishermen in the room of St. Pierre and the Miquelons, a declaration which M. de Vergennes did not seem to be much disturbed at, but said in general that he could not but hope our Court would relax from their rigour in this instance, as also that they might be allowed some little compensation on the south side of Newfoundland for what they had lost towards the north-east.

No. 7.

Extract from Draft Articles.

LE Roi, pour répondre à la note de la Cour de Londres, remise par M. Alleyne FitzHerbert le 4 Août dernier, propose les Articles suivants pour servir de base à la future pacification entre Sa Majesté et le Roi de la Grande-Bretagne.

ARTICLE I^{er}.—*Pêche de Terre-Neuve.*

La concurrence entre les pêcheurs François et Anglois aiant été une source intarrissable de discussions et de querelles, le Roi pense que le moyen le plus sûr de les

prévenir est de séparer les pêcheries respectives; en conséquence Sa Majesté consent à se désister du droit de pêche, qui lui est acquis en vertu de l'Article XIII du Traité d'Utrecht, depuis le Cap de Bona-Vista jusqu'au Cap St.-Jean,* à condition que ses sujets pêcheront seuls, et à l'exclusion des Anglois, depuis le dit Cap St.-Jean, en passant par le nord, et le Cap Raye, situé par 47° 50' environ de latitude septentrionale, jusqu'à la pointe dite à la hune qui forme l'extrémité occidentale de la Baye du Désespoir.

Et comme il est indispensable que la France ait un établissement solide, au moyen duquel les pêcheurs François puissent être protégés et contenus, le Roi demande qu'il lui soit cédé une, ou plusieurs îles, dont il aura la pleine et entière propriété et souveraineté sans aucune restriction quelconque.

Il est entendu que les sujets de la France jouiront de la pêche comme ils en ont joui ou dû jouir en vertu du Traité d'Utrecht, savoir, qu'ils auront le droit de couper les bois nécessaires pour leurs échafauds et pour réparation de leurs bâtimens; qu'ils auront également le droit de faire échouer leurs bâtimens durant l'hiver, de mettre le superflu de leur sel en sûreté, et de prolonger leur pêche aussi longtems que la saison le permettra, sans toutefois pouvoir hiverner sur l'Île de Terre-Neuve.

Il est également entendu que les pêcheurs François continueront à user de l'Île de Belle-Île, située entre celle de Terre-Neuve et la terre de Labrador, comme ils en ont usé jusqu'à présent.

La pêche exclusive devant être réservée aux sujets François sur toute l'étendue de côtes qui lui sera assignée par le Traité de Paix, le Roi d'Angleterre promet et s'engage à faire déguerpir tout pêcheur qui y seroit déjà établi, ou qui voudroit par la suite y former un établissement.

No. 8.

Mr. FitzHerbert to Lord Grantham.—(Received November 3.)

No. 64.)
(Extract.)

Paris, October 28, 1762.

AGREEABLY to what I had the honour of mentioning to you in my last letter by Lanzun, I went the next day to Versailles in order to deliver to M. de Vergennes your Lordship's answer to the Memorial of proposals of the Court of France.

After having dwelt generally and in very strong terms on the great value of the sacrifices which His Majesty was willing to make in order to restore peace, and consequently on the unequivocal proof which they afforded of his eagerness to attain that desirable end; and after having represented, in farther support of this reasoning, the considerable abatement which His Majesty was willing to admit of in the advantages secured to him by the Treaty of Paris, so that, to whichever quarter of the globe France should turn her eyes, she would find herself (even exclusively of the enormous benefit she would reap from the Concession of American independency) infinitely bettered by the proposals now held out by England, and that, too, in all points of view, both territorial and commercial, I went on to explain to the French Minister, by entering into a detail of the several Articles of those proposals, that they contained the very utmost extent of what we could give, as well as of what France could, with any appearance of reason, expect or desire.

First, in regard to the Article of Newfoundland, I omitted none of the arguments which your Lordship had directed me to use in order to induce the French Court to content themselves with the very ample additional share of coast which we are willing to allot to their fishermen, as also not to insist upon their demand of having their share of the fishery rendered exclusive; and I thought, upon the whole, that M. de Vergennes did not seem disposed to insist very strenuously upon either of those points; he only expressed a wish that the Port aux Basques might be included in their division of the coast. But this I took care not to listen to, assuring him, in the firmest and most positive manner, that no portion whatsoever of the southern side of the coast could possibly be granted. I likewise dwelt very much upon the King's extreme readiness to comply with any reasonable request of the Court of France, testified by his dispensing with the restrictions of the Vith Article of the Treaty of Paris; and by his giving them, in lieu of St. Pierre and the Miquelons, the very Island of Belle Isle which they had testified themselves so anxious to acquire; but, I am sorry to say, the French Minister had not the candour to acknowledge in the manner they deserved the generosity of these Concessions, saying, in particular with regard to Belle Isle, that he did not yet know positively whether

* Il faudra déterminer la véritable latitude de Cap St.-Jean.

it would answer or not the purposes of France, and that he must write to Havre de Grace and St. Maloes for farther information concerning it—an assertion which appeared to me the more extraordinary, as I recollect perfectly well that, at our former conference upon the subject, he laid his finger upon this Island of Belle Isle in a manner that showed beyond the possibility of a doubt that he was thoroughly acquainted with its advantages, and was for that reason anxious to acquire it.

No. 9.

Mr. FitzHerbert to Lord Grantham.—(Received November 10.)

(No. 66.)
(Extract.)

Paris, November 5, 1782.

AFTER what I had the honour to mention to your Lordship in my letter No. 64, it will be no surprise to you to hear that I had a few days afterwards a formal conference with M. de Vergennes, at which the two late Memorials of Great Britain and France were both brought upon the *tapis*, and the corresponding Articles in each discussed together.

This conference (at which M. de Rayneval was likewise present, as usual) took place on Saturday last, and the following is, as nearly as I can recollect, the substance of what passed at it:—

Upon the business of Newfoundland the principal difference between us was occasioned by the demand of France to have her share of the fishery rendered exclusive, a demand which M. de Vergennes insisted upon strenuously by a repetition of all his former arguments upon the same subject, and which I laboured with equal perseverance to ward off; however, finding that what I said had not made the impression I wished, I at last ventured to propose, as a “*mezzo termine*” (taking care, however, to add that the proposition came merely from myself), that the said exclusive right should not be mentioned in the Treaty, but that we should promise “*ministériellement*” to secure it to the French fishermen, by means of proper instructions to that effect to the Governors of Newfoundland, an expedient which M. de Vergennes came into readily, saying that such a Ministerial assurance as that I had mentioned would fully satisfy him. I must add that he had himself proposed several other modifications by substituting different terms in lieu of the words “*pêche exclusive*,” but as they all expressed the same meaning, though somewhat less strongly, I did not think it advisable to accept of them. With regard to the extension of coast granted to the French fishermen in lieu of the tract included between Cape Bonavista and Cape St. John’s, M. de Vergennes again pressed as before to have the Port aux Basques comprehended in it, but upon my repeating to him in the most positive terms that farther than Cape Ray could not be granted he seemed to desist from the claim, so that I am pretty confident he will not urge it afresh in his next proposals. In the same manner likewise, in speaking of the Island of Belle Isle, which lies between the Labrador coast and that of Newfoundland, though he did not agree with me in admitting that it lay nearer the former of those coasts than the latter, or that the question had ever been decided upon that ground against the pretensions of France, he said the object was so inconsiderable as not to be worth insisting on. Lastly, with regard to the other Island of Belle Isle, he said, as he had hinted in our last conversation, that upon inquiring farther into the particulars concerning it, he found it would not answer the purposes of the French fishery, and that therefore (there being likewise no other island on their side of the coast which was fit for the aforesaid purposes) he must again recur to the Islands of St. Pierre and the Miquelons: to this I replied that I did not conceive any objection would be made in England to the restitution of these islands upon the footing of the Treaty of Paris, but that he was not to take it for granted that we should dispense with the restrictions stipulated for by that Treaty, in this case, as in the case of Belle Isle, the islands in question being situated at a very short distance from our Settlements, and it being therefore certain that the erection of any considerable fortifications upon them must necessarily create much umbrage to England. M. de Vergennes admitted, in answer to this, that our ceding Belle Isle in full sovereignty gave him certainly no right to infer that we should be equally willing to restore St. Pierre and the Miquelons upon the same terms, but he added that any apprehensions that might be raised in England respecting the future intentions of France to render those islands places of any strength would be entirely groundless, as they were not naturally fortifiable, nor the port of St. Peter’s large enough

to contain a single ship of war; and though I again rejoined that I foresaw his demand would be attended with difficulty, I am persuaded he will insert it in his next Memorial.

No. 10.

Mr. FitzHerbert to Lord Grantham.—(Received November 20)

(No. 70.)

(Extract.)

Paris, November 15, 1782.

I DID not receive till this morning early the honour of your Lordship's despatches Nos. 18, 19, 20, and 21 of the 9th instant with their inclosures, the Messenger, Slater, who brought them, having been detained some days by contrary winds at Dover.

In consequence of your Lordship's letter No. 19, I should have gone immediately to the Spanish Ambassador, but was obliged to put it off till the afternoon, having been engaged by previous appointment with M. de Vergennes to go in the morning to Versailles, where I found upon my arrival that he had sent for me in order to put into my hands the two inclosed papers. One of them is an answer (drawn up in the shape of regular preliminaries) to the last Memorial of our Court, and the other contains such detached observations as were not proper for insertion in the former; and your Lordship will find, upon a perusal of them, that, taken together, they correspond in all things with the outline which M. de Vergennes had before sketched out to me in conversation, as also that the tenour of them is not, upon the whole, very wide of that of the aforesaid ultimatum of Great Britain.

Inclosure 1 in No. 10.

Extract from "Réponse au Mémoire de la Cour de Londres du 21 Octobre, 1782."

LE Roi et le Roi de la Grande-Bretagne étant d'accord sur les principes qui doivent servir de base à la future pacification, Sa Majesté propose les Articles préliminaires suivants:—

1. Sa Majesté le Roi de la Grande-Bretagne conservera la propriété de l'Île de Terre-Neuve et des îles adjacentes, ainsi que le tout lui a été cédé par l'Article XIII du Traité d'Utrecht sauf les exceptions stipulées par l'Article IV du présent Traité.

2. Sa Majesté le Roi de France, pour prévenir les querelles qui ont eu lieu jusqu'à présent entre les deux nations Française et Angloise, renonce au droit de pêche qui lui appartient en vertu de l'Article XIII susdit du Traité d'Utrecht, depuis le Cap Bonavista jusqu'au Cap Saint-Jean situé sur la côte orientale de Terre-Neuve par les 50° de latitude; aumoien de quoi la pêche Française commencera au dit Cap Saint-Jean, passera par le nord, et descendant par la côte occidentale de l'Île de Terre-Neuve, aura pour limites l'endroit appelé Cap Raye, situé au 47° degré 50 minutes de latitude.

3. Les pêcheurs François jouiront de la pêche qui leur est assignée par l'Article précédent comme ils ont eu droit d'en jouir en vertu du Traité d'Utrecht; et Sa Majesté Britannique s'engage à empêcher ses sujets, par les ordres les plus positifs, d'interrompre ni de gêner, de quelque façon que ce soit, les pêcheurs François. Bien entendu qu'il ne sera point permis à ceux-ci d'hiverner sur l'Île de Terre-Neuve.

4. Pour donner à la France un établissement solide au moien duquel les sujets François puissent être protégés et contenus, Sa Majesté Britannique cédera à Sa Majesté Très Chrétienne en toute propriété les Îles de Saint-Pierre et Miquelon.

5. A l'égard du droit de pêcher dans le Golfe de Saint-Laurent, les François continueront d'en jouir conformément à l'Article V du Traité de Paris.

A Versailles, le 15 Novembre, 1782.

(Signé)

DE VERGENNES.

Inclosure 2 in No. 10.

Extract from "Observations sur le Projet d'Articles Préliminaires proposé à la Cour de Londres le

SUR l'Article II et III.—L'objet essentiel des deux Cours, dans les nouveaux Arrangements qu'elles feront pour la pêche de Terre-Neuve, sera de prévenir les querelles journalières auxquelles la concurrence a donné lieu; c'est pour remplir ces objets que le Roi a proposé le sacrifice de la pêche depuis le Cap Bonavista jusqu'an Cap Saint-Jean, et que Sa Majesté a demandé qu'en suivant l'esprit du Traité d'Utrecht les deux nations pêchassent exclusivement sur les parties de côte que le futur Traité leur assignera. Le Roi regardera cette exclusive comme suffisamment établie par l'Article III, et Sa Majesté déclare qu'elle s'en contentera; bien entendu que Sa Majesté le Roi de la Grande-Bretagne lui donnera l'assurance positive qu'il prendra les mesures les plus efficaces pour prévenir les entreprises de ses sujets au préjudice de la dite exclusive et pour détruire les établissements sédentaires qui pourront se trouver sur les côtes assignées aux François.

[Quant à la clause que les François jouiront de la pêche comme ils en ont joui ou dû jouir en vertu du Traité d'Utrecht, il en résulte qu'ils continueront d'avoir le droit de couper les bois nécessaires pour leurs échafauds, et pour la réparation de leurs bâtimens; qu'ils auront également le droit de faire échouer leurs bâtimens durant l'hiver, de mettre le superflu de leur sel en sûreté, et de prolonger leur pêche aussi long-tems que la saison le permettra.]

A Versailles, le 15 Novembre, 1782.

(Signé)

DE VERGENNES.

No. 11.

Lord Grantham to Mr. FitzHerbert.

(No. 24.)
(Extract.)

St. James', November 23, 1782.

YOUR despatches Nos. 70 and 71 were received on Wednesday, and immediately laid before the King.

I have seen M. de Rayneval, of whose arrival you apprized me, and have fully conversed with him on the subject of the French papers. We read them over together, and he has given me such an account of his despatch to M. de Vergennes as induces me to think that he made a fair representation.

I find great pains have been taken to avoid mentioning the fishery as exclusive, and the IIIrd Article is cautiously worded for that purpose. However, it is very desirable that it should be left entirely out, and that the French should be contented with as strong assurances of not being molested as can be given them in the King's name. These assurances, on the part of His Majesty, deserve, and are entitled to, a reciprocity on the part of His Most Christian Majesty, and if France will not be contented with any islands but St. Pierre and Miquelon, which, however, should be strongly resisted, and will not consent to have the same restrictions put upon them as by the Treaty of Paris, it will at least be expected that assurances, and these authentic, should be given that these islands shall not be fortified. He said much to prove that they could not admit of much fortification, that their harbours are small, that the strengthening them in time of peace would be of no use, and, in time of war, would not be sufficient to protect them.

No. 12.

Extract from the Newfoundland Memorial delivered by Mr. W. M. Pitt.

CARE to be taken that the French and Americans do not undersell us in the foreign markets. French and Americans have many advantages in the fishery which we have not. Those which the French have may be greatly counteracted. Though they enjoy St. Pierre and Miquelon in full right, yet if they are not allowed to cut timber, &c., in any part of the Island of Newfoundland, except in the limits of their own fishery, and then only according to the word of the Peace of Utrecht, those islands will be of little

service to them.. No Treaty gives them the liberty of cutting timber,* permitted in the years 1776 or 1777; destroy more timber in a short time than the English had done in thirty years. Miquelon does not admit of fortifications. St. Pierre may be fortified to any degree; harbour has only 12 feet of water. If St. Pierre is fortified we must fortify St. Lawrence Bay.

Trade subject to many burthens; olive oil, fruit, cork, &c., brought from Spain and Portugal, duty paid on importation, drawn back on the exportation to Newfoundland; but the trade by that means subject to double freight, insurance, and loss of time. French carry their commodities directly to Newfoundland, duty free. Therefore, it is to be wished that the same commodities might be carried by us directly to Newfoundland, duty free.

The Custom-house and officers of Customs great embarrassments to the Newfoundland trade. The revenue does not pay the charge of collection; don't prevent smuggling on account of extent of coast. The duties paid there no object of revenue, but a restraint on the trade, therefore ought to be taken off. The business of the Revenue officer would then be to grant certificates, which duty might as well be discharged by the naval officers. Fees paid by the ships in the trade come very high; † to be wished that all ships engaged in fishing should be exempt from all fees, excepting the 2s. 6d. ‡ laid on by 15 Geo. III, and such ships to pay 5s.; and certificates to be granted for only such parts of the cargo as the merchant shall require.

The 35th section of 4 Geo. III, cap. 15, should be repealed, which limits the approach of British ships to the Islands St. Pierre and Miquelon. Inconveniences of preventing ships to approach those islands. The cause of this Act was to prevent the British fishers selling to the French fish for European goods, a sort of smuggling highly detrimental to the British Newfoundland trade, might be prevented by laying the severest penalties on the thing itself, instead of preventing the near approach of ships to the French islands.

Observations on certain Clauses of the 15 Geo. III, Chap. 31.

The 1st clause limits the bounties to British ships only; we wish it was extended to ships belonging to British subjects.

Bounties too small. The largest ship wants at most only twelve men, but fifteen are required to entitle her to the bounties. The wages of two men exceed the bounty. Fishing-boats not protected from pressing.

The 2nd clause, relating to ship's room, is hard upon those who, at a great expense, § erected stages, &c.

From the war many merchants have deserted their plantations, owing to the deprecation of privateers, very hard upon them that now anybody may take possession of their possessions, if they have been absent a year and a day. Impossible for a ship's company after their arrival to furnish themselves with stages, &c., without losing the object of the voyage. To colonize Newfoundland would be fatal to the fishery. However, it is proposed to give merchants a more permanent interest in their plantations. The scheme to suppress boat-fishing an impolitic one; employ more men than the bankers: 900 sail of English bankers would catch the quantity for the British trade; they would employ 10,800, the number now employed 20,000.

9th clause. We wish that all oil, the produce of Newfoundland, Labrador, or any British possession in North America, should be imported duty free. The duty now paid 10s. per ton.

The 11th clause allows no seal-skin, &c., to be imported duty free, unless attested to have been caught by the crew of the vessel that imports it. Impossible to be complied with, as seals are always killed in the winter by the inhabitants on the island. It should only be required that the skins should be the produce of Newfoundland, &c.

The 13th clause, which relates to bringing home the men, a useless provision, as no advantage can arise to the master from leaving them behind.

The 14th clause, which enjoins the master to advance a-half year's wages to the men, and to pay the other half at the end of the term of service in bills, is injurious to the master and useless to the men. The wages of a green man 5l. or 6l.; his clothing at the outset 6l. Seamen's wages increase yearly from 10l. to 30l.

* If they have not the liberty to cut timber, they must purchase it either of us or of the Americans, which would make their fishery, &c., more expensive, therefore prevent their underselling us

† Sometimes 6l., 8l., or 10l.

‡ Qy. why that fee to remain.

§ From 3,000l. to 4,000l.

The 16th, which subjects the first fish caught to the payment of wages, makes the men idle after they have caught a certain quantity.

The 17th clause does not furnish an adequate remedy to this evil. The penalty of two days' hire sometimes not near equal to loss from an hour's idleness. Men absenting themselves from duty should be tried by the administrators of the port, and the damage found by a jury.

The 18th clause empowers the Vice-Admiralty Court and the Court of Session to settle disputes. The Court of Session sufficient; Admiralty Court expensive, therefore we wish the power taken totally from that Court.

The 19th clause repeals the exemption from pressing in 6 Ann, cap. 37. We wish men should not on any account be pressed from the ships during the season, except by a particular order from the Governor.

We wish that foreign salt may be landed in England and reshipped for Newfoundland without paying any duty.

We wish the Governor to be instructed to limit the number of public-houses.

We wish all apprentices from 12 to 21 years old, trained to the sea by their masters, should be protected from the impress. Also boat-masters who have served in that capacity for two years.

Some measure ought to be taken to prevent emigrations to America.

No recruiting party ought to be suffered to eniist a seaman or fisherman at Newfoundland

No. 13.

Lord Grantham to Mr. FitzHerbert.

(No. 2.)

Sir,

St. James', January 9, 1783.

I HAVE the King's commands to transmit to you a draft of Preliminary Articles.

It is His Majesty's pleasure that, as they have been very maturely weighed by his most confidential servants, and are thought by them to be such as this country is entitled to obtain, you should immediately acquaint M. de Vergennes with your having received them, and present them to that Minister, in order to their being signed by yourself and him when agreed upon.

His Majesty entertains the most just expectation that this can meet with no difficulty.

The subject has been so fully and so repeatedly considered, and the King's earnest and sincere desire of peace have induced His Majesty to make such concessions for the purpose of obtaining it, that it would argue the worst disposition in the other belligerent Powers if they do not immediately concur in adopting the terms now proposed.

You will therefore insist in the most strenuous manner upon the complete acceptance of these Articles in their present form, not deviating from it except in immaterial instances indeed, or in the very important points which I will state fully to you in my separate despatches of this date.

I am, &c.
(Signed) GRANTHAM.

Inclosure in No. 13.

Draft of Preliminary Articles between Great Britain and France.

LE Roi de la Grande-Bretagne et le Roi Très Chrétien, animés d'un désir égal de faire cesser les calamités d'une guerre destructive et d'établir entre eux l'union et la bonne intelligence aussi nécessaires pour le bien de l'humanité en général que pour celui de leurs Royaumes, États, et sujets respectifs, ont nommé à cet effet, savoir, de la part de Sa Majesté le Roi de la Grande-Bretagne,

et de la part de Sa Majesté Très Chrétienne,

Lesquels, après s'être dûment communiqué leurs pleins pouvoirs, en bonne forme, sont convenus des Articles préliminaires suivants:—

ARTICLE I.

Aussitôt que les préliminaires seront signés et ratifiés, l'amitié sincère sera rétablie entre Sa Majesté Britannique et Sa Majesté Très Chrétienne, leurs Royaumes, États, et sujets, par mer et par terre, dans toutes les parties du monde; il sera envoyé des ordres aux armées et escadres, ainsi qu'aux sujets des deux Puissances, de cesser toute hostilité et de vivre dans la plus parfaite union, en oubliant le passé, dont leurs Souverains leur donnent l'ordre et l'exemple, et pour l'exécution de cet Article il sera donné de part et d'autre des passeports de mer aux vaisseaux qui seront expédiés, pour en porter la nouvelle dans les possessions des dites Puissances.

ARTICLE II.

Sa Majesté le Roi de la Grande-Bretagne conservera la propriété de l'Isle de Terre-Neuve et des isles adjacentes, ainsi que le tout lui a été cédé par l'Article XIII du Traité d'Utrecht, sauf les exceptions, stipulées par l'Article V du présent Traité.

ARTICLE III.

Sa Majesté le Roi Très Chrétien, pour prévenir les querelles qui ont eu lieu jusqu'à présent entre les deux nations, François et Angloise, renonce au droit de pêche qui lui appartient en vertu du même Traité d'Utrecht depuis le Cap Bonavista jusqu'à Cap St. Jean, situé sur la côte orientale de Terre-Neuve par les 50 degrés de latitude nord, au moyen de quoi la pêche François commencera au dit Cap St. Jean, passera par le nord, et descendant par la côte occidentale de l'Isle de Terre-Neuve, aura pour limites l'endroit appelé Cap Raye, situé au 47 degré 50 minutes de latitude.

ARTICLE IV.

Les pêcheurs François jouiront de la pêche qui leur est assignée par l'Article précédent comme ils ont droit d'en jouir en vertu du Traité d'Utrecht.

ARTICLE V.

Sa Majesté Britannique cédera en toute propriété à Sa Majesté Très Chrétienne les Isles de St. Pierre et Miquelon.

ARTICLE VI.

A l'égard du droit de pêche dans le Golphe de St. Laurent, les François continueront à en jouir conformément à l'Article V du Traité de Paris.

* * * * *

No. 14.

Lord Grantham to Mr. FitzHerbert.

(Private.)

Sir,

St. James', January 9, 1783.

I INCLOSE to you a note which I have signed, and which will give the Court of France that security, which from the first has been demanded on their part, of not being interrupted in the fishery on the banks allotted for their temporary use in Newfoundland, and in delivering it you may assure the French Minister of the punctuality with which this engagement will be observed.

The French Court has never had reason to complain of anything on the part of His Majesty's Governors on this subject, and when, at the close of that controversy of which I sent you a *précis* in my No. 5, the orders which were sent out were communicated to the French Court they were perfectly satisfied with them, and may equally be assured that they now shall contain the most positive directions, agreeably to the tenour of that note.

In M. de Vergennes' observations, which accompanied the Articles dated the 6th October, he extends the provisions of the Treaty of Utrecht further than the

XIIIth Article of that Treaty expresses. It is impossible to agree further to this than to refer, as I have done explicitly, to the Article itself.

I have never been able to succeed in procuring any promise that the Islands of St. Pierre and Miquelon should not be fortified; as little could I prevail in enforcing the restrictions of the Treaty of Paris with regard to Bengal.

It may, however, in some degree answer the same purpose if the paper of observations which I have herewith inclosed to you, upon being presented to M. de Vergennes, could receive an answer to it as satisfactory as the said paper ought to have.

This being the case, I would not have it delivered without your being assured of its being duly attended to.

If, in conference with M. de Vergennes, you should find him disposed to go even further than my paper of observations does, you will then draw up one stronger than mine, and receive his answer.

Without a certainty of this it would be exceedingly improper to present the paper at all, as it would subject His Majesty's name to be used in forming expectations which would either not be complied with or offensively refused.

I am, &c.
(Signed) GRANTHAM.

Inclosure 1 in No. 14.

Note.

LE Roi étant entièrement d'accord avec Sa Majesté Très Chrétienne sur les Articles Préliminaires qui serviront de base au Traité Définitif, cherchera tous les moyens qui pourront non seulement en assurer l'exécution avec la bonne foi et la ponctualité qui lui sont connues, mais de plus, donnera de son côté toute l'efficace possible aux principes qui empêcheront jusqu'à la moindre germe de dispute à l'avenir.

A cette fin, et pour que les pêcheurs des deux nations ne fassent pas naître des querelles journalières, Sa Majesté prendra les mesures les plus positives pour prévenir les entreprises de ses sujets, au préjudice de ceux de la France qui pêcheront sur les côtes qui sont assignées à ceux-ci, et fera retirer les établissemens sédentaires qui s'y seront formés.

L'Article XIII du Traité d'Utrecht, et la méthode de faire la pêche qui a été de tout tems reconnue, sera le modèle sur lequel la pêche s'y fera. On n'y contreviendra pas, ni d'une part ni de l'autre, les pêcheurs François ne bâtissant rien que leurs échafaudages, et n'y hivernant point. Les sujets de Sa Majesté Britannique, de leur part, ne molestant aucunement les pêcheurs François durant leurs pêches, ni ne dérangeant leurs échafaudages durant leur absence.

L'exactitude aussi la plus scrupuleuse à borner la pêche jusqu'à mi-canal entre les Isles de St.-Pierre et de Miquelon, et celle de la Terre-Neuve, deviendra nécessaire pour empêcher les disputes entre les pêcheurs des deux nations.

Inclosure 2 in No. 14.

Extract from Memorandum.

LES Articles sur la pêche ne laissent rien à désirer du côté de la France; le Roi ayant à cœur autant que Sa Majesté Très Chrétienne que leurs sujets respectifs évitent tout prétexte de dispute; et les ordres que leurs dites Majestés donneront en conséquence de ces principes, les confirmeront de la manière la plus satisfaisante.

Sa Majesté, en cédant les Isles de St.-Pierre et Miquelon à la France, les regarde comme cédées afin de servir réellement d'abri aux pêcheurs François, et dans la confiance entière que ces possessions ne deviendront point un objet de jalousie entre les deux nations.

A St. James, le 9 Janvier, 1783.

(Signé) GRANTHAM.

Mr. FitzHerbert to Lord Grantham.—(Received January 13.)

(No. 3.)
(Extract.)

Paris, January 9, 1783.

I HAVE the honour to inform your Lordship that, agreeably to what I mentioned to you in my last, I had yesterday a very long conference with M. de Vergennes upon the respective schemes of Preliminary Articles offered by your Lordship and by that Minister. As we made use of the former as the groundwork of our discussion, I return it herewith,* having transcribed into the margin, opposite to each Article, the several amendments, variations, and commentaries proposed by the French Minister, which I noted down yesterday in his cabinet, he keeping an exact copy of everything I wrote.

The preamble, as well as the 1st, 2nd, 3rd, 4th, 5th, and 6th Articles, your Lordship will find were agreed to by him *in toto*; only he desired me to acquaint you that he took it for granted the King was willing to give the assurances stipulated for by this Court in the observations upon the Fishery Articles annexed to his Memorial of the 15th November. I have likewise to mention farther, upon that head, that as the 3rd Article, as it is worded at present, makes no precise mention of the cession made to France of that part of the Newfoundland coast which is included between Pointe Riche and Cape Ray; as it appeared to me that this Court acquired by that means a specious show of moderation which, in fact, did not belong to her; and, finally, as I thought that the whole might possibly give a handle to misrepresentation at home, I proposed, as from myself, a verbal alteration, which your Lordship will find opposite to the Article, and which M. de Vergennes has agreed to admit in case you approve of it.

No. 16.

Lord Grantham to Mr. FitzHerbert.

(No. 9.)
(Extract.)

St. James', January 14, 1783.

I RECEIVED yesterday morning your despatches Nos. 1, 2, and 3, which were immediately laid before the King.

The despatches which you will have received from me by Dickens will have so thoroughly informed you of the ultimate resolution taken by His Majesty, that I trust you will have little or no difficulty in arranging and signing the Preliminaries immediately upon the receipt of this, if even that measure is not already completed. I trust that the French Minister will have seen in its true light the difference between the sketch of the Preliminaries which he discussed with you on the 8th instant, and the draft of those which you will since have presented to him, in order that they might be finally agreed to.

As there is scarcely any material variation between them, I cannot suppose that any fresh obstacle can possibly arise; but as I conceive that the French Minister may have declined the signature till the return of the Messenger who brought the last despatches, I will now go through the observations which that Minister made upon the Articles, in order to state to you the footing upon which they may be immediately signed.

It appears to me that the words, "au moyen de quoi," in Article III, are preferable to those which are substituted to them, as the change of the district of coast allotted for the French fishery appears more as a natural consequence of their giving up another part of it than as a stipulation.

No. 17.

Mr. FitzHerbert to Lord Grantham.—(Received January 21.)

(No. 5.)
(Extract.)

Paris, January 19, 1783.

HAVING thus gone through the several Articles of the French Treaty, it remains for me to give your Lordship an account of what has been settled respecting the Ministerial Declarations which are to be made on both sides.

First, with regard to the exclusive fishery to be allowed to France at Newfoundland, after a long debate upon that subject with the French Minister, in the course of which

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*M. de Vergennes to Mr. Fitz Herbert.**Versailles, le 15 Janvier, 1783.*

J'AI l'honneur, Monsieur, de vous renvoyer le Projet de Déclaration que M. le Comte de Grantham vous a chargé de me communiquer. Je l'ai fait transcrire, et je vous ferai part des observations dont il peut être susceptible quand j'aurai pris les ordres du Roi. Il en est une cependant préliminaire que je ne puis me dispenser de vous recommander. Nulle part il est dit que la pêche des François sera exclusive, cependant il en a toujours été question depuis l'ouverture de la négociation et le Ministère Britannique s'est montré favorable à cette clause. Peut-être seroit-elle moins nécessaire si nous n'avions à craindre que la concurrence des pêcheurs vraiment Anglois, mais suivant les Articles agréés et arrêtés entre la Couronne d'Angleterre et les États-Unis de l'Amérique, les sujets Américains acquérant le droit de pêcher partout concurremment avec les pêcheurs Anglois; il est sensible, Monsieur, que si nous n'avons pas une restriction positive à leur opposer ils se jetteront en foule dans les parages qui nous sont réservés et nous priveront de l'exercice de la plus grande partie de notre droit de pêche. Ce n'est sûrement pas l'intention de votre Cour. Je vous prie de lui en faire la remarque, étant bien persuadé qu'elle se portera d'après nos premiers pourparlers à écarter l'inconvénient que je ne dois pas me dissimuler.

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J'ai, &c.

(Signé) DE VERGENNES.

he insisted most strenuously, on a variety of grounds, for the insertion of the word "exclusif." I at last agreed to alter as follows the second paragraph of your Lordship's proposed Declaration, it appearing to me that the difference was hardly worth objecting to: "A cette fin, et pour que les pêcheurs des deux nations ne fassent pas naître des querelles journalières, Sa Majesté Britannique prendra les mesures les plus positives pour prévenir que ses sujets ne troublent en aucune manière la pêche des François, pendant l'exercice temporaire qui leur est accordé sur les côtes de l'Isle de Terre-Neuve, et elle fera retirer à cet effet les établissements sédentaires qui y seront formés." And I further consented to add, after the words "leurs échafaudages," the words "se bornant à réparer leurs bâtimens de pêche."

No. 18.

Mr. FitzHerbert to Lord Grantham.—(Received February 2.)

(No. 12.)

(Extract.)

Paris, January 25, 1783.

I FURTHER inclose to your Lordship a copy of M. de Vergennes' full-power. I have not yet finally settled with him the precise form of the Ministerial Declaration to be given in upon the subject of the Fishery, nor of that respecting the Island of St. Vincent, for as these two points did not call for an immediate conclusion, I thought it better to wait for your Lordship's further instructions concerning them.

No. 19.

Mr. FitzHerbert to Mr. Fox.—(Received April 24.)

(No. 43.)

(Extract.)

Paris, April 18, 1783.

YOUR Excellency will, of course, have seen in the correspondence that there are two Ministerial Declarations agreed to be made on our part at the signature of the Definitive Treaty, the one, for rendering *exclusive* the French fishery on their share of the coast of Newfoundland; and the other, for the security of the Carib inhabitants of St. Vincent, and for confirming such grants of unsettled lands in that island as were made whilst it was in the possession of France. On the other hand, this Court is to give in a Declaration which shall confirm in like manner such grants as may have been made at Santa Lucia whilst in the possession of Great Britain. I likewise had it in instructions from Lord Grantham to deliver in a Memorial to the French Court, stating the ideas of ours as to several other points mentioned in the Treaty, a draft of which Memorial his Lordship sent me, but with a power to new-model it as, after sounding M. de Vergennes upon those points, I might think most advisable. I have accordingly prepared such a paper, and take the liberty of transmitting it herewith to your Excellency, for your consideration. If presented it will, of course, be answered by this Court, and I have reason to think that that answer will be, in the main, satisfactory.

Inclosure in No. 19.

Extract from Memorandum.

LE Roi de la Grande-Bretagne en cédant les Isles de St.-Pierre et de Miquelon à la France les regarde comme cédées à fin de servir réellement d'abri aux pêcheurs François, et dans la confiance entière que ces possessions ne deviendront point un objet de jalousie entre les deux nations.

No. 20.

Mr. Fox to the Duke of Manchester.

(No. 5.)

(Extract.)

St. James', April 30, 1783.

WITH respect to the two Ministerial Declarations alluded to in Mr. FitzHerbert's despatch, as His Majesty's Royal word was in some degree pledged to them at the time

of signing the Preliminaries, they must undoubtedly be renewed at present if the Court of Versailles think such a renewal necessary, and I shall accordingly transmit to your Grace herewith inclosed two Declarations to the effect desired. I confess with regard to that relating to the fishery the words do not go to my understanding so far as Mr. FitzHerbert seems to think, or as the word "exclusive" which he uses, and which is not in the Declaration, seems to intimate.

Inclosure in No. 20.

Declaration.

LE Roi étant entièrement d'accord avec Sa Majesté Très Chrétienne sur les Articles du Traité Définitif, cherchera tous les moiens qui pourront non seulement en assurer l'exécution, avec la bonne foi et la ponctualité qui lui sont connues, mais de plus donnera, de son côté, toute l'efficacité possible aux principes qui empêcheront jusqu'au moindre germe de dispute à l'avenir.

A cette fin, et pour que les pêcheurs des deux nations ne fassent pas naître des querelles journalières, Sa Majesté Britannique prendra les mesures le plus positives pour prévenir que les sujets ne troublent en aucune manière la pêche des François, pendant l'exercice temporaire qui leur est accordé sur les côtes de l'Île de Terre-Neuve; et elle fera retirer à cet effet les établissemens sédentaires qui y seront formés.

L'Article XIII du Traité d'Utrecht, et la méthode de faire la pêche, qui a été de tout temps reconnue, sera le modèle sur lequel la pêche s'y fera. On n'y contreviendra pas, ni d'une part ni de l'autre, les pêcheurs François ne bâtissant rien que leurs échafaudages, se bornant à réparer leurs bâtimens de pêche, et n'y hivernant point. Les sujets de Sa Majesté Britannique, de leur part, ne molestant aucunement les pêcheurs Français durant leurs pêches, ni ne dérangent leurs échafaudages durant leur absence.

No. 21.

Mr. FitzHerbert to Mr. Fox.—(Received May 7.)

(No. 45.)

(Extract.)

Paris, May 4, 1783.

I RECEIVED, by Flint, the honour of your Excellency's despatches Nos. 48 and 49, with the inclosed sketches for Definitive Treaties with the Courts of France and Spain.

I have had several conversations with M. de Vergennes upon the contents of the former; and yesterday, he having taken the King his master's orders upon the subject the evening before had a formal conference with him, wherein we discussed the two projects, Article by Article; and I purpose acquainting you, Sir, in this letter, with the result thereof, following the method observed in your Excellency's despatch.

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In the Vth Article, M. de Vergennes consents to adopt your Excellency's form of expression, with the following alterations: 1. Instead of "Sa Majesté Très Chrétienne pour prévenir, &c., renonce," he proposes to insert "consent à renoncer." 2. Instead of "Sa Majesté le Roi de la Grande-Bretagne consent que la pêche," &c, he inserts, "consent en échange que la pêche," &c. 3. For the words "commencera, passera, et aura pour limite l'endroit appelé," &c., he substitutes "commençant, passant," et "s'étendra jusqu'à l'endroit appelé," &c. All these alterations he proposes in order thereby to mark more clearly that, if we have made a cession to them of an additional district of coast, it was in consideration of a similar cession made on their side, and, as this seems to square with your Excellency's ideas upon the subject, perhaps you may have no objection to admit the Article so altered. It at least presents a much more precise meaning than the same Article in the Preliminaries, which your Excellency will see from the correspondence I objected to when it was first proposed upon the ground you mention, and had engaged M. de Vergennes to consent to an alteration of.

In regard to the last alteration proposed by your Excellency of the words "ils ont droit d'en jouir en vertu du Traité," &c., for "ils ont joui de celle qui leur a été assignée," &c. I found it absolutely impossible to engage the French Minister to give up the specific mention of the right, but, as I pointed out to

him, the extreme inaccuracy of the word "en jouir," used in the Preliminaries, he consents to substitute in lieu of them, "comme ils ont eu droit de jouir de celle qui leur a été assignée," &c. The Article therefore runs, according to M. de Vergennes' proposal, as in the inclosed paper No. 2.

I have to mention here respecting the Declaration agreed to be given in by Lord Grantham upon the subject of the French fishery, that M. de Vergennes still continues to press for the insertion of such words in the said Declaration as shall secure the said fishery to them exclusively; and with this view he proposes that the latter part of Lord Grantham's Declaration upon that subject may be as follows: "A cette fin et pour que la rencontre des pêcheurs des deux nations ne fasse pas naître des querelles, Sa Majesté Britannique prendra les mesures les plus positives pour écarter la concurrence de ses sujets, au préjudice de ceux de la France qui pêcheront sur les côtes qui sont assignées à ceux-ci, et Sa dite Majesté fera retirer," &c. He further desires that, at the close of the said Declaration, the words "se bornant à réparer leurs bâtimens de pêche" may be inserted in speaking of the facilities which are to be allowed to the French fishermen, that operation having been constantly permitted in virtue of the Treaty of Utrecht till of late years, when it had been obstructed by the British Commanding Officers on the Newfoundland Station. Lastly, he requests that the orders to be given upon these heads to His Majesty's Governor of Newfoundland may be communicated (agreeably to what has been practised more than once) to the Court of France.

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In the close of Article XI, M. de Vergennes has suggested the inserting, instead of the words "quant au commerce de la gomme," &c., the words, "Il est convenu par rapport à la traite de la gomme que les bâtimens marchands Anglois qui s'occupent à ce trafic auront la liberté de se rendre à Arguin dans la saison convenable à ce commerce, de mettre à terre les marchandises qui y sont propres, sans pouvoir y faire aucun établissement permanent." This proposal I, of course, took purely *ad referendum*, intimating only a wish for "Portendic" instead of "Arguin," as I inferred from your Excellency's letter that it was the best anchoring-place of the two; but M. de Vergennes justified his preference of the former upon the plausible ground of its being farther removed from their principal Settlement of Senegal. I likewise told him that, should we accept his offer, we should naturally expect the *exclusive* right of anchoring at Arguin during the season, observing that otherwise his proposition was obviously inadmissible, it being absurd to suppose that we should give up a concurrent trade upon the whole extent of the Gum coast for the sake of nothing more than a like concurrent trade along a small part of it. The force of this reasoning he, of course, admitted, but seemed to insinuate that if they should consent to insert the word "exclusive" in this case, they should expect a like insertion of it on our part in that Article of the Treaty which speaks of their fishery upon the coast of Newfoundland, the two nations being in a situation nearly similar in regard to these two branches of commerce.

Inclosure in No. 21.

Article V.

SA Majesté le Roi Très Chrétien, pour prévenir les querelles qui ont eu lieu jusqu'à présent entre les deux nations Angloise et Françoisise consent à renoncer au droit de pêche qui lui appartient en vertu de l'Article XIII susmentionné, du Traité d'Utrecht, depuis le Cap Bonavista jusqu'au Cap St.-Jean, situé sur la côte orientale de Terre-Neuve par les 50 degrés de latitude septentrionale; et Sa Majesté le Roi de la Grande-Bretagne consent en échange que la pêche assignée aux sujets de Sa Majesté Très Chrétienne commençant au dit Cap St.-Jean, passant par le nord, et descendant par la côte occidentale de l'Isle de Terre-Neuve s'étendra jusqu'à l'endroit appelé Cap Ray, situé au 47° 50' de latitude. Les pêcheurs François jouiront de la pêche qui leur est assignée par le présent Article, comme ils ont eu droit de jouir de celle qui leur a été assignée par le Traité d'Utrecht.

No. 22.

The Duke of Manchester to Mr. Fox.—(Received May 29.)

(No. 5.)
(Extract.)

Paris, May 23, 1783.

I HAVE had the honour of receiving your despatches Nos. 11 and 18 by the post and Nos. 12, 13, 14, 15, 16, and 17 by Roworth, and communicated the same to Mr. FitzHerbert. In consequence, we took the first opportunity of conferring with M. le Comte de Vergennes and the Comte D'Aranda; and have now the honour of transmitting to you the result of a conference held yesterday. In order to render this letter as short as the subject will admit, endeavouring at the same time to be as distinct as possible, I mean not to trouble you with any remarks on such Articles as have been finally agreed upon, but will proceed directly to the other Articles, taking them in regular order.

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Article V. M. de Vergennes strenuously persists in retaining, at the close of this Article, the words "ont eu droit de jouir." He continues likewise to press very strongly the introduction of such words as shall secure to the French fishermen the exclusive enjoyment, but is at the same time willing that the Declaration should be so worded as not absolutely to amount to a precise cession of the right. He therefore proposes to insert in the said Declaration the words "que ses sujets (du Roi de la Grande-Bretagne) ne troublent point par leur concours ceux de la France dans l'exercice temporaire," &c.

No. 23.

The Duke of Manchester to Mr. Fox.—(Received June 21.)

(No. 14.)
(Extract.)

Paris, June 18, 1783.

I RECEIVED the honour of your despatches Nos. 25, 26, 27, 28, 29, and 30 by Dickens, and, in consequence, had a long conference with the Comte de Vergennes and the Comte D'Aranda on Saturday last, at which, though we did not come to any absolute conclusion, yet the business was brought very forward. I hope another meeting will enable me to send you a fair draft of the Articles of the Definitive Treaty, as agreed upon between us, and such as I hope you will find to be quite agreeable to the instructions I have received from you at various times, and which the return of that Messenger, if authorized and approved by His Majesty, will enable me to sign.

The chief points that were discussed were the Articles V, VII, XI, XIII, and XVI. The first Article, No. V, occasioned a good deal of conversation; at length, according to the authority you gave me, I consented to admit in the Declaration the words "par leur concours," or, as better French, "par leur concurrence," conditionally, that the French Ministers should on their part relax on other points which they promised, and appear now inclined to do.

No. 24.

The Duke of Manchester to Mr. Fox.—(Received June 25.)

(No. 16.)
(Extract.)

Paris, June 22, 1783.

I HAVE inclosed likewise a "Projet de Contre-Déclaration," which the French Minister means to deliver in, in exchange of the Declaration I am to give in, when we meet to sign the Treaty.

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The word "exclusive" is used, where they speak of the "pêche." This word I hoped would have not been again brought forward, as we had agreed to insert the words, "par leur concurrence." It is not anywhere used in the Treaty, nor is it in the English Declaration, and therefore seems to have little force, but, however, as France certainly does not wish to insert it merely as an expletive, should any danger be apprehended from it I think it may be reasonably resisted, and perhaps given up, but in this likewise I desire to be fully directed.

Inclosure in No. 24.

Extract from the "Projet de Contre-Déclaration."

QUANT à la pêche exclusive sur les côtes de Terre-Neuve qui a été l'objet des nouveaux arrangements dont les deux Souverains sont convenus sur cette matière, elle est suffisamment exprimée par l'Article du Traité de Paix signé ce jourd'hui, et par la Déclaration remise également ce jourd'hui par l'Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique; et Sa Majesté déclare qu'elle est pleinement satisfaite à cet égard.

Pour ce qui est de la pêche entre l'Île de Terre-Neuve et celles de Saint-Pierre et Miquelon, elle ne pourra se faire de part et d'autre que jusqu'à mi-canal; et Sa Majesté donnera les ordres les plus précis pour que les pêcheurs François n'outrepassent point cette ligne; Sa Majesté est dans la ferme confiance que le Roi de la Grande-Bretagne donnera de pareils ordres aux pêcheurs Anglois.

No. 25.

Mr. Fox to the Duke of Manchester.

(No. 33.)

(Extract.)

St. James', July 2, 1783.

THE project inclosed in your Grace's despatch No. 16 has had the fullest consideration, and I am happy in having His Majesty's commands to inform you that there appear to be very few difficulties remaining, and those of such a nature as may probably be got over.

The word "exclusive" in the project of the French Counter-Declaration is certainly exceptionable, and cannot, I conceive, be much insisted upon by the French Minister. When we have used the words "par leur concurrence," the use of the word "exclusive" in his answer cannot be material to him, and it is no otherwise objectionable to us than as it might be construed to convey an idea of "exclusive right," which he has uniformly disclaimed. I should hope, therefore, that the omission of this word may be obtained; but if it cannot, your Grace must make another Declaration upon the French Counter-Declaration, protesting that His Majesty does not mean to grant "exclusive" fishery any otherwise than by ordering his subjects not to "molest by concurrence," &c.

No. 26.

The Duke of Manchester to Mr. Fox.—(Received July 17.)

(No. 23.)

(Extract.)

Paris, July 13, 1783.

ON Friday last, according to agreement, I had a conference with the Comtes de Vergennes and D'Aranda, and I have the satisfaction to inform you that the French Minister has been persuaded to omit the word "exclusive" in the "projet" of the French Counter-Declaration, which will render another Declaration from me unnecessary.