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CORRESPONDENCE RESPECTING THE NEWFOUNDLAND FISHERIES

1890

Colonies

Canada

31



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1884-90.

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Correspondence respecting the Newfoundland Fisheries: 1884–90.

No. 1.

The Earl of Derby to Governor Sir J. Glover.

Sir, *Downing Street, June* 12, 1884.

IN my despatch of the 18th December last* I informed the Officer administering the Government of Newfoundland of the appointment of Mr. Clare Ford, C.B., C.M.G., and Mr. E. B. Pennell as British Commissioners on the Commission to meet in Paris in connection with the Newfoundland Fisheries question.

These gentlemen, representing Her Majesty's Government, and M. Jagerschmidt and Captain Bigrel, acting on behalf of the Government of the French Republic, met in Paris on the 23rd January last, and the labours of the Commission were concluded at a meeting held on the 26th April, when an Arrangement was signed by the Commissioners.

I have now the honour to transmit to you a copy of that Arrangement, together with two inclosures accompanying it, which consist of a statement and Map referred to in Article II.

You will observe that the Arrangement has been entered into subject to the approval of the Governments of Great Britain and France; and Her Majesty's Government will not intimate their approval until the Colonial Government and Legislature have had an opportunity of studying its provisions, and of considering the great advantages which it affords for a settlement of the long outstanding and difficult question of the fisheries.

Before proceeding to explain the details of the present Arrangement, it may be convenient to recapitulate the provisions of the Treaties bearing upon the question.

They are as follows:—

By Article XIII of the Treaty of Utrecht, 1713, it was agreed that "The island called Newfoundland, with the adjacent islands, shall, from this time forward, belong of right wholly to Britain, and to that end the town and fortress of Placentia, and whatever other places in the said island are in the possession of the French, shall be yielded and given up within seven months from the exchange of the ratifications of this Treaty, or sooner if possible, by the Most Christian King to those who have a commission from the Queen of Great Britain for that purpose. Nor shall the Most Christian King, his heirs and successors, or any of their subjects, at any time hereafter lay claim to any right to the said island and islands, or to any part of it or them. Moreover, it shall not be lawful for the subjects of France to fortify any place in the said Island of Newfoundland, or to erect any buildings there, besides stages made of boards, and huts necessary and usual for drying of fish, or to resort to the said island beyond the time necessary for fishing and drying of fish. But it shall be allowed to the subjects of France to catch fish, and to dry them on land in that part only, and in no other besides that, of the said Island of Newfoundland, which stretches from the place called Cape Bonavista to the northern point of the said island, and from thence running down by the western side, reaches as far as the place called Point Riche. But the island called Cape Breton, as also all others, both in the mouth of the River St. Lawrence and in the gulf of the same name, sha.

* Not printed.

hereafter belong of right to the French, and the Most Christian King shall have all manner of liberty to fortify any place or places there."*

And by Article V of the Treaty of Paris, 1763, that "The subjects of France shall have the liberty of fishing and drying, on a part of the coasts of the Island of Newfoundland, such as it is specified in Article XIII of the Treaty of Utrecht, which Article is renewed and confirmed by the present Treaty (except what relates to the Island of Cape Breton, as well as to the other islands and coasts in the mouth and in the Gulf of St. Lawrence); and His Britannic Majesty consents to leave to the subjects of the Most Christian King the liberty of fishing in the Gulf of St. Lawrence on condition that the subjects of France do not exercise the said fishery but at the distance of 3 leagues from all the coasts belonging to Great Britain, as well those of the continent as those of the islands situated in the said Gulf of St. Lawrence. And as to what relates to the fishery on the coast of the Island of Cape Breton, out of the said gulf, the subjects of the Most Christian King shall not be permitted to exercise the said fishery but at the distance of 15 leagues from the coast of the Island of Cape Breton; and the fishery on the coast of Nova Scotia or Acadia, and everywhere else out of the said gulf, shall remain on the foot of former Treaties."

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

And by Article IV of the Treaty of Versailles, 1783, that "His Majesty the King of Great Britain is maintained in his right to the Island of Newfoundland and to the adjacent islands, as the whole were assured to him by the XIIIth Article of the Treaty of Utrecht, excepting the Islands of St. Pierre and Miquelon, which are ceded in full right by the present Treaty to His Most Christian Majesty."

And by Article V of the said last-named Treaty, that "His Majesty the Most Christian King, in order to prevent the quarrels which have hitherto arisen between the two nations of England and France, consents to renounce the right of fishing, which belongs to him in virtue of the aforesaid Article of the Treaty of Utrecht, from Cape Bonavista to Cape St. John, situated on the eastern coast of Newfoundland, in 50° north latitude; and His Majesty the King of Great Britain consents, on his part, that the fishery assigned to the subjects of His Most Christian Majesty, beginning at the said Cape St. John, passing to the north and descending by the western coast of the Island of Newfoundland, shall extend to the place called Cape Ray, situated in 47° 50′ latitude. The French fishermen shall enjoy the fishery which is assigned to them by the Treaty of Utrecht."

And by Article VI of the said last-named Treaty, that, "With regard to the fishery in the Gulf of St. Lawrence, the French shall continue to exercise it conformably to the Vth Article of the Treaty of Paris."

* "XIII. Insula, *Terra-Nova* dicta, unà cum Insulis adjacentibus, Juris Britannici ex nunc in posterum omnino erit; eumque in finem *Placentia* Urbs & Fortalitium, & si quæ alia Loca in dictâ Insulâ per *Gallos* possessa sint, per *Regem Christianissimum*, Commissionem eâ in parte à *Reginâ Magnæ Britanniæ* habentibus, intra septem menses à commutatis hujus Tractatûs Ratihabitionum Tabulis, aut citiùs si fieri potest, cedentur & tradentur; neque aliquid Juris ad dictam Insulam & Insulas ullamve illius aut earundem partem, *Rex Christianissimus*, Hæredes ejus, & Sucessores, aut Subditi aliqui, ullo de hinc tempore in posterum sibi vindicabunt. Quinetiàm nec Locum aliquem in dictâ Insulâ de *Terra-Novâ* munire, nec ulla ibidem Ædificia, præter Contabulationes, & Tuguriola, Piscibus siccandis necessaria & consueta construere, neque dictam Insulam, ultra tempus Piscationibus & Piscibus siccandis necessarium, frequentare subditis Gallicis licitum erit. In eâ autèm tantummodo, nec ullâ aliâ dictæ Insulæ de *Terra-Novâ* parte, quæ à Loco, *Cap Bonavista* nuncupato, usque ad extremitatem ejusdem Insulæ septentrionalem protenditur, indeque ad Latus Occidentale recurrendo usque ad Locum, *Pointe Riche* appellatum, procedit, Subditus Gallicis Piscaturam exercere, & Pisces in Terrâ exsiccare permissum erit. Insula vero, *Cap Breton* dicta, ut & aliæ quævis, tàm in Ostio Fluvii *Sancti Laurentii*, quam in Sinu ejusdem nominis sitæ, Gallici Juris in posterum erunt; ibique Locum aliquem, seu Loca, muniendi facultatem omnimodam habebit *Rex* Christianissimus."

"L'Ile de Terre-Neuve, avec les îles adjacentes, appartiendra désormais et absolument à la Grande-Bretagne, et à cette fin le Roi Très Chrétien fera remettre à ceux qui se trouveront à ce commis en ce pays là, dans l'espace de sept mois à compter du jour de l'échange des ratifications de ce Traité, ou plutôt si faire se peut, la Ville et le Fort de Plaisance, et autres lieux que les François pourroient encore posséder dans la dite île, sans que le dit Roi Très Chrétien, ses Héritiers et Successeurs, ou quelques-uns de ses sujets puissent désormais prétendre quoique ce soit, et en quelque tems que ce soit, sur la dite île, et les îles adjacentes en tout ou en partie. Il ne leur sera pas permis non plus d'y fortifier aucun lieu, ni d'y établir aucune habitation en façon quelconque, si ce n'est des échafauds et cabanes nécessaires et usités pour sécher le poisson, ni aborder dans la dite île dans d'autres tems, que celui qui est propre pour pêcher, et nécessaire pour sécher le poisson.

"Dans la dite île il ne sera pas permis aux dits sujets de la France de pêcher et de sécher le poisson en aucune autre partie, que depuis le lieu appelé Cap de Bonavista, jusqu'à l'extrémité septentrionale de la dite île, et de là en suivant la partie occidentale, jusqu'au lieu appelé Pointe-Riche. Mais l'île dit Cap Breton et toutes les autres quelconques, situées dans l'embouchure et dans le Golphe de Saint-Laurent, demeureront à l'avenir à la France, avec l'entière faculté au Roi Très Chrétien d'y fortifier une ou plusieurs places."

And by a Declaration of His Britannic Majesty, dated the 3rd day of September, 1783,* it was declared that "The King, having entirely agreed with His Most Christian Majesty upon the Articles of the Definitive Treaty, will seek every means which shall not only insure the execution thereof, with his accustomed good faith and punctuality, but will besides give, on his part, all possible efficacy to the principles which shall prevent even the least foundation of dispute for the future.

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

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

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

And by a Counter-Declaration of His Most Gracious Majesty the King of France, dated the 3rd day of September, 1783,† it was declared that "The principles which have guided the King in the whole course of the negotiations which preceded the re-establishment of peace must have convinced the King of Great Britain that His Majesty has had no other design than to render it solid and lasting, by preventing as much as possible, in the four quarters of the world, every subject of discussion and quarrel.

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

* "Le Roi étant entièrement d'accord avec Sa Majesté Très Chrétienne sur les Articles du 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'au moindre germe de dispute à l'avenir.

"A cette fin, et pour que les pêcheurs des deux nations ne fassent point naître des querelles journalières, Sa Majesté Britannique prendra les mesures les plus positives pour prévenir que ses sujets ne troublent, en aucune manière, par leur concurrence, la pêche des François, pendant l'exercice temporaire qui leur est accordé, sur les côtes de l'Ile de Terre-Neuve; et elle fera retirer, à cet effet, les établissemens sédentaires qui y seront formés. Sa Majesté Britannique donnera des ordres pour que les pêcheurs François ne soient pas gênés dans la coupe de bois nécessaire pour la réparation de leurs échaffaudages, cabanes, et bâtimens de pêche.

"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 échaffaudages, 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 François durant leurs pêches, ni ne dérangeant leurs échaffaudages durant leur absence.

"Le Roi de la Grande-Bretagne, en cédant les Iles de Saint-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; et que la pêche entre les dites îles, et celle de Terre-Neuve, sera bornée à mi-canal."

† "Les principes qui ont dirigé le Roi, dans tout le cours des négociations qui ont précédé le rétablissement de la Paix, ont dû convaincre le Roi de la Grande-Bretagne, que Sa Majesté n'a eu d'autre but que de la rendre solide et durable, en prévenant, autant qu'il est possible, dans les quatre parties du monde, tout sujet de discussion et de querelle. Le Roi de la Grande-Bretagne met indubitablement trop de confiance dans la droiture des intentions de Sa Majesté, pour ne point se reposer sur l'attention constante qu'elle aura d'empêcher que les Iles St. Pierre et Miquelon ne deviennent un objet de jalousie entre les deux nations.

"Quant à la pêche 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 V du Traité de Paix signé ce jourd'hui, et par la Déclaration remise également aujourd'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'Ile de Terre-Neuve et celles de St. Pierre et Miquelon, elle ne pourra se faire, de part et d'autre, que jusqu'à mi-canal, et Sa Majesté donnera les ordres le 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."

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

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

And by further Treaties between the said Great Contracting Parties, viz., by Article VIII of the Treaty of Paris, 1814, it was agreed that "His Britannic Majesty, stipulating for himself and his allies, engages to restore to His Most Christian Majesty, within the term which shall be hereafter fixed, the Colonies, fisheries, factories, and establishments of every kind which were possessed by France on the 1st January, 1792, in the seas, on the Continents of America, Africa, and Asia, with exception, however, of the Islands of Tobago and St. Lucia, and the Isle of France and its dependencies, especially Rodrigues and the Seychelles, which several Colonies and possessions His Most Christian Majesty cedes in full right and sovereignty to His Britannic Majesty, and also the portion of St. Domingo ceded to France by the Treaty of Basle, and which His Most Christian Majesty restores in full right and sovereignty to His Catholic Majesty." And by Article XIII of the said last-named Treaty, that "The French right of fishery upon the Great Bank of Newfoundland upon the coasts of the island of that name, and of the adjacent islands in the Gulf of St. Lawrence, shall be replaced upon the footing in which it stood in 1792." And by Article XI of the Treaty of Paris, 1815, that the Treaty of Paris of the 30th May, 1814, and the Final Act of the Congress of Vienna of the 9th June, 1815, are confirmed, and shall be maintained in all such of their enactments which shall not have been modified by the Articles of the present Treaty."

Under the provisions of these Treaties the French have hitherto maintained that they enjoy—

1. An exclusive right of fishery on that portion of the coast of Newfoundland between Cape St. John and Cape Ray, passing round by the north of the island.

2. That all British fixed settlements, of whatever nature, on that portion of the coast are contrary to Treaty.

The British Government, on the other hand, have maintained—

1. That British subjects have a right to fish concurrently with the French, so long as they do not interrupt the latter.

2. That the undertaking in the Declaration of 1783, to cause the removal of fixed settlements, referred only to fixed fishing settlements, and that fixed settlements of any other kind are not contrary to the Declaration.

French fishermen have, moreover, been in the habit of fishing the rivers, and of barring them with nets or weirs, interrupting the free circulation of salmon, and thereby causing great injury to the salmon fishery.

The British Government, however, have always maintained that the French have no right to the fisheries in rivers.

The Government of France each year during the fishing season employ ships of war to superintend the fishery exercised by their countrymen, and in consequence of the divergent views entertained by the two Governments respectively as to the interpretation to be placed upon the Treaties, questions of jurisdiction, which might at any moment have become serious, have repeatedly arisen.

Such being the provisions of the Treaties, and the construction placed upon them by the Governments and subjects of the two countries, practical difficulties have naturally occurred, and it has become of urgent importance that they should be removed.

The colonists have for some years past been desirous of developing the resources of their country as regards mines, agriculture, and other industries, but have constantly been met with the objections of the French Government to their doing so, and the development of the Colony on that part of the coast of Newfoundland where the French enjoy Treaty rights has been practically at a standstill, although rich mines are known to exist there, and the agricultural capabilities of the Colony are undoubtedly most valuable.

Your Government are aware that the present Commission is the eighth which has been appointed since the year 1846 for a settlement of the Newfoundland Fishery question, and it may be useful here to recapitulate briefly the various terms which have

been proposed in the previous negotiations as a basis of settlement, in order to show distinctly how much more favourable to the Colony is the present arrangement as compared with the terms proposed on any previous occasion.

In the year 1844 the French Government proposed negotiations to be held in London, and previous to opening them it was determined to appoint a British and French Commissioner in Newfoundland to report upon the question.

Captain Fabvre, Commander of the French Naval Station, and Mr. Thomas, President of the Chamber of Commerce at Newfoundland, were, in consequence, appointed by their respective Governments.

On the 30th July, 1844, Mr. Thomas made his Report to the Governor. In this Report he suggested, with regard to the French claim of "exclusive rights," that the respective fishermen of both nations should be kept separate and distinct in their fishing places. He also suggested the extension of the French fishery limits to Belle Isle North, and made suggestions with regard to the sale of bait to French fishermen.

This Report resulted in negotiations being held in Paris in the month of March 1846.

The British Commissioner, Sir A. Perrier, was authorized to offer, in exchange for the French cession of all rights between Cape Ray and Bonne Bay, the following concessions:—

Admission of *exclusive* right of fishery from Bonne Bay to Cape St. John, going round by the north.

Exclusive right of French fishery, drying, and curing at Belle Isle North.

Permission for English fishermen to sell bait at St. Pierre.

At preliminary Conferences held in Newfoundland these measures had nearly been agreed to by Mr. Thomas and Captain Fabvre; but Captain Fabvre was desirous of retaining for France, in addition to the exclusive rights above mentioned, her rights of fishing, curing fish, &c., at Cod Roy, Red Island, Port-à-Port, and Lark Harbour, and to acquire for the French a "concurrent" right of fishery on the coast of Labrador.

The instructions, however, to the French Commissioner did not admit of his negotiating on the above-mentioned principles, and as no new propositions were brought forward by the French Government up to the month of May 1847, the negotiations fell through.

On the application of the French Government in 1851 negotiations were renewed, Sir A. Perrier being again directed to proceed to Paris to act as British Commissioner, M. de Bon being appointed on the part of France.

The British Commissioner was instructed to invite proposals from the French Commissioner such as might form a starting-point in the negotiations.

M. de Bon accordingly proposed, on the part of France, to admit the right of British subjects to inhabit the Bay of St. George, or, in other terms, to give up the exclusive right of fishery in that bay, to which they considered themselves entitled by the Treaty of 1783. In return for this concession he demanded—

1. The right to purchase and fish for bait (herring and capelin) on the south coast of Newfoundland, without restriction.

2. The right to fish during two months of the year (without curing or drying on shore) on that part of the coast of Labrador situated between the Isles Vertes and the Isles St. Modeste, both included; and

3. The right of fishery at Belle Isle North, in the Straits, which the French Commissioner asserted was enjoyed by the French up to 1841, without any demur on the part of Great Britain.

The concessions demanded by the French negotiator were not considered admissible, and the British Commissioner, in order to overcome the difficulties arising out of the claim of Great Britain to a concurrent right of fishery, suggested that the question would be best settled if the rights of the fishermen of the two nations were kept separate and distinct. In order to carry out this suggestion, he proposed that the French rights should be made exclusive as against British subjects from Cape St. John to some point on the western coast, such as Cape Verte (Green Point, to the north of Bonne Bay); the French, on the other hand, to renounce their right altogether on the remainder of the coast, which would be that part where the British had been in the habit of carrying on the herring fishery and other fisheries incidental to the requirements of a fixed population.

The French negotiator offered no objection to the plan of recognizing the French "exclusive right" on a diminished extent of coast; but he contended for the retention of a "concurrent right" on that portion of the coast on which their exclusive claim might be renounced, and for other advantages as well, such as admission, concurrently with

British fishermen, to the fisheries of Labrador and North Belle Isle, and to the "bait fishery" on the southern coast, all of which, he maintained, were necessary, as an equivalent for admitting British subjects to a free "concurrent right" on the lower portion of the western coast.

The British Commissioner was disposed to accept the demands of the French so far as to extend the French fishery to North Belle Isle, and also to remove all restrictions on the purchase of "bait," on condition that the French should entirely renounce their rights between Cape Verte and Cape Ray; and in June 1855 he forwarded to the Foreign Office the above suggestions in the form of a counter-proposal to those which had been made by France.

Mr. Labouchere, Her Majesty's Secretary of State for the Colonies, concurred in the adoption of the British negotiator's project of a "compromise" as the basis of negotiation to be offered to the French Government. It corresponded, he believed, with the views of the Colonial authorities; deprived neither nation of any advantage of real value; and there would only be a reciprocal abandonment of barren rights and useless or nominal restrictions; and he prepared a draft Treaty which might be substituted for the whole of the existing engagements on the Newfoundland Fisheries question.

The negotiations were continued in the year 1856 by Captain Pigeard, who arrived in London in the month of July of that year, and by Mr. Merivale, the Under-Secretary of State for the Colonies. The basis of these negotiations was founded upon the counter-proposals made by Sir A. Perrier, and also upon the draft of the Treaty proposed by Mr. Labouchere. The negotiations finally terminated by the signature of a Convention in London on the 14th January, 1857.

According to the stipulations of this Convention,* a printed copy of which is annexed, an exclusive right of fishery and the use of the strand for fishery purposes was conceded to the French from Cape St. John, on the east coast of Newfoundland, to the Quirpon Islands, and from the Quirpon Islands, on the north coast, to Cape Norman, on the west coast, in and upon the following five fishery harbours, namely, Port-au-Choix, Small Harbour, Port-à-Port, Red Island, and Cod Roy Island, to extend, as regarded these five harbours, to a radius of 3 marine miles in all directions from the centre of each such harbour. On other parts of the west coast (the five harbours excepted) British subjects were to enjoy a "concurrent" right of fishing with French subjects, but French subjects were to have the exclusive use of the strand for fishery purposes from Cape Norman to Rock Point, in the Bay of Islands, north of the River Humber, in addition to the strand of the reserved harbours.

A "concurrent" right of fishing was also granted to French subjects on the coast of Labrador, from Blanc Sablon to Cape Charles, and of North Belle Isle.

With regard to the question of fixed establishments, the Convention of 1857 stipulated that no British buildings or inclosures should be erected or maintained on the strand reserved for French exclusive use. It was provided, however, that buildings which had stood for five successive seasons previous to the date of the Convention, without objection on the part of the French Government, should not be liable to removal without equitable compensation to the owners from the French Government. By the Convention a limited right of jurisdiction was conceded to the French, and French naval officers were to have the power to enforce the French exclusive rights of fishing by the expulsion of vessels or boats attempting concurrent fishing, in the case of there being no British cruizing vessel in sight or made known to be present within a distance of 5 marine miles. French naval officers were likewise entitled to take such measures as occasion might require to put French fishermen in possession of any portion of the strand of which their exclusive use for fishery purposes was recognized by the Convention.

It will thus be seen that, according to the terms of the Convention of 1857, France would have obtained an *exclusive* right of fishery on the northern extremity and north-eastern coast of Newfoundland, and also on five points on the western coast of the island.

This Convention did not come into force owing to the objections raised by the Government of Newfoundland.

In the year 1859 a Mixed Commission, composed, on the part of Great Britain, of Captain Dunlop and Mr. Kent (Colonial Secretary in Newfoundland), and, on the part of France, of M. de Montaignac de Chauvance and M. de Gobineau, was appointed to verify facts connected with the infraction of the Treaties; and at the close of that year the Commissioners furnished their Report, accompanied by recommendations which led to the reopening of negotiations in 1860.

* Convention of 1857.

The terms of a Convention, and of Joint Instructions to be given to the British and French naval officers on the Newfoundland Station, were then agreed on, and are inclosed (Inclosure 3*), but the negotiations fell through, mainly in consequence of the wording of Articles 4 and 15 of the Joint Instructions.

The 4th Article related to the punishment of offenders in fishery disputes, and the 15th Article had reference to the removal of such buildings on the French Shore as might interfere with the French fishery, with regard to which it was found impossible to reconcile the conflicting views.

It may be useful to quote *in extenso* the latter Article, as the use of one word in it contributed more than anything else to the failure of the negotiations.

It was to the following effect in the French version :—

"Toute construction qui sera élevée à l'avenir sans le consentement de la Commission des Pêcheries sera enlevée par l'ordre du Commissaire Britannique et sans indemnité, dans un délai de six mois de la notification qui en sera faite, si la place occupée par la dite construction est *requise* pour les besoins de la pêche Française."

It was proposed to substitute the words: "faite par la Commission que la place occupée par la dite construction est *nécessaire* pour les besoins de la pêche Française."

This alteration was proposed by the British Government in order to make the erections removable, not on a requisition from the French Government or its officer, but on notice from a Commission of which a British officer was a member. To this alteration the French Government objected on grounds with which it was difficult to deal, because they proceeded from an acknowledged difference of view between the two Governments. The British Government would, however, have been willing subsequently to waive their objections with regard to the wording of the 4th and 15th Articles of the stipulations which were framed in 1860, and to accept the arrangement with some trifling modifications; but on the matter being referred to the French Government the proposal was rejected, nor did the French Government give any reasons for their refusal to accept it.

In the month of October 1874 negotiations were again renewed with the French Government, Captain (afterwards Admiral) Miller being appointed on the part of Her Majesty's Government, and Captain de Boissoudy on that of France, and were continued, with various interruptions, during the course of the years 1875 and 1876, and, as you are aware, were not productive of any settlement.

In the course of these negotiations Her Majesty's Government received the assistance of Sir F. Carter, Premier of Newfoundland, who was in England at the time.

The arrangement which was originally contemplated on this occasion was founded on Resolutions, dated the 23rd April, 1874, adopted by the Newfoundland House of Assembly, and concurred in by the Legislative Council, and it embraced the following stipulations :—

1. The establishment of a Joint Naval Commission to take cognizance only of such matters as related to the fisheries ; and in case of disagreement, reference to be made to the respective Governments ; all other questions to be dealt with by competent authorities.

2. That the existing British settlements in St. George's Bay, Cod Roy, and Bay of Islands, Bonne Bay, and White Bay should remain undisturbed, and no interruption to be made by the French to fishing by the British in those bays, nor interference with their buildings and inclosures there, nor with any erections or buildings on any part of the coast where the French enjoy a temporary right of fishery which did not actually interfere with the fishery privileges of the French, as should be determined by the Commissioners; nor were British subjects to be molested in fishing on any part where they did not actually interrupt the French by their competition.

3. That no building or inclosure which had been erected for five years should be removed as interfering with the French fishery privileges without compensation to be determined on by the Commissioners ; but no compensation to be payable for any such building or inclosure hereafter erected without the consent of the Commissioners.

4. That the Commissioners should determine the limit or boundary-line to which the French might prosecute their fishery, the British having the exclusive right of salmon and all other fishing in rivers.

5. That the breadth of strand of which the French should have the right of temporary use for fishery purposes should be defined ; thus removing objections to grants of land for all purposes beyond the boundary so to be defined, and within the same for mining purposes ; right being reserved to the British Government to erect on such strand works of a military or other public character, and to the British subjects for wharves and buildings necessary

* Proposed Convention of 1860, with Joint Instructions.

for mining, trading, and other purposes apart from the fishery in places selected with permission of Commissioners.

It was further recommended that the Colonial Legislature should state to Her Majesty's Government that they were not prepared to agree to any concessions to the Government of France which would convey to the French rights of fishery which they did not at present possess under existing Treaties; but that they would recommend the Legislature to consent that the valuable and important right to purchase bait, both herring and capelin, on the southern coast, should be conceded to the French at such times as British subjects might lawfully take the same upon terms which were to be agreed upon.

During the course of the negotiations which took place certain modifications of the above terms were introduced, which it is unnecessary to dwell upon here, inasmuch as the negotiations came to no result; but the above extracts have been quoted in order to show the nature of the arrangement which at that time was considered by the Government of Newfoundland as offering a satisfactory settlement of the Fisheries question; and it is obvious that had an arrangement been entered into at that period on the above-quoted bases, it would have been far less advantageous to the interests of the Colony than the one which has now been signed by the British and French Commissioners in Paris.

A period of five years now elapsed before fresh negotiations, by means of a Joint Commission, took place. In the year 1881 a Commission was appointed, Admiral Miller being again the British Commissioner, and Admiral Pierre being named on the part of France.

During the negotiations Sir William Whiteway was in London, and was constantly consulted by Her Majesty's Government as the negotiations proceeded.

Draft Articles were drawn up by the British Commissioner, with the concurrence of Sir William Whiteway, which it was hoped would offer to the French Government a satisfactory basis for discussion, and lead to an agreement being arrived at between the Commissioners of the two respective countries for a settlement of the question.

The basis of this Arrangement consisted in the appointment of a Commission, to be called a Commission of Demarcation, whose duty it would be to define and allot certain parts of the strand on which the French might exercise the rights conceded to them by Treaty, and the remainder of the coast to be released from Treaty stipulations; and it was contemplated to allot not more than one-half of any one harbour for the purpose of French use, and the amount of the strand inland was not to extend to a greater distance than one-third of a mile from high-water mark.

Moreover, in the allotments for French use there was to be reserved in each case to the British Government a sufficient space for the erection of wharves, &c., and other public works or buildings, which, however, were not to be erected without previous consent on the part of the French Government.

It was further contemplated that all establishments or settlements existing at the time, British or French, were, under certain provisos, to remain undisturbed.

In addition to the appointment of a Commission of Demarcation, a Mixed Commission was to be appointed, which was to be named the Fishery Commission, and was to act in conformity with Joint Instructions based on the Articles of the Agreement.

The duty of the Fishery Commission was to see that neither British nor French fishermen were interrupted in their fishing operations.

The Fishery Commission was to have power to punish any person contravening its orders or decisions, either by means of fines or seizure of property.

The French were to be allowed to leave their boats, &c., during the winter months, and to erect dwelling-houses for their guardians, who might be either French or British.

The French were to be allowed to purchase bait, both herring and capelin, on shore or at sea, on the southern coast of Newfoundland, at such times as British subjects might lawfully take the same, free from all duty or restriction not equally imposed on British subjects.

The French Commissioner, on being made acquainted with the substance of the draft Articles, reported at a meeting of the Commission that the French Government were unable to accept the arrangement embodied in them, stating that the principle of British and French occupying the same harbours and fishing-grounds could never be entertained.

It is not necessary to enter further on these negotiations, as they did not result in any agreement being come to.

On comparing the provisions of the various proposals enumerated above with those embodied in the present Arrangement, the advantages to the Colony offered by the latter will at once be seen.

The result under its provisions will be—

1. That fixed settlements of every description will be allowed on the very extended portions of the coast which are tinted in red on the Map, with the exception of fishing establishments which Her Majesty's Government have never contended to be permissible under the Treaties.

2. That the claim of the French to an exclusive right of fishery will be withdrawn, as the Arrangement recognizes the concurrent right of British fishermen to fish everywhere on the coast between Cape St. John and Cape Ray, under the condition of not interfering with or molesting French fishermen when in the exercise of their fishing industry.

3. That the claim of the French to the right of fishing in rivers, except at the mouths, as far as the water remains salt, is withdrawn, and the practice of barring the rivers is prohibited.

4. That all fixed settlements, fishery or otherwise, at present existing within the limits of that portion of the coast over which the French enjoy Treaty rights, will not be disturbed.

In previous negotiations the subject of fixed establishments received the earnest consideration of the British negotiators, and it was, on more than one occasion, contemplated to appoint Mixed Commissions to assess the amount of compensation which should be paid to the owners of property whose buildings were to be removed.

However desirable such a course might have been, great difficulty would probably have been experienced in carrying it into effect, and it might have given rise to many vexatious and complicated questions.

No such inconvenience can result under the very satisfactory provision of the present Arrangement dealing with this branch of the subject.

In return for the advantages to the Colony above enumerated, Her Majesty's Government would, under the present Arrangement, recognize little more than the *de facto* state of things existing as regards the acts of authority exercised every fishing season by the French cruizers in the waters over which the French Treaty rights extend, and the exercise of these acts on the part of French cruizers would only take place in cases of infraction of the very reasonable provisions of this Arrangement, and then only in the absence of any of Her Majesty's cruizers.

I may here observe that a Convention,* a copy of which is inclosed, was signed in 1881 at the Hague by the Representatives of certain Maritime Powers for the regulation of the fisheries in the North Sea. This Convention contains very useful provisions for the orderly prosecution of the fisheries in common by fishermen of different notionalities, and some of its provisions have been considered applicable to the case of the Newfoundland fisheries.

The stipulations of the North Sea Convention no doubt apply to waters which are not territorial, still the peculiar fisheries rights granted by Treaties to the French in Newfoundland invest those waters during the months of the year when fishing is carried on in them both by English and French fishermen with a character somewhat analogous to that of a common sea for the purposes of fishery. It could not be expected that the French would give up in favour of the development of the Colony the interpretation they place on the Treaties, without obtaining in return some equivalent by which they will in the future be better able to secure for their fishermen the full enjoyment of their fishing industry, and it appears to Her Majesty's Government that little inconvenience is likely to result from the exercise of the limited right accorded to French cruizers by the present Arrangement.

The French Government have invariably maintained that the establishment of a fixed population on any portions of the coast on which they enjoy Treaty rights must result in their ultimate exclusion from those spots, through French fishermen being virtually debarred from enjoying the free and uninterrupted exercise of the fishery rights accorded to them; and they instance the cases of the Bay of St. George on the west coast and of Conche on the east coast, where such a condition of affairs has arisen.

In agreeing, therefore, to the opening of all those extensive portions of the coast tinted red on the Map to a fixed population, the French Government naturally, and, in the opinion of Her Majesty's Government, not unreasonably, ask in return that they may be enabled to exercise, in cases where none of Her Majesty's cruizers may actually be present, such an amount of supervision as may insure an uninterrupted enjoyment of the fisheries by their countrymen in these waters.

Any inconvenience which might possibly be entailed by this arrangement would be obviated, if necessary, by a closer supervision being exercised on the part of Her

* Convention (1881) relating to Regulation of North Sea Fisheries.

Majesty's cruizers of those portions of the coast where the cruizers of the French navy may be stationed, and, indeed, it is contemplated that two of Her Majesty's cruizers should in future cruize more especially off the northern portion of the coast, where the French are in the habit of carrying on their principal fisheries.

It will be further observed that the fishery rights of the British are not in any way curtailed, but are, on the contrary, strengthened, their right of concurrent fishery being, as already pointed out, now recognized by the French.

In conclusion, I have to inform you that Her Majesty's Government have thought it desirable that the British Commissioners who attended the Commission in Paris should proceed to Newfoundland, in order to offer any explanations of the present Arrangement which your Government may desire to receive; and Her Majesty's Government confidently trust that your Ministers will view the Arrangement in the same light as that in which it is regarded by Her Majesty's Government, namely, as being most a advantageous one to the interests of the Colony, and as affording a means of avoiding the recurrence of those irritating questions which have so constantly arisen in connection with the Newfoundland Fisheries question, and, moreover, as greatly diminishing the risk of any conflicts between the fishermen of the two nations.

The British Commissioners will sail for Newfoundland on the 17th instant, and will present this despatch to you on their arrival.

Her Majesty's Government would be gratified if your Ministers should find it in their power to convene a special meeting of the Legislature as soon as may be possible, in order that the necessary Acts may be passed to give effect to those portions of the Arrangement which require legislative action, so that its provisions may be brought into operation at as early a date as possible.

I have, &c.
(Signed) DERBY.

Inclosure in No. 1.

Arrangement signed at Paris, April 26, 1884, *relating to the Newfoundland Fisheries Question.*

(Cancelled and superseded by "Arrangement" signed November 14, 1885.)

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

ARTICLE I.

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

ARTICLE II.

The Government of the French Republic engages, on its part, in exchange

LES Commissaires soussignés, délégués par les Gouvernements de Grande-Bretagne et de France, à l'effet de rechercher, en dehors des Traités actuellement en vigueur qu'ils n'avaient mission ni de modifier ni d'interpréter, les moyens de prévenir et de régler les contestations relatives à l'exercice de la pêche sur les côtes de Terre-Neuve, ont arrêté d'un commun accord, sous réserve de l'approbation de leurs Gouvernements respectifs, les dispositions suivantes:—

ARTICLE Ier.

Le Gouvernement de Sa Majesté la Reine du Royaume-Uni de Grande-Bretagne et d'Irlande, s'engage à se conformer aux dispositions ci-après pour assurer aux pêcheurs Français, en exécution des Traités en vigueur et particulièrement de la Déclaration de 1783, le libre exercice de leur industrie sur les côtes de Terre-Neuve sans gêne ou obstacle quelconque de la part des sujets Britanniques.

ARTICLE II.

Le Gouvernement de la République Française s'engage, de son coté, en échange

for the security accorded to French fishermen by the application of the Regulations contained in the present Arrangement, not to raise any objection against the formation of establishments necessary for the development of every industry other than that of the fisheries on those portions of the coasts of Newfoundland comprised between Cape St. John and Cape Raye which are tinted in red on the Map* hereto annexed and which do not appear in the Statement* also annexed describing the portions of the coast to which the present paragraph does not apply.

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

ARTICLE III.

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

ARTICLE IV.

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

ARTICLE V.

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

de la sécurité accordée aux pêcheurs Français par l'application des dispositions contenues dans le présent Arrangement, à n'élever aucune protestation contre la création des établissements nécessaires au développement de toute industrie autre que celle des pêcheries sur les parties de la côte de Terre-Neuve comprise entre le Cap Saint-Jean et le Cap Raye qui sont teintées en rouge sur la Carte ci-annexée et qui ne figurent pas dans l'État, également ci-annexé, comprenant les portions de territoire auxquelles ne s'appliquent point le présent paragraphe.

Il s'engage également à ne pas inquiéter les sujets Anglais résidents, à l'égard des constructions actuellement établies sur le littoral compris entre le Cap Saint-Jean et le Cap Raye, en passant par le nord. Mais il n'en sera point établi de nouvelles sur les parties du littoral comprises dans l'État mentionné au paragraphe précédent.

ARTICLE III.

Il est entendu que les Français conserveront dans sa plénitude sur toutes les parties de la côte comprise entre le Cap Saint-Jean et le Cap Raye, et tel qu'il est défini par les Traités, le droit de pêcher, sécher, préparer le poisson, &c., ainsi que celui de couper partout ailleurs que dans les propriétés closes, le bois nécessaire pour leurs échafaudages, cabanes, et bâtiments de pêche.

ARTICLE IV.

La surveillance et la police de la pêche seront exercées par des bâtiments de la marine militaire des deux pays, dans les conditions ci-après déterminées, les Commandants des croiseurs ayant seuls, dans ces conditions, autorité et compétence dans toutes les affaires concernant la pêche et les opérations qui en sont la conséquence.

ARTICLE V.

Les navires ou bateaux de pêche Français et Anglais seront enregistrés, suivant les Règlements administratifs du pays auquel ils appartiennent, et devront porter d'une manière apparente des marques distinctives permettant de constater à distance leur identité. Les capitaines, maîtres, ou patrons seront porteurs de documents justificatifs de la nationalité de leurs navires ou bateaux.

* The Map and Statement here referred to are identical with those annexed to the subsequent Arrangement of November 14, 1885. See Inclosures 2 and 3 in No. 10, pp. 27-29.

ARTICLE VI.

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

ARTICLE VII.

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

ARTICLE VIII.

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

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

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

ARTICLE IX.

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

ARTICLE VI.

Les Commandants des bâtiments croiseurs se signaleront mutuellement les infractions aux Règles établies par l'Article précédent qui seraient commises par les navires ou bateaux de l'autre nation.

ARTICLE VII.

Les bâtiments croiseurs des deux pays seront compétents pour constater toutes les infractions aux Traités actuellement en vigueur et notamment à la Déclaration de 1783, aux termes de laquelle les sujets Britanniques ne doivent " troubler en aucune manière par leur concurrence la pêche des Français pendant l'exercice temporaire qui leur est accordé sur les côtes de Terre-Neuve."

ARTICLE VIII.

Sur la plainte des pêcheurs Françias ou sur leur demande tendant à pouvoir user de leur droit de pêche, les Commandants des bâtiments croiseurs Anglais s'opposeront, et, s'il n'y a aucun croiseur Anglais en vue, les Commandants des bâtiments croiseurs Français pourront s'opposer à toute opération de pêche des sujets Britanniques qui gênerait l'industrie des dits pêcheurs Français; ils éloigneront les bateaux ou navires qui seraient un obstacle à cette industrie.

A cet effet, les Commandants des bâtiments croiseurs Français pourront adresser à la partie en cause les injonctions nécessaires, et prendre, en cas de résistance, les engins de pêche pour les déposer à terre ou les remettre entre les mains des Commandants des croiseurs de Sa Majesté Britannique.

Dans le cas où il n'en résulterait aucune gêne pour les pêcheurs Français, et où il n'y aurait ni plainte ni demande de leur part tendant à pouvoir user, sans difficulté, de leur droit de pêche, les Commandants des croiseurs Français ne s'opposeront pas à l'exercice de la pêche par les sujets Britanniques.

ARTICLE IX.

Dans le cas où des résidents gêneraient ou troubleraient à terre, par leurs actes, le séchage et la préparation du poisson, et en général les diverses opérations qui sont la conséquence de l'exercice de la pêche Française sur la côte de Terre-Neuve, un procès-verbal de constatation du dommage causé sera dressé par les Commandants des bâtiments croiseurs de

tannic Majesty, and, in their absence, by the Commanders of the French cruizers.

In the latter case the report shall be admitted in evidence in the judicial proceedings to be taken thereon by the Commanders of Her Majesty's cruizers in the exercise of their functions as Justices of the Peace.

ARTICLE X.

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

They shall draw up, should occasion require it, in accordance with the forms in use in the countries of the two nations respectively, a Report as to the verification of the facts such as it may result as well from the declarations of the interested parties as from the evidence taken in the matter. This Report shall be admitted in evidence in the judicial proceedings to be taken thereon so far as their powers extend by the Commanders of the cruizers of the nationality to which the offending party belongs.

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

ARTICLE XI.

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

ARTICLE XII.

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

Sa Majesté Britannique, et, en leur absence, par les Commandants des croiseurs Français.

Dans ce dernier cas, le procès-verbal fera foi, pour la justice à rendre, en leur qualité de Magistrats, par les Commandants des croiseurs de Sa Majesté Britannique.

ARTICLE X.

Si un délit est commis ou un dommage causé, les Commandants des bâtiments croiseurs de la nationalité du délinquant et, en leur absence, les Commandants des bâtiments croiseurs de la nationalité du plaignant, apprécieront la gravité des faits parvenus à leur connaissance et constateront le dommage éprouvé par la partie plaignante.

Ils dresseront, s'il y a lieu, et suivant les formes usitées dans leur pays, procès-verbal de la constatation des faits telle qu'elle résultera tant des déclarations des parties intéressées que des témoignages recueillis. Le procès-verbal fera foi, pour la justice à rendre, dans les limites de leur compétence, par les Commandants des croiseurs de la nationalité du délinquant.

Si le cas lui semble assez grave pour justifier cette mesure, le Commandant du bâtiment croiseur de la nationalité du plaignant aura le droit, s'il n'y a en vue aucun croiseur de la nationalité du délinquant, de s'assurer soit de la personne du dit délinquant, soit de son bateau, pour les remettre entre les mains des Commandants des bâtiments croiseurs de leur nationalité

ARTICLE XI.

Les Commandants des bâtiments croiseurs Anglais et Français devront, dans la limite de leur compétence, faire droit d'urgence aux plaintes dont ils seront saisis, soit directement par la partie intéressée, soit par l'entremise des Commandants des croiseurs de l'autre nation.

ARTICLE XII.

La résistance aux prescriptions ou injonctions des Commandants des bâtiments croiseurs chargés de la police de la pêche, ou de ceux qui agissent d'après leurs ordres, sera, sans tenir compte de la nationalité du croiseur, considérée comme résistance envers l'autorité compétente pour réprimer le fait incriminé.

ARTICLE XIII.

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

ARTICLE XIV.

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

ARTICLE XV.

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

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

ARTICLE XVI.

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

ARTICLE XVII.

The employment of French subjects in the proportion of one family to each establishment is authorized for the guardianship of the French establishments out of the fishing season.

ARTICLE XVIII.

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

The articles saved shall be restored to the owners thereof or to their representa-

ARTICLE XIII.

Lorsque le fait incriminé ne sera pas de nature grave, mais que, néanmoins, il aura occasionné des dommages, les Commandants des bâtiments croiseurs pourront concilier les intéressés et fixer l'indemnité à payer, s'il y a consentement des parties en cause.

ARTICLE XIV.

Le Gouvernement Français renonce, pour ses nationaux, à la pêche du saumon dans les cours d'eau, et ne se réserve la pêche de ce poisson qu'en mer et à l'embouchure des rivières jusqu'au point où les eaux sont salées, mais il est interdit d'établir des barrages fixes pouvant empêcher la navigation intérieure ou la circulation du poisson.

ARTICLE XV.

Les pêcheurs Français seront exempts de toute taxe pour l'introduction dans la partie de l'Ile de Terre-Neuve comprise entre le Cap Saint-Jean et le Cap Raye, en passant par le nord, de tous objets, matières, vivres, &c., nécessaires à leur industrie, à leur subsistance, et à leur établissement temporaire sur la côte de cette possession Britannique.

Ils seront également dans cette même partie de l'île affranchis de tout droit de phare, de port, ou autre droit de navigation.

ARTICLE XVI.

Les pêcheurs Français auront le droit d'acheter la boitte, hareng et capelan, à terre ou à la mer, dans les parages de Terre-Neuve, sans droits ni entraves quelconques postérieurement au 5^{e} jour d'Avril de chaque année et jusqu'à la fin de la saison de pêche.

ARTICLE XVII.

L'emploi de sujets Français à raison d'une famille par établissement, est autorisé pour la garde des emplacements Français, en dehors de la saison de pêche.

ARTICLE XVIII.

Tout bateau de pêche, tout canot, tout objet d'armement ou de gréement de bateau de pêche, tout filet, ligne, bouée ou engin quelconque, qui aura été trouvé, ou recueilli, devra aussitot que possible être remis aux autorités compétentes de la nation du sauveteur.

Les objets sauvés seront rendus aux propriétaires ou à leurs représentants par

tives by means of the above-mentioned competent authorities, the interest of the salvors being previously guaranteed.

The indemnity to be paid to the salvors shall be fixed in accordance with the law of the respective countries in such matters.

ARTICLE XIX.

The provisions of the present Arrangement, with the exception of those contained in Articles 1 and 2, shall be applicable solely for the time during which the Treaties accord to the French the right of fishing and drying their fish.

In faith of which the undersigned Commissioners have drawn up the present Arrangement, subject to the approval of their respective Governments, and have signed the same.

Done at Paris, in duplicate, the 26th April, 1884.

(Signed)
FRANCIS CLARE FORD.
EDMUND BURKE PENNELL.

les soins des dites autorités compétentes et sous réserve de la garantie préalable des droits de sauveteurs.

L'indemnité à payer aux sauveteurs sera fixée suivant la législation de leur pays.

ARTICLE XIX.

Les dispositions du présent Arrangement, à l'exception de celles des Articles 1 et 2, seront applicables uniquement pendant le temps durant lequel les Traités accordent aux Français le droit de pêcher et de sécher le poisson.

En foi de quoi les Commissaires soussignés ont dressé le présent Arrangement, sous réserve de l'approbation de leurs Gouvernements respectifs, et y ont opposé leur signature.

Fait à Paris, en double exemplaire, le 26 Avril, 1884.

(Signé)
CH. JAGERSCHMIDT.
J. BIGREL.

No. 2.

Governor Sir J. Glover to the Earl of Derby.—(*Received July* 24.)

My Lord, *Government House, St. John's, Newfoundland, July* 16, 1884.

AT a Council held this morning I had laid before me the accompanying Minute upon which my Ministers have agreed in regard to the Convention signed at Paris on the 26th April, 1884, by the English and French Commissioners.

2. Your Lordship will observe that my Ministers desire two modifications in the proposed scheme, namely, facilities for the export of minerals from harbours not tinted red on the Map; and that the French guardians should be limited to one family in each harbour.

I have, &c.
(Signed) JOHN H. GLOVER.

Inclosure in No. 2.

Extract from Minutes of Council, July 15, 1884.

THE Council have had under consideration the Arrangement agreed to by Messrs. Ford and Pennell, Commissioners appointed by Her Majesty's Government, and by M. Jagerschmidt and Captain Bigrel, on the part of the Government of France, with regard to the Newfoundland Fisheries question, together with a despatch, dated the 12th June, 1884, of the Right Honourable Secretary of State for the Colonies to his Excellency the Governor on this subject.

The Council appreciate the endeavours of Her Majesty's Government to effect an arrangement for the prevention of the difficulties periodically recurring between the fishermen of both nations.

It is to be regretted that Her Majesty's Government have not been enabled to secure to British subjects to the full extent those rights for which the Government of Newfoundland have contended, and which are set forth in the Resolutions adopted by the Local Legislature, dated the 23rd April, 1874, to the principles of which Resolutions the Council still adhere.

Reciprocating the solicitude of Her Majesty's Government for the attainment of the object in view, the Council confide in the assurance of the Right Honourable Lord Derby,

in his despatch above quoted, that under the proposed Arrangement the claim of the French to an exclusive right of fishery is withdrawn, and the concurrent right of British fishermen recognized to fish everywhere on the coast between Cape St. John and Cape Ray, provided they do not actually interfere with or molest French fishermen in the exercise of their fishing industry.

With regard to complaints and offences, the adjudication of which would rest solely with the Commanders of French cruizers, the Council must rely upon an equitable construction being applied to the terms of the Treaties; and they trust that a vigilant exercise by the British cruizers of the powers conferred on them, sustained by Her Majesty's Government, will insure to British subjects the full enjoyment of those privileges contemplated by the proposed Arrangement. In a word, the Council feel assured that the whole proposition will be carried out in the spirit of equity and mutual consideration essential to its success.

Wich these views the Council would respectfully urge that the following modifications may be effected, in such manner as Her Majesty's Government may deem best adapted to the attainment of the ends desired.

An erroneous estimate appears to have obtained of the value of that portion of the coast tinted red on the Map accompanying the present proposals. Although this extent of coast is apparently open to British occupation, yet that portion between Bonne Bay and Cat's Arm in White Bay is impossible of settlement, inasmuch as the harbours and landing-places within these limits are practically reserved for the use of the French. It is believed that in the vicinity of some of these harbours there are valuable mineral deposits, and unless means of ingress and egress are afforded, such deposits cannot be worked. The present Arrangement should therefore contain a provision allowing of the erection of wharves and buildings necessary for working and shipping purposes in these harbours. Such erections could not interfere with or incommode the fishing operations of the French. The sites to be determined by the British and French Commanders of cruizers on the coast.

Article XVII appears to be objectionable on the ground that it would operate as a basis for the formation of the permanent settlement of a French population on the coast. The guardians indicated should be limited to one French guardian and his family for each harbour, for the purpose of taking care of French property during that period of the year when the French, by Treaty, are to be absent from the coast.

The Council are convinced that the Legislature, as well as the Executive, in entering upon this important question, will be animated by a desire to meet as far as possible the views of Her Majesty's Government regarding a satisfactory settlement, and they believe that the acceptance of the modifications above suggested would tend materially to commend the arrangement to the favourable consideration of both Houses.

The Council regret that under present circumstances the holding of a Session of the Legislature before the usual period of the year would be attended with such difficulties and inconveniences that they are obliged to deem it inexpedient, and feel unable to meet the desire of Her Majesty's Government in relation to this matter.

(Signed) E. D. SHEA, *Clerk,*
Executive Council.

No. 3.

The Earl of Derby to Governor Sir J. Glover.

Sir, *Downing Street, August* 9, 1884.

I HAVE the honour to acknowledge the receipt of your despatch of the 16th July, inclosing a Minute of Council respecting the Arrangement for the settlement of the Newfoundland Fishery question.

I have read the Minute with satisfaction, and Her Majesty's Government will use their best endeavours to procure the acceptance by the French Government of the modifications in the Convention which are suggested.

I have, &c.
(Signed) DERBY.

No. 4.

The Earl of Derby to Governor Sir J. Glover.

(Telegraphic.) *Downing Street, November* 22, 1884.

WITH respect to the proposed Fisheries Arrangement, the French Commissioners are ready to agree to one guardian for each harbour, except in the case of large harbours where their establishments are at a distance from each other. Reply as soon as possible whether your Government agree, and ask them to suggest a wording of the Article to meet this case. The British Commissioners hope to be able to carry the modification desired by your Government as regards the question of wharves in harbours.

No. 5.

Governor Sir J. Glover to the Earl of Derby.—(*Received November* 24, 1884.)

(Telegraphic.)

PROPOSED Fisheries Arrangement.

My Government are willing to assent to the suggested modification as to guardians in the case of large harbours, if that is the only point in dispute. They consider that the Article should run thus: "except in large harbours where the temporary fishing-rooms of the French are so distant from each other as to render it impracticable for one guardian to take care of all such rooms, and in such harbours two guardians may be appointed."

No. 6.

The Earl of Derby to Governor Sir J. Glover.

(Telegraphic.) *Downing Street, January* 31, 1885.

FISHERY question.

There is every prospect of obtaining modification in respect of guardians in accordance with text suggested by Colonial Government, and modification in respect of wharves as worded in following draft Article to follow Article II:—

"As often as and notwithstanding the prohibition stipulated at the end of the second paragraph of the preceding Article, and in the case in which a mine shall be discovered in the vicinity of any one of the parts of the coast comprised in the Statement annexed to the present Arrangement, the Government of the French Republic engages not to raise any objection against the persons interested enjoying for the working of such mine facilities compatible with the free exercise of the French fishery. With this object, a wharf may be constructed on a point of the coast to be specified by common agreement between the Commanders of the cruizers of the two nations; all the buildings necessary for the working of the mine, of whatever description they may be, storehouses, magazines, workmen's houses, &c., shall be erected on that part of the territory situated beyond the limits specified in the annexed Statement. They may be connected to the wharf by one single railroad of one or two lines, no construction other than that of a wharf and the railroad above mentioned shall, in conformity with the last stipulation of the second paragraph of the preceding Article, be erected on that part of the coast set aside for the fishing within the limits fixed in the annexed Statement." End of proposed Article; Statement referred to accompanies Article II.

It is hoped that if buildings are placed beyond distances defined in Statement, but are connected by rail with the wharves, the requirements of Colonial Government will be practically met. It is of great importance that Her Majesty's Government should receive assurance from Colonial Government that the Legislature will probably agree to Arrangement of the 26th April with modifications as above indicated. Her Majesty's Government would highly appreciate friendly co-operation of Newfoundland Government and Legislature in bringing to a settlement and thus concluding this question affecting their relations with France.

No. 7.

Governor Sir J. Glover to the Earl of Derby.—(*Received February* 6.)

(Telegraphic.) *February* 5, 1885.

REFERRING to your telegram,* which has been submitted to Government here, they consider that proposed alteration of the modifications suggested by them with regard to wharves and buildings in case of discovery of mines in neighbourhood of portion of coast set aside for the French will prohibit the working of mines within the limits mentioned in Arrangement; buildings of certain description being quite indispensable to working in mines. A favourable reception of Arrangement of 26th April by the House of Legislature, meet on the 12th February, would be seriously affected by these restrictions. Colonial Government are most desirous of co-operating with Her Majesty's Government in settling the matter.

No. 8.

The Earl of Derby to Governor Sir J. Glover.

(Telegraphic.) *Downing Street, February* 10, 1885.

OBJECT of French Government is to discourage population where French fishery establishments particularly situated. Her Majesty's Government regard as hopeless to endeavour to induce French Government to agree to buildings within prescribed limits in harbours not tinted red on Map unless it is stipulated that they shall not be used as residences. They could propose, if this would meet views of your Government, that, with the above reservation, constructions necessary for shelter of mining apparatus and storage of minerals might be permitted within those limits on sites to be approved by common agreement between the Commanders of cruizers of two nations. Would your Government suggest wording of Article in this sense?

No. 9.

Governor Sir J. Glover to the Earl of Derby.—(*Received February* 12.)

(Telegraphic.) *February* 11, 1885.

BUILDINGS within prescribed limits in harbours not tinted red on Map shall be understood to mean all constructions necessary for mining operations, such as shelters for mining apparatus and stores for minerals, but not dwellings, which are not permitted within the said limits.

No. 10.

Colonel Stanley, M.P., to the Officer administering the Government of Newfoundland.

Sir, *Downing Street, January* 26, 1886.

IN his despatch to the late Governor of Newfoundland of the 12th June, 1884,† my predecessor transmitted a copy of the Arrangement signed at Paris on the 26th April of that year, for the regulation of the Newfoundland fisheries, and for settling the difficult questions connected therewith.

Lord Derby in that despatch explained the rights enjoyed by the French under the Treaties in force bearing upon the question; he described the various attempts made from time to time to settle the points in dispute between the Governments of France and Great Britain, and showed the advantages offered by the Arrangement then forwarded as compared with the terms contemplated in all previous proposals for a settlement.

The British Commissioners who attended the Commission in Paris proceeded, as you aware, to St. John's at the same time with the despatch, in order to offer any explanations which the Government of Newfoundland might desire to receive upon the subject of the Arrangement, which was one which Her Majesty's Government regarded not only as most advantageous to the interests of the Colony, but also as affording a means of avoiding the recurrence of those irritating questions which had so constantly arisen, and as calculated to diminish greatly the risk of any conflicts between the fishermen of the two nations.

During their visit to Newfoundland the British Commissioners were in constant

* No. 6. † No. 1.

communication with the Colonial Government, whose consideration of the Arrangement resulted in a Minute of Council, dated the 15th July, 1884, in which they stated that the Colonial Legislature, as well as the Executive, would be animated by a desire to meet, as far as possible, the views of Her Majesty's Government regarding a satisfactory settlement, but they urged that certain modifications should be made in the Arrangement which would tend materially to commend it to the favourable consideration of both Houses of the Colonial Legislature. The modifications they desired were the following:—

That the Arrangement should contain a provision allowing the erection of wharves and buildings necessary for working mines and for shipping purposes in those harbours of the coast of Newfoundland not tinted red on the Map accompanying Article II of the Arrangement, the sites to be determined by the British and French Commanders of cruizers on the coast, and that Article XVII of the Arrangement should be modified to this extent, viz., that the guardians indicated should be limited to one French guardian and his family for each harbour, for the purpose of taking care of French property during that portion of the year when the French are obliged by Treaty to be absent from the coast.

With regard to this latter point, the Colonial Government subsequently agreed that in large harbours two French guardians should be allowed.

In reply to the Governor's despatch forwarding this Minute of Council to the Secretary of State, Lord Derby informed the Governor that he had read the Minute with satisfaction, and that Her Majesty's Government would use their best endeavours to procure the acceptance by the French Government of the modifications in the Arrangement which were suggested.

Negotiations with this object were subsequently resumed by the same Commission, and my predecessor informed the Governor of Newfoundland, by his telegram of the 31st January, that there appeared to be every prospect of obtaining the modification in respect of guardians suggested by the Colonial Government, and a modification with regard to wharves, as worded in following draft Article to follow Article II; "As often as and notwithstanding the prohibition stipulated at the end of the second paragraph of the preceding Article, and in the case in which a mine shall be discovered in the vicinity of any one of the parts of the coast comprised in the Statement annexed to the present Arrangement, the Government of the French Republic engages not to raise any objection against the persons interested enjoying for the working of such mine facilities compatible with the free exercise of the French fishery. With this object a wharf may be constructed on a point of the coast to be specified by common agreement between the Commanders of the cruizers of the two nations, all the buildings necessary for the working of the mine, of whatever description they may be, storehouses, magazines, workmen's houses, &c., shall be erected in that part of the territory situated beyond the limits specified in the annexed Statement. They may be connected to the wharf by one single railroad of one or two lines, no construction other than that of a wharf, and the railroad above mentioned shall, in conformity with the last stipulation of the second paragraph of the preceding Article, be erected on that part of the coast set aside for the fishing within the limits fixed in the annexed Statement."

In reply, the Secretary of State was informed by the Governor's telegram of the 5th February, 1885, that the Colonial Government considered that the proposed alteration of the modifications suggested by them with regard to wharves and buildings, in case of discovery of mines in neighbourhood of portion of coast comprised in the Statement referred to would prohibit the working of mines within the limits mentioned in Arrangement, and that buildings of certain description were quite indispensable to working in mines. The Governor added that a favourable reception of the Arrangement of the 26th April by the Legislature would be seriously affected by these restrictions, and that the Colonial Government were most desirous of co-operating with Her Majesty's Government in settling the matter.

After some further telegraphic communication the Colonial Government explained by telegram that they wished it to be understood that the buildings which should be allowed in harbours not tinted red on the Map which accompanied the Arrangement of the 26th April, 1884, should be all constructions necessary for mining operations, such as shelters for mining apparatus and stores for minerals, but not dwellings; which were not to be permitted within the said limits,

Since the date of this telegram negotiations have proceeded with the French Government which I am happy to inform you have resulted in the requirements of the Government of Newfoundland being substantially conceded, although not in such general terms as those desired by the Newfoundland Government.

I now inclose a copy of an Arrangement which was signed at Paris by Sir Clare Ford

and Mr. Pennell representing this country, and by M. Jagerschmidt and Admiral Bigrel representing France, on the 14th November last. This Arrangement supersedes that signed on the 26th April, 1884, which has been cancelled by the instrument of which a copy is annexed.

The stipulations which have been inserted with a view of giving effect to the wishes of the Government of Newfoundland with regard to the erection of constructions necessary for the working of mines on those portions of the coast not tinted red on the Map which accompanies the Arrangement, and to the limitation of the number of French guardians, are contained in Articles III and XVIII.

Article III, in the opinion of Her Majesty's Government, allows all such facilities for the working of mines and for the construction of the necessary wharves, shelters, and storehouses, on those portions of the coast to which that Article refers, as can reasonably be expected, and as are compatible with the free exercise by the French of their fishery rights in those localities.

Article XVIII carries out the views of your Government in regard to the limitation of the number of guardians to be allowed for the guardianship of the French establishments out of the fishing season.

Bearing in mind the restrictions which have hitherto interfered with the development of the mineral and other resources of Newfoundland, the provisons contained in the Arrangement cannot but be regarded by your Government as of the greatest value.

The Arrangement now transmitted to you differs from that of the 26th April, 1884, only in the particulars above referred to (except that in Article XX Article XVIII has been included among the exceptions to those Articles applicable to the fishing season only), and the despatch from my predecessor of the 12th June, 1884, which forwarded that Arrangement, deserves again at the hands of your Government a careful study in connection with the new Arrangement now transmitted to you.

Her Majesty's Government trust that the efforts which have been made in the course of the recent negotiations to arrive at such a settlement of the Fishery question as would admit of the development of the resources of the Colony of Newfoundland on those parts of the coast where the French have fishery rights, whilst at the same time in no way curtailing the existing fishery rights of either British or French subjects on those coasts, will be duly appreciated by the Government and Legislature of Newfoundland.

I may state that in the course of the recent negotiations the British Commissioners drew the attention of their French colleagues to the difficulties attending the traffic in spirituous liquors between French fishermen and the inhabitants of Newfoundland; their representations on this subject have resulted in an undertaking being given by the French Commissioners on the part of their Government to the effect that, immediately after the ratification of the Arrangement of the 14th November, 1885, instructions will be addressed to the Commandant of the Colony of St. Pierre and Miquelon for the prohibition to schooners and boats fitted out there for fishing purposes to ship a greater amount of spirituous liquors than is deemed necessary for the requirements of the crew. The French Commissioners have also declared that after the exchange of the ratifications of the Arrangement the Government of the French Republic will not raise any objection to the establishment of a British Consulate at St. Pierre.

I inclose a *note verbale* which was delivered by the French Commissioners to the British Commissioners relating to these two points at the last meeting of the Commission at Paris.

Your Government will no doubt attach due weight to the importance of these undertakings on the part of the French Government.

I inclose copies of communications which have been addressed to the British Commissioners by the Marquis of Salisbury and by this Department, conveying to them the appreciation of Her Majesty's Government of the services which they have rendered during the course of their negotiations.*

You will lay this despatch before your Ministers with the expression of the strong hope of Her Majesty's Government that the Arrangement now concluded will be found acceptable to them as well as to the Legislature of Newfoundland, to whom they will be so good as to submit it at the earliest opportunity, with a view to the necessary Laws being passed to enable the Arrangement to come into force at the commencement of the next fishery season.

I have, &c.
(Signed) FRED. STANLEY.

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* Not printed

Inclosure 1 in No. 10.

Arrangement signed at Paris, November 14, 1885, *relating to the Newfoundland Fisheries Question.*

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

LES Commissaires soussignés, délégués par les Gouvernements de la Grande-Bretagne et de la France, à l'effet de rechercher, en dehors des Traités actuellement en vigueur qu'ils n'avaient mission ni de modifier, ni d'interpréter, les moyens de prévenir et de régler les contestations relatives à l'exercice de la pêche sur les côtes de Terre-Neuve, ont arrêté d'un commun accord, sous réserve de l'approbation de leurs Gouvernements respectifs, les dispositions suivantes :—

ARTICLE I.

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

ARTICLE I.

Le Gouvernement de Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande s'engage à se conformer aux dispositions ci-après pour assurer aux pêcheurs Français, en exécution des Traités en vigueur et particulièrement de la Déclaration de 1783, le libre exercice de leur industrie sur les côtes de Terre-Neuve sans gêne ou obstacle quelconque de la part des sujets Britanniques.

ARTICLE II.

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

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

ARTICLE II.

Le Gouvernement de la République Française s'engage, de son côté, en échange de la sécurité accordée aux pêcheurs Français par l'application des dispositions contenues dans le présent Arrangement, à n'élever aucune protestation contre la création des établissements nécessaires au développement de toute industrie autre que celle des pêcheries, sur les parties de la côte de Terre-Neuve comprise entre le Cap Saint-Jean et le Cap Raye, qui sont teintées en rouge sur la Carte ci-annexée, et qui ne figurent pas dans l'État, également ci-annexé, comprenant les portions de territoire auxquelles ne s'applique point le présent paragraphe.

Il s'engage également à ne pas inquiéter les sujets Anglais résidents, à l'égard des constructions actuellement établies sur le littoral compris entre le Cap Saint-Jean et le Cap Raye, en passant par le nord. Mais il n'en sera point établi de nouvelles sur les parties du littoral comprises dans l'État mentionné au paragraphe précédent.

ARTICLE III.

Notwithstanding the prohibition stipulated at the end of the second paragraph

ARTICLE III.

Nonobstant l'interdiction stipulée à la fin du second paragraphe de l'Article précé-

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

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

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

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

No construction other than the wharf, the railway, and the shelters and storehouses above mentioned, can, in conformity with the last stipulation of the second paragraph of the preceding Article, be erected on the part of the coast set aside for fishing in the limits fixed in the annexed Statement.

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

dent, dans le cas où une mine serait découverte dans le voisinage d'une des parties du littoral comprises dans l'État annexé au présent Arrangement, le Gouvernement de la République Française s'engage à ne point s'opposer à ce que les intéressés jouissent, pour l'exploitation de la dite mine, des facilités compatibles avec le libre exercice de la pêche Française.

A cet effet un embarcadère (wharf) pourra être établi sur un point de la côte désigné, d'un commun accord, par les Commandants des croiseurs des deux pays.

Les constructions nécessaires à l'exploitation de la mine, telles que maisons d'habitation, ateliers, entrepôts, &c., seront élevées sur la partie du territorire située en dehors des limites fixées dans l'État ci-annexé pour l'exercice de la pêche Française. Elles seront reliées à l'embarcadère par une seule et unique ligne de chemin de fer à une ou deux voies.

Afin de faciliter les opérations de chargement et de déchargement, des abris et des magasins pourront, néanmoins, être construits des deux côtés de la voie ferrée pour le dépôt provisioire du minerai et du matérial de la mine, sur un espace qui ne pourra excéder 15 mètres de chaque côté de la voie, le dit espace devant être entouré d'une haie ou clôture quelconque.

Aucun établissement autre que l'embarcadère, le chemin de fer, ainsi que les abris et magasins susmentionnés, ne pourra, conformément à la disposition finale du second paragraphe de l'Article précédent, être créé sur la partie du littoral réservée à la pêche dans les limites fixées dans l'État ci-annexé.

Les dispositions du présent Article s'appliqueront également à l'exportation d'une mine en dedans de ces limites, à la condition qu'il ait été préalablement constaté, d'un commun accord, par les Commandants des croiseurs des deux pays, que l'exploitation de cette mine ne sera pas de nature à entraver le libre exercice de la pêche Française

Article IV.

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

Article IV.

Il est entendu que les Français conserveront dans sa plénitude sur toutes les parties de la côte comprise entre le Cap Saint-Jean et le Cap Raye et tel qu'il est défini par les Traités, le droit de pêcher, sécher, préparer le poisson, &c., ainsi que celui de couper, partout ailleurs que dans les propriétés closes, le bois nécessaire pour leurs échafaudages, cabanes, et bâtiments de pêche.

ARTICLE V.

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

ARTICLE VI.

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

ARTICLE VII.

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

ARTICLE VIII.

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

ARTICLE IX.

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

With this object the Commanders of French cruizers may address to the offending parties the necessary warnings, and in case of resistance take their fishing implements in order to place them on shore or

ARTICLE V.

La surveillance et la police de la pêche seront exercées par des bâtiments de la marine militaire des deux pays, dans les conditions ci-après déterminées, les Commandants des croiseurs ayant seuls, dans ces conditions, autorité et compétence dans toutes les affaires concernant la pêche et les opérations qui en sont la conséquence.

ARTICLE VI.

Les navires ou bateaux de pêche Anglais et Français seront enregistrés, suivant les Règlements administratifs du pays auquel ils appartiennent et devront porter, d'une manière apparente, des marques distinctives permettant de constater, à distance, leur identité. Les capitaines, maîtres, ou patrons seront porteurs de documents justificatifs de la nationalité de leurs navires ou bateaux.

ARTICLE VII.

Les Commandants des croiseurs de chaque nation se signaleront mutuellement les infractions aux Règles établies par l'Article précédent qui seraient commises par les navires ou bateaux de l'autre nation.

ARTICLE VIII.

Les bâtiments croiseurs des deux pays seront compétents pour constater toutes les infractions aux Traités actuellement en vigueur et notamment à la Déclaration de 1783, aux termes de laquelle les sujets Britanniques ne doivent "troubler, en aucune manière, par leur concurrence, la pêche des Français pendant l'exercice temporaire qui leur est accordé sur les côtes de Terre-Neuve."

ARTICLE IX.

Sur la plainte des pêcheurs Français ou sur leur demande tendant à pouvoir user de leur droit de pêche, les Commandants des bâtiments croiseurs Anglais s'opposeront, et, s'il n'y a aucun croiseur Anglais en vue, les Commandants des croiseurs Français pourront s'opposer à toute opération de pêche des sujets Britanniques qui gênerait l'industrie des dits pêcheurs Français; ils éloigneront les bateaux ou navires qui seraient un obstacle à cette industrie.

A cet effet, les Commandants des bâtiments croiseurs Frànçais, pourront adresser à la partie en cause les injonctions nécessaires, et prendre, en cas de résistance, les engins de pêche pour les déposer à terre ou

to give them up into the hands of the Commanders of Her Britannic Majesty's cruizers.

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

les remettre entre les mains des Commandants des croiseurs de Sa Majesté Britannique.

Dans le cas où il n'en résulterait aucune gêne pour les pêcheurs Français, et où il n'y aurait ni plainte ni demande de leur part tendant à pouvoir user, sans difficulté, de leur droit de pêche, les Commandants des croiseurs Français ne s'opposeront pas à l'exercice de la pêche par les sujets Britanniques.

Article X.

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

In the latter case the report shall be admitted in evidence in the judicial proceedings to be taken thereon by the Commanders of Her Majesty's cruizers in the exercise of their functions as Justices of the Peace.

Article X.

Dans le cas où des résidents gêneraien ou troubleraient à terre, par les actes, le séchage et la préparation du poisson et, en général, les diverses opérations qui sont la conséquence de l'exercice de la pêche Française sur la côte de Terre-Neuve, un procès verbal de constatation du dommage causé sera dressé par les Commandants des bâtiments croiseurs de Sa Majesté Britannique et, en leur absence, par les Commandants des croiseurs Français.

Dans ce dernier cas, le procès-verbal fera foi, pour la justice à rendre, en leur qualité de Magistrats, par les Commandants des croiseurs de Sa Majesté Britannique.

Article XI.

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

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

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

Should the matter appear to be of sufficient gravity to justify such a step, the Commander of the cruizer of the nationality to which the plaintiff belongs shall have the right, if no cruizer of the nationality to which the offender belongs be in sight, to

Article XI.

Si un délit est commis ou un dommage causé, les Commandants des bâtiments croiseurs de la nationalité du délinquant et, en leur absence, les Commandants des bâtiments croiseurs de la nationalité du plaignant apprécieront la gravité des faits parvenus à leur connaissance et constateront le dommage éprouvé par la partie plaignante.

Ils dresseront, s'il y a lieu, et suivant les formes usitées dans leur pays, procès-verbal de la constatation des faits telle qu'elle résultera tant des déclarations des parties intéressées que des témoignages recueillis.

Ce procès-verbal fera foi, pour la justice à rendre, dans les limites de leur compétence, par les Commandants des croiseurs de la nationalité du délinquant.

Si le cas lui semble assez grave pour justifier cette mesure, le Commandant du bâtiment croiseur de la nationalité du plaignant aura le droit, s'il n'y a en vue aucun croiseur de la nationalité du délinquant, de s'assurer soit de la personne du dit délin-

secure either the person of the offender or his boat in order to give them up into the hands of the Commanders of the cruizers of the nationality to which they belong.

ARTICLE XII.

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

ARTICLE XIII.

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

ARTICLE XIV.

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

ARTICLE XV.

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

ARTICLE XVI.

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

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

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quant, soit de son bateau, pour les remettre entre les mains des Commandants des bâtiments croiseurs de leur nationalité.

ARTICLE XII.

Les Commandants des bâtiments croiseurs Anglais et Français devront, dans la limite de leur compétence, faire droit, d'urgence, aux plaintes dont ils seront saisis, soit directement par la partie intéressée, soit par l'entremise des Commandants des croiseurs de l'autre nation.

ARTICLE] XIII.

La résistance aux prescriptions ou injonctions des Commandants des bâtiments croiseurs chargés de la police de la pêche ou de ceux qui agissent d'après leurs ordres, sera, sans tenir compte de la nationalité du croiseur, considérée comme résistance envers l'autorité compétente pour réprimer le fait incriminé.

ARTICLE XIV.

Lorsque le fait incriminé ne sera pas de nature grave, mais que, néanmoins, il aura occasionné des dommages, les Commandants des bâtiments croiseurs pourront concilier les intéressés et fixer l'indemnité à payer, s'il y a consentement des parties en cause.

ARTICLE XV.

Le Gouvernement Français renonce, pour ses nationaux, à la pêche du saumon dans les cours d'eau et ne se réserve la pêche de ce poisson qu'en mer et à l'embouchure des rivières jusqu'au point où les eaux sont salées ; mais il est interdit d'établir des barrages fixes pouvant empêcher la navigation intérieure ou la circulation du poisson.

ARTICLE XVI.

Les pêcheurs Français seront exempts de toute taxe pour l'introduction, dans la partie de l'Ile de Terre-Neuve comprise entre le Cap Saint-Jean et le Cap Raye, en passant par le nord, de tous objets, matières, vivres, &c., nécessaires à leur industrie, à leur subsistance, et à leur établissement temporaire sur la côte de cette possession Britannique.

Ils seront également, dans cette même partie de l'Ile, affranchis de tout droit de phare, de port, ou autre droit de navigation.

Article XVII.

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

Article XVII.

Les pêcheurs Français auront le droit d'acheter la boitte, hareng, et capelan, à terre ou à la mer, dans les parages de Terre-Neuve, sans droits ni entraves quelconques, postérieurement au cinquième jour d'Avril de chaque année et jusqu'à la fin de la saison de pêche.

Article XVIII.

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

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

Article XVIII.

L'emploi de sujets Français, à raison d'un gardien avec sa famille par port (harbour), est autorisé pour la garde des établissements Français en dehors de la saison de pêche.

Dans les ports (harbours) d'une grande étendue où les établissements temporaires des Français seront trop distants l'un de l'autre pour permettre à un seul gardien de surveiller les établissements, la présence d'un second gardien, avec sa famille, sera autorisée.

Article XIX.

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

The articles saved shall be restored to the owners thereof or to their representatives by means of the above-mentioned competent authorities, the interest of the salvors being previously guaranteed.

The indemnity to be paid to the salvors shall be fixed in accordance with the law of the respective countries in such matters.

Article XIX.

Tout bateau de pêche, tout canot, tout objet d'armement ou de gréement de bateau de pêche, tout filet, ligne, bouée, ou engin quelconque, qui aura été trouvé ou recueilli, devra, aussitôt que possible, être remis aux autorités compétentes de la nation du sauveteur.

Les objets sauvés seront rendus aux propriétaires ou à leurs représentants par les soins des dites autorités compétentes et sous réserve de la garantie préalable des droits de sauveteurs.

L'indemnité à payer aux sauveteurs sera fixée suivant la législation de leur pays.

Article XX.

The provisions of the present Arrangement, with the exception of those contained in Articles I, II, and XVIII, shall be applicable solely for the time during which the Treaties accord to the French the right of fishing and drying their fish.

Article XX.

Les dispositions du présent Arrangement, à l'exception de celles des Articles I, II, et XVIII, seront applicables uniquement pendant le temps durant lequel les Traités accordent aux Français le droit de pêcher et de sécher le poisson.

In faith of which the undersigned Commissioners have drawn up the present Arrangement, subject to the approval of their respective Governments, and have signed the same.

Done at Paris, in duplicate, the 14th November, 1885.

(Signed) FRANCIS CLARE FORD.
EDMUND BURKE PENNELL.

En foi de quoi les Commissaires soussignés ont dressé le présent Arrangement, sous réserve de l'approbation de leurs Gouvernements respectifs, et y ont apposé leur signature.

Fait à Paris, en double expédition, le 14 Novembre, 1885.

(Signé) CH. JAGERSCHMIDT.
T. BIGREL.

Inclosure 2 in No. 10.

Statement annexed to the Arrangement of the 14th November, 1885, respecting the Newfoundland Fisheries, in execution of Article II of the said Arrangement.

Etat annexé à l'Arrangement du 14 Novembre, 1885, relatif aux Pêcheries de Terre-Neuve, en exécution de l'Article II du dit Arrangement.

WEST SIDE.

(From Cape Ray to Cape Norman.)

1. COD ROY Island. On the mainland opposite, that portion of the coast situated between the two perpendicular lines drawn from the extremities of the island in the general direction of the coast;

2. Red Island;

3. That portion of the coast situated between Cape Cormoran and the west point of Pic Denis Harbour in the Bay of Port-à-Port on the west;

4. The small islands situated in the Bay of Port-à-Port, together with those which close it on the north;

5. That portion of the coast situated between Bear Cove ("l'Anse-à-l'Ours") and the foot of the Mountain Blow-me-down;

6. Governor's Island, the Islands of Guernsey, Tweed, the two Shags, the Pearl, and Green Island;

7. That portion of the coast which borders the Harbour des Roches;

8. Stearing Island and the adjacent coast from the latitude of the northern point of Stearing Island to the foot of a perpendicular line drawn down from Cape Pointu on the coast, following the sinuosities of the Peninsula of Cow Head ("la Tête de Vache");

9. That portion of the coast comprised between a point situated at a distance of 3 miles to the south of the mouth of the River Ponds and the latitude of the northern part of Savage Island following the sinuosities of the Peninsula of Port-au-Choix;

10. All those islands situated within the Bay of St. John;

11. That portion of the coast situated between Castor Point (at the southern entrance of the bay) and the northern point of the entrance of Savage Cove (Anse aux Sauvages);

CÔTE OUEST.

(Du Cap Raye au Cap Normand.)

1. L'ILE de Cod Roy. Sur la grande terre qui fait face, la partie de la côte comprise entre les deux perpendiculaires menées des extrémités de l'île sur la direction générale de la côte;

2. L'Ile Rouge;

3. La partie de la côte comprise entre le Cap Cormoran et la pointe ouest du Havre du Pic Denis dans la baie de l'ouest de Port-à-Port;

4. Les îlots situés dans la Baie de Port-à-Port, ainsi que ceux qui la ferment au nord;

5. La partie de la côte comprise entre l'Anse-à-l'Ours ("Bear Cove") et le pied de la Montagne Blow-me-down;

6. L'Ile du Gouverneur, les Iles de Guernesey, Tweed, les deux Shag, la Perle, et l'Ile Verte;

7. La partie de la côte autour du Havre des Roches;

8. L'Ile Stearing et la côte adjacente, depuis la latitude de la pointe nord de l'Ile Stearing jusqu'au pied de la perpendiculaire abaissée du Cap Pointu sur la côte, en contournant la presqu'île de la Tête de Vache;

9. La partie de la côte comprise entre un point situé à 3 milles au sud de l'embouchure de la Rivière Ponds et la latitude de la partie nord de l'Ile des Sauvages, en contournant la presqu'île de Port-au-Choix;

10. Toutes les îles situées dans la Baie de Saint-Jean;

11. La partie de la côte comprise entre la pointe des Castors (entrée sud de la baie) et la pointe nord de l'entrée de l'Anse aux Sauvages;

12. All those islands situated along that portion of the coast mentioned in the preceding paragraph (No. 11).

12. Toutes les îles qui se trouvent le long de la portion de côte mentionnée au paragraphe 11.

EAST SIDE.

(From Cape Norman to Cape St. John.)

1. That portion of the coast situated between the extremity of Shallow Bay and the foot of the hill on which the lighthouse is placed, as well as all those islands which border the west side of Pistolet Bay;

2. That portion of the coast situated between the mouth of Parker River in Pistolet Bay and Partridge Point, inclusive of the Island of Quirpon and all the islands adjacent;

3. The entire circumference of the bays and of the shores situated between the northern entrance of Griquets Bay and the west point of the entrance of Outardes Harbour;

4. Those islands adjacent to that portion of the coast;

5. That portion of the coast situated between the west point of the entrance of Maiden Arm (Havre de la Tête de Mort) and a point situated to the south of Conche according to the latitude of the Point des Renards;

6. The group of Islands Fichot, St. Juliens, the southern part of Belle Isle South, up to the parallel of the southern point of Green Island, and all the little islands adjacent to the portion of coast described in paragraph No. 5;

7. The circumference of Boutitou Harbour;

8. That portion of the coast commencing from Aiguillette Point turning round the Bras de Bides as far as the western entrance of the Bras de Bides, inclusive of the islands adjacent;

9. That portion of the coast commencing from the west entrance of Canary Gulf, and, following the coast, terminating at the southern entrance of Hooping Harbour;

10. That portion of the coast following the sinuosities of the following bays—Fourché, Orange, Great and Little Calves;

CÔTE EST.

(Du Cap Normand au Cap St. Jean.)

1. La partie de la côte comprise entre le fond de la Baie Shallow et le pied de la colline sur laquelle le phare est élevé, ainsi que toutes les îles qui bordent à l'ouest la Baie du Pistolet;

2. La partie de la côte comprise entre l'embouchure de la Rivière Parker, dans la Baie du Pistolet, et la Pointe Partridge, en comprenant l'Ile du Kirpon et toutes les îles adjacentes;

3. Tout le contour des baies et des plages comprises entre l'entrée nord de la Baie des Griquets et la pointe ouest de l'entrée du Havre aux Outardes;

4. Les îles adjacentes à cette portion de côte;

5. La partie de la côte comprise entre la pointe ouest de l'entrée du Havre de la Tête de Mort (Maiden Arm) et le point situé au sud de la Conche par la latitude de la Pointe des Renards;

6. Le groupe des Iles Fichot, St. Juliens, la partie méridionale de Belle-Ile du Sud jusqu'au parallèle de la pointe sud de l'Ile Verte, et tous les îlots adjacents à la portion de côte délimitée au paragraphe 5;

7. Le périmètre du Havre de Boutitou;

8. La partie de la côte partant de la Pointe de l'Aiguillette, contournant le Bras de Bides, jusqu'à l'entrée ouest du dit Bras et comprenant toutes les îles adjacentes;

9. La partie de la côte commençant à l'entrée ouest du Gouffre des Canaries, et venant, en suivant la côte, se terminer à l'entrée sud de la Baie sans Fond (Hooping Harbour);

10. La partie de la côte suivant les sinuosités de chacune des baies—Fourché, Orange, Grandes et Petites Vaches;

NEWFOUNDLAND.

FISHERIES COMMISSION.

1884 – 1885.

Map annexed to the Arrangement of 14th November 1885 relative to the Newfoundland Fisheries in execution of Article 2 of the said Arrangement.

EXPLANATION.

The portions of the Coast tinted in red are those in respect of which the Government of the French Republic engages not to raise any objection to the formation of Establishments necessary to the development of every industry other than that of the fisheries.
The French retain here in full the right, as it is defined by Treaty, of fishing, drying and curing their fish, &c. as well as of cutting wood in all parts, except on enclosed property, necessary for fishing stages, huts and fishing boats.

Done at Paris in duplicate the 14th November, 1885.

Signed, Francis Clare Ford.
" Edmund Burke Pennell

TERRE NEUVE.

COMMISSION DES PÊCHERIES.

1884 – 1885.

Carte annexée à l'arrangement du 14th Novembre 1885 relatif aux Pêcheries de Terre Neuve, en exécution de l'Art 2 du dit arrangement.

LÉGENDE.

Les parties du littoral teintées en rouge sont celles où le Gouvernement de la République Française, s'engage à n'élever aucune protestation contre la création des Etablissements nécessaires au developpement de toute industrie autre que celle des Pêcheries.
Les Francais y conservent dans sa plénitude, et tel qu'il est défini par les traites, le droit de pêcher, sécher et préparer le poisson, etc, ainsi que celui de couper, partout ailleurs que dans les propriétés closes, le bois nécessaire pour leurs échafaudages cabanes et bâtiments de pêche.

Fait à Paris en double le 14th Novembre, 1885.

Signed Ch. Jagerschmidt.
" T. Bigrel.

LABRADOR

Détroit de Belle Ile

C. Norman

Presqu'ile de la Chaloupe

C. Bauld

I. de Kirpon

Is. Blanches

Pr. Partridge

Be. des Grignets

Be. de St. Lunaire

Be. aux Outardes

Be. St. Meirn

C. St. Antoine

C. des Oies

Baie aux Lievres

C. Cormorandier

I. Fichot

C. Vent

Les Sœurs

L. de Croix

C. Rouge

C. des Renards

Belle Ile

Pointe de l'Aiguillette

Be. de Canada

Be. de Bouttiteu

Gouffre des Canards

C. Canada

Be. Hooping

Havre Fourche

Be. d'Orange

Petites Vaches

Le Petit Port Profond

Grandes Vaches

Iles Ste Barbe

C. Partridge ou Dain

C. du Chat

Be. Verte

C. St. Jean

Limite de la pêche française

Baie de Notre Dame

C. Fogo

C. Frechel

Baie des Exploits

Baie de Bonavista

C. Bona.

Baie de la Trinité

I. Random

Baie de la Conception

C. St. Francais

C. Spear

PENINSULE AVALON

C. Race

C. Freel

Baie de Plaisance

C. Ste Marie

Baie de Ste Marie

St. Pierre

Baie de Fortune

I. Merasheen

GOLFE ST. LAURENT

Baie Blanche

Grand Lac

Riv. Humber

Baie St. Georges

C. St. Georges

C. Anguille

C. de Raye

Limite de la pêche française

TERRE NEUVE

62° 60° 58° 56° 50° 48°

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11. That portion of the coast situated between Cape Partridge and the parallel of the southern point of the group of islands of Pot d'Etain (Coachman's Cove);

12. That portion of the coast situated on the east side of the Bay of Pines, and stretching from the 50th degree of latitude to the north point of that part of the bay;

13. Those small islands situated on the coast between the harbour of Fleur de Lys and Cape St. John, with the exception of Horse Islands (Les Isles Ste. Barbe);

14. That portion of the coast following the sinuosities of Paquet Harbour;

15. That portion of the coast situated between Cape Cagnet on the west and the east entrance of the Harbour of Scie.

The prohibition to erect new establishments on those portions of the coast mentioned in the present statement shall be applicable to a distance inland of 500 yards with regard to paragraphs numbered 7, 8, and 9 on the west coast, and to a distance of 800 yards with regard to all the other paragraphs, following the sinuosities of the coast.

It is understood that the distances of 500 and 800 yards are to be reckoned from high-water mark.

Done at Paris, in duplicate, the 14th November, 1885.

(Signed) FRANCIS CLARE FORD.
EDMUND BURKE PENNELL.

11. La partie de la côte comprise entre le Cap Partridge et le parallèle de la pointe sud du groupe des Iles du Pot d'Étain (Coachman's Cove);

12. La partie de la côte est de la Baie des Pins, s'étendant de la latitude de 50° jusqu'à l'extrémité nord de cette partie de la baie;

13. Les îlots adjacents à la côte, du Havre de la Fleur de Lys au Cap Saint-Jean, non compris les Iles Sainte-Barbe;

14. La partie de la côte contournant le Havre de Paquet;

15. La partie de la côte comprise entre le Cap Cagnet à l'ouest et l'entree est du Havre de la Scie.

L'interdiction d'élever des constructions nouvelles sur les parties de la côte mentionnées au présent État s'appliquera sur une profondeur de 500 yards pour les Nos. 7, 8, et 9 de la côte ouest, et sur une profondeur de 800 yards pour tous les autres paragraphes, en suivant les sinuositiés de la côte.

Il est entendu que les distances de 500 et de 800 yards sont comptées à partir de la limite de la pleine mer.

Fait à Paris, en double expédition, le 14 Novembre, 1885.

(Signé) CH. JAGERSCHMIDT.
T. BIGREL.

Inclosure 3 in No. 10.

Map.

Inclosure 4 in No. 10.

Procès-verbal de Clôture.

ON proceeding to sign the Arrangement dated this day, relative to the question of the Newfoundland fisheries, the undersigned Commissioners of Great Britain and France declare that the object of the said Arrangement is to replace the one which was signed by the same Commissioners on the 26th April, 1884, and which shall consequently be considered as null and void.

Procès-verbal de Clôture.

AU moment de procéder à la signature de l'Arrangement en date de ce jour relatif à la question des pêcheries de Terre-Neuve, les Commissaires soussignés des Gouvernements de Grande-Bretagne et de France déclarent que le dit Arrangement a pour objet de remplacer celui qui a été signé par les mêmes Commissaires le 26 Avril, 1884, et qui doit, en conséquence, être considéré comme nul et non avenu.

In faith of which the undersigned Commissioners have prepared the present procès-verbal de clôture, and have affixed their signature thereto.

Done in duplicate, at Paris, the 14th November, 1885.

(Signed) FRANCIS CLARE FORD.
EDMUND BURKE PENNELL.

En foi de quoi les Commissaires soussignés ont dressé le présent procès-verbal de clôture et y ont apposé leur signature.

Fait en double exemplaire à Paris le 14 Novembre, 1885.

(Signé) CH. JAGERSCHMIDT.
T. BIGREL.

Inclosure 5 in No. 10.

Note Verbale.

LES Délégués Anglais à la Commission des Pêcheries de Terre-Neuve ayant, au cours de la séance du 9 Décembre, 1884, signalé à leurs collègues les inconvénients de diverse nature qui résultent du trafic des spiritueux auquel les pêcheurs Français se livrent sur les côtes de l'Ile de Terre-Neuve, les Délégués Français ont appelé sur cet état de choses l'attention de leur Gouvernement.

M. le Ministre de la Marine s'est montré disposé à prendre les mesures nécessaires pour mettre un terme à ce trafic. Il a pensé qu'il suffirait, à cet effet, d'interdire, par voie d'instructions émanant de son Départément aux goélettes et bateaux armés à St.-Pierre, en vue de la pêche, d'embarquer une quantite de spiritueux supérieure à celle qui serait reconnue nécessaire pour les besoins de l'équipage.

Les Délégués Français ont, en conséquence, été autorisés par leur Gouvernement à éclarer que des instructions dans ce sens seront adressées au Commandant de la Colonie de St.-Pierre et Miquelon, immédiatement après la ratification par le Gouvernement de Sa Majesté Britannique de l'Arrangement signé à la date de ce jour pour le réglement de la question des pêcheries de Terre-Neuve.

D'autre part, et sur la demande qui leur en a été faite par les Délégués Anglais, ils ont également été autorisés à déclarer qu'après l'échange des ratifications sur le dit Arrangement, le Gouvernement de la République Française n'élèvera aucune objection contre la création d'un Consulat Britannique à St.-Pierre.

Paris, le 14 *Novembre*, 1885.

(Translation.)

THE British Delegates at the Newfoundland Fisheries Commission having pointed out to their colleagues during the sitting of the 9th December, 1884, the inconveniences of various kinds which result from the traffic in spirits carried on by the French fishermen on the coasts of the Island of Newfoundland, the French Delegates have called the attention of their Government to this state of affairs.

The Minister of Marine showed himself disposed to take the necessary measures for putting a stop to this traffic. He thought it would be sufficient, to this end, to forbid, by means of instructions issued from his Department, schooners and vessels equipped at St. Pierre with a view to fishing, to take on board a larger quantity of spirits than might be considered necessary for the wants of the crew.

The French Delegates have consequently been authorized by their Government to declare that instructions to this effect will be addressed to the Commandant of the Colony of St. Pierre and Miquelon immediately after the ratification by Her Britannic Majesty's Government of the Arrangement signed this day for the regulation of the Newfoundland Fisheries question.

Moreover, in accordance with the wish expressed by the British Delegates to that effect, they have been authorized to declare that, after the exchange of the ratifications of the said Arrangement, the Government of the French Republic will raise no objection to the creation of a British Consulate at St. Pierre.

Paris, November 14, 1885.

No. 11.

Administrator Carter to Earl Granville.

My Lord, *Government House, Newfoundland, March* 1, 1886.

I HAVE the honour to acknowledge the receipt of the Right Honourable Colonel Stanley's despatch of the 26th January last, inclosing papers and Maps in connection with the proposed Arrangement of French fisheries on the coast of Newfoundland.

Copies of the despatch, with the several inclosures and Maps, have been transmitted to the Executive, to be without delay laid upon the tables of both Houses of the Legislature.

There has not been time since the arrival of the mail to have personal communication with the members of the Executive on this important subject.

I have, &c.
(Signed) F. B. T. CARTER.

No. 12.

The Earl of Rosebery to Mr. Egerton.

Sir, *Foreign Office, March* 30, 1886.

THE French Ambassador called on me to-day, and stated that the object of his visit concerned the question of the Newfoundland fisheries.

His Excellency observed that he understood that whilst the opponents of the recent Arrangement in the Colonial Legislature did not intend to offer any direct opposition to it, they meant this very day to move the rejection of the clause relating to the purchase of bait. His Excellency had also heard that the people of Newfoundland were under an impression that the French were not much in earnest on this question, but he was instructed by his Government to use the strongest language on that point. The French Government had exhausted every concession in the matter; they had asked the people of Newfoundland, "Is that your very last word on the subject?" and they had received an affirmative reply. On that assurance being given they had agreed to the present proposal. If this were rejected nothing more could be done. The French Government, his Excellency added, would insist in that case on the strict observance of their Treaty rights.

His Excellency concluded his observations with the remark that he was about to seek an interview with Lord Granville, in order that he might make a similar representation to his Lordship upon this subject.

I am, &c.
(Signed) ROSEBERY.

No. 13.

Colonial Office to Foreign Office.—(Received June 7.)

Sir, *Downing Street, June* 7, 1886.

WITH reference to previous correspondence, I am directed by Earl Granville to transmit to you, to be laid before the Earl of Rosebery, printed copies of three despatches from the Governor of Newfoundland, and of a Report by Mr. Pennell, in connection with the fishery arrangements.

I am also to transmit a copy of a telegram since received from Sir William Des Vœux, from which it appears that Mr. Pennell may be expected home in a few days.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 13.

Governor Sir G. Des Vœux to Earl Granville.

My Lord, *Government House, Newfoundland, April* 27, 1886.

I HAVE the honour to inform your Lordship that a meeting of the Executive Council was held here yesterday, Mr. Pennell being present, at which I brought under notice the subject of the recent Arrangement between the Governments of England and France with reference to the fisheries of the Colony.

2. By way of introduction to the discussion which ensued, I gave a short summary of the circumstances which had led up to the present juncture. I said that Her Majesty's Government, with an anxious desire to settle once and for all a question which may be said to have been pending for more than a century, and which had frequently threatened serious international complications, after doing all that was practicable to ascertain the

views of the colonists, and after prolonged negotiations with the Government of France, had at length concluded a provisional Arrangement with that Power in April 1884. In order to consult the Colonial Government, and with a view to obtain clearly and finally the opinions of those most interested in the details of the arrangements, Her Majesty's Government had subsequently dispatched to the Colony the two Special Commissioners, who had ably conducted the negotiations on behalf of Great Britain. On the conclusion of their mission here, the then Executive Government of the Colony, by their Minute dated the 15th July, 1884, indicated their general approval of the Arrangement, and by suggesting certain modifications, gave it to be understood by implication that if these were obtained they would be prepared to give the Arrangement their support when brought before the local Legislature for final confirmation. After further negotiation with the Government of France the modifications in question had been substantially conceded, and it was naturally supposed that the Arrangement in its amended form would receive the full and loyal support of the Government of this Colony. Her Majesty's Government had naturally taken it for granted that there would be no departure here from what was a leading principle of responsible government in England, namely, that by which the successors of an Administration carry out its undertakings with the outside world, even when opposed to their own views of expediency. They could not have supposed beforehand that a change in the personnel of the Government would make any difference in the obligation to support the Arrangement, and it was therefore with much surprise and very great disappointment that they had learned of the present difficulty, which apparently threatened to nullify the Arrangement, and to render futile all the pains and labour which had been devoted to it.

In the earnest hope of overcoming this difficulty I would now ask them to state to me the objections which they took to the Arrangement; for while I was already aware of their general nature, it was desirable that I should have them before me officially.

3. In response to this invitation the Premier, Mr. Thorburn, after mentioning several minor objections, which were evidently regarded as of comparatively little importance, finally brought forward the principal one, which is in reference to the XVIIth clause, on the subject of the bait supply.

4. The representations made on this subject by him and other members were in effect these: That the bounties granted in aid of their fishermen by the French Government, together with the unfair advantage possessed by them not only in France but in the important market of Spain, were threatening serious disaster to the most important industry of the Colony, which was already in so depressed a condition that a large number of the people were in a condition of great distress and suffering; that there was a general belief among the people of the Colony that in withholding or checking the supply of bait there was a ready means of contracting this advantage on the part of their competitors, and they were therefore unwilling to give up what was regarded as the key of the position and the only available means of saving themselves from ruin. It was also urged that the feeling was so generally prevalent and so deeply rooted that it would be quite impossible for any Government to carry through the Legislature the Arrangement in question while it contained this Bait Clause, even if objections on other points were overcome. I further gathered from what was said that at the date of the favourable Minute of the former Government, the market price of fish was much higher than now, and the bounties were therefore comparatively little felt; but these now amounted to nearly 50 per cent. of the present reduced price, and thus gave an advantage against which competition could not be sustained.

5. In reply, after answering in detail the various minor objections which had been raised, and showing as regards the subject that every one of the colonists of Newfoundland would be in a better position than they were now even under the most favourable interpretation of the Treaties and the Declaration of His Majesty King George III, I then urged the following considerations with regard to the views expressed on the subject of the supply of bait:—

That Her Majesty's Government not only on various former occasions, but quite recently, had expressed its inability to sanction any measure prohibiting the sale of bait to the French, and there was not the least probability of this determination being in any way modified.

That apart from the unfriendliness of any other course with regard to a nation with which we were on terms of amity, this policy was clearly the wisest, even in the interests of Newfoundland itself.

Some thousands of the people of the Colony were almost entirely dependent for subsistence on the supply of bait to the French, so that the prohibition proposed would inflict upon them a ruinous injury, apart from the serious loss to the Colony of the 40,000*l.* to

50,000*l.* which is in this way annually added to the resources of the community. But great as this evil would be, it would be a comparatively trifling one compared with other results likely to follow an act of such unfriendly nature. It could not for a moment be supposed that the French Government would allow an industry to be destroyed which they had so frequently shown themselves to regard as of vital importance to the maintenance of their navy. It was admitted that even if the proposed prohibition was permitted, and was capable of being practically enforced, the French fishermen would be able to obtain all the bait they required from Treaty waters from the 20th April, and it was obvious that any disadvantage under which they would labour owing to this delay of about three weeks could be compensated by an addition to the bounty.

If this addition were to be only sufficient to place the fishermen in the same position as they were before the prohibition, the object of the latter would be entirely defeated, not to mention the harm done in embittering the relations of two peoples whose friendship was even more desirable here than elsewhere owing to their interests being brought so much in contact.

There was, however, a very great danger, indeed there was a very high probability, that the immediate result of such an ill-advised measure would be worse than this. Impelled by a desire not only of advancing the interests of their navy, and of their own people, but of bringing retribution upon a foreign Colony which had endeavoured to injure them, the French Government would in all probability make a larger addition to the bounties than that indicated, and in that case the industry of the British fishermen would, it was scarcely necessary to say, be destroyed altogether. For these reasons it was easy to see that the determination of Her Majesty's Government to permit no bait prohibition measure was not a merely arbitrary one, and dictated solely in Imperial interests, as was sometimes supposed, but was really and truly for the best interests of the Colony; and whether this was so or not, its very existence rendered futile the objection to the Bait Clause, while insistance upon this objection placed in serious peril the conclusion of an Arrangement which in all other respects was without any question very greatly to the advantage of the Colony.

For whatever might be the proper interpretation of the Treaties, the evils which had resulted from the standing doubts on the point had been practically as great as if the French view of them had been actually accepted.

By the acceptance of this Arrangement all of the most serious of these evils would come to an end, and leaving the Bait Clause out of consideration, all the other concessions under it were distinctly to the advantage of British interests.

On the other hand, beyond the gain which was shared by both nations in the settlement of a matter of long-standing dispute, the only advantage accruing to the French was the recognition of a right to purchase bait, which they had always enjoyed in practice. The French could not be expected to give up everything and to gain nothing in return, and the recognition, even if it were a greater disadvantage to us than it is, would be immeasurably outweighed by the removal of obstructions to the opening up of the Colony, and the other benefits accruing from the Arrangement. But, for reasons before given, the Bait Clause did not involve any disadvantage which was not likely to be suffered in much greater intensity if the sale of bait were prohibited; so that, in fact, in every single respect their interests pointed to the confirmation of the Arrangement as the best course open to them.

6. Finally, after describing the serious results which were likely to follow the rejection of the proposed Arrangement, which it is unnecessary to specify more particularly here, I pointed out the extremely difficult position in which Her Majesty's Government would be placed, as regards the Government of France, if the present Administration of Newfoundland were to fail to fulfil the obligation with regard to this Arrangement which had been incurred by their predecessors in office, and I urged in the strongest manner that both the credit and interest of Newfoundland required their loyal support to a Convention to which they would be regarded by the outside world as practically pledged.

7. Without going so far as to say that the members were convinced by what had been said, it was clear that it had considerable effect upon them; but it was also equally evident that the consideration uppermost in their minds was the impossibility of inducing a majority of the Members of the Legislature to take a view such as that which had been presented, strongly biassed as they were in the contrary direction, and at the same time stimulated to opposition by the violent language of the press, which in this respect, no doubt, represents the general opinion of the public.

8. The only immediate outcome of the meeting, therefore, was the adoption of a suggestion of the Premier that Mr. Pennell should be present at the next meeting of the

Parliamentary Committee which was considering the Arrangement, when he would have the opportunity of urging upon them the views which I had expressed.

9. My own attendance before the Committee, which was also suggested, did not appear to me advisable as being likely to defeat its object. For, however careful my language might be, it would be difficult to avoid the appearance of dictation, which, on the part of a Governor of a constitutionally-governed Colony, there is usually a not unnatural tendency to suspect and resent.

10. Judging from what I heard at this meeting, and from the opinions of colonists expressed elsewhere, I entertain but a very faint expectation that the Arrangement will be confirmed in entirety this Session.

11. If complete confirmation should prove to be out of the question, I propose to use every effort to obtain the approval of all the other Articles of the Arrangement, the Bait Clause being reserved for future consideration; and at the worst I can scarcely doubt of securing the postponement of the whole question, which, however undesirable, would be better than the absolute rejection of the Arrangement.

12. If the Government of France would consent to accept the undertaking of the British Government that sanction would never be given to any local bait sale prohibition measure, it appears to me, and in this Mr. Pennell agrees, that the Bait Clause might with advantage be omitted.

In that case I should have good hope of the confirmation of the Arrangement by the Legislature, and I should have no doubt on the point if, at the time the decision of the Members was asked, I was able to announce that Her Majesty's Government had obtained, or was certainly about to obtain, from the Spanish Government, the concession of most-favoured-nation treatment to British imports, thus relieving the products of this Colony from the very serious disadvantage under which they are now placed as compared to the French.

May 1, 1886.

13. Since the above was written Mr. Pennell has had two interviews with the Committee, and though he, I understand, made able use of all the arguments which his unsurpassed knowledge of the subject places at his disposal, they were, I fear, unavailing, as the minds of Members are evidently quite fixed in opposition to the Arrangement.

14. While I deeply regret this result, I cannot say, my Lord, now that I know all the circumstances, that I am altogether surprised at it.

15. The colonists believe that they are being ruined by the French, and they regard a measure of bait sale prohibition as the only means of escape. They recognize the probability of its disallowance by Her Majesty's Government, but say in fact that while their destruction is perhaps inevitable in any case, they must decline to commit suicide. If the market price of the colonial products were to rise, or if some substantial modification were to take place in respect of the advantages now possessed by the French, this rigid attitude would probably be modified; but in the absence of any such change in the situation, I fear that the attempt would be hopeless to obtain the consent of the Colony to any arrangement such as that proposed.

I have, &c.

(Signed) G. WILLIAM DES VŒUX.

Inclosure 2 in No. 13.

Governor Sir G. Des Vœux to Earl Granville.

My Lord, *Government House, Newfoundland, May* 11, 1886.

THE Resolutions which I have the honour to inclose were lately passed by the Legislative Council of this Colony, and were forwarded to Administrator Sir Frederick Carter with a request that they might be transmitted to your Lordship.

2. I do not deem it expedient at present to make any remark on the subject of these Resolutions beyond this, that they give expression to what is undoubtedly a very general feeling among the people of this Colony.

I have, &c.

(Signed) G. WILLIAM DES VŒUX.

Inclosure 3 in No. 13.

Resolutions of the Legislative Council of Newfoundland.

WHEREAS by Act 42 Vict., cap. 2, sec. 4, it is enacted that: The owners, masters, and other persons managing or controlling vessels conveying herrings in bulk between the 20th day of October in any year and the 18th day of April in the following year shall be deemed to have hauled, caught, or taken such herring contrary to the provisions of Chapter 102 of the Consolidated Statutes as amended by the said above-recited Act, 39 Vict., cap. 6, and by this Act, unless such owner, master, or other person aforesaid shall make proof to the contrary before a Justice of the Peace:

And whereas by the above-quoted Act our fishermen and ship-owners have been and practically are debarred from conveying herring for bait purposes from our shores before the 18th day of April in each year:

And whereas a very large number of the French fishing-vessels, amounting to over 100 sail, have, between the 1st and 12th days of April instant, entered harbours on the south-west part of our coast, where they possess no fishing privileges, and have procured herring and carried them away in bulk, thus defeating the intention of the said Act for the protection of the herring fishery, and doing that from which British vessels are debarred:

And whereas the most vital clause in the Arrangement between the English and French Governments, and the one to which the greatest importance is attached by the French, and which they are most urgent that the Legislature of Newfoundland should assent to is as follows:—

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

And whereas it is abundantly clear from the foregoing clause that both the English and French Governments, equally with this Colony, understand that at present the French have no right to obtain herring bait from this island before the 17th April:

Therefore, resolved, that this Council, considering the action of the French fishing fleet in this matter has been in violation of the clearest understanding of the rights of the Colony within its territorial waters, strenuously protest against the same, and request that his Excellency the Administrator in Council will be pleased to bring this evasion of our local Statutes to the notice of the Imperial Government, to the intent that Her Majesty's Government may make such representations to the Government of France as shall prevent a repetition of the acts complained of, and to which, if persisted in, this Colony will be compelled to offer every resistance within its power.

Passed the Legislative Council the 20th April, 1886.

(Signed) E. D. SHEA, *President.*

Inclosure 4 in No. 13.

Governor Sir G. Des Vœux to Earl Granville.

My Lord, *Government House, Newfoundland, May* 12, 1886.

IN my despatch dated the 27th April and 1st May I informed your Lordship of what had occurred up to that time from the date of my arrival in connection with the important Fisheries question now before the Legislature.

2. Since then the position has frequently changed, owing to efforts of various kinds to divert the adverse current of opinion, though I am scarcely able to say that it is much improved.

3. Some time last week the proposal was made in the Committee of the Legislature which is intrusted with the consideration of this subject to waive all the objections to the Arrangement, and to recommend its acceptance, if the French Government would pledge itself to abolish the bounties which are believed to be rendering destructive the competition with the fishery industry of this Colony. Though the chance of the abolition appeared to be small, unless such a measure had been already contemplated by the French Government, a rumour of there being an intention of the kind had reached here from French merchants interested in the maintenance of the bounties.

4. As this proposal appeared to afford the only chance of passing the Arrangement in its entirety, and the resulting discussion would at least delay the movement towards absolute rejection, I was anxious that the suggestion should come before the French Government in the form most likely to be acceptable. It seemed to me that while the French Government might possibly be induced to express an intention of doing what had been, or might appear to have been, already contemplated, while the ultimate decision of the question of the Arrangement here was still in doubt, they would certainly reject such a proposal if brought before them in the shape of a formal condition attached to the acceptance of the Arrangement by the Legislature.

5. I therefore endeavoured, through my Ministers, to secure an alteration of the proposal before the Committee, so that it should take the form of a Resolution to be forwarded to me expressing a willingness to recommend an acceptance of the Arrangement if, after communication with your Lordship, I should be able to obtain an assurance from the French Government of the kind described. Having with some difficulty attained this object, I was surprised and disappointed to hear that when the Resolution, in its altered form, was brought before the Committee, it was rejected, the adverse majority of one having in it a member of the Government whom I had every reason to suppose was favourable to the proposal, inasmuch as he had heard all my arguments on the subject without giving the least sign of dissent, and had left me in entire ignorance of his real views.

6. Under these unpromising circumstances, I felt that the only chance of success lay in an endeavour, by means of personal interviews with the individual members of the Committee, to obtain a change of opinion.

7. I was inclined to think this might have a successful result in the belief derived from what was being published on the subject, that much of the opposition encountered was due partly to a misconception of the facts of the situation, and partly to an exclusive regard of particular points of the Arrangement with the consequent failure to take a view embracing the whole question.

8. I have accordingly had several long interviews with various members of the Committee, and while I am not without hope that I have, in the case of most of them, succeeded in producing a modification of their views with regard to the whole question of the Arrangement, I have some reason for confidence that at the meeting of the Committee to be held to-day the minority with regard to the proposal on the subject of the bounties will be converted into a substantial majority favourable to a Resolution which, though somewhat altered in form (in deference to personal susceptibilities), is in its substance and object identical with the proposal previously rejected.

9. If the result of this meeting should be in accordance with my anticipation, I propose to telegraph to your Lordship the purport of the Resolution.

10. In the interval of delay which will probably occur before the answer of the French Government is received, I shall consider the possibility of making a last effort to induce the acceptance of the Arrangement in the very probable event of a rejection of the new proposal by the French Government. Though the deeply-seated prejudices and the curious ignorance which prevails generally on this subject do not permit me much hope of success, the substantial effect which has been produced upon individual Members of the Legislature within the last few days seems to suggest a possibility which, however slight, is sufficient to preclude absolute despair.

11. I have at least succeeded, with much difficulty, in bringing about unanimity among the Ministers on the proposal with regard to bounties, and I am not without hope that this consensus may eventually be extended to the expediency of accepting the Arrangement, even if the bounty proposal should prove ineffective.

I have, &c.

(Signed) G. WILLIAM DES VŒUX.

Inclosure 5 in No. 13.

Mr. Pennell to Colonial Office.

Government House, St. John's, Newfoundland,

(Extract.) *May* 12, 1886.

I HAVE the honour to acknowledge the receipt of your letter of the 10th April last, instructing me to proceed to Newfoundland on business connected with the

Arrangement which was signed at Paris on the 14th November, 1885, relating to the Newfoundland fisheries.

I have now to report, for the information of Earl Granville, that, in accordance with his Lordship's instructions, I left England by the mail-steamer leaving Liverpool on Tuesday, the 13th April, and arrived at St. John's on Thursday, the 22nd of that month.

On Monday, the 26th, a meeting of the Executive Council was held by the Governor, who requested me to attend. At this meeting the objections entertained by the Government and people of Newfoundland to the Fishery Arrangement were pointed out by the members of the Council, and have been reported upon by Sir William Des Vœux in a despatch, dated the following day, which he has been good enough to show me. At the conclusion of the meeting it was suggested that I should attend before the Joint Committee of the two Houses of the Legislature, and hear from them more fully the nature of those objections, and offer to the Committee the views of Her Majesty's Government in regard to them.

I accordingly attended the next meeting of the Committee, which took place on Wednesday, the 28th April, at which the various objections, with the exception of that relating to Clause XVII (the Bait Clause), taken to the Arrangement, were brought forward and discussed, the Bait Clause being reserved for separate discussion at a subsequent meeting. This meeting took place on Friday, the 30th, when the objections to the clause in question were fully set forth, and it became quite evident that there would be no possibility of inducing the Committee to accept this clause, whilst the present bounties given by the French Government for the encouragement of their fishery are continued.

I annex copies of three printed papers, showing the draft Reports and Resolutions which were before the Committee at the time of my arrival.

The Reports and Resolutions show the various objections entertained by the Committee to the terms of the Fishery Arrangement signed at Paris on the 14th November, 1885.

It will be seen that the principal objections entertained to the Arrangement have reference to—

1. What is thought to be the insufficient definition of the concurrent right of fishery on the part of British subjects with the French.
2. The powers given to the Commanders of French cruizers.
3. The provision allowing to the French the right to purchase bait.

The feeling among the members of the Committee, and generally amongst all members of the community here, against allowing the French this right, whilst the French Government continue to grant bounties on fish taken by French fishermen and exported to foreign markets, is so strong that there is not the slightest probability of the Arrangement passing the local Legislature unless this difficulty can be overcome.

This became amply apparent in the course of the proceedings of the Committee at which I attended, and, at the conclusion of the second day's proceedings, I asked the Committee to consider whether, if the French could be induced to substantially reduce the bounties now given after 1891, when the rates now fixed by law terminate, they would recommend the acceptance of the Arrangement on the understanding that the French Government would consent to Regulations being made by Her Majesty's Government for the guidance of the naval officers on the station in determining their action in regard to what should constitute an interruption to French fishermen on the part of British subjects, and that Her Majesty's Government would use their utmost endeavours to obtain from Spain the most-favoured-nation treatment for fish imported from Newfoundland.

On the second point above mentioned, viz., the adoption of Regulations for the guidance of the naval officers as to what should constitute an "interruption" of French fishery, I may observe that the French Consul had informed me that he had been authorized by his Government to state that they would consent to this course.

On the 30th April the Committee adjourned to consider the proposal which I had suggested. At a meeting held a few days later the Resolution marked (A) was proposed to be substituted for the Resolution at the end of the Report.

The Committee adjourned without coming to a decision on this proposal, and I subsequently had an opportunity of speaking to Mr. Harvey, the Chairman of the Committee, on the subject of it. I explained to him that Sir William Des Vœux and I thought that there was great objection to the above proposal being made as part of a Report to the House of Assembly, that it would look like a threat to the French if the acceptance of the Arrangement were conditionally agreed upon by the Legislature

in the manner proposed, and moreover that if the Report were now made to the Legislature and agreed to, the effect would be in all probability to postpone the Arrangement to some future time, whereas Her Majesty's Government were most anxious that it should be accepted during the present Session. I suggested to Mr. Harvey that the form in which we wished the matter to be dealt with was by a Resolution to the Governor under which he might act at once, and endeavour through Her Majesty's Government to obtain from the French the undertaking required, the Report to the Legislature being meanwhile suspended. The Resolution marked (B) was accordingly proposed at a meeting of Council held on the 5th instant. It was considered in a small Committee, and was defeated by a majority of one, the numbers being five to four, one of the members of the Government unfortunately voting against his party, and the Committee adjourned until to-day, the 12th instant.

In the meantime, the Governor yesterday held a meeting of his Executive Council, the outcome of which has been that a Resolution is to be put to the Committee to-day upon the same subject, and as it is expected that the Committee will be a full one, and as the Governor has recently had an opportunity of speaking to some of the members, who will now probably vote in its favour, it is expected that the Resolution will be carried by a good majority. The Resolution is inclosed, marked (C), and the result will be communicated to Lord Granville by telegraph.

I inclose newspapers showing the general feeling on the Arrangement in the Colony,* and also an extract from the "Tarif Officiel des Douanes de France," September 1885, giving particulars relating to the bounties granted by the French Government.

Inclosure 6 in No. 13.

Report.

THE Joint Select Committee appointed by the Legislative Council and the House of Assembly to consider the Arrangement proposed to be entered into by the Governments of Great Britain and France, relative to the Treaties between the two countries on the subject of the Newfoundland fisheries, beg to report that they have carefully considered all the stipulations contained therein.

It is apparent that the Imperial Government have strenuously endeavoured to carry out the suggestions that, from time to time, have been made to them by the Legislature and the Executive of this Colony.

Under this Arrangement mining and agricultural industries may be prosecuted by English subjects, and many important territorial rights, to the exercise of which the French have at different times objected, are by them conceded.

The Committee fully appreciate the endeavours made by the Imperial Government to carry out the views and advance the interests of Newfoundland evidenced by many of the clauses of the Arrangement; but the Committee have, after the most careful examination, arrived at the conclusion that it is quite impossible for the Legislature, having due regard to the position of affairs in this Colony, to agree to other conditions of the proposed Arrangement.

Among the objectionable stipulations the Committee would especially point out Clause XVII, whereby Newfoundland is called upon to surrender its right to restrict the export or sale of bait, thereby resigning the control of this the most vital necessity for the prosecution of the cod-fishery, and binding the Colony to furnish our bounty-fed rivals in the future with an unlimited supply of this important requisite, to enable them to drive out our most important staple from the markets of the world.

The Committee therefore recommend that the Legislature decline to assent to this Arrangement, and they append a statement of the present position of the bait question, and some suggestions for legislation thereon.

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* Not printed.

Inclosure 7 in No. 13.

Statement referred to in the Report of the Joint Select Committee on the Arrangement between Great Britain and France relative to the Newfoundland Fisheries.

THE three bait fishes with which most of the codfish on the Banks of Newfoundland and in deep waters in the vicinity of the island are caught—the herring, the capelin, and the squid—can be so much more advantageously taken in very shoal water than at greater depths, that practically supplies can only be obtained in the harbours and on the beaches of the Newfoundland coast.

One of the stipulations of the Treaty of Washington was that American vessels, fishing for cod, should have the right of taking these bait fishes on all the shores of Newfoundland; and, although they, as a rule, found it more advantageous to buy their bait from resident fishermen than to catch it for themselves, no privilege was so much availed of as the obtaining this supply of bait.

The evidence taken before the Halifax Commission showed the vast advantage of fresh bait in the prosecution of the cod-fishery on the Banks.

Until within the past four or five years the disastrous effect of supplying the French with bait has not been so apparent, because the French Bank fishery was almost entirely carried on by large ships fitted out in France, which took back nearly their whole catch to be consumed in that country—the small remainder left at St. Pierre finding its way to the French West Indies—and forasmuch as only French-caught fish was allowed under any circumstances to be imported into France, Newfoundland fish seldom, if ever, found it as a competitor in the markets which principally consumed our fish.

But this has been entirely changed during very recent years—the immense bounty given by France, averaging about 11 fr. per 112 lbs. (English) for all codfish exported from St. Pierre to countries outside France, has led to a vast development of a local St. Pierre fleet of small vessels, similar to the American, Nova Scotian, and Newfoundland bankers, to some extent at least owned not by French, but by American and English subjects, though sailing under the French flag. This large and constantly increasing fleet does not find sufficiently extensive markets in French territory for its catch, and thus is now competing with our staple in all the principal European markets. Fitting out more cheaply than our bankers, because obtaining supplies of all sorts almost free of duty at St. Pierre, using the same fishing-grounds, they obtain their supply of bait from our waters, and take their fish with every other advantage that we are possessed of. This fish is landed at St. Pierre, and on its export to Spain it receives from the French Government a bounty equivalent to some 10 fr. per English quintal. Furthermore, as Newfoundland is shut out, because of her British nationality, from the most-favoured-nation clause in the Spanish Tariff, the St. Pierre fish enters that market at about 2 fr. 40 c. lower duty than Newfoundland fish. The average price of Newfoundland fish in this island during last season may be taken to be about 16 fr. per 112 lbs.

It will be seen that the bounty and differential duty on St. Pierre fish (costing no more than ours), entering Spain, amount to nearly 12½ fr. per 112 lbs., equal to an addition of 78 per cent. on the prices obtained by our fishermen. What wonder that our fishing industry is becoming unremunerative, and that many of our fishermen are starving?

So much for the French. Let us now consider our position with regard to the Americans. Last year their vessels came on our shores fitted out as cheaply as our own; enjoyed the shelter of our harbours; obtained supplies of bait; fished on equal terms with our vessels; took their fish into American markets duty free, and taxed our exports from 16 to 25 per cent. on entering their markets, and they propose to repeat the operation during the current year.

It seems impossible that our chief industry can continue to thrive with such terrible odds against it. Does it seem wonderful that our revenues are failing, that our fishermen and merchants are becoming impoverished?

If we look round to see if there is any mode by which we can make this competition more even, or place ourselves more nearly on a level with our rivals, but one solution appears to suggest itself. If bait is of as much value as the French by their insistance on the supply being furnished them imply that it is, we may surely prohibit our own fishermen providing foreigners with the means to destroy our principal industry. We may surely say to the French that "We will sell no bait while you pay a bounty of three-quarters of the value of the fish to drive us out of all the open markets of the world." And to the Americans: "We will sell you no bait until you permit the fish, its

produce, when taken by our fishermen, to enter your markets on equal terms with your own."

The Petitions which have been referred to this Committee by the Legislature show that a large number of those who have been engaged in supplying bait to foreign fishermen, having seen the injury that is accruing to this Colony thereby, now ask that this traffic should be suppressed.

A portion of one district alone, that of Fortune Bay, appears to be desirous of continuing the trade in bait with St. Pierre, a trade which, so far as the imports thence to this Colony are concerned, has been to a large extent illicit; it has defrauded the revenue, increased the burden of taxation on honest traders, and demoralized those who have taken part in it.

The suggestion contained in the *note verbale* appended to the Arrangement, that if Newfoundland assents thereto a British Consul would be acknowledged at St. Pierre, might tend to lessen the evils of this illicit traffic; but it is not apparent why such an officer should be objected to in any case.

From these considerations the Committee recommend that an Act regulating the taking and export of bait fishes in the form hereto annexed should be passed by the Legislature, believing that it would not only benefit our own cod fishery and restore us some of the markets that are being wrested from us, but would bring to the notice of all affected by it the hardships under which this Colony is now labouring, and might possibly lead to some modification in the legislation of the countries at present so hostile to us.

Inclosure 8 in No. 13.

Resolutions reported from the Joint Select Committee of the House of Assembly and Legislative Council appointed to inquire into and report upon the proposed Concessions of Fishing Privileges to the French, under the Arrangement between the Imperial and French Governments, dated November 14, 1885.

WHEREAS Her Majesty's Government have recognized, in the most solemn manner, the jurisdiction of the Government of this Colony over the coastal fisheries and territory of Newfoundland and its dependencies, and have acknowledged that the said fisheries and territory cannot be alienated except by the local Legislature; and have by the Arrangement of 1885, made between France and Great Britain, concerning that part of our coasts whereon the French have certain fishery privileges, further recognized as essential to the validity of the said Arrangement its ratification by our local Legislature:

And whereas the future rights and privileges of British subjects in this island, and the permanent stability and maintenance of British interests in North America, are intimately implicated with the settlement of the present question upon the basis proposed:

And whereas the concessions made to the French by the said Arrangement would practically place them in possession of all the principal harbours on the coast between Cape Ray and Cape John, to the prejudice of the supremacy of England in her own waters, and to the entire exclusion of British fishermen from any of the fishing privileges of that coast:

And whereas the said Arrangement gives joint jurisdiction in matters criminal as well as civil, to the ignoring of our local Tribunals established on that coast, and to the disregarding of those principles and procedures to which, as British subjects, we are accustomed and entitled to in Tribunals of Justice:

And whereas the concessions in the said Arrangement to the French of landing their goods on our shores for the fishery free of duty would lead to a complete disturbance of our whole fiscal system, and open the door to illicit commercial intercourse with our people, which, under present circumstances, would involve the suspension of all those public works enterprised for the development of the resources of the Colony:

And whereas the French fisheries on our coasts are sustained and stimulated by a liberal bounty from the French Government to French fishermen, and our people are in consequence unduly burdened in their competition in foreign markets, to the almost complete exclusion of their fish-products from the said markets:

And whereas this proposed Arrangement seeks to assert, perpetuate, and legalize a claim to the purchasing of bait by the French in all the ports of this Colony, without any reservation of power on the part of the Colony to restrict them by local legislation:

And whereas the supply of bait to the French has become an absolute necessity to the fishermen of that nation, without which they would be unable to compete with Her Majesty's loyal subjects in this island:

And whereas the power of restricting the supply of bait on our coasts to nations competing with our people in an industry which is the staple support of the Colony is vital to the commercial existence of this country, which relies principally on its fisheries for the maintenance of its population:

And whereas it is recognized in this Colony that, for some years to come, the mineral and agricultural resources of the Colony must remain ancillary to that staple industry:

And whereas no equivalent is ceded to this Colony for those large and important concessions proposed to be made by us to the French by this Arrangement, an Arrangement which, if accepted, would practically shut the doors of the oldest and most loyal of British Colonial possessions against future colonization:

Be it therefore resolved that, for the reasons hereinbefore set forth, and by virtue of that Constitutional right which has been so often and so clearly admitted by Her Majesty's Government to exist in the Legislature of this Colony, we do consider it our bounden duty, in the interests of Her Majesty's loyal subjects in Newfoundland and elsewhere, to emphatically refuse to assent to the Arrangement now proposed for our ratification.

Inclosure 9 in No. 13.

Report of the Joint Committee of the House of Assembly and Legislative Council appointed to consider and report upon the Arrangements between Her Majesty's Government and the Government of France, dated the [ ].

THE Joint Committee of the Legislative Council and House of Assembly, appointed to consider and report upon the Arrangement made between Her Majesty's Government and the Republic of France in reference to the fishing rights of the French on the west coast of Newfoundland, beg to report that they have most carefully considered the matter to them referred, and regret that they cannot recommend the Legislature to ratify the proposed Arrangement.

The primary objection is to be found in the question of permitting subjects of France to indiscriminately, and without restriction, purchase bait in all the ports of this Colony. This matter of bait is of paramount importance to our people. The herring, capelin, and squid, the bait for the capture of cod, are practically only, or at least most advantageously, obtainable in our harbours and on the beaches of our coasts; and the advantages which our coasts offer in respect of bait supply to those prosecuting the fishery on the Banks and in the deep waters in the vicinity of our island are illustrated by the fact that the stipulation in the Washington Treaty most valued by the Americans was the privilege of taking that bait. The vast superiority of fresh over salted bait for use on the Banks has been satisfactorily established, and the testimony of United States' and Canadian fishermen, taken before the Halifax Fishery Convention of 1878, leaves no other conclusion admissible.

The French fishery, in relation to ours, has undergone considerable modification in recent years. seriously operating to our disadvantage. In the first place, to fish exported from St. Pierre, Miquelon, to countries outside France, that is to say, to markets where it competes with ours, an average bounty of 10 fr. 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, Miquelon, has become an extensive port of trade and of export for traders from 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 a considerable extent by English and American subjects, employed in competing with us in all the European markets. This increasing fleet of Bank-fishers has an enormous advantage over our fishermen in that, in addition to the bounty before referred to, they obtain food and goods of all kinds necessary for the fishery 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 to Spain receives from the French Government a bounty equivalent to 10 fr. for every 112 lbs. (English). It will thus be seen that, in consequence of this bounty and the "favoured-nation clause" in the Spanish Tariff, French fish from the Island of St. Pierre enters the Spanish markets at about 2 fr. 40 c. lower duty than Newfoundland fish. The average price of Newfoundland-cured fish in this island during the past season was about 16 fr. for every 112 lbs. (English). It will thus be seen that the bounty and differential duty on St. Pierre fish (costing no more than ours) entering Spain amount to 12 fr. 50 c. on 112 lbs., equal to an addition of 78 per cent. on the price obtained by our people.

It seems impossible, therefore, that our chief industry, having to encounter such terrible odds, can continue to thrive. Does it seem surprising that our revenues are failing, that our merchants are becoming embarrassed, and our fishermen impoverished?

A large number of those who have been engaged in supplying the French with bait, having seen the injury accruing to this Colony, are desirous that this traffic may be suppressed. A portion of one district, Fortune Bay, lying contiguous to St. Pierre, Miquelon, appears to be desirous of continuing this trade in bait, a trade which, so far as the imports thence to this Colony are concerned, has been, to a large extent, illicit. This illicit trade has defrauded the revenue and increased the burden of the honest trader. The *note verbale* appended to the Arrangement suggests that if Newfoundland assents to the Arrangement, a British Consul would be acknowledged at St. Pierre, Miquelon. This might, to some extent, tend to lessen the evils of this illicit traffic, but it is not apparent why such an officer should be objected to in any case.

This state of facts has to be confronted with the language of the Declaration of His Britannic Majesty appended to the Treaty of Versailles (1783), "that the King of Great Britain, in ceding the Islands of St. Pierre and Miquelon to France, regards them as ceded *for the purpose of serving as a real shelter to the French fisherman, and in the full confidence that these possessions will not become an object of jealousy between the two nations;*" and the language of the Counter-Declaration of His Most Christian Majesty the King of France, who was graciously pleased to reply that the King of Great Britain "may rely on his constant attention *to prevent the Islands of St. Pierre and Miquelon from becoming an object of jealousy between the two nations.*"

The Committee have also taken into respectful consideration the earnest desire expressed by Her Majesty's Government for a satisfactory settlement of this long-existing and much-vexed question. They are fully alive to the difficulties which surround it, and thoroughly appreciate the knowledge and attention bestowed upon the subject by Her Majesty's Delegates at the Convention; but believing that the Colony of Newfoundland would be materially and injuriously affected by the acceptance of the proposed Arrangement, this Committee have, after mature deliberation and with every desire to meet, as far as possible, the wishes of Her Majesty's Government, passed, and hereby submit, for the consideration of the Legislature, the following

Resolutions.

Whereas Her Majesty's Government have recognized in the most solemn manner the jurisdiction of the Government of this Colony over the coastal fisheries and territory of Newfoundland and its dependencies, and have acknowledged that the said fisheries and territory cannot be alienated except with the consent of the local Legislature, and have, by the despatch accompanying the Arrangement of 1885 made between France and Great Britain, concerning that part of our coasts whereon the French have certain fishery privileges, further recognized as essential to the validity of the said Arrangement its ratification by our local Legislature:

Proposed by a Member to be omitted.

And whereas the Arrangement would place the French in possession of the principal harbours on the coast between Cape Ray and Cape John, to the practical exclusion of British fishermen from any of the fishing privileges of that coast:

Proposed by a Member to be omitted.

And whereas the said Arrangement gives jurisdiction to Commanders of French cruizers in matters criminal as well as civil, to the disregarding of those principles and proceedings to which, as British subjects, we are accustomed and entitled in Tribunals of Justice:

And whereas, from the construction of the terms of Articles VIII and IX of the proposed Arrangement, the claim of the French to an "exclusive right" of fishing is not withdrawn, and the "concurrent right" of British fishermen to fish everywhere on the coast between Cape John and Cape Ray is only conditionally admitted by the said Arrangement:

And whereas the French fisheries on our coasts are sustained and stimulated by an

enormous bounty from the French Government to French fishermen, and our people are, in consequence, unduly burdened in their competition in foreign markets to the almost complete exclusion of their fish products from the said markets:

And whereas the proposed Arrangement seeks to assert, perpetuate, and legalize a claim to the purchasing of bait by the French in all the ports of this Colony without any reservation of power on the part of the Colony to restrict them by local Legislature:

And whereas the great decline of late years of the inshore fishery of this Colony has necessitated the turning of our attention to the Bank fishery, and the economizing of the supply of bait-fishes, *in which ample proof of a marked decadence has been shown within the past few years:* Proposed by a Member to be omitted.

And whereas the power of restricting the supply of bait on our coasts to nations competing with our people in an industry which is the staple support of this Colony is vital to the commercial existence of this country, which relies principally on its fisheries for the maintenance of its population:

And whereas no acceptable equivalent is ceded to this Colony for these large and important concessions proposed to be made by us to the French by this Arrangement: Proposed by a Member to be omitted.

Be it therefore resolved,—That by virtue of that Constitutional right which has been so often and so clearly admitted by Her Majesty's Government to exist in the Legislature of this Colony, we consider it our duty, in the interests of Her Majesty's loyal subjects in Newfoundland *and elsewhere*, to respectfully decline to assent to the Arrangement now proposed for our ratification.

All of which is respectfully submitted.

Committee Room, Legislature, Newfoundland, this day of April, A.D. 1886.

Inclosure 10 in No. 13.

(A.)

Proposed Substitute for the Resolution at the end of the Report.

THE Committee therefore recommend that the Arrangement as at present proposed be not assented to; but being deeply impressed with the importance attached to this matter by the Imperial Government, and feeling that great sacrifices should be made by this Colony in the interests of peace and amity between two great nations, suggest that if the French and English Governments can arrive at a binding agreement by which the French Government will, at the expiry of their present engagements as to bounties, undertake to abolish all bounties on fish caught on the Banks and shores of Newfoundland when exported to other than French possessions, retaining only such bounty and protection as they may deem fit on fish consumed in such possessions, that the Legislature should then agree to accept the Arrangement, notwithstanding the several stipulations therein, heretofore enumerated, detrimental to the interest of this Colony.

Inclosure 11 in No. 13.

(B.)

Resolution.

MOVED by the Honourable M. Monroe, seconded by the Honourable Jas. S. Pitts:—

That this Committee consent to the Arrangement provided that a binding arrangement can be arrived at between the Governments of Great Britain and France that at the expiration of the present terms for which the French bounties have been granted, not later than 1891, that Government will abrogate the bounties of every description, direct or indirect, on fish caught on the Banks and coast of Newfoundland when exported to foreign countries, retaining only such bounties and protection as they may see fit on fish consumed in French possessions. And further, if an explanation can be arrived at as to the interpretation of "obstruction" and "interference" which will prevent our fishermen being harassed on the French Shore, unless there is an actual and *bonâ fide* obstruction of French fishermen, this Committee will recommend the acceptance of the Arrangement of 1884 to the Legislature of this Colony.

Inclosure 12 in No. 13.

(C.)

Resolution.

RESOLVED,—That the "Arrangement signed at Paris on the 14th November, 1885, relating to the Newfoundland Fisheries question," and now submitted for confirmation to this Legislature, appears to us open to grave objections, especially with regard to the obligation to permit the supply of bait, but having regard to the serious injury which is already being suffered by, and the absolute ruin which is impending over, the most important industry of the Colony, as the effect of the bounties granted in aid of French fishermen, which are now felt more keenly than ever before, owing to the present depressed prices of fish in the markets of the world, and being deeply impressed with the importance attached to the Arrangement by the Imperial Government as a means of promoting peace and amity between two great nations, we should be willing to consider all the above objections as outweighed, and should have no hesitation in recommending the adoption of the Arrangement by the Legislature, if we were to receive through his Excellency the Governor a definite assurance from the French Government that, after the year 1891, when, as we understand, the present Law on the subject expires, all bounties, direct and indirect, will cease to be granted in connection with the export to non-French countries of fish obtained on the Banks and coasts of Newfoundland and its dependencies.

And also that it should be clearly defined that our fishermen should not be disturbed in fishing on the coast where the French have certain fishing privileges unless they are *bonâ fide* interfering with French fishermen in pursuit of their occupation.

And also that in cases where English fishermen may be examined on board French men-of-war touching any offence supposed to have been committed, the statement of the circumstances shall be taken from such fishermen in the English language, and appended to the French statement.

Inclosure 13 in No. 13.

Péche de la Morue.—Primes allouées et Admission des Produits.

479. LES primes pour l'encouragement de la pêche de la morue ne sont accordées qu'aux armements de navires Français et qu'au transport par navires Français des produits de la pêche Française. Elles ont été fixées comme suit à partir du 1er Juillet, 1881, jusqu'au 30 Juin, 1891 :—

Primes d'Armement.

1.—50 fr. par homme d'équipage pour la pêche avec sécherie, soit à la côte de Terre-Neuve, soit à Saint-Pierre et Miquelon, soit sur le Grand Banc de Terre-Neuve;

2.—50 fr. par homme d'équipage pour la pêche sans sécherie dans les Mers d'Islande;

3.—30 fr. par homme d'équipage pour la pêche sans sécherie sur le Grand Banc de Terre-Neuve;

4.—15 fr. par homme d'équipage pour la pêche au Doggersbank.

La prime d'armement n'est accordée qu'une fois par campagne de pêche.

Primes sur les Produits de la Pêche.

Nature des Produits.	Pays de Destination.	Lieux et Mode d'Expédition.	Quantité de la Prime.
			Par 100 kilog.
			Fr.
Morues sèches de pêche Française	Colonies et établissements Français de l'Amérique, de l'Inde, et de la Côte Occidentale d'Afrique, ou autres pays Transatlantiques, pourvu qu'il existe un Consul Français au port d'importation	Directement des lieux de pêche ou des entrepôts de France	20
Dito, dito	Mêmes Colonies et établissements Français ou mêmes pays Transatlantiques	Des ports de France, sans y avoir été entreposées	16
Dito, dito	Pays sur les côtes de la Méditerranée :—		
	Européens, moins les anciens États Sardes, autres moins l'Algérie	Directement des lieux de pêche ou des ports de France	16
	Anciens États Sardes ou l'Algérie	Directement des lieux de pêche ou des ports de France	12
Rogues de morue de pêche Française	Rapportés en France par les navires pêcheurs et provenant de leur pêche		20

(*Lois du* 22 *Juillet*, 1851, *Articles* 1er *et* 3, *du* 28 *Juillet*, 1860, *du* 3 *Août*, 1870, *et du* 15 *Décembre*, 1880.)

(Translation.)

Cod Fishery.—Amount of Bounties and Admission of Produce.

479. BOUNTIES for the encouragement of cod-fishing are granted only for the fitting out of French vessels and for the transport in French bottoms of the produce of the French fisheries. They have been fixed as follows for the period from the 1st July, 1881, to the 30th June, 1891 :—

Bounties on Vessels fitted out.

1.—50 fr. per head of the crew for fishing and drying, either on the Newfoundland coast, at St. Pierre and Miquelon, or on the Great Bank of Newfoundland;

2.—50 fr. per head of the crew for fishing, without drying, in the waters of Iceland;

3.—30 fr. per head of the crew for fishing, without drying, on the Great Bank of Newfoundland;

4.—15 fr. per head of the crew for fishing on the Doggersbank.

The bounty is granted only once in the course of the fishing season.

Bounties on the Produce of the Fisheries.

Nature of the Produce.	Country of Destination.	Place whence, and how, dispatched.	Amount of the Bounty.
			Per 100 kilog. Fr.
Dried cod caught by French fishermen	French Colonies and establishments in America, India, and the West Coast of Africa, or other Transatlantic countries, provided there be a French Consul at the port of importation	Direct from the fishing grounds or from bonded warehouses in France	20
Ditto, ditto	Same French Colonies and establishments or same Tranatlantic countries	Ports of France, without passing through bond	16
Ditto, ditto	Countries on the Mediterranean coasts:—		
	European, except the old Sardinian States; non-European, except Algeria.	Direct from the fishing grounds or from ports of France	16
	Old Sardinian States or Algeria	Direct from the fishing grounds or from ports of France	12
Roe of cod caught by French fishermen	Taken to France by the fishing-vessels straight from their fishing grounds		20

(*Laws of July* 22, 1851, *Articles* 1 *and* 3, *of July* 28, 1860, *of August* 3, 1870, *and of December* 15, 1880.)

Inclosure 14 in No. 13.

Governor Sir G. Des Vœux to Earl Granville.

(Telegraphic.) *Government House, Newfoundland, June* 2, 1886.

HOMEWARD mail having been delayed in consequence of fog, Pennell leaves to-morrow. Legislature prorogued 19th May. Committee sits during recess.

No. 14.

M. Waddington to the Earl of Rosebery.—(Received June 22.)

M. le Comte, *Londres, le* 21 *Juin*, 1886.

J'AI l'honneur, d'ordre de mon Gouvernement, de faire connaître à votre Excellence qu'en présence de l'attitude prise par le Parlement de Terre-Neuve à l'égard de l'Arrangement sur les pêcheries et de la vente de la boëtte, M. de Freycinet vient de prescrire les mesures qu'il a cru nécessaires pour garantir efficacement à nos pecheurs l'exercice des droits qui leur sont assurés par les Traités.

En me priant de porter cette décision à la connaissance du Gouvernement de Sa Majesté Britannique, M. de Freycinet m'a chargé d'indiquer à votre Excellence les dispositions que, dans les circonstances présentes, il a été contraint d'adopter.

Les instructions qui ont été adressées aux Commandants de nos croiseurs sont les mêmes que le Gouvernement de la République avait déjà jugé nécessaire de donner en 1883. Elles enjoignent à nos officiers de saisir et de confisquer tous les engins appartenant aux étrangers, résidents ou autres, qui pêcheraient sur la partie de la côte dont la jouissance nous est réservée. Ils doivent également protester contre toute construction ou exploitation établie ou tentée par les Anglais sur le "French Shore" et ne

tenir aucun compte des actes émanant des Magistrats que le Gouvernement Colonial y aurait institués. De plus, mon Gouvernement a cru devoir modifier en ce qui concerne la question des saumoneries, l'attitude tolérante observée par nous dans ces derniers temps et assurer en même temps à l'exploitation du homard, à laquelle certains de nos nationaux comptent se livrer cette année, la même protection qu'à la pêche ordinaire de la morue.

M. de Freycinet, en me demandant de vous faire connaître les dispositions que lui a paru comporter la situation créée par l'attitude du Parlement de Terre-Neuve, m'a prié en outre d'insister particulièrement auprès de votre Excellence pour ne pas lui laisser ignorer la résolution qui a été prise par nous d'exercer dans toute leur étendue et dans toute leur rigueur les droits que nous tenons des Traités. Votre Excellence se souviendra que dans les entretiens que j'ai eus avec elle, il y a deux mois, je lui avais déjà déclaré que le Gouvernement de la République serait obligé de suivre cette voie, si la Législature de Terre-Neuve refusait d'accepter la Convention signée par les deux Gouvernements, et que cette Convention constituait le dernier mot des concessions que nous pouvons faire; d'ailleurs, nous ne les avions faites que sur la déclaration explicite que les Terre-Neuviens s'en contenteraient et ne demanderaient rien de plus.

Toutefois, d'après les instructions précises adressées aux Commandants de nos croiseurs, ils ne devront recourir à l'emploi des mesures de rigueur, qu'ils sont autorisés à appliquer, qu'autant que, indépendamment de la résistance des pêcheurs étrangers à leurs injonctions, l'absence ou l'inaction des croiseurs Anglais les mettrait dans la nécessité de garantir par eux-mêmes à nos pêcheurs le libre et tranquille exercice de leur industrie. Mon Gouvernement estime donc, et je ne saurais assez insister sur ce dernier point, qu'il dépendra pour une large part des instructions que le Gouvernement de Sa Majesté Britannique donnera à ses croiseurs et du soin qu'il apportera à en surveiller l'exécution, que nos officiers n'aient pas à user des pouvoirs dont nous nous trouvons dans la nécessité de les munir.

Je n'avais pas caché il y a déjà quelque temps à votre Excellence la pénible surprise que l'on avait éprouvée en France en voyant les preuves plusieurs fois renouvelées du peu de cas que l'on faisait à Terre-Neuve de l'accord solennel intervenu entre nous et le Gouvernement de Sa Majesté Britannique.

M. de Freycinet a jugé aujourd'hui que dans ces conditions il ne pouvait plus prolonger l'attitude tolérante que nous avions observée jusqu'ici, et que les faits constatés aujourd'hui nous obligent à nous préoccuper uniquement de l'affirmation de nos droits dans les limites tracées par les Traités.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation.)

My Lord, *London, June* 21, 1886.

I HAVE the honour to inform your Excellency, by order of my Government, that, in view of the attitude assumed by the Newfoundland Parliament with regard to the Arrangement respecting the fisheries and the sale of bait, M. de Freycinet has just given such directions as he thought necessary in order to effectually guarantee to our fishermen the exercise of the rights assured to them by the Treaties.

In requesting me to communicate this decision to Her Majesty's Government, M. de Freycinet has directed me to inform your Excellency of the arrangements which, under the present circumstances, he has been obliged to adopt.

The instructions which have been addressed to the Commanders of our cruizers are the same as those which the Government of the Republic had already thought it necessary to give in 1883. Our officers are directed to seize and confiscate all instruments of fishing belonging to foreigners, resident or otherwise, who shall fish on that part of the coast which is reserved for our use. They are likewise to protest against all buildings or operations established or attempted by the English on the "French Shore," and to take no account of acts emanating from the Magistrates whom the Colonial Government may have placed there. Moreover, my Government have thought it their duty to modify the tolerant attitude regarding the question of salmon fisheries lately maintained by us, and, at the same time, to assure the same protection to the lobster fishery, which some of our citizens intend to undertake this year, as to the ordinary cod fishery.

M. de Freycinet, in requesting me to acquaint you with the measures which the situation created by the attitude of the Newfoundland Parliament seems to him to have necessitated, has asked me also to call your Lordship's special attention to the resolution taken by us to exercise to their fullest extent and with the utmost strictness the rights which we possess by the Treaties. Your Lordship will remember

that, in the interviews I had with you two months ago, I declared that the Government of the Republic would be compelled to pursue this course, if the Newfoundland Legislature refused to accept the Convention signed by the two Governments, and that this Convention was our last word as to the concessions we could make; moreover, we had only made them on the explicit declaration that the Newfoundlanders would be satisfied with them, and would make no further demands.

Nevertheless, according to the precise instructions addressed to the Commanders of our cruizers, they are only to have recourse to the severe measures which they are authorized to employ, when, independently of the resistance of the foreign fishermen to their orders, the absence or inaction of the English cruizers should place them in the necessity of themselves securing to our fishermen the free and undisturbed exercise of their industry. My Government therefore believe, and I cannot sufficiently dwell on this last point, that it will greatly depend on the instructions which Her Britannic Majesty's Government may give to their cruizers, and on the care with which they may carry them out, whether our officers will have to use the powers with which we have found it necessary to intrust them.

I did not conceal from your Excellency some time ago the painful surprise which was felt in France at seeing repeated proofs of the slight attention paid in Newfoundland to the solemn Agreement entered into between us and Her Britannic Majesty's Government.

M. de Freycinet considers that, in these circumstances, he could not prolong the tolerant attitude we have hitherto observed, and that the facts now brought to our knowledge compel us to look exclusively to the assertion of our rights within the limits prescribed by the Treaties.

I have, &c.
(Signed) WADDINGTON.

No. 15.

Colonial Office to Foreign Office.—(Received July 7.)

(Extract.) *Downing Street, July* 6, 1886.

WITH reference to previous correspondence relating to the negotiations upon the subject of the Arrangement relating to the Newfoundland fisheries signed at Paris in November last, I am directed by Earl Granville to transmit to you copies of despatches from the Governor of Newfoundland, as well as of a further Report from Mr. Pennell, relating to the attitude of the Legislature of Newfoundland in regard to this Arrangement.

Lord Granville proposes to approve the proceedings of Sir W. Des Vœux.

Inclosure 1 in No. 15.

Governor Sir G. Des Vœux to Earl Granville.

My Lord, *Government House, Newfoundland, May* 14, 1886.

I HAVE the honour to inform you that on the 14th instant I informed you by telegram that, all resources having been exhausted, I find that the Committee will not recommend the Arrangement with or without clause relating to bait, unless concession is made by France with regard to bounties and otherwise, which would require prolonged negotiations.

To prevent an adverse Report and vote, I propose to prorogue the Legislature next week, and shall arrange, if possible, for Committee to have power to sit during recess.

Mr. Pennell leaves by the next mail, about the 24th.

I have, &c.
(Signed) G. WILLIAM DES VŒUX.

Inclosure 2 in No. 15.

Governor Sir G. Des Vœux to Earl Granville.

My Lord, *Government House, Newfoundland, May* 24, 1886.

IN my despatch of the 12th instant I had the honour to inform your Lordship of the position of affairs at that time as regards the Fishery question now before the Legislature.

2. On the following day the Committee of the two Houses to which the subject has been referred having obtained leave to communicate with me, nine of them came to this house, the whole number being thirteen.

3. They informed me through their Chairman that they were quite agreed as to the impossibility of reporting favourably on the Arrangement under present circumstances, but at the same time pledged themselves individually to support it, and expressed complete confidence in being able to procure its confirmation by the Legislature if they were to obtain an assurance that the French Government (1) would not renew the export bounties after the expiration of the existing Law on the subject; (2) would consent to a definition, satisfactory to the two Governments, of the words "interrupt in any manner" contained in the Declaration of 1873, and Article VIII of the Arrangement; and (3) would permit British fishermen when brought before the Commanders of French ships of war to have their statements taken down in writing in their own language and attached to the proceedings, this being alleged to be one of the provisions of the North Sea Fishery Treaty.

4. There was also another condition, that the right of procuring bait should always belong to the French during such time as the British may be permitted by law to take it, and this was represented as a concession to the French, as it would enable them at present to get bait before the date fixed by the Arrangement; but on its being pointed out to them that the French did not require bait before the 5th April (the date fixed by the Arrangement), and would not regard as a concession a provision which would put it in the power of the Newfoundland Legislature to fix a later date both for British taking and French procuring, the point was not insisted on.

5. In reply, after expressing at length my reasons for regretting the non-acceptance of the Arrangement, and my grave apprehension of serious consequences to the Colony, I said that it seemed to me extremely improbable that the desired concessions could be obtained without prolonged negotiations, and if they were insisted on as a *sine quâ non* it would be hopeless to attempt a settlement of the question during the present Session. I would, however, consider the matter and communicate with them further.

6. Further consideration was, however, rendered useless in consequence of a communication received next day from the French Consul. This was to the effect that he had had a message from his Government intimating that no alteration would be made in the bounties.

7. Under these circumstances, the other business of the Legislative Session being almost concluded, and there being reason to fear that the Members would reject the Arrangement without qualification if they were detained any longer from their private avocations, I informed Mr. Thorburn, the Premier, and Mr. Harvey, the Chairman of the Committee, that I had become satisfied of the impossibility of obtaining a settlement of the new questions raised without prolonged negotiations; that the best chance, and that a very remote one, of a decision in accordance with these wishes lay in a personal explanation of the situation by Mr. Pennell after he had returned to England, and that I therefore proposed to prorogue the Legislature when the other business was finished.

8. On it being intimated to me that a Report on the Arrangement would be required from the Committee, and that there was thus a probability of an adverse vote, I suggested that the Committee, after informing the two Houses that communications were taking place with me, might obtain leave to sit during the recess with a view to further report next Session.

9. This suggestion was adopted, and the permission of the two Houses being obtained accordingly, the Legislature was prorogued by me last Wednesday.

10. As Mr. Pennell proceeds to England by the same steamer as is intended to carry this despatch, and will be able to make your Lordship acquainted with the state of affairs here better and more fully than it would be possible for me to do in writing, I see no necessity for further trespassing on your Lordship's time, and I content myself with saying, therefore, that Mr. Pennell has been indefatigable in his exertions to obtain the object of his mission, and the want of success has in no degree been due to any defect or omission on his part, but simply to a fixed belief on the part of the people of the Colony that the Arrangement would remove their only chance of averting impending ruin, unless accompanied by the principal concession desired.

I have, &c.

(Signed) G. WILLIAM DES VŒUX.

Inclosure 3 in No. 15.

Governor Sir G. Des Vœux to Earl Granville.

My Lord, *Government House, Newfoundland, May* 25, 1886.

I HAVE the honour, with much regret, to inform your Lordship that I have been obliged to prorogue the Legislature of the Colony without any decision having been arrived at with regard to the Fishery Arrangement with France.

2. The Committee which was appointed to consider the Arrangement, having more than once almost agreed upon a Report recommending its rejection, at last decided, after obtaining leave to communicate with me, to intimate the impossibility of accepting the Arrangement under present circumstances unless the following concessions were made by the French Government:—

(1.) An undertaking not to renew the bounties on the export of fish to French ports after the expiration of the existing Law on the subject in 1891;

(2.) A definition, satisfactory to both sides, of the words, "interrupt in any manner the fishery of the French," contained in the Declaration of 1783, and Article VIII of the Arrangement; and

(3.) A provision similar to one said to be contained in the North Sea Fishery Treaty, under which British subjects, examined by the Commanders of French ships, would be entitled to have their statements taken down in their own language and attached to the proceedings.

3. As there was an increasing impatience on the part of the Members of the Legislature with regard to any further prolongation of a Session already unusually protracted, and as I felt the above concessions could not possibly be obtained quickly, if at all, I caused the Committee to be informed that the best course under the circumstances would be to allow the consideration of the Fishery question to remain in suspense until Mr. Pennell, after his return to England, had had an opportunity of explaining the position of affairs to Her Majesty's Government.

4. Such an outcome of all the trouble which has been taken in this matter, however disappointing, appeared to me preferable to an unconditional rejection of the Arrangement, which was the inevitable alternative, and so, after the Committee had obtained permission to sit during the Parliamentary recess, and to report next Session, I prorogued the Legislature.

5. Various papers which Mr. Pennell will take with him to England will enable Her Majesty's Government to understand the position of affairs here which renders the Arrangement unacceptable to the people of the Colony. It may be convenient, however, that I should give in a succinct form what are the various causes for an opposition which is almost universal.

6. By a very considerable proportion, probably a large majority of the people, the rights of the French on the Treaty Shore are not at all understood, and the assertion of them in any way is regarded as a wrong. The population which has grown up on this Shore since the Declaration of 1783, now amounting to some thousands, look upon it as an intolerable hardship that they should be obstructed in, much less prevented from, fishing on what is their own, and to many of them their native coast; and the acts, authorized and unauthorized, which have in the course of years been done by the French, in assertion of their rights, have come to be regarded simply in the light of injuries.

7. Not only the present Arrangement, therefore, but any Arrangement with the French giving a local recognition to the obnoxious rights, would meet from these people a persistent opposition, as conceding what is, in their opinion, a part of their birthright.

8. The number of persons interested in the Treaty Shore is small compared with the population of the Colony, but a sentiment of sympathy with them is very general; and this, I apprehend, will always be found to present a difficulty in obtaining acquiescence in any terms which would be acceptable to France. The present opposition, however, among the Members of the Legislature and other intelligent persons to the Arrangement now under consideration is principally due to another cause; and if that could possibly be removed, I do not doubt that a large majority of both Houses would be induced to assent to the Arrangement.

9. The bounties on the export of fish to foreign countries, though they have for a long time been granted by the French Government, have only recently been felt in their full effect by the people of this Colony.

10. Owing to the war with Germany, and other causes, the French fishery on the coasts and Banks of Newfoundland produced, until lately, only sufficient, and barely

sufficient, to supply the markets of France, so that the provisions for export bounty had no, or hardly any, operative effect; but of late years the industry has made such rapid strides that the French not only supply their own country, but are able, with the assistance of the bounties, to enter into a destructive competition with the British in the important markets of Spain and Italy; and it is generally believed here that if this progress continues the most important industry of this Colony—that, in fact, upon which probably nine-tenths of the population, directly or indirectly, depend—will be entirely annihilated.

11. The increased production of the French, happening simultaneously with a similar increase in Norway, is rapidly lowering prices, to which accordingly the fixed amount of bounty bears a continually larger proportion, and the depression has already caused here very serious suffering and distress among the people.

12. As a remedy to this state of things, the colonists claim to have one, and only one, effective resource.

They say that the objectionable quantity of fish secured by the French is dependent on their power to obtain bait from the fishermen on the southern coast of this island. If this mode of obtaining bait were prevented they might still maintain their fishery with bait bought or taken at a later date, and with greater difficulty and expense, on the Treaty Shore, but the quantity of cod secured under these comparatively disadvantageous conditions would be only sufficient to supply France itself, and would thus preclude competition in the markets which maintain the British industry.

13. Under these circumstances it is easy to understand the objection of the Colony to Article XVII of the Arrangement, which grants to the French an inalienable right to obtain bait on the shores of this island.

14. The colonists say, "We are willing to give the French all the advantages we possess in this respect, if they will cease to compete with us on unfair terms. In a word, let them give up their bounties, and we will permit them to have all the bait they require.

15. When it is urged that the British Government has more than once expressed its inability to sanction a Law prohibiting the sale of bait, they reply they cannot believe when the circumstances are known they will be deprived of the only means of saving themselves from ruin. They moreover point to many circumstances indicating that the French value the Newfoundland fishery chiefly as a means of supplying trained seamen to their navy; they say that its indefinite extension on the ruin of the British industry, as increasing the aggressive strength of France, will demand a proportionate growth of British armaments, and they doubt, therefore, when this is realized in England whether Parliament will sanction a policy which, while destroying the prosperity of a British Colony, will at the same time affect seriously the interests of British taxpayers.

16. The Legislature before its prorogation passed a Law (without, I believe, a dissentient voice) which, if it can be practically enforced, might be made to preclude all foreigners from obtaining bait on the coast of this island, with the exception of the French taking bait themselves on that portion of the coast where they have fishing rights.

17. I have, of course, reserved this Bill for the signification of her Majesty's pleasure, but I understand that energetic measures are likely to be taken with a view to move public opinion in England on the subject, and to obtain the assent of Her Majesty's Government.

18. I have above endeavoured to present to your Lordship as faithful a representation as is in my power of the views of the colonists on this important question, and I forbear to express with regard to them any opinion of my own beyond this: If the effect of the French bounties on the British fishery is correctly estimated, the prospect which this Colony has to face is indeed a serious one.

A large majority of the people are acquainted with no other means of obtaining a livelihood than fishing, and the occupations connected with it, and the process of directing them to, and training them in, agricultural and other industries would not only be very slow and very difficult, but would, before it had accomplished its end, be accompanied with an appalling amount of suffering and death.

19. I most sincerely trust, therefore, that if it be found inconsistent with Imperial interests to permit the proposed Bait Law to come into force, some other means may be found of inducing the French to give up bounties which, unlike the sugar bounties, in no way benefit British consumers, and are thus in every respect injurious to British interests.

I have, &c.
(Signed) G. WILLIAM DES VŒUX.

Inclosure 4 in No. 15.

Mr. Pennell to Sir R. Herbert.

Sir, *Government House, Newfoundland, May* 25, 1886.

IN my Report of the 12th instant I inclosed a copy of a Resolution which was to be considered at a meeting, to be held that day, of the Joint Committee of the two Houses of the Legislature on the Newfoundland Fisheries question.

That Resolution had for its object to bind the Committee to recommend the Legislature to accept the Fisheries Arrangement in the event of certain concessions being made by the French Government in relation to the bounties granted by them on fish exported to foreign countries, other than France or its dependencies, and on other points.

I have now the honour to report, for the information of Earl Granville, the result of that meeting, as well as of the subsequent proceedings which have taken place in reference to this matter since the above date.

The Resolution in question was, I am informed, not proceeded with, as the Committee came to the conclusion that it was beyond their functions to carry on communications with the Governor without the assent of the Legislature having been previously obtained to their entering into communication with his Excellency upon the subject.

This authority, therefore, they at once proceeded to obtain, and having done so, nine of their number waited upon his Excellency on the 13th instant, and, on behalf of themselves and two other members of the Committee who were unable to attend, pledged themselves to recommend the Arrangement for acceptance, if the French would agree to the terms shown in the accompanying paper headed, "Memorandum of Statement to be made by Chairman on behalf of Committee."

In reference to the paragraph in this Memorandum which states that "it shall be understood that under the Arrangement the French shall have the right to purchase bait at all such times as British subjects may now or hereafter legally take the same," I have to observe that it was pointed out to the Chairman of the Committee by the Governor, as well as by myself, that a clause to this effect would be virtually to supersede Clause XVII of the Arrangement, relating to bait, and would certainly not be assented to by the French, as the Newfoundland Legislature would have the power to stop the supply of bait at any time by prohibiting British subjects from taking it. In consequence of the representations which we made to the Chairman on this point, the members of the Committee who had previously waited on the Governor have consented to withdraw this condition, which will not be insisted upon, as appears from the inclosed note from the Chairman, Mr. Harvey.

In consequence of the rumour which had obtained circulation here from French merchants who had recently arrived from France *en route* to St. Pierre, to the effect that the French Government did not intend to continue the bounties after 1891, the Governor and myself had entertained hopes that it might have been possible to obtain an assurance to this effect from the French Government, previous to the termination of the present Session of the Legislature here, and in that case that the Arrangement might have been brought into effect at once; but on the 13th instant the French Consul informed me that his Government was of opinion that even in case of the acceptance of the Arrangement, they would not in any way alter the existing rule with regard to the bounty on fish.

In consequence of this information, and as prolonged negotiations with France might probably become necessary, it was manifestly impossible to make any further progress with the Arrangement during the Session of the Legislature.

The Governor accordingly prorogued the Session on the 19th instant, an arrangement having been made that the Committee should continue to sit during the recess. A vote adverse to the Arrangement has thus for the present been avoided.

As the object of my mission is now so far concluded, I propose to return to England by the mail-steamer leaving St. John's on the 26th instant.

I inclose an extract from a local newspaper which gives further information respecting the prevailing feeling in this country with regard to the Fisheries Arrangement.*

I am, &c.

(Signed) E. B. PENNELL.

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* Not printed.

Inclosure 5 in No. 15.

Memorandum of Statement to be made by Chairman on behalf of Committee.

FRENCH to undertake to abrogate all bounties, direct or indirect, on fish after July 1891 (on fish exported to other than French possessions).

A clear and satisfactory definition of the term "interrupt in any manner" (see Article VIII), so as to prevent our fishermen being interfered with in any manner on the French Shore unless there is an actual or *bonâ fide* obstruction to French fishermen.

In cases when British fishermen are summoned on board French men-of-war they shall be allowed to make a statement in their own language of the circumstances being inquired into, which statement shall be appended to the French statement of the case.

It shall be understood that under the Arrangement the French shall have the right to purchase bait at all such times as British subjects may now or hereafter legally take the same.

It is hoped that, should the French not accede to these proposals, any Act passed by the Legislature of this Colony for the protection of bait fishes, and regulation of the traffic therein, will be ratified by the British Government.

Eleven Members assenting,
A. W. H.

Inclosure 6 in No. 15.

Mr. Harvey to Governor Sir G. Des Vœux.

Dear Sir William, *May* 25, 1886.

SOME time since a number of the members of the French Shore Committee waited on your Excellency and stated their views as to the desirability of accepting the Arrangement provided some additions were made thereto.

You subsequently desired me to state to the Committee that, in your view, the stipulation with regard to furnishing bait at such times as English fishermen were allowed to take it would cause immense difficulty.

At a subsequent meeting of the Committee I made known to them the objection to the clause, and it was agreed, by most of those who had been present at Government House, and some others, that that stipulation should not be insisted on.

No doubt all who had been at Government House would have assented had they been at the meeting of the Committee.

I have, &c.
(Signed) A. W. HARVEY.

Inclosure 7 in No. 15.

Memorandum given to Mr. Pennell by Mr. Harvey, May 25, 1886.

IN 1883 Labrador fish sold in Europe for 20*s.*; 1884, for 18*s.*; 1885, for 15*s.*; 1886, probably 12*s.*; at present purchasable in West of England, 8*s.* to 9*s.* In 1883 early Bank fish at St. Pierre was sold at 28 fr. In 1886, 9 to 10 fr.

The bounty was the same in 1883 as in 1886, and would have been in 1883 equivalent to about one-third the value, in 1886 quite as much as the whole value of the fish.

No. 16.

Colonial Office to Foreign Office.—(Received July 7.)

Sir, *Downing Street, July* 6, 1886.

WITH reference to my letter of this day's date on matters relating to the Newfoundland Fishery question, I am directed by Earl Granville to submit to you, to be laid before the Earl of Rosebery, a copy of a despatch from the Governor of Newfoundland, inclosing

copy of "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," together with a copy of a further despatch inclosing the Attorney-General's Report on the Bill, with a Petition from both Houses of the Legislature praying that the Bill may not be disallowed.

As the Governor has reserved the Bill, and the operation of it is in any case by clause 8 postponed until the 31st day of December next, no immediate decision is required upon it, and time will be afforded to see whether any arrangement can be come to with the United States' Government as well as with that of France on the fisheries questions.

Lord Granville, however, is inclined to think that the colonists make out a strong case for the allowance of the Bill.

It has hitherto for many years past been the policy of Her Majesty's Government to resist any attempt on the part of the colonists of Newfoundland to interfere with the sale of bait to the French, as the French Government, as Lord Rosebery is aware, attach the greatest importance to their fishermen being able to obtain bait on the south coast of the island for the prosecution of the Bank fisheries, and they would, no doubt, regard as a very hostile act any interference with what has been the practice for years.

The late Duke of Newcastle, when Secretary of State for the Colonies in 1863, informed the Governor, in a despatch dated 3rd August in that year, that "no Act could be allowed which prohibits expressly or is calculated by any circuitous method to prevent the sale of bait;" and recently, when it was known that the Fishery Arrangement of 1885 was being unfavourably received in the Colony, Lord Granville stated in a telegram to the Governor that "Her Majesty's Government could not consent to any measure restricting sale of bait to the French." This message was read to the Committee of the Legislature who were considering the Fishery Arrangement, when Mr. Pennell, of this Department, recently met them in St. John's, but it is in Lord Granville's opinion a question requiring consideration whether, now that the French Government are threatening to carry out the Treaties according to their own extreme views, this position of Her Majesty's Government may not be changed and the prohibition of the sale of bait be permitted, unless the French Government are prepared to abolish or to substantially reduce the bounties.

Before, however, coming to any conclusion on this matter, Lord Rosebery will probably think it desirable to await the arrival of the Delegate expected from Newfoundland, and the discussion of the whole question proposed in the letter from this Department already referred to.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 16.

Governor Sir G. Des Vœux to Earl Granville.

My Lord, *Government House, Newfoundland, May* 26, 1886.

I HAVE the honour to forward to you copies of a Bill which has passed the Legislature of this Colony, entitled "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes."

I have not felt justified in giving assent to this Bill, and have therefore reserved it for the signification of Her Majesty's pleasure.

I have not yet received the Report of the Attorney-General on this Bill, but hope to be able to send it by the next mail. I reserve until then any observations which I may feel it necessary to make on the measure.

I have, &c.
(Signed) G. WILLIAM DES VŒUX.

Inclosure 2 in No. 16.

[Passed the House of Assembly, May 18, 1886.
[Passed the Legislative Council, May 18, 1886.
J. W. DICKENS, *pro Sec.*

An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes.

Section.
1. No person shall take bait fishes for exportation without obtaining a special licence from the Receiver-General.
2. Licence to be issued by authority of Governor in Council and countersigned by Colonial Secretary.
3. Penalty for forging or counterfeiting the signature of the Receiver-General to licence provided in fourth section.
4. Penalty for violation of the provisions of this Act for a first offence 400 dollars, and for subsequent offences to imprisonment for twelve months.
5. Offences against this Act may be prosecuted in a summary manner before a Stipendiary Magistrate.
6. Persons convicted may appeal to the Supreme Court.
7. Treaty rights of nations in amity with Her Majesty not affected by this Act.
8. Operation of this Act postponed until the 31st December, 1886.

Preamble.

WHEREAS in the interest of the fisheries of this Colony, and for the preservation of the bait necessary for the pursuit of these fisheries, it is necessary to regulate the exportation and sale of such bait.

Enacting clause.

Be it therefore enacted by the Governor, the Legislative Council and Assembly, in Legislative Session convened, as follows:—

No person shall take bait fishes for exportation without obtaining a special licence from the Receiver-General.

1. No person shall haul, catch, or take any herring, capelin, squid, or other bait fishes for exportation or sale on or near any parts of the coast of this Colony or of its dependencies, or in any of the bays, harbours, or other places therein, without a special licence, in writing, obtained from the Receiver-General of this Colony, which licence may be in the form set forth in the Schedule hereto annexed, and shall be of no avail beyond the fishing season for which it is granted; and any person found hauling, catching, or taking the said fishes within the said limits may be examined on oath by a Justice of the Peace, officer of Customs, Fishery Warden, or person commissioned for the purpose, as to whether the herring, capelin, squid, or other bait fishes are intended for exportation or sale, and on refusing to answer or answering untruly, or failing to produce a licence as above mentioned, such Justice, officer of Customs, Fishery Warden, or person commissioned as aforesaid, may seize the vessel of such person, her tackle, apparel, furniture, and outfit, and bring the same to the nearest port or place at which a Stipendiary Magistrate resides, and the person so refusing to answer, answering untruly, or failing to produce the said licence, shall be deemed guilty of an offence against this Act, and on conviction shall be subject to the provisions of the fourth section thereof.

Licence to be issued by authority of Governor in Council, and countersigned by Colonial Secretary.

2. The licences provided for in the preceding section shall be issued under the authority of the Governor in Council, and shall be countersigned by the Colonial Secretary.

Penalty for forging or counterfeiting the signature of Receiver-General to licence provided in fourth section.

3. If any person shall forge or counterfeit, or procure to be forged or counterfeited, the signature of the Receiver-General to any such licence as mentioned in the next preceding section, or shall tender or offer in response to inquiries made under the provisions of the first section, or in evidence in any prosecution under this Act, any such licence knowing the signature thereto to be false or counterfeit, such person shall be deemed guilty of an offence against this Act, and on conviction shall be subject to the provisions of the fourth section thereof.

Penalty for violation of the provisions of this Act for a first offence 400 dollars, and for subsequent offences to imprisonment for twelve months.

4. Every person guilty of a violation of the provisions of this Act shall, for the first offence, be liable to a fine not exceeding 400 dollars, and in default of payment of any such penalty, to imprisonment for a period not exceeding six months; and for the second or any subsequent offence to imprisonment for a period not exceeding twelve months.

Offences against this Act may be prosecuted in a summary manner before a Stipendiary Magistrate.

5. All offenders against the provisions of this Act may be prosecuted and convicted, and all fines incurred under the provisions of this Act may be sued for and recovered in a summary manner before a Stipendiary Magistrate by any person who may sue for the same; one half of such fine shall go to the party who may prosecute the offender, and the remainder to the Receiver-General for the use of the Colony; and in the event of the prosecution of an offender who under this Act would not be liable to or ordered to pay a fine, then the reasonable expenses of the prosecutor, including a fair amount for his time and labour expended in and about such prosecution, shall, on the certificate

of the Magistrate who heard the cause, be paid to the prosecutor by the Receiver-General.

Persons convicted may appeal to the Supreme Court.

6. If any person convicted under this Act shall feel himself aggrieved by any such conviction, he may appeal thereupon to the then next sitting of Her Majesty's Supreme Court, holden in or nearest to the place where such conviction shall have been had; Provided notice of such appeal, and of the cause and matter thereof, be given to the convicting Magistrate in writing within two days next after such conviction, and the party desiring to appeal shall also, within two days after such notice given, enter into recognizance, with two approved sureties, before the convicting Magistrate, conditioned for the appearance of the person convicted at such next sitting of the Supreme Court on the first day of such sitting, for the prosecution of the appeal with effect and without delay, to abide the Judgment of the Court thereon, and to pay such costs as the Court shall award. Any person who shall be convicted and imprisoned by any such Magistrate for an offence against this Act, and who shall have given such notice of appeal, and shall have entered into such recognizance with approved sureties, may be discharged from prison, in which case the recognizance shall be further conditioned for the surrender of the convicted party on the first day of such next sitting of the Supreme Court, to the Sheriff of the district in which such appeal shall be heard.

Treaty rights of nations in amity with Her Majesty not affected by this Act.

7. Nothing in this chapter shall effect the rights and privileges granted by Treaty to the subjects of any State or Power in amity with Her Majesty.

Operation of this Act postponed until the 31st December, 1886.

8. This Act shall not come into operation until the 31st day of December next.

SCHEDULE.

Form of Licence mentioned in the First Section.

Schedule.

According to the provisions of the Act passed in the forty-ninth year of the reign of Her present Majesty, entitled "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," permission is hereby given to A.B., of , &c., to haul, catch, and take herring, capelin, squid, and other bait fishes in his boat or vessel, called the , during the("current" or "now coming," as the case may be) fishing season, for the purpose of ("exportation" or (and) "sale," or as the case may be).

Dated at St. John's, this day of A.D. 188

(Signed) C. D., *Receiver-General.*

(Countersigned) E. F., *Colonial Secretary.*

Inclosure 3 in No. 16.

Governor Sir G. Des Vœux to Earl Granville.

My Lord, *Government House, Newfoundland, June* 19, 1886.

REFERRING to my despatch of the 26th May last, with which was inclosed a Bill recently passed by the Legislature of this Colony, and reserved by me for the signification of Her Majesty's pleasure thereon, "for regulating the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," I have now the honour to forward two important papers on the subject of this Bill, which, by some omission, have only just reached me:—

(1.) The Report of the Attorney-General on the Bill.

(2.) A Petition addressed to your Lordship by both Houses of the Legislature praying that the Bill may not be disallowed.

2. The important subject dealt with in these papers has been so fully discussed by me in other despatches that further comment would seem to be supererogatory.

I have, &c.

(Signed) G. WILLIAM DES VŒUX.

Inclosure 4 in No. 16.

Mr. Winter to Governor Sir G. Des Vœux.

Attorney-General's Office, St. John's, Newfoundland,
June 19, 1886.

Sir,

I HAVE the honour to submit the following Report upon the Bill passed during the recent Session of the Legislature, entitled "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes."

The object of the measure and the reasons which led to its adoption do not call for extended explanations from me.

The introduction of the Bill was the result of the deliberations of a Joint Select Committee of both branches of the Legislature, appointed to consider and report upon the subject of the sale of bait by our people to foreign fishermen whose fishing operations necessitate the procuring of bait in our waters.

The Report of the Committee sets forth very fully the great injury to the people of this Colony, whose staple industry is the fishery, and particularly the cod fishery, resulting from competition in foreign markets with the fishermen of other nations, and especially under the operation of bounties and protective duties.

The substance of the Report of the Committee has been set forth, in almost identical language, in the joint Address from both branches of the Legislature to the Right Honourable the Secretary of State for the Colonies, in relation to this subject, which your Excellency has been requested to transmit.

The operative part of the Bill is contained in one simple provision which prohibits altogether the capture in our waters of bait fishes, for exportation or sale, except under special licence, issued by the Receiver-General (the Head of the Customs Department), under the authority of the Governor in Council.

The Bill contains in itself no provision for the guidance of the Governor in Council in relation to the exercise of the discretion vested in him for the issue of the licence. This is left to depend upon matters and circumstances some of which are at present undetermined, and which may from time to time be the subject of change.

In view of the fact that the relations between Great Britain and other nations, severally, on the subject of fishing privileges on the coasts of Newfoundland are widely different, and are also from time to time the subject of negotiation and alteration, it was considered by the Legislature necessary that the measure should be in such a form as to admit of the application on the one hand, or the withholding on the other, in the case of each particular foreign nation, of the restrictions contemplated by the Bill.

This discretionary power may thus be exercised by the Governor in Council in relation to any one foreign country or Power without affecting the rights, privileges, or relations towards Great Britain of any other country or Power.

I have, &c.
(Signed) J. S. WINTER.

Inclosure 5 in No. 16.

Petition.

To the Right Honourable Her Majesty's Principal Secretary of State for the Colonies.

May it please your Lordship,

WE, Her Majesty's loyal subjects, the Legislative Council and Commons House of Assembly of Newfoundland, in Legislative Session convened, beg to inform your Lordship that we have during the present Session devoted much time and attention to the consideration of the capture and sale of bait, and beg to submit, for your Lordship's consideration, the facts and conclusions hereinafter set forth.

We find that, from the earliest records extant relating to fisheries of Newfoundland, the immense importance of the bait supply has been appreciated by the Imperial and Local Governments. As far back as the year after the Treaty and Declaration of Versailles, in 1783 (*i.e.*, in the twenty-sixth year of the reign of His Gracious Majesty King George the IIIrd), an Act was passed by the Parliament of England absolutely prohibiting, under penalties, any English subjects in Newfoundland from selling any bait whatsoever to foreigners. This Act remained in force for some years, and immediately after the concession of a local Legislative Assembly to this Colony the subject of bait supply

to foreigners was again agitated, and in 1836 an Act was passed by the Colonial Legislature imposing an export duty of 3s. a hundredweight upon "all fresh herring and capelin, and upon salted or pickled herring and capelin in bulk," exported from this Colony; and by a subsequent enactment (12 Vict., cap. 7) the restriction was repealed so far as affected the exportation of herrings (whether fresh, salted, or pickled) in bulk to any part of the British dominions, the masters of the vessels in such cases being required to give bond for the payment of the amount of duties, which bond was only to be cancelled upon the production within one year of the date thereof of a certificate from competent authority that the cargo had been duly entered and discharged at a port within the British dominions. This enactment remained in force until the participation of the subjects of the United States in our fisheries under the Reciprocity Treaty of 1854 necessitated its repeal. The extreme pressure exercised by the British on the Colonial Government from the expiry of the Reciprocity Treaty of 1854 down to the time of the Treaty of Washington alone prevented the passage of an Act in the Colony prohibiting the sale and export of bait from the Colony for any purpose whatsoever. The very stringent clauses of the Treaty of 1818, preventing American fishermen from resorting to our bays or harbours, "except for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever," while allowing American vessels engaged in other pursuits the free use of our ports for all other purposes, plainly indicate the conclusion that it was then considered necessary to exclude the United States' fishermen from any access to our bait supply.

Whether the supply of bait fishes has decreased or is decreasing from their present extensive employment we have not sufficient data before us to positively decide, but it is the opinion of many of the oldest and most experienced persons engaged in our trade and fisheries that such is the case. We are of opinion that the demand now made upon the supply is quite as great as it can bear: and this is evidenced by the fact that the promising industry essayed here a few years ago of the manufacture of guano from these fishes was crushed out of existence by an Act of the Legislature prohibiting their capture for that purpose.

The value of these fishes to the Colony, always highly appreciated, has of late years been greatly enhanced by the revival of the Bank fishery, for whereas bait is only one of several means employed in the shore and Labrador fisheries for the taking of codfish (the jigger and the cod-seine and the cod-trap probably secure a much larger proportion of the total catch in these fisheries than that taken by bait), the sole dependence of the Bank fishery is on this article. The revival of the Bank fishery, therefore, renders it more than ever necessary that bait fishes should be zealously guarded.

The vast superiority of fresh over salted bait for use on the Banks has been satisfactorily established, and the testimony of United States' and Canadian fishermen taken before the Halifax Fishery Convention of 1877 leaves no other conclusion admissible. The advantages offered by our coasts, where alone these three bait fishes, the herring, capelin, and squid, can be obtained in sufficient quantity, in respect to bait supply to those prosecuting the fishery on the Banks and in the deep waters in the vicinity of our island, are attested by the fact that the stipulation in the Washington Treaty most valued by the Americans was the privilege of taking bait.

At present there does not appear to be any Law on our Statute Book sufficiently safeguarding these valuable bait fisheries. The recent action of the French banking fleet in coming into the harbours of our south-west coast, where they have no fishery privileges, and evading the effect of our Laws heretofore found sufficient to prevent the exportation of bait before the 18th day of April, shows that, so far as that nation is concerned, we have no means at present of limiting or restricting the supply to them. Our other rivals, the United States, stand on a different footing. The Convention of 1818 forbids them entering our ports for the purpose of obtaining bait, and the Imperial Act 59 Geo. III, cap. 38, makes it unlawful under severe penalties for them to do so, but up to the present moment the means of strictly enforcing the observance of that Treaty and punishing the violation of the Statute referred to have not been provided, and American fishermen declared their intention of violating the Treaty by obtaining bait in our ports.

To arrive at a just conclusion on this matter, it is necessary to examine the relations in which the two nations desirous of obtaining this bait supply on our shores stand to this Colony.

The French fishery in relation to ours has undergone considerable change in recent years, seriously operating to our disadvantage. In the first place, on 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 fr. 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 from 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 the 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 fishery 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 fr. for every 112 lbs. (English), 8 fr. directly and about 2 fr. indirectly. 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 fr. for every 112 lbs. (English). It will thus be seen that the bounty as above, and differential duty on St. Pierre fish entering Spain under the "most-favoured-nation clause" in their Tariff amount to 12½ fr. on every 112 lbs. (English), or, in other words, to more than the whole value obtained by our fishermen for Labrador fish.

The United States' fishermen have, since the year succeeding the signing of the Treaty of Washington, been allowed to obtain bait unrestrictedly in our harbours and bays, the stipulation that they had the right to catch bait for themselves within the 3-mile limit naturally carrying with it the corollary that what they had the right to take they had the right to buy, and the latter course was found by them to be the more profitable. For this privilege, for it was by far the principal one they exercised under the Washington Treaty, they paid a considerable sum of money, as well as admitted our fish duty free, and accorded to us the privilege of fishing on all the north-eastern coasts and harbours of the United States. They have now abrogated the Treaty of Washington, taken from us the privilege of fishing in their waters, and taxed our fish and oil when exported to the United States from 12 to 30 per cent., and yet assume to exercise as of right the privilege of obtaining bait as heretofore, when they gave us a fair return for that privilege. If we supinely assent to this course we shall provide these, our rivals, with the means of shutting us entirely out of the United States' markets.

We have been informed that, unless the Legislature assent to the Arrangement recently entered into between Great Britain and France regarding the French claims on a part of the coasts of this island, any Acts prohibiting or regulating the export of bait fishes will be disallowed by the parent Government.

We are unwilling to believe that such an extreme course would be adopted by the mother country, for no better reason than that a nation, supposed to be a friendly one, demands a concession from this Colony which, if granted under the present system of French bounties, means starvation to our fishermen, ruin to our mercantile and industrial classes, and bankruptcy to the Colonial Exchequer. The result that would ensue to Great Britain by thus sacrificing 200,000 British subjects in this most ancient and loyal Colony by a course of coercion, exercised towards a people to whom self-government has long been accorded, a course, too, the principle of which has been most emphatically repudiated by all political parties in England, and by her most eminent statesmen, would be to unduly increase the navy of a rival Power, necessarily involving a corresponding addition to the British navy, and increased taxation to the British taxpayer.

In conclusion, we earnestly hope that Her Majesty will be pleased to assent to the Bill passed during the present Session of the Legislature, entitled, "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes."

Passed the House of Assembly, May 18, 1886.

(Signed) ALEXR. J. W. McNEILY, *Speaker.*

Passed the Legislative Council, May 18, 1886.

(Signed) E. D. SHEA, *President.*

No. 17.

The Earl of Rosebery to M. Waddington.

M. l'Ambassadeur, *Foreign Office, July* 24, 1886.

HER Majesty's Government have read with attention the note which your Excellency did me the honour to address to me on the 21st ultimo respecting the Newfoundland Fishery question, and in which you inform me that, in view of the attitude taken up by the Legislature of Newfoundland towards the Fishery Arrangement signed at Paris in November last, the Government of the Republic have felt themselves compelled to issue new instructions to their naval officers to secure to French fishermen the exercise of their Treaty rights. Under those instructions the French Commanders are enjoined:—

1. To seize and confiscate the gear belonging to "foreigners," resident or non-resident, fishing on that part of the Newfoundland coast stated by the French Government to be reserved to the French;

2. To protest against all building or working of mines on that part of the coast which they designate as "the French Shore," an appellation derived from the enjoyment by French citizens of certain fishery rights during the fishing season;

3. To disregard the jurisdiction of the local Magistrates on British territory; and

4. To modify the attitude of toleration recently observed by them in regard to the salmon fisheries, and to protect French citizens in the pursuit of the lobster fishery as well as in that of cod.

In describing the above measures, your Excellency states that the French Government are resolved to exercise in the fullest and most rigorous manner the rights conferred upon France by the Treaties.

I cannot conceal from your Excellency the concern with which Her Majesty's Government have received such a communication from your Government.

It is in no way the wish of Her Majesty's Government to contest the right of the French Government to demand that French fishermen shall be secured in the due exercise of their Treaty privileges. But they must emphatically protest against the interpretation of those privileges which is put forward in your Excellency's note under reply, and is implied in the measures to which that note refers.

They have repeatedly affirmed in the course of numerous negotiations that such claims are not supported by the Treaties concluded between the two countries, and it would be a matter of great regret if the instructions which have been sent out to the French naval officers to enforce these claims should lead to complications which the patience and moderation of both Governments, and the good sense and forbearance of their respective Naval Commanders on that coast, have succeeded in averting during a long period of years.

I have no desire to reopen the discussion on the numerous points in dispute, but I cannot refrain from deprecating more particularly the claim put forward by your Government to ignore during the fishing season the territorial jurisdiction flowing from the sovereign rights of the British Crown over the whole of the Island of Newfoundland, expressly conferred by the terms of the XIIIth Article of the Treaty of Utrecht; nor can I pass in silence the reiterated assertion in your note of an exclusive right of fishing on the part of the coast on which the French Treaty rights exist. There can be no doubt that the inhabitants of the coast must not "interrupt by their competition" the French fishermen, but Her Majesty's Government can hardly believe that the French Government could intend to apply to them the term "foreigners," or to question the right of the colonists to procure the means of subsistence by fishing on their own coast, so long as they do not interfere with the Treaty rights of the French fishermen. Such a claim has no precedent in history, and would be not only repugnant to reason, but opposed to the practice of years, and to the actual terms of the Declaration of Versailles, which provides that the old methods of fishery "shall not be deviated from by either party," showing conclusively that the French right to the fishery is not an exclusive one.

Her Majesty's Government accepted provisionally the recent Arrangement signed at Paris with satisfaction, as offering, on the whole, a reasonable compromise, but it is unnecessary to state that, during the whole of the negotiations, it was perfectly well understood that its ratification by Her Majesty's Government must be subject to its acceptance by the Legislature of Newfoundland. Her Majesty's Government are still in communication with the Colonial authorities, and have not abandoned the hope that the Arrangement may yet bear good fruit.

In the meanwhile, the two Governments have during the last two years practically carried it out so far as circumstances have permitted. It will be a matter for very serious

regret on the part of Her Majesty's Government if the French Government, ignoring that amicable arrangement, should now by any aggressive action unnecessarily provoke a recurrence of the grave difficulties of which both nations have had so long and regrettable an experience.

I have thought it well to lose no time in taking exception on the part of Her Majesty's Government to some of the positions taken up in your Excellency's note to which it would be impossible for them to assent. I have not, therefore, waited to include in this despatch the answer of Her Majesty's Government to the proposal of a *modus vivendi* made verbally by your Excellency to me on the 22nd ultimo. With that I will deal in a separate communication; but in the meantime I should be glad to learn that the new instructions to the French naval officers have been suspended, as they would offer a serious obstacle to the friendly conclusion of such an arrangement.

I have, &c.
(Signed) ROSEBERY.

No. 18.

Colonial Office to Foreign Office.—(*Received August* 14.)

Sir, *Downing Street, August* 13, 1886.

WITH reference to previous correspondence, I am directed by the Secretary of State for the Colonies to state that he proposes, with the concurrence of the Earl of Iddesleigh, to approve the proceedings of Mr. Pennell during his recent visit to Newfoundland in connection with the proposed Fishery Arrangement with France.

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

No. 19.

Foreign Office to Colonial Office.

Sir, *Foreign Office, August* 20, 1886.

IN reply to your letter of the 13th instant, I am directed by the Earl of Iddesleigh to state to you that his Lordship concurs in Mr. Secretary Stanhope's proposal to approve the proceedings of Mr. Pennell during his recent visit to Newfoundland.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 20.

M. Waddington to the Earl of Iddesleigh.—(*Received August* 26.)

M. le Comte, *Londres, le* 25 *Août*, 1886.

LE Commandant de la Division Française de Terre-Neuve a signalé au Ministre de la Marine l'établissement à Port-à-Port, sur le "French Shore," de deux usines Anglaises pour la préparation des conserves de homards. Au reçu de cette nouvelle, ordre a été envoyé par le Gouvernement Français au Commandant Le Clerc d'arrêter la pêche des individus qui ont établi ces usines. Je suis en même temps chargé par M. de Freycinet de protester auprès de votre Excellence contre ces actes contraires aux Traités, émanant de sujets Anglais. Mon Gouvernement est persuadé que des instructions vont être envoyées aux autorités de la Grande-Bretagne à Terre-Neuve, pour que ces constructions illégales soient supprimées sans retard.

En agissant ainsi, le Gouvernement de la Reine ne fera que conformer sa conduite à celle que le Gouvernement Français a déjà adoptée vis-à-vis de ses nationaux dans des cas analogues. Deux Français, les Sieurs Lemoine et Dameron, ont procédé dernièrement, sur le "French Shore," à l'installation d'usines destinées à la préparation du homard. Ces établissements ayant le caractère de constructions solides et fixes, comme celles contre lesquelles j'ai la mission de porter plainte, les autorités navales Françaises ont signifié à leurs auteurs d'avoir à les enlever, ajoutant que s'ils n'obtempéraient pas à ces ordres, ils agiraient à leurs risques et périls.

Le Ministre de la Marine a complètement approuvé cette ligne de conduite et a recommandé tout dernièrement au Commandant Le Clerc d'y persévérer, en même temps qu'il se voyait obligé de lui enjoindre d'avoir à interdire la pêche aux deux sujets Anglais, établis à Port-à-Port, en contravention avec les Traités.

Le Gouvernement de la Reine pourra voir, par ce qui précède, avec quel esprit d'équité la France agit dans cette question ; aussi je ne doute pas que votre Excellence ne soit bientôt en mesure de m'annoncer qu'il a été fait droit à ma démarche.

Veuillez, &c.

(Signé) WADDINGTON.

(Translation.)

My Lord, *London, August* 25, 1886.

THE Commander of the French Division at Newfoundland has informed the Minister of Marine of the establishment at Port-à-Port, on the "French Shore," of two English factories for preserving lobsters. On the receipt of this news, orders were sent by the French Government to Commander Le Clerc to stop the fishery of the individuals who have established these factories. I am at the same time instructed by M. de Freycinet to protest against acts on the part of British subjects so contrary to the Treaties. My Government is persuaded that instructions will be sent to the British authorities in Newfoundland to suppress these illegal buildings without delay.

In so doing, Her Majesty's Government will only be conforming their conduct to that which the Government of the Republic have already adopted towards their citizens in similar cases. Two Frenchmen, MM. Lemoine and Dameron, lately commenced erecting lobster factories on the "French Shore." As these erections took the form of solid permanent buildings, such as I have now to complain of, the French naval authorities warned their constructors to remove them, adding that, if they did not obey these orders, they would be acting at their own risk and peril.

The Minister of Marine has entirely approved this line of conduct, and has quite lately instructed Commander Le Clerc to persevere in it, while feeling compelled at the same time to instruct him to forbid the two Englishmen established at Port-à-Port to fish in contravention of the Treaties.

Her Majesty's Government will see by the above in what an equitable spirit France is acting in this question ; and I doubt not that your Lordship will soon be in a position to inform me that my request has been complied with.

I have, &c.

(Signed) WADDINGTON.

No. 21.

Foreign Office to Colonial Office.

Sir, *Foreign Office, September* 1, 1886.

I AM directed by the Earl of Iddesleigh to transmit to you herewith, to be laid before Mr. Secretary Stanhope, for such observations as he may desire to make thereupon, a copy of a note from the French Ambassador at this Court,* calling the attention of Her Majesty's Government to the reported establishment of two British lobster factories at Port-à-Port, in Newfoundland, and expressing the conviction of his Government that instructions will be dispatched to the authorities in Newfoundland to suppress these factories without delay.

I am, &c.

(Signed) T. V. LISTER.

No. 22.

Colonial Office to Foreign Office.—(*Received September* 2.)

Sir, *Downing Street, August* 31, 1886.

I AM directed by the Secretary of State for the Colonies to transmit to you, to be laid before the Earl of Iddesleigh, a copy of a despatch from the Governor of Newfoundland, with its inclosures, respecting the establishment by the French of a factory for "canning" lobsters at Port-au-Choix.

* No. 20.

It will be remembered that in the note which M. Waddington addressed to the Earl of Rosebery on the 21st June, it was stated that it was considered by the French Government to be incumbent upon them to give protection "à l'exploitation du homard." I am, however, to suggest, for the consideration of Lord Iddesleigh, that Her Majesty's Ambassador at Paris should be instructed to make a strong protest against this new industry being conducted on Newfoundland soil, as involving a clear breach of the Treaty stipulations, and to urge upon the French Government the removal, in accordance with those stipulations, of the French factories.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 22.

Governor Sir G. Des Vœux to Earl Granville.

My Lord, *Government House, Newfoundland, August* 2, 1886.

I HAVE the honour to forward to you a copy of a Petition which has been addressed to me by the Chamber of Commerce of Newfoundland with reference to a factory for "canning" lobsters which has recently been established by the French at Port-au-Choix on the north-west coast of this island.

2. The existence of this factory has also been reported by the Commanders of Her Majesty's ships on the station in the letters from Captain Hamond, of Her Majesty's ship "Emerald," and Lieutenant-Commander (now Commander) Browne, of Her Majesty's ship "Mallard," copies of which are herewith inclosed.

3. It is, I presume, unnecessary for me to point out in detail that the establishment of this factory is in direct contravention of the Treaty of Utrecht; but I may mention briefly (1) that the land of that portion of the coast of this island on which the French have Treaty rights can, under that Treaty, be used by them only for the drying of fish; (2) that the fish contemplated by the Treaty are only such as are preserved by drying; and (3) that even if lobsters can be considered as fish, and fish of the description that can be caught upon the coast, within the meaning of the Treaty, the use of the land for preserving them, and the erection of any "buildings there besides stages made of boards, and huts necessary and usual for drying of fish," is expressly forbidden by the XIIIth Article of the Treaty.

4. With regard to the injury to British interests which will result from the establishment of French lobster factories in Newfoundland, I have no doubt that the representations of the Chamber of Commerce are substantially correct; and as the factory already established, if allowed to remain without interference, will almost certainly be followed by others, it is evidently in a high degree desirable that steps should be promptly taken for causing it to be removed.

5. A difficulty with regard to this course will probably occur to Her Majesty's Government from the fact that on various parts of the coast where the French have fishing rights there are, and have long existed, British establishments for the drying, curing, and storing of fish, which are, I believe, held by the French to be in contravention of the Treaty, there being thus a possibility that any action on the part of Her Majesty's Government for the removal of French lobster factories will be followed by similar action on the part of the French Government for the removal of British fishing establishments.

6. It may, however, I think, be regarded as extremely unlikely that the suggested step on the part of Her Majesty's Government would be followed by any such action on the part of the French; for I understand that while the British fishing "establishments" on the coast in question consist entirely of wooden sheds of comparatively little value, the French have their expensive stone buildings in several places, which are clearly in contravention of the Treaty, and their Government would, therefore, in all probability, refrain from a course which would result in more injury to themselves than to us.

7. If, however, the possibility of such an event should appear to Her Majesty's Government an insuperable objection, the only other remedy which suggests itself at the moment against what threatens to be a very serious injury to the Colony is the passing by the Colonial Legislature of a Law imposing an excise or export duty, which might be made to fall with prohibitive effect on these French factories. For I presume that our acknowledged dominion over the whole coast renders persons of all nations in theory subject to our laws, and that it would be completely justifiable to apply such laws in

practice even to French citizens on the portion of the coast where they have fishing rights, when they are following any other occupation than that of the drying of fish.

8. Since writing the above, it has been pointed out to me that there is already a local Act, 41st Vict., cap. 16, which might be made applicable to the present case, if such a course were to meet with the approval of Her Majesty's Government.

9. By this Law, section 1, the Governor in Council may, by Order, restrict or prohibit, either entirely or subject to any exceptions or regulations, the fishing for and taking of lobsters within any district in this Colony named in the Order, &c., a penalty not exceeding 100 dollars being the punishment provided for disobedience.

10. The application of this Act to the case in point would be by no means altogether foreign to its purpose, which was to prevent the complete extinction of lobsters by the factories, which experience had shown to be the result of their unrestricted operations. As the evil, which it was the object of this Act to guard against, is not likely to be less in the case of French than in the case of British factories, and as the distance of Port-au-Choix from the seat of Government would render effective supervision impossible except at disproportionate expense, it is open to question whether, in the interest of the population of the future (which as it grows may be expected to spread along the coast), it would not be expedient to prohibit this business altogether at the place in question, even if it were conducted by British subjects. And it is to be borne in mind that a French factory, employing exclusively French citizens, and exporting its products only in French vessels to markets from which British products of a similar kind are excluded by prohibitive duties, brings not the slightest compensating advantage to the Colony which it so seriously injures.

Earnestly recommending this subject to the early attention of Her Majesty's Government, I have, &c.

(Signed) G. WILLIAM DES VŒUX.

Inclosure 2 in No. 22.

Petition.

To his Excellency Sir George William Des Vœux, K.C.M.G., Governor and Commander-in-chief in and over the Island of Newfoundland and its Dependencies.

May it please your Excellency.

THE Chamber of Commerce having received authentic information to the effect that the French have recently established a lobster factory at Port-au-Choix, on the north-west coast of this island, desires to enter its protest against this fresh violation of the rights of this Colony.

It is needless for the Chamber to enter into an argument to prove the breach of Treaty stipulations involved in this establishment; but it desires to point out at the earliest possible moment the disastrous effects that will follow if it be not at once removed, and other ventures of a like character effectually prevented.

Each lobster factory requires from 10 to 20 miles of coast-line to furnish the necessary supply for canning.

The business of tinning lobster is a well-established and profitable industry, and it is understood that there is a considerable duty in France on foreign packed lobsters. These inducements to cover the whole of that coast with factories, if allowed to do so, will be too strong to be resisted by the French.

The Chamber would point out that this would entail the presence of French people on every part of the coast where they prosecute the cod fishery, and would effectually bar our fishermen from the use of any part thereof, as whenever a French fisherman is present, under the interpretation desired to be placed on the wording of the Treaty, and signifies to the naval authorities that he is being interfered with by an English fisherman, the latter must at once remove.

From the foregoing it is clear that the whole coast is likely to be lined with French lobster factories, if not at once disallowed by the British Government, and, as a consequence, the presence of British fishermen prohibited on the whole extent of coast from Cape Ray to Cape John.

Where the infringement of the Treaty is so glaring, the Chamber believes it has only to bring the subject to your Excellency's notice, that it may at once have the

desired effect of inducing Her Majesty's Government to cause the removal of the factory already established, and to prevent the inception of others.

On behalf of the Chamber of Commerce, we have, &c.

(Signed) A. W. HARVEY, *President of the Chamber of Commerce.*
J. GOODFELLOW, *Secretary.*

St. John's, Newfoundland, July 28, 1886.

Inclosure 3 in No. 22.

Captain Hamond to Governor Sir G. Des Vœux.

Your Excellency, "*Emerald*," *at Forteau, Labrador, July* 11, 1886.

I HAVE the honour to forward, for your information, a copy of a Report made to me by Lieutenant-Commander Browne, Her Majesty's ship "Mallard," relative to the establishment of a French lobster tinning factory lately set up at Port-au-Choix.

As the erection of a substantial building by the French appears to me in direct contravention of the Treaty of Utrecht, and as I am instructed to abstain from dealing with cases which involve questions of Treaty rights, I forward this Report for the information of Her Majesty's and of the Colonial Governments.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 4 in No. 22.

Lieutenant-Commander Browne to Captain Hamond.

Sir, "*Mallard*," *at Port-au-Choix, June* 26, 1886.

I HAVE the honour to report, with reference to the Treaty rights of the French to establish a lobster factory on shore at Port-au-Choix, that on my arrival on the 22nd I found a lobster factory being worked by a Captain Dameron, a Frenchman.

The factory employs fifty-five Frenchmen and one Newfoundland man, and four women belonging to the place.

I heard that the factory had been stopped by the French man-of-war "Drac," but shortly after, on the French man-of-war schooner "Perle" arriving, they again commenced operations.

I informed the Manager that I would report to you the matter, and also that I considered such an establishment illegal, and warned him that he had better not incur any more expenses.

The factory is still being worked, and on the 25th the French brigantine "Jombola" arrived from Maramichi with a cargo of spars and lumber to complete the buildings.

The factory is substantially built and roofed with corrugated iron.

I did not consider it advisable to make any protest on the subject to the officer commanding the "Perle," as I knew I should be able personally in a few days to report the matter to you for adjudication.

I have, &c.
(Signed) W. L. H. BROWNE.

No. 23.

Admiral the Earl of Clanwilliam to Admiralty.—(*Received at the Foreign Office, September* 17.)

Sir, "*Bellerophon*," *at St. John's, Newfoundland, September* 1, 1886.

IN forwarding herewith, to be laid before the Lords Commissioners of the Admiralty, a Report from the Senior Officer on the Newfoundland Division, of the seizure of cod-traps by the Senior Officer of the French ships employed on the Newfoundland fisheries, I have the honour to request you will inform their Lordships that Captain Hamond has sent a formal protest (of which a copy is inclosed) against this action to the French

Commodore, and requested that the cod-traps may be restored and delivered up to one of Her Majesty's ships.

2. This seizure by the French naval officer, who, I understand, has landed the cod-traps at St. Pierre, cannot be justified by the Arrangement of April 1884, or that of November 1885, which superseded it, and has not yet been ratified by the Newfoundland Government, or by previous practice; but I can state with confidence that he has, in this instance, acted under special instructions from his own Government.

3. There has been no exchange of the orders issued for the guidance of the respective officers employed this season. Those given to Her Majesty's ships, with the exception of the substitution of the Agreement of 1885 for that of 1884, were similar to the orders given in 1885.

4. The fishing season will be over, and Her Majesty's ships withdrawn from Newfoundland before this matter can be considered between the respective Governments; but it is most desirable that a distinct understanding should be arrived at before the commencement of the season of 1887.

5. Article IX of the Agreement of 1885, which, under certain circumstances and conditions, and after warnings that, in the case reported in Sub-Inclosure No. 1, were only given on the day of seizure, appears to empower French Commanders to take fishing implements from offenders in order to place them on shore, or to give them up to the Commanders of Her Majesty's ships, but could never have been intended to warrant a seizure and removal involving the total loss of the property of British subjects.

6. The question whether the use of cod-traps shall be made illegal is under consideration of the Government of the Colony, but it is one of considerable difficulty, which will take a long time to settle, and there are a variety of interests involved.

I have, &c.

(Signed) CLANWILLIAM.

Inclosure 1 in No. 23.

Captain Hamond to Admiral the Earl of Clanwilliam.

My Lord, "*Emerald*," *at St. John's, August* 25, 1886.

IN accordance with paragraph 14, p. 5, Senior Officer's Instructions, Newfoundland, I have the honour to report that it has come to my knowledge that in two cases the French Commodore has interfered with British subjects and their property, by seizing and retaining their cod-traps, and in both cases, the owners state, without giving them previous warning.

2. By Article 9, p. 26, of the new Arrangement of 1885 (which Arrangement has not been ratified by the Newfoundland Government), after due warning, this action might have been justifiable in the absence of any of Her Majesty's ships, but under existing circumstances, and with British cruizers so stationed as to be constantly accessible, it appears to me that these acts are illegal. I have not yet had an opportunity of sending a remonstrance on the subject to the French Senior Naval Officer.

3. I am of opinion that the cod-traps are a constant source of trouble between the French and ourselves, and that in many cases they do interfere with the French seine fishing. The French forbid their own fishermen to use them, but the using of them is legal according to the law of Newfoundland.

4. I inclose the sworn statement of John Pilgrim as to the facts of one case, and the Report of Commander Gibson, Her Majesty's ship "Lily," with regard to the other case.

I have, &c.

(Signed) RICHD. H. HAMOND.

Inclosure 2 in No. 23.

Deposition.

Newfoundland District to wit:

THE evidence of John Pilgrim taken upon oath, and who saith:—

On the 6th July a steam-boat belonging to the French man-of-war "Clorinde" came up to White Cape with another boat in tow. The steam-launch came up to my house in White Cape Harbour, and asked me if I would take up my cod-trap in Herring

Cove. I said I would when I had had my dinner. The steam-launch then went out to the other boat and came back to the stage as I was getting into my boat and took me in tow. When I got to Herring Cove I found the trap was half-way in the pulling boat. The officer in charge of the boat said, if I wanted my trap I must come to the French man-of-war at Kirpon. I went on board the "Clorinde" that evening and saw the Commodore. He told me I would get the trap when the "Lily" arrived. About three days previously the captain of the "Lily" told my wife that if my trap interfered with the French I must take it up. I have not seen any French boats fishing at White Cape for four years, and there is no French room at Criquet. I have lost my summer's fishing in consequence.

(Signed) JOHN PILGRIM, his × mark.

Witness:
(Signed) HENRY DE C. WARD.

Sworn before me at St. Lunaire Bay, this 5th day of August, 1886.
(Signed) RICHARD A. HAMOND, *Captain and Senior Officer, J.P. for Newfoundland.*

Inclosure 3 in No. 23.

Commander Gibson to Captain Hamond.

Sir, "*Lily*," *at St. John's, August* 26, 1886.

I HAVE the honour to report that, during my last visit to Ha Ha Bay on the 27th July, a man named Parmiter stated to me that a boat from the French man-of-war (the "Clorinde") had taken away his cod-trap.

2. It appears that, previous to the trap being taken, an officer had given warning to some of the inhabitants of Ha Ha Bay to remove their traps, but owing to Parmiter living at the top of the bay he heard nothing about it, and on an officer visiting Ha Ha Bay a second time he found the trap down, and had it removed.

I have, &c.
(Signed) HERBERT W. S. GIBSON.

Inclosure 4 in No. 23.

Captain Hamond to Admiral the Earl of Clanwilliam.

My Lord, "*Emerald*," *at St. John's, September* 1, 1886.

WITH reference to my letter of the 25th ultimo, I have the honour to forward herewith a duplicate of the letter I have addressed to the French Senior Officer protesting against his action in seizing cod-traps, the property of Newfoundland fishermen.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 5 in No. 23.

Captain Hamond to Captain Le Clerc.

Sir, "*Emerald*," *at St. John's, August* 31, 1886.

IT having been reported to me that you have seized and kept several cod-traps belonging to Newfoundland fishermen living on that part of the coast where the French have fishing rights, I regret that it is my duty to protest most strongly against your action in so doing.

During the fishing season of 1885 and of the present year, to avoid any difficulties, two English men-of-war have been instructed to constantly touch at the ports where the French fishing is carried on, and the Captains of these cruizers have been told to leave word on their departure from a port to let their next destination be known, so that, in case of any question arising, a French cruizer could put herself in communication with one of Her Majesty's cruizers. These orders have been carried out on our part.

I have the honour to request that you will cause these nets to be delivered to one of Her Majesty's ships, observing that the "Lily" and "Mallard" are both about to return to their former stations.

It is with much regret that I feel obliged to write this protest, but you will understand it is from a sense of duty, and that I trust it will not alter the pleasant relations that have existed hitherto between the naval officers of the two nationalities.

I have, &c.
(Signed) RICHD. H. HAMOND.

No. 24.

Count d'Aubigny to the Earl of Iddesleigh.—(*Received September* 21.)

(A.)

M. le Comte, *Londres, le* 20 *Septembre,* 1886.

NOTRE Vice-Consul à Terre-Neuve vient d'informer le Gouvernement de la République que sept usines à homard seraient actuellement exploitées par des résidents Anglais sur le "French Shore."

Je suis chargé par M. de Freycinet de signaler ces nouveaux faits à Votre Seigneurie, auprès de laquelle M. Waddington a déjà protesté le 25 Août dernier contre des infractions analogues émanant des résidents Anglais sur ce territoire, aux droits qui sont conférés à la France par les Traités.

Veuillez, &c.
(Signé) L. D'AUBIGNY.

(Translation.)

My Lord, *London, September* 20, 1886.

OUR Vice-Consul in Newfoundland has just informed the Government of the Republic that seven lobster factories are at this very moment being worked by English residents on the "French Shore."

I am instructed by M. de Freycinet to acquaint your Lordship with these new facts. M. Waddington has already protested, on the 25th August last, against similar infractions of the rights conferred on France by the Treaties on the part of British subjects residing in that territory.

I have, &c.
(Signed) L. D'AUBIGNY.

No. 25.

Count d'Aubigny to the Earl of Iddesleigh.—(*Received September* 21.)

(B.)

M. le Comte, *Londres, le* 20 *Septembre,* 1886.

UN Décret du Gouvernement de Terre-Neuve en date du 9 Août dernier a suspendu la pêche du homard pendant trois années, à compter du 30 Septembre prochain, dans le Havre des Roches (Bonne Baie, "French Shore").

Je suis chargé d'annoncer à votre Excellence qu'en présence du droit de pêche que les Traités confèrent à la France dans la région de l'île à laquelle s'applique le Décret, droit qui ne peut évidemment être limité dans son exercice, il est impossible à mon Gouvernement de reconnaître aucune validité à la mesure prise par les autorités de Terre-Neuve.

Veuillez, &c.
(Signé) L. D'AUBIGNY.

(Translation.)

My Lord, *London, September* 20, 1886.

A DECREE of the Newfoundland Government, dated the 9th August last, has prohibited lobster fishing for three years, from the 30th September next, in Rocky Harbour (Bonne Bay, "French Shore").

I am instructed to inform your Excellency that, in view of the fishery right conferred on France by the Treaties in the part of the island to which the Decree applies, a right which can evidently not be restricted in its exercise, it is impossible for my Government to recognize in any way the validity of the measure taken by the Newfoundland authorities.

I have, &c.
(Signed) L. D'AUBIGNY.

No. 26.

Count d'Aubigny to the Earl of Iddesleigh.—(*Received September* 21.)

(C.)

M. le Comte, *Londres, le* 20 *Septembre*, 1886.

LE Commandant de notre station navale à Terre-Neuve, pour garantir aux pêcheurs Français l'exercice des droits dont la jouissance leur est assurée par les Traités, avait été contraint de confisquer les engins de pêche d'un certain nombre de résidents Anglais qui s'étaient refusés à se conformer aux injonctions de nos croiseurs.

Les Départements de la Marine et des Affaires Étrangères, désireux de fournir un nouveau témoignage des dispositions conciliantes qui les animent, et convaincus que la saisie des trappes des pêcheurs Anglais avaient suffisamment affirmé en principe l'exercice complet et rigoureux de nos droits, donnèrent au Commandant Le Clerc l'ordre de remettre les filets saisis au premier croiseur Anglais qu'il rencontrerait. Cet officier devait faire observer du reste qu'une semblable disposition ne pourrait plus s'appliquer désormais, dans le cas où nous nous trouverions de nouveau contraints d'user de rigueur vis-à-vis des pêcheurs Anglais.

Ces instructions lui étaient déjà parvenues, lorsque le Commandant de notre station navale de Terre-Neuve a fait savoir au Ministre de la Marine qu'il venait de recevoir du chef de la Station Anglaise une protestation contre la saisie des engins de pêche, dont la remise était en même temps réclamée. M. Le Clerc répondit immédiatement que son Gouvernement, mu par des considérations bienveillantes, venait de lui donner des ordres dans ce sens et qu'il priait en conséquence le Commandant Anglais de retirer sa demande par écrit. Cette satisfaction ayant été pleinement donnée, les engins furent remis.

En portant ces détails à la connaissance de Votre Seigneurie, mon Gouvernement me charge d'insister auprès d'Elle sur ce fait que nous avions déjà pris spontanément l'initiative de faire remettre aux pêcheurs Anglais, par l'intermédiaire de leurs croiseurs, les filets confisqués, et que des ordres précis avaient été envoyés dans ce sens au Commandant de notre station navale avant que la réclamation du chef de la division Anglaise se produisît.

Veuillez, &c.

(Signé) L. D'AUBIGNY.

(Translation.)

My Lord, *London, September* 20, 1886.

THE Commander of our naval station at Newfoundland, in order to guarantee to French fishermen the exercise of the rights the enjoyment of which is assured to them by the Treaties, was forced to confiscate the fishing implements of a certain number of British residents who had refused to obey the injunctions of our cruizers.

The Departments of Marine and Foreign Affairs, being desirous of giving further proof of the conciliatory spirit which animates them, and convinced that the seizure of the traps of the English fishermen had sufficiently affirmed in principle the complete and strict exercise of our rights, gave Commander Le Clerc orders to return the captured nets to the first English cruizer he should meet. This officer was at the same time to point out that such action cannot be hereafter repeated in cases where we may find ourselves again obliged to act rigorously towards British fishermen.

These instructions had already reached him when the Commander of our naval station at Newfoundland informed the Minister of Marine that he had just received from the Chief of the English Station a letter protesting against the seizure of the fishing implements, and at the same time demanding their return. M. Le Clerc immediately replied that his Government, actuated by kindly motives, had just instructed him to the same effect, and he therefore begged the British Commander to withdraw his written request. This satisfaction having been fully accorded, the nets were returned.

In bringing these details to your Lordship's notice, my Government instruct me to point out that we had already spontaneously taken the initiative in returning the confiscated nets to the British fishermen through their cruizers, and that precise orders to this effect had been sent to the Commander of our naval station before the demands of the Commander of the British squadron were formulated.

I have, &c.

(Signed) L. D'AUBIGNY.

No. 27.

Foreign Office to Colonial Office.

Sir, *Foreign Office, September* 27, 1886.

WITH reference to my letter of the 1st instant, I am directed by the Earl of Iddesleigh to transmit to you herewith, to be laid before Mr. Secretary Stanhope, for any observations which he may have to make thereon, a copy of a note from the French Chargé d'Affaires at this Court calling the attention of Her Majesty's Government to the reported establishment by Newfoundland fishermen of seven lobster factories upon the so-called "French Shore."*

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 28.

Admiral the Earl of Clanwilliam to Admiralty.—(Received at the Foreign Office, October 3.)

St. John's, New Brunswick, September 14, 1886.

SUBMITTED for information and consideration, with reference to my letter of the 1st instant.

2. Until fishing with cod-traps is made illegal, their continued use will lead to serious difficulties between the French and English.

(Signed) CLANWILLIAM.

Inclosure 1 in No. 28.

Captain Hamond to Admiral the Earl of Clanwilliam.

My Lord, *"Emerald," at Sydney, Cape Breton, September* 9, 1886.

I HAVE the honour to forward herewith a letter I have received from the French Senior Officer, and a duplicate of my reply thereto.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 2 in No. 28.

Captain Le Clerc to Captain Hamond.

Monsieur, *Sydney, le* 8 *Septembre,* 1886.

J'AI l'honneur de vous accuser réception de votre communication du 31 Août dernier, communication dans laquelle vous voulez bien me faire connaître que vous protestez de la façon la plus formelle contre la saisie et la retenue de filets que la "Clorinde" a dû, par mes ordres, opérer tant au Cap d'Oignon qu'à la Baie de Haha et aux Griguets.

Les motifs que vous voulez bien mettre en avant sont que les croiseurs Anglais ont toujours pris soin de visiter constamment les havres où pêchaient les Français, veillant à ce que leur pêche ne fut pas interrompue par les sujets de Sa Majesté Britannique, et ayant toujours soin de laisser connaître dans leur dernière relâche à quel endroit ils se rendaient, afin de pouvoir intervenir à un moment donné, et éviter ainsi aux croiseurs Français le soin de prendre aucune mesure de coercition vis-à-vis des pêcheurs de Terre-Neuve, qui exercent leur industrie à l'abri du pavillon Britannique. Je commence, avant tout, par rendre pleine et entière justice à la façon dont les croiseurs sous vos ordres se sont acquittés des délicates fonctions dont vous les aviez chargés. C'est un fait constant que le "Lily," entre autres, à la côte est, a toujours été en mouvement, et qu'il n'a cessé de visiter fréquemment les havres occupés par les pêcheurs Français, et qu'il a toujours pris le plus grand soin que nos pêcheurs ne fussent pas interrompus dans l'exercice de leur pêche.

Cependant, vers la fin de Juin, et dans les premiers jours de Juillet, je recevais les

* No. 24.

demandes les plus pressantes de la part des Capitaines Domalain et Houard, établis en pêche au Kirpon, me disant que malgré toute la vigilance des croiseurs Anglais, les goélettes nomades et quelques résidents ne cessaient d'infester les lieux de pêche avec leurs trappes, lesquelles leur font un tort considérable, et que les navires de guerre n'étaient pas plutôt partis que les trappes reparaissaient.

Je me suis alors rendu à la Baie du Sacre et au Kirpon, et avant de prendre aucune décision je me suis livré sur les lieux à une enquête, même auprès des sujets Britanniques.

Il est ressorti de la déclaration des résidents du Kirpon, de celle de Henry Sucker, par exemple, et de beaucoup d'autres pêcheurs, que non seulement les trappes Anglaises gênaient nos gens, mais encore que la pêche du Capitaine Domalain et celle du Capitaine Houard avaient été ruinée par leur présence.

Ces résidents me priaient, même, dans leur intérêt propre, de faire lever ces engins destructeurs, et me signalaient leur présence dans les baies avoisinantes.

J'ignorais entièrement où se trouvait le " Lily," et aucun des résidents ne me l'a dit, pas même ceux dont les trappes ont été saisies.

Sur ces entrefaites, la morue à la poursuite du capelan est arrivée en abondance, et il devenait urgent de permettre aux pêcheurs Français de pêcher et de tâcher ainsi de relever leur situation compromise.

En ce moment, nos seines débordaient sur la partie de côte comprise, d'une part, entre le Cap Bauld et la Baie du Nord des Griguets; de l'autre, entre le Cap Bauld et la Baie de Haha.

Le 6 Juillet, après m'être assuré par moi-même que les plaintes de mes nationaux étaient bien fondées, avoir envoyé mon canot à vapeur à l'entrée du Petit Kirpon voir si l'on n'apercevait pas le " Lily," j'ai détaché un officier prévenir les propriétaires des trappes qui se trouvaient placées à l'entrée de la Baie du Nord, aux environs de la Pointe de la Tempête et de la Pointe à Broize, que l'intention de nos seines étant de déborder auprès de l'endroit occupé par les trappes, je les priais de les lever, leur laissant vingt-quatre heures pour opérer cette levée.

Le lendemain, 6 Juillet, exactement vingt-quatre heures après, j'envoyai le canot-à-vapeur monté par un élève de première classe, muni d'ordres écrits dans lesquels je lui enjoignais expressément et formellement de ne rien faire si le " Lily " était en vue, mais bien de se rendre à bord de croiseur Anglais, et de requérir ses bons offices pour faire dégager les trappes Anglaises.

Comme tel n'était pas le cas, les trappes Anglaises au nombre de trois, situées sur l'emplacement où la seine de navire Français " Union " désirait déborder, ont éte levées par leurs propriétaires, sous cette restriction, que la trappe d'un nommé John Pilgrim, placée à environ 2,800 mètres des leurs, serait aussi levée.

Cette requête était juste. Pilgrim, qui est un homme retors et malin, savait très bien que s'il n'y a pas de pêcheurs Français établis au Cap Blanc même, nos seines du Kirpon vont pêcher à la Baie du Nord, où le poisson ne peut se rendre, arrêté qu'il est par le voisinage de sa trappe.

Dans ces conditions, ses propres compatriotes menaçant de ne pas lever leurs trappes si on ne lui faisait pas lever la sienne, j'ai dû, conformément aux ordres de mon Gouvernement, saisir un filet qu'il se refusait à lever. Ceci se passait le 7 Juillet. A la Baie de Haha, les seines du navire Français le " Sans Souci " ne pouvaient pas pêcher, et il n'y avait pas moins de onze trappes Anglaises. J'ai envoyé prévenir de les lever, en laissant six heures pour le faire. Nos nationaux, à l'exception de deux, ont levé leurs trappes. En dépit de toutes nos précautions oratoires, de toute notre patience, ils se sont positivement refusé à lever leurs filets.* Je les ai fait saisir.

Vous comprendrez, Monsieur, que la protection que les croiseurs Anglais cherchent avec la meilleure bonne foi du monde à donner à nos pêcheurs est totalement illusoire, car ils ne sont pas plutôt partis, leur fumée n'a pas plutôt disparu, que les engins destructeurs dont se servent vos nationaux sont remis en place.

C'est si vrai que l'an dernier le croiseur Anglais a dû lui-même confisquer les engins de Haha pour mettre un terme à cet état de choses.

D'après l'estimation des résidents Anglais eux-mêmes le tort fait aux pêcheurs du Kirpon par les trappes tant de Haha que des Griguets n'a pas cette année été moindre que 2,000 quintaux de morue, et cela sur une côte déjà dévastée et ruinée par leur présence.

En présence de ces faits, j'ai dû exécuter les ordres venus de Paris et cela, je l'ai fait avec toute la modération, d'esprit de tolérance, que depuis de longues années maintenant

* Quoique déjà prévenus plusieurs fois par le " Lily."—J. Le Clerc.

j'apporte à l'exercice de mes fonctions sur la côte de Terre-Neuve; et je suis convaincu qu'après un examen attentif de la question *vous* en resterez convaincu.

Quant à la partie de votre communication concernant la remise des engins à un des croiseurs de Sa Majesté Britannique, j'ai l'honneur de vous informer qu'il m'est inutile de la placer sous les yeux du Gouvernement Français, car j'ai reçu l'ordre de remettre les filets saisis à un des croiseurs placés sous vos ordres. En conséquence, j'ai expédié au "Drac" l'ordre de se rendre à Forteau et de donner les filets au "Lily," qui en connaît les propriétaires.

Je vous prierai de remarquer que votre communication datée de St.-Jean, 31 Août, ne m'est arrivée en mains que le Lundi, 6 Septembre, à 5 heures du soir, alors que j'étais déjà en communication avec mon Gouvernement au sujet de la destination à faire suivre aux filets à l'issue de la saison de pêche. C'est donc pour bien marquer son grand désir de conciliation que le Gouvernement Français, sans que j'ai eu à lui transmettre votre communication, m'a donné l'ordre de remettre les filets. Son intentiou n'a pas été de faire acte de saisie arbitraire sur la propriété des pêcheurs qui bénéficient de leur condition de sujets Britanniques pour ruiner les pêcheries que les Traités nous réservent, mais bien de garantir à nos nationaux le libre exercice d'un droit qui devient illusoire en présence de l'obstination des pêcheurs Anglais à éluder les ordres que leur donnent le croiseur de leur propre nation.

En terminant, Monsieur, je puis vous garantir qn'il ne tiendra pas à moi que les relations si cordiales qui ont toujours existé et existent entre les croiseurs de deux nations perichitent [*sic*] à Terre-Neuve. Elles reposent sur une estime mutuelle que ne saurait altérer la responsabilité des devoirs que chacun de nous a à accomplir en vertu des ordres de nos Gouvernements respectifs, et je ne saurais terminer sans constater ici, que sans la vigilance de nos croiseurs, sans leur impartialité, vos pêcheurs ne pourraient exercer un droit de pêche auquel la France attache le plus grand prix, et dont elle ne cessera de réclamer le libre exercice. Je regrette profondément que des nationaux de Terre-Neuve fassent échec à toute notre bonne volonté mutuelle par un mauvais vouloir continuel à se plier aux exigences des Traités et aussi par l'usage de filets destructeurs destinées non seulement à achever la ruine de la côte de Terre-Neuve, mais encore à mettre dans un danger constant les bonnes relations des deux nationalités.

Je suis, &c.

(Signé) J. LE CLERC.

(Translation.)

Sir, *Sydney, September* 8, 1886.

I HAVE the honour to acknowledge the receipt of your communication of the 31st August last, in which you are good enough to inform me that you protest in the most formal manner against the seizure and retention of nets which the "Clorinde" has effected by my orders at Cape d'Oignon, Haha Bay, and off the Griquets.

The reasons you adduce for this are that the British cruizers have always been careful to constantly visit the harbours where the French were fishing, protecting their fishery from interruption on the part of British subjects, and to make known at the spot last visited the place they were making for, so as to be able to intervene at any moment, and thus preclude the necessity of the French cruizers taking any coercive measures against the Newfoundland fishermen, who carry on their industry under the protection of the British flag. I will commence by rendering full and entire justice to the manner in which the cruizers under your orders have performed the delicate functions you have intrusted to them. It is a well-known fact that the "Lily," amongst others on the east coast, has been constantly moving about, has paid frequent visits to the harbours occupied by the French fishermen, and has always taken the greatest care that our fishermen should not be interrupted in the pursuit of their fishery.

Nevertheless, towards the end of June and in the first days of July I received most pressing appeals from Captains Domalain and Houard, engaged in fishery at Kirpon, telling me that, notwithstanding the vigilance of the British cruizers, the stray fishing-smacks and some of the residents continually infested the fishing grounds with their traps, which did them a great deal of harm, and that the men-of-war were no sooner gone than the traps reappeared.

I then went to the Baie du Sacre and to Kirpon, and before coming to any decision I instituted an inquiry, even amongst the British subjects.

It appeared from the declaration of the residents at Kirpon, such as Henry Sucker for example, and of many other fishermen, that not only did the British traps injure our people, but also that the fishery of Captain Domalain and that of Captain Houard had been ruined by their presence.

These residents even begged me in their own interests to have these destructive engines removed, and pointed out to me their presence in the neighbouring bays.

I was entirely ignorant of the whereabouts of the "Lily," and none of the residents told me, not even those whose traps were seized.

In the meanwhile, the cod were arriving in great numbers in the pursuit of capelin, and it became urgently necessary to allow the French fishermen to fish, and to try in this way to relieve their distressing situation.

At this moment our nets were laid down on that part of the coast lying on one side between Cape Bauld and the North Bay of the Griquets, on the other between Cape Bauld and Cape Haha.

On the 6th July, after having assured myself that the complaints of the French were well founded, and having sent my steam-launch to the entrance of Little Kirpon to see if the "Lily" was in sight, I sent an officer to inform the proprietors of the traps placed at the entrance of North Bay, near Point Tempest and Pointe à Broize, that, as we intended to lay down our nets near the spot occupied by the traps, I requested that they should remove them, granting them twenty-four hours to carry out this operation.

The next day, the 6th July, exactly twenty-four hours afterwards, I sent the steam-launch, commanded by a Midshipman of the First Class, furnished with written orders, in which I expressly and formally instructed him to do nothing if the "Lily" was in sight, but to go on board the British cruizer and request her assistance in removing the British traps.

As the "Lily" was not in sight, the British traps, three in number, situated on the spot where the nets of the French vessel "Union" were to be laid down, were raised by their owners on the condition that the trap belonging to one John Pilgrim, which lay about 2,800 metres from theirs, should also be raised.

This request was just. Pilgrim, a sharp, cunning fellow, knew well that, although there are no French fishermen established at the White Cape itself, our fishermen from Kirpon go to lay their nets in North Bay, where the fish cannot go, being stopped by the proximity of his trap.

In these circumstances, his own countrymen threatened that they would not raise their traps if he were not made to do the same, and I was obliged, in conformity with the orders of my Government, to seize a net which he refused to raise. This happened on the 7th July. At Haha Bay the nets of the French vessel "Sans-Souci" could not work, and there were at least eleven English traps there. I sent warning to have them raised, allowing six hours for the purpose. Our citizens, with two exceptions, raised their traps. In spite of all our patience and verbal warnings they positively refused to raise their nets.* I had them seized.

You will understand, Sir, that the protection which the British cruizers try with the best will in the world to accord to our fishermen is entirely illusory, for they are no sooner gone, their smoke has no sooner disappeared, than the destructive engines used by your countrymen are replaced.

So true is this, that last year the British cruizer had herself to confiscate the engines at Haha to put an end to this state of things.

By the estimates of the British residents themselves, the harm done to the Kirpon fishermen by the traps at Haha and Griquets has this year been not less than 2,000 quintals of cod, and that on a coast already devastated and ruined by their presence.

In view of these facts, I have had to carry out the orders which have reached me from Paris, and this I have done with the moderation and the tolerant spirit which I have for many years tried to apply to the exercise of my duties on the Newfoundland coast; and I feel certain that, after an attentive examination of the question, you yourself will be convinced of this.

With regard to that part of your communication which concerns the handing over of the engines to one of Her Britannic Majesty's cruizers, I have the honour to inform you that it is unnecessary for me to bring it to the notice of my Government, because I have received orders to put the captured nets on board one of the cruizers under your command. In consequence, I have sent orders to the "Drac" to go to Forteau and hand over the nets to the "Lily," to whom the owners are known.

I beg to point out that your communication, dated St. John's, the 31st August, only reached me on Monday, the 6th September, at 5 P.M., when I was already in

* Although they had already been several times warned by the "Lily."

communication with my Government on the subject of the destination to which the nets were to be sent at the end of the fishing season. It is, therefore, in order to show clearly their strong desire for conciliation that the French Government ordered me to return the nets, without my having transmitted to them your communication. It was not their intention to commit an act of arbitrary seizure on the property of fishermen who profit by their position as British subjects to destroy the fisheries which the Treaties reserve for our use, but to safeguard for our citizens the free exercise of a right which becomes illusory in view of the obstinacy with which British fishermen evade the orders given to them by the cruizers of their own nation.

In conclusion, Sir, I can assure you that it will not be my fault if the cordial relations which have always existed and still exist between the cruizers of the two nations should cease in Newfoundland. They rest on a mutual esteem, which cannot be affected by the responsibility imposed on us by the duties which each of us has to perform in accordance with the orders of our respective Governments; and I cannot conclude without stating here that, but for the vigilance of our cruizers, and their impartiality, our fishermen would not be able to exercise a right of fishing to which France attaches great value, and the free exercise of which she will never cease to claim. I deeply regret that natives of Newfoundland should frustrate all our mutual good-will by a constant unwillingness to comply with the exigencies of the Treaties, and also by the use of destructive nets, which will not only bring about the ruin of the Newfoundland coast, but also place in constant jeopardy the good relations existing between the two nationalities.

I am, &c.
(Signed) J. LE CLERC.

Inclosure 3 in No. 28.

Captain Hamond to Captain Le Clerc.

Sir, "*Emerald*," *at Sydney, Cape Breton, September* 9, 1886.

I HAVE the honour to acknowledge the receipt of your letter of yesterday's date, in reply to my letter of the 30th August, in which I protested against the seizure and retention of certain cod-traps.

2. In the first place, I thank you sincerely for your remarks on the way our cruizers carry out their duties, especially as regards the "Lily."

3. It is, I think, unnecessary for me to enter into further correspondence, as I shall forward your letter officially; at the same time assure you that I am convinced that, in executing the orders you received from your Government, you were guided by a sincere spirit of moderation.

4. As regards my letter of the 30th August, in which I request that these cod-traps may be handed over to one of Her Britannic Majesty's cruizers, in view of your statement that you have received instructions from your Government, in reply to your communication prior to the receipt of my letter of the 30th August, received by you on the 6th September, I beg to formally withdraw that request, it being now unnecessary.

5. In conclusion, Sir, I am very glad to have had this opportunity of meeting you, and I feel that, whatever may be the difference of the views of our respective Governments, that in carrying out our orders we shall be always able to do so without endangering the cordial relations that exist between us.

6. I have telegraphed orders to the "Lily" to proceed to Forteau and receive the nets from the "Drac."

I have, &c.
(Signed) RICHD. H. HAMOND.

No. 29.

Governor Sir G. Des Vœux to Mr. Stanhope.—(Received at the Foreign Office, October 18.)

(Extract.) *Government House, Newfoundland, September* 14, 1886.

REFERRING to my despatch of the 2nd August, 1886,* on the subject of the establishment of a lobster factory by the French at Port-au-Choix, on that part of the

* Inclosure 1 in No. 22.

coast of this island where the French have certain fishing rights, I have now the honour of forwarding to you an extract from a letter addressed by the Sub-Collector of Customs at Bay of Islands to the Receiver-General of this Colony, and brought to my notice by the latter, in which letter, you will observe, is reported an intention, on the part of the French, to establish next season another lobster factory at Harbour Island, one of the dependencies of this Colony; and the question is raised as to the liability of those establishing such a factory to be brought under the laws, and to be made subject to the duties, of this Colony.

2. You will also observe, further, that an intention is reported, on the part of the French, to establish factories of a similar kind at other places on the same coast.

3. I propose to refer the matter for the consideration of my Ministers, but have thought it right to lose no time in making you acquainted with this report, which, if correct, indicates a fixed intention on the part of the French to maintain a principle which appears to me to be manifestly at variance with their Treaty rights.

4. It is worthy of note that, simultaneously with these complaints on behalf of British interests as to violation of the Treaties by the French, formal complaints are also being made on behalf of French interests in respect of the lobster factories established by British subjects on the same coast, as in various ways constituting interruption to, and interference with, the French fishery. This matter has been brought to the notice of our naval authorities by the officer in command of the French squadron in these seas; and I received yesterday a formal protest on the same subject from M. Des Isles, who gives his address as the "Vice-Consulat de France à Saint-Jean de Terre-Neuve," and who, though not recognized as such, in fact discharges the duties of Vice-Consul.

5. Some of these British factories have been established for several years, and belong to colonists of Newfoundland, but two or three have been established lately by colonists of Novia Scotia and Prince Edward Island, and these return no adequate compensation to this Colony for the denudation of the coasts of lobsters and the alleged injury of the fisheries by their refuse—scarcely more, indeed, than if their owners were French subjects.

6. I question whether lobster factories everywhere do not do more injury than benefit to the Colony, except when placed under restrictions, which it would be difficult to enforce on a coast so sparsely populated as that in question; and as this view is very generally held here, it is not improbable that executive measures will be taken, purely in the interests of the Colony, for the suppression of the factories, which happen also to be complained of by the French—at least, those recently established.

7. I am inclined to think, however, that the best means of settling this particular question, pending a final settlement of the whole question of the fisheries, would be to close all the lobster factories belonging to both nations on the shore in question, either by international agreement, or (as suggested in my despatch above referred to) by executive action on the part of this Colony.

8. I shall convey to you the views of my Ministers as soon as I have had an opportunity of learning them.

Inclosure in No. 29.

The Sub-Collector, Bay of Islands, to the Receiver-General, Newfoundland.

(Extract.) *Bay of Islands, Newfoundland, August* 31, 1886.

IT is reported here that a Frenchman is about to establish a lobster factory (next spring) at Wood's Island (known as Harbour Island on the Chart).

I mention this so that the Government may be made aware, as I suppose it would be an infringement of the Treaty, and would lead to grievous annoyances, as no doubt they would protest against paying duties and lights in connection with that business. They would, of course, have vessels coming with all sorts of goods for trading and lobster-fishing purposes.

It is said the French Company are ready to erect lobster factories around the coast, and although in that event they would give a good deal of employment to our people (possibly), they would also create an additional complication in matters on what has been called the "French Shore."

The French cod fishery is falling off more and more every year, and before long we would not be very much troubled with them if we do not give them any additional hitch, for which they could give us nothing but prospective trouble.

I see that they had marked out Wood's Island for themselves in the late Arrangement. They never go there, nor resort to it for fishing purposes. There is not any fish caught there but herrings, but it is composed of highly cultivable land, and would support 1,000 people if cultivated; a portion of it is, and gives a rich yield.

No. 30.

Mr. Stanhope to Governor Sir G. des Vœux.

Sir, *Downing Street, October* 18, 1886.

I HAVE the honour to transmit to you herewith copies of the accompanying papers received through the Admiralty from the Commander-in-chief on the North American and West Indian Station, relating to the seizure of cod-traps belonging to British fishermen by the Senior Naval Officer of the French squadron on the Newfoundland coast.*

You will observe that Captain Hamond, of the "Emerald," in his letter to the Earl of Clanwilliam dated the 25th August last, gives his opinion that the cod-traps are a constant source of trouble between the French and British fishermen, and that in many cases they interfere with the French seine fishing. Lord Clanwilliam states that "the question whether the use of cod-traps shall be made illegal is under the consideration of the Government" of Newfoundland; and in his letter to the Secretary of the Admiralty of the 14th September his Lordship observes that "until fishing with cod-traps is made illegal their continued use will lead to serious difficulties between the French and English." The French Commodore, moreover, in his letter to Captain Hamond of the 8th September, states that British residents on the coast have begged him in their own interests to remove these traps.

In these circumstances, I should be glad to be informed whether your Government contemplate taking any steps for prohibiting the use of cod-traps, at any rate on that part of the coast of Newfoundland to which the French right of fishing extends.

As regards the action taken by the French naval officer in seizing the fishing-gear of British subjects, I have suggested to the Secretary of State for Foreign Affairs that the French Government should be informed that Her Majesty's Government cannot recognize any right on the part of French naval officers to take such action under existing Treaties.

I have, &c.

(Signed) EDWARD STANHOPE.

No. 31.

Count d'Aubigny to the Earl of Iddesleigh.—(Received October 21.)

M. le Comte, *Londres, le* 20 *Octobre*, 1886.

LE 25 Août dernier l'Ambassadeur signalait à Votre Seigneurie l'existence au "French Shore," à Terre-Neuve, d'usines Anglaises pour la préparation de conserves de homard, établies en contravention aux Traités entre nos deux pays, et M. Waddington demandait à Votre Seigneurie de vouloir bien agir sans délai pour mettre fin à l'exploitation de ces usines.

Moi-même, M. le Comte, j'avais l'honneur le 20 Septembre de renouveler auprès de Votre Seigneurie les représentations de mon Gouvernement.

De nouvelles transgressions de même nature s'étant encore produites sur le "French Shore," je suis chargé de protester de nouveau auprès de Votre Seigneurie contre un état de choses manifestement injuste, et qui menace de s'aggraver chaque jour.

Mon Gouvernement, placé dans des circonstances analogues, n'a pas hésité au mois d'Août dernier à obliger un sujet Français à cesser l'exploitation d'une usine préparant des conserves de homard; il a la confiance que le Gouvernement de Sa Majesté la Reine, en présence de notre attitude, se hâtera de son côté de rappeler ses nationaux au respect des Traités existants.

J'ai, &c.

(Signé) L. D'AUBIGNY.

* Nos. 23 and 28.

(Translation.)

My Lord, *London, October* 20, 1886.

ON the 25th August last, the Ambassador notified to Your Lordship the existence on the "French Shore" in Newfoundland of English lobster factories, established in contravention of the Treaties between our two countries, and M. Waddington requested Your Lordship to take action without delay to put a stop to the operations of these factories.

I had the honour, on the 20th September, to renew to Your Lordship the representations of my Government.

Fresh transgressions of the same character having occurred on the "French Shore," I am instructed to protest anew to Your Lordship against a state of things manifestly unjust, which threatens to become aggravated day by day.

My Government, under similar circumstances, did not hesitate in August last to compel a French citizen to suspend the operations of a factory for preserving lobsters; they trust that Her Majesty's Government, in view of our attitude, will hasten on their side to enjoin on British subjects a respect for existing Treaties.

I have, &c.

(Signed) L. D'AUBIGNY.

No. 32.

Colonial Office to Foreign Office.—(Received October 25.)

Sir, *Downing Street, October* 25, 1886.

I AM directed by Mr. Secretary Stanhope to acknowledge the receipt of your letter inclosing copy of a note from the French Chargé d'Affaires at this Court,* in which he gives notice, on behalf of his Government, that they cannot recognize the validity of a Decree stated to have been recently passed by the Government of Newfoundland prohibiting for three years the fishing for lobsters in Bonne Bay.

The views of Mr. Stanhope on this matter are shown in the accompanying draft of a despatch which he proposes, with the concurrence of the Earl of Iddesleigh, to address to the Governor of Newfoundland.

Pending a reply from the Governor, Mr. Stanhope is of opinion that it will be sufficient to acknowledge the receipt of Count d'Aubigny's note, with an intimation that the Decree in question has not been received by Her Majesty's Government, but that the Governor of Newfoundland has been requested to furnish them with a copy of it.

I am, &c.

(Signed) JOHN BRAMSTON.

[For Inclosure in No. 32, see *post*, No. 34.]

No. 33.

The Earl of Iddesleigh to M. Waddington.

M. l'Ambassadeur, *Foreign Office, October* 28, 1886.

WITH reference to Count d'Aubigny's note of the 20th ultimo on the subject of a Decree passed by the Government of Newfoundland prohibiting lobster fishing in Bonne Bay for three years from the 30th ultimo, I have the honour to state to your Excellency that this Decree has not been received by Her Majesty's Government, but that the Governor of Newfoundland has been requested to send home a copy of the document.

I have, &c.

(Signed) IDDESLEIGH.

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* No. 25.

No. 34.

Mr. Stanhope to Governor Sir G. Des Vœux.

(Extract.) *Downing Street, October* 30, 1886.

I HAVE the honour to transmit to you a copy of a note received through the Foreign Office from the French Chargé d'Affaires at this Court,* in which he gives notice on behalf of his Government that they cannot recognize the validity of a Decree recently passed by the Government of Newfoundland prohibiting for three years the fishing for lobsters in Bonne Bay.

I would be glad to be furnished with a copy of the Decree.

It would be advisable that any Decree or Order affecting the fisheries on the west and north-west coasts of Newfoundland should contain a clause reserving French rights under Treaty.

No. 35.

Governor Sir G. Des Vœux to Mr. Stanhope.—(Received at the Foreign Office, November 15.)

(Extract.) *Government House, Newfoundland, October* 27, 1886.

I HAD the honour to inform you on Saturday last, by cable, that Sir A. Shea is about to proceed to England, having been appointed Commissioner on behalf of this Colony for the purpose of more fully impressing upon Her Majesty's Government the views of this Government with reference to the Bill for regulating the sale of bait-fishes lately reserved by me for the signification of Her Majesty's pleasure.

2. As I have already informed you on more than one occasion, my Government regard the sanction of the Bill referred to as of vital importance to the interests of this Colony, and they now appoint a Commissioner to represent them on this subject in order to signify emphatically the continuance of this feeling, and with a view to secure, as far as possible, against failure in their object by the supply of the fullest information on all points which may be material to the consideration of the question by Her Majesty's Government.

No. 36.

The Earl of Iddesleigh to M. Waddington.

M. l'Ambassadeur, *Foreign Office, November* 24, 1886.

I HAVE had under my consideration, in communication with Her Majesty's Secretary of State for the Colonies, your Excellency's letter of the 25th August, and Count d'Aubigny's further letter of the 20th ultimo, calling the attention of Her Majesty's Government to the establishment of two British lobster factories at Port-à-Port in Newfoundland, and asking that instructions may be given to the authorities in that Colony to suppress these factories without delay.

Attention is at the same time called to the course taken by the French authorities in reference to certain lobster factories established by French citizens at Port-au-Choix.

With regard to the factories at Port-au-Choix, whilst acknowledging with satisfaction the action of the French Government in discountenancing those fixed constructions by French citizens as contrary to Treaty, I have to observe that, from a despatch recently received from the Governor of Newfoundland,† it would appear that a French citizen contemplates establishing a lobster factory next spring at Woods or Harbour Island, and that others may possibly be erected on the coast. I have therefore to express the hope that the French naval officers will make known to the persons concerned that such a course is not allowed by the Treaties, and must be discontinued.

In respect to the British factories at Port-à-Port, I would submit to your Excellency the following considerations :—

It was admitted by Commodore Devarenne in 1881, in conversation with Captain Kennedy, R.N., of Her Majesty's ship "Druid," that these factories, which appear to have

* No. 25. † No. 29.

been erected with the full assent of the French Consul, did not obstruct or in any way interfere with French fishery pursuits.

These factories were established some years ago, as, for instance, that of Port-à-Port and that of St. Barbe's Bay, which formed the subject of correspondence between the two Governments in 1881; and it must be remembered that the Arrangement provisionally signed at Paris in November 1885 stipulated that all existing settlements should be allowed to remain. Although that Arrangement has not yet received the assent of the Newfoundland Legislature, owing principally to the objections raised to Article XVII, relating to the sale of bait on another part of the coast, Her Majesty's Government do not doubt that the French Government share their hope that a speedy settlement may be arrived at on the general question; and having regard especially to the fact that the factories in question are not new ones, and were established with the assent of the French Consul, it is hoped that your Government will not object to their continuance pending a settlement of the Fishery question.

The injury caused to the owners by a forced removal would be very great in the case of those which have been established for some years; but if it should turn out that any of the factories in question have been established since the date of the Paris Arrangement, Her Majesty's Government will be prepared to take the necessary measures for their removal.

I have, &c.
(Signed) IDDESLEIGH.

No. 37.

Admiralty to Foreign Office.—(*Received December* 18.)

(Extract.) *Admiralty, December* 14, 1886.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you herewith, for the perusal of the Earl of Iddesleigh, printed copies of the Annual Report on the Newfoundland Fisheries for the past season, forwarded by the Commander-in-chief on the North America and West Indies Station in his letter of the 23rd October.

2. My Lords propose to express their approval of the creditable manner in which the several officers employed in the supervision of the fisheries have carried out their duties; and I am to request that in laying the Report of their proceedings before Lord Iddesleigh, you will invite his Lordship's concurrence in this approval.

3. Other matters which, in their Lordships' opinion, call for special notice, are those adverted to in Admiral Lyons' letter in paragraphs 2 and 3, respecting the use of cod-traps, and in paragraph 4, respecting the establishment of lobster factories. The latter form the subject of a separate correspondence between Captain Hamond and Commodore Le Clerc, which is printed at the end of the Fishery Reports as Inclosures 8-10.

4. I am to add that a similar letter has been addressed to the Colonial Office.

Inclosure 1 in No. 37.

Vice-Admiral Lyons to Admiralty.

(Extract.) "*Bellerophon*," *at Halifax, October* 23, 1886.

IN submitting, for the information of the Lords Commissioners of the Admiralty, the Reports on the Newfoundland Fisheries for the past season, I would observe:—

1. The hopes entertained by Her Majesty's Government that the recent instructions issued by the Government of France to its naval officers employed in Newfoundland waters would not be enforced have not been altogether realized.

2. The correspondence between Captain Hamond, of the "Emerald"—who, I may here take the opportunity of saying, has, as Senior Officer on the Newfoundland coast, displayed great tact and ability—and Commodore Le Clerc, on the subject of the arbitrary seizure of cod-traps by French officers, will place their Lordships in possession of a fruitful source of grievance on the part of our fishermen, and of a growing irritation against the French.

3. The suggestion made by Captain Hamond, and his view is shared by the Governor of Newfoundland, that the use of cod-traps should be made illegal, would probably remove the principal cause of dispute and bad feeling between the French and Newfoundland fishermen. It seems clear that the practice of using these traps *does*

interfere with the French fishing; at the same time, they do not tend to improve the prospects of the great majority of our fishermen. The French naval authorities forbid their use by their own people.

Until the Legislative Assembly and Council of Newfoundland shall have passed a Law to the above effect, I think, with Sir William Des Vœux, that the English officers should be empowered to forbid our fishermen from using cod-traps on that part of the coast where the French have fishing rights.

4. As regards the correspondence between Commodore Le Clerc and Captain Hamond on the subject of the erection of lobster factories, the measures taken by Captain Hamond would, I think, fully meet the case. These canning factories must be a great boon in finding employment for the poorer classes of the inhabitants on the coast.

5. Their Lordships will observe that Captain Hamond expresses his satisfaction at the efficient manner in which their duties were performed by Commander Gibson, of the "Lily," and Commander W. L. H. Browne, late of the "Mallard," who was on the Newfoundland coast the greater part of last season. I think that the expression of their Lordships' approval might be conveyed to Commander Browne.

Inclosure 2 in No. 37.

Captain Hamond to Vice-Admiral Lyons.

Sir, "*Emerald*," *at Halifax, October* 20, 1886.

I HAVE the honour to forward herewith the Fishery Reports for this season. In accordance with the instructions I received, I have kept the two ships under my orders on those parts of the coast where the French have been exercising their rights of fishing.

2. The weather until August was bad; there were a great number of icebergs on the coast, and much foggy weather was encountered.

3. I would observe that Commander Gibson and Lieutenant-Commander Browne have proved most efficient officers, and carried out their duties to my entire satisfaction.

4. Lieutenant-Commander Sanderson informs me that the French lobster factory at Port-au-Choix, on the establishment of which I made a separate Report (letter of the 11th July, 1886), has been carried on at a considerable loss; and that Captain Le Clerc, the French Senior Naval Officer, had the roof of the shed taken off. The boiling and tinning operations have since been carried out on board a brig.

5. It is unnecessary to add any further remarks, as I have written more fully in my "General Remarks" at the end of the Fishery Reports.

I have, &c.

(Signed) RICHD. H. HAMOND.

Inclosure 3 in No. 37.

General Remarks on Fishery Report.

THE cod fishing on the coasts of Newfoundland and Labrador has been this year much below the general average, with the exception of that on the south and south-west coast of Newfoundland. The back fishing has been very successful.

At many of the ports on the coast schooners are manned and fitted out for Labrador, and as these have been generally unsuccessful this year there will be a good deal of distress and destitution. I believe the Newfoundland Government is aware of this, and will take measures of relief.

I am strongly of opinion that the use of cod-traps on that part of the coast where the French have fishing rights should be made illegal. I addressed a letter to his Excellency Sir G. W. Des Vœux on the subject, and he informed me that the matter would be laid before the Legislature, and dealt with at the next Assembly.

If the use of cod-traps was forbidden, it would remove one of the chief causes of trouble betwixt the French and English fishermen, and, I believe, benefit the resident fishermen.

There have been few complaints made this year by either the French or English fishermen, but I understand there is a strong feeling of irritation against the French growing up amongst the resident fishermen in consequence of the French seizure and

retention of cod-traps. I have written more fully on the subject in my letter reviewing the answer of Captain Le Clerc to my protest against his action.

The salmon fishing has been bad, and seems to be decreasing yearly. I am inclined to attribute the decline to the use of cod-traps, which catch small and great, although it is not legal to set a salmon-net under 6-inch mesh; also to the long-continued barring of the rivers. This practice is forbidden by law, but the law is often evaded.

On the north coast the herring were plentiful during the latter part of the season. At St. George's Bay, where the fishery is much practised, I was informed that, owing to bad prices, it had not paid the fishermen to catch them; however, latterly the prices improved.

There are several lobster factories on the west coast of Newfoundland, generally doing well. A complaint against the establishment of two of them was made to me by Captain Le Clerc. I visited the locality, but found that they did not interfere with any fishing. They were worked by two Prince Edward Islanders (father and son), and they promised me to burn or destroy all lobster refuse in future, so as to avoid any possible cause of complaint, and also to employ only Newfoundland residents in catching and tinning their lobsters. This constant employment will be a great help to the poor inhabitants of the district.

The French fishing on the Newfoundland coast has been poor. There have been only twenty-two vessels this year, employing between 1,100 and 1,200 men; on the other hand, there has been an increase in the number of vessels prosecuting the Bank fishery from St. Pierre.

(Signed) RICHD H. HAMOND,
Captain and Senior Officer, Newfoundland Division.

Inclosure 4 in No. 37.

Commander Gibson to Captain Hamond.

Sir, "*Lily*," *at St. John's, Newfoundland, October* 8, 1886.

IN forwarding my Fishery Report, I have the honour to make the following remarks:—

2. The fishery this season on the coast between Cape St. John and Cape Norman has been generally poor; at Cook Harbour and the Gray Islands it has been better than at most places.

3. I received one complaint from the Prud'homme of the French rooms at Kirpon concerning cod-traps being set and interfering with his fishing.

4. The French do not appear to object to the local fishermen fishing with hook and line, but they much object to traps; and I am strongly of opinion that it would tend very greatly to remove chances of quarrels between the fishermen of the two nations if traps were made illegal, or certainly so on that part of the coast where the French have fishing rights.

5. Both English and French complain of the passing schooners, and if some system of licensing them to fish only in certain places could be carried out, I think it would be very beneficial.

6. I am of opinion that if Article IX of the proposed new Arrangement of 1885, empowering the Commanders of French cruizers to oppose the fishing operations of British subjects, if necessary (and no English cruizer is in sight), is allowed, it is likely to cause trouble.

7. I believe there is a growing feeling amongst the Newfoundlanders that the French have too much power on the coast where they enjoy fishing rights, and it would not surprise me at all if they resisted by force, should they consider themselves strong enough to succeed, any attempt by the French to deprive them of their fishing implements. One woman, speaking to me about her son's cod-trap, which had been seized by the French, declared she was an "Englishwoman," and would have shed her last drop of blood and died by her trap rather than let the French take it; and when the women have those ideas, I don't think it will be long before they incite the men to resist.

I have, &c.
(Signed) HERBERT W. S. GIBSON.

Inclosure 5 in No. 37.

General Remarks on Newfoundland Fishery Cruizes, June to October 1886.

THE fishing generally on the north-west coast has been "fair," and reported better than last year. It was unfortunate that the value of herring was not known on the coast at an earlier date, as last year having no sale for them none were taken when they first set in this year.

The lobster factories have done fairly well, except the French, who, I believe, suffered from having their lobster-pots made of the wrong kind of wood. The wood split, and new pots had to be made of a different kind. The employment of some of the men and women belonging to the place is very beneficial on the coast, especially when there is a scarcity of fish, and not much employment for the men in that way. At the French factory the latter part of the season the Newfoundland people employed were discharged, the French alone working the factory.

The weather during the latter part of September and early part of October was very bad. Strong south-westerly gales were very prevalent, but no fogs were experienced. A little ice was seen on the east coast and in the Straits of Belle Isle, but none on the north-west coast during this period.

The number of French employed this year was considerably less than last year.

(Signed) EDWD. J. SANDERSON,
Lieutenant-Commander.

"*Mallard*," *October* 6, 1886.

Inclosure 6 in No. 37.

Tract Chart of the Movements of the Ships employed on the Coast of Newfoundland and Labrador during the Season of 1886.

[Not printed.]

Inclosure 7 in No. 37.

Captain Hamond to Admiral the Earl of Clanwilliam.

My Lord, "*Emerald*," *at St. John's, October* 7, 1886.

I HAVE the honour to forward herewith, for your information, duplicates of a correspondence with the French Senior Officer on the subject of the establishment of two lobster-tinning factories at Port-à-Port Bay.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 8 in No. 37.

Captain Le Clerc to Captain Hamond.

Mon cher Commandant, *Sydney, le* 18 *Août*, 1886.

A MON passage à Port-à-Port, le 3 courant, je me suis aperçu qu'il venait de se fonder deux nouvelles usines à homard en cette localité. Une première au nord de la pointe du Bluff Head, et l'autre dans le nord-est et à terre de l'Ile Shag.

En dépit de nos protestations formulées il y a cinq ans, le sud de la Baie de Port-à-Port aux environs de Pic-Benis a été complètement dévasté par l'usine établie sur la pointe du milieu, en un endroit désigné sous le nom de Piccadilly, par les résidents du pays.

C'est maintenant le nord de Port-à-Port que ces nouveaux industriels vont ruiner si on ne vient les arrêter.

Je viens donc protester formellement contre l'édification de ces deux établissements qui, à quelque point de vue que l'on se place, constituent une violation des droits que les Traités confèrent aux pêcheurs Français.

En effet, ils détruisent les richesses de la côte ainsi que cela est déjà fait pour Port Saunders, la Baie de Sainte-Barbe, et comme cela est en train de se faire pour la Baie

Sainte-Marguerite et la Baie de Hawke, et menaçent la France de ne plus pouvoir exercer son droit de pêche que sur une côte entièrement dévastée et ruinée.

Je vous prie donc, mon cher Commandant, de vouloir bien prendre acte de ma protestation et de lui donner toute suite qu'elle comporte.

Veuillez, &c.
(Signé) F. LE CLERC.

(Translation.)

My dear Captain, *Sydney, August* 18, 1886.

ON my passage to Port-à-Port, the 3rd instant, I observed that two new lobster factories had just been set up in this locality, one on the north of Bluff Head, the other on the north-east, on Shag Island.

In spite of our formal protest five years ago, the south side of Port-à-Port Bay has been completely ruined by the factory established on the point in the centre, in a place called by the residents "Piccadilly."

It is now the north of Port-à-Port Bay which these new industries will ruin if they are not stopped.

I therefore protest formally against the building of these two establishments, which, in whatever light it may be regarded, constitutes a violation of the rights which Treaties have conferred on French fishermen.

In fact, they destroy the riches of the coast, as has already been the case in Port Saunders, Bay of St. Barbe, and as is now about to be done in St. Margaret's Bay and Hawke Bay, and France is thereby threatened with being no longer able to exercise her right of fishing, except on a coast entirely devastated and ruined.

I therefore beg, my dear Captain, that you will take act of my protest, and give it all due attention.

Accept, &c.
(Signed) F. LE CLERC.

Inclosure 9 in No. 37.

Captain Hamond to Captain Le Clerc.

Sir, "*Emerald*," *at St. John's, August* 26, 1886.

I HAVE the honour to acknowledge your letter of the 18th August, protesting against the erection of two lobster factories, one at Bluff Head, and the other at Shag Island.

I shall make a point of visiting that locality with as little delay as possible, but until after such visit I must reserve my opinion and action in the matter.

At present I am hourly expecting the arrival of my Commander-in-chief, but shall shortly leave St. John's, and hope then to have the pleasure of meeting you to discuss various matters.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 10 in No. 37.

Captain Hamond to Captain Le Clerc.

"*Emerald*," *at Port Saunders, Newfoundland,*
Sir, *September* 13, 1886.

I HAVE the honour to report that I have visited the lobster factories at Bluff Head and on the mainland opposite Shag Island, as I informed you in my letter of the 26th August I was about to do.

The result of my inquiries is that in my opinion these said factories do not interfere with any cod-fishing, either French or English.

I learn that two fishing-vessels from St. Pierre have been fishing on the bank outside Long Point, but this point is 5 miles from Bluff Head, and 9 from the factory opposite Shag Island.

However, I have ordered the owners of these factories to prevent all refuse of lobster being thrown into the sea, and to burn or otherwise destroy it. This they promised they would do in future.

I think, Sir, these measures will avoid any possible injury to the cod-fishing, and I trust will meet the case.

I have, &c.
(Signed) RICHD. H. HAMOND.

No. 38.

Colonial Office to Foreign Office.—(*Received December* 23.)

Sir, *Downing Street, December* 22, 1886.

WITH reference to your letter of the 27th September last, and to the reply from this Department of the 25th October, respecting an order issued in Newfoundland prohibiting for three years, with certain reservations, the fishing for lobsters in Bonne Bay, I am directed by Mr. Secretary Stanhope to transmit to you, to be laid before the Earl of Iddesleigh, a copy of a despatch from the Governor of Newfoundland, with its inclosure, on the subject.

It appears to Mr. Stanhope that it would be unadvisable to make any further communication to the French Government on this matter until the views of the Governor's Ministers, which may be expected, are received.

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

Inclosure 1 in No. 38.

Governor Sir G. Des Vœux to Mr. Stanhope.

Sir, *Government House, Newfoundland, November* 24, 1886.

IN accordance with your instructions, I have communicated to my Ministers your despatch of the 30th October, 1886, with reference to the lobster fishery on that part of the coast of Newfoundland where the French have fishing rights. I herewith inclose copy of the Order in Council made under "The Lobster Act, 1878," which is probably the "Decree" referred to in the representation from the French Government, and, though I have as yet had no communication from my Ministers on the subject, I may mention at once that there was never any intention of enforcing this Order against French subjects.

After my Ministers have had time to consider your despatch above referred to, I should probably have occasion to address you further on this subject.

I have, &c.
(Signed) GEO. WILLIAM DES VŒUX.

Inclosure 2 in No. 38.

Order in Council made under "The Lobster Act, 1878."

UPON representation from the inhabitants of Rocky Harbour, Bonne Bay, setting forth the evil which will result to them from an unrestricted taking, in that harbour, of lobsters, upon the supply of which they are dependent at certain seasons for bait for the cod fishery, and upon report of the Magistrate at Bonne Bay, verifying the said representation:

It is ordered that from and after the 30th September next, and for a period of three years therefrom, no lobsters shall be taken in the said Rocky Harbour, except for the purpose of bait, under a penalty not exceeding 100 dollars; but nothing in this Order contained shall prevent any person in the said harbour from catching or taking lobsters for food for himself and family.

And all Customs officials, Magistrates, and constables are hereby required to be aiding and assisting in the effectual carrying out of this Order, and enforcing the prohibition, regulation, and restriction herein contained.

(Signed) M. FENELON,
Secretary's Office, August 9, 1886. *Colonial Secretary.*

No. 39.

Admiralty to Foreign Office.—(Received January 18.)

Sir, *Admiralty, January* 15, 1887.

REFERRING to Admiralty letter of the 14th ultimo, inclosing copies of the Report on the Newfoundland fisheries for the past season, and drawing attention to the points specially adverted to in that Report, namely, the use of cod-traps, the establishment of lobster factories, and the partial enforcement of the new instructions issued by the French Government to their officers on the Newfoundland coast, I am commanded by my Lords Commissioners of the Admiralty to transmit to you herewith, to be laid before the Secretary of State for Foreign Affairs, a copy of a further letter, dated the 11th December, from the Commander-in-chief on the North America and West Indies Station, again referring to these important matters, and inclosing a copy of a letter relating thereto which has been addressed to Captain Hamond, the Senior British Officer on the Newfoundland coast, by the French Senior Naval Officer, Captain Le Clerc.

2. A similar letter has been written to the Colonial Office.

I am, &c.

(Signed) EVAN MACGREGOR.

Inclosure 1 in No. 39.

Vice-Admiral Lyons to Admiralty.

Sir, "*Bellerophon,*" *at Bermuda, December* 11, 1886.

IN continuation of previous correspondence on the subject of the Newfoundland fisheries, forwarded with my letter of the 23rd October last, I have the honour to submit, for the information of the Lords Commissioners of the Admiralty, a copy of a letter which was received on the 5th instant by Captain Hamond, of the "Emerald," from Captain Le Clerc, and in doing so I would point out that additional importance should be attached to that letter from the fact that I find it was posted at Brest on the 12th November, some weeks after the return to France of Captain Le Clerc, whilst it professes to have been written at Sydney, Breton Island, on the 22nd September, and it will be observed that Captain Le Clerc concludes his letter by saying: "I am confident my Government takes the same view of the question." It would thus appear that the letter was written by Captain Le Clerc after communicating with his Government on his return from Newfoundland.

In these circumstances it seems to me that the French Government are disposed to enforce next fishing season, more rigorously than was done the last, the new orders issued to its naval officers in Newfoundland waters, which are embodied in M. Waddington's letter to Lord Rosebery of the 21st June last.

Consequently, it is extremely desirable that an understanding should be arrived at between the two Governments before the commencement of the next fishing season, on the two questions more particularly at issue, the use of cod-traps by our fishermen, and the working of the lobster factories on that part of the coast where the French have fishing rights.

In my letter quoted above I expressed my opinion on these two points: as regards the first, that their use should be forbidden as interfering with the French fishing and being injurious to the majority of our own people; and on the second, that, as the lobster factories do not interfere with the French fishing and are a great boon to the poorer classes of the inhabitants, that they should not be disturbed. Captain Le Clerc is right in saying that only one of the manufacturers is a citizen of Newfoundland, but the others are British subjects, and all the employés belong to the island.

I have, &c.

(Signed) ALGERNON LYONS.

Inclosure 2 in No. 39.

Captain Hamond to Vice-Admiral Lyons.

Sir, "*Emerald*," *at Bermuda, December* 8, 1886.

I HAVE the honour to forward a letter just received from Captain Le Clerc on the subject of lobster factories, in continuation of previous correspondence forwarded to you. (Letter of 7th October, 1886.)

2. In this letter I notice that Captain Le Clerc takes his stand on the exclusive right of the French to the fishery between Cape Ray and Cape St. John, a view quite at variance with that held by Her Majesty's Government.

I have, &c.

(Signed) RICHD. H. HAMOND.

Inclosure 3 in No. 39.

Captain Le Clerc to Captain Hamond.

Monsieur, "*Clorinde*," *Rade de Sydney, le* 22 *Septembre*, 1886.

J'AI l'honneur de vous accuser réception de votre dépêche en date du 13 Septembre expédiée de "l'Emerald" au mouillage de Port Saunders.

Je vous remercie des mesures que vous avez bien voulu prendre au sujet des fabriques de conserves à homards établies par vos nationaux au Bluff Head et au mouillage de l'Ile Shag à Port-à-Port.

Je ne puis toutefois laisser passer sans attirer votre attention sur elle, la confusion qui semble résulter de votre lettre entre la gêne résultant pour nos pêcheurs de la présence de ces établissements et la manière dont leur exploitation est conduite. Alors que je vous ai demandé de les faire supprimer, j'avais d'abord en vue l'évidente violation des droits de la France par certains de vos nationaux qui n'ont pas même l'excuse d'être citoyens de Terre-Neuve puisque, à l'exception d'un seul, tous sont des industriels de l'Ile du Prince Edward ou de la Nouvelle-Écosse. En second lieu, j'attiras votre attention sur les conséquences désastreuses qu'a, pour les fonds de pêche, l'incurie et le sans gêne avec lequel les nationaux Anglais pratiquent leur illégale industrie.

Ces faits ont été réprimés par vos soins et c'est un premier point pour lequel je vous remercie, mais, je ne cesserai de réclamer auprès de vous et partant auprès du Gouvernement de Sa Majesté Britannique, la fermeture de ces établissements.

Ils tendent, en effet, à se multiplier d'une façon dangereuse pour l'avenir, et la tolérance que leur accorde le Gouvernement de Saint-Jean peut amener les plus fâcheuses conséquences.

Vous n'ignorez probablement pas que nos nationaux, par suite de l'attitude prise par le Parlement de Saint-Jean au sujet de la vente de l'appât, se verront forcés, à brève échéance, de se servir de la Baie de Port-à-Port pour y pêcher eux-mêmes ce qu'ils avaient l'habitude d'acheter aux pêcheurs Anglais de la côte sud de Terre-Neuve. Il s'ensuit que si ces usines fonctionnaient encore l'an prochain, leur existence, en outre qu'elle serait contraire aux termes de la Déclaration de Sa Majesté le Roi Georges, amènerait certainement des conflits que mon devoir m'oblige à signaler.

Cette question des usines de Port-à-Port me conduit à vous parler de l'Arrêté pris par le Secrétaire Colonial, Mr. Fénelon, Arrêté interdisant pour trois années la pêche du homard au Havre des Roches (Saint-Jean, 9 Août, 1886).

Je dois vous faire connaître que je donne l'ordre aux bâtiments de ma division de ne pas tenir compte d'un Arrêté qui réglemente une pêche dont l'usufruit n'appartient qu'à la France. Le Secrétaire Colonial ne saurait à aucun titre donner ou retirer à des résidents Anglais établis sur le littoral de Terre-Neuve entre le Cap Ray et le Cap Saint-Jean en passant par le nord, un droit quelconque, dès que ce droit concerne la pêche, et j'ai la conviction que mon Gouvernement partage ma manière de voir.

Je suis, &c.

(Signé) F. LE CLERC.

(Translation.)

Sir, "*Clorinde*," *off Sydney, September* 22, 1886.

I HAVE the honour to acknowledge the receipt of your letter of the 13th September dispatched from the "Emerald" at Port Saunders.

I thank you for the measures which you have kindly taken with reference to the lobster factories at Bluff Head and at Shag Island anchorage at Port-à-Port.

I cannot, however, allow your letter to pass without drawing your attention to your failure to distinguish between the annoyance caused to our fishermen by the presence of these factories and the manner in which their working is conducted. When I requested you to suppress them, I had at first in view the evident violation of the rights of France by certain of your countrymen, who have not even the excuse of being citizens of Newfoundland, since, with the exception of one only, all the manufacturers are from Prince Edward Island, or from Nova Scotia. In the second place, I desired to draw your attention to the disastrous consequences to the fishery caused by the carelessness and unrestrained manner with which the British fishermen carry on their illegal industry.

These acts have been repressed by your exertions, and it is a step for which I thank you; but I shall not cease to demand from you, and consequently from Her Britannic Majesty's Government, the closing of these establishments.

They tend in fact to multiply in a manner dangerous for the future, and the sufferance accorded them by the Government of St. John's may lead to the most unpleasant consequences.

You are probably aware that our people, by reason of the attitude taken by the St. John's Parliament on the subject of the sale of bait, will soon be compelled to make use of the Bay of Port-à-Port, to fish there themselves for that which they were in the habit of buying from British fishermen on the south coast of Newfoundland. It follows from this circumstance that, if these factories are still working next year, their existence, besides being contrary to the terms of the Declaration of His Majesty King George, would certainly lead to disputes. It is my duty to draw your attention to this.

This question of factories at Port-à-Port leads me to mention the Decree made by the Colonial Secretary, Mr. Fenelon, a Decree prohibiting lobster fishing for three years at Rocky Harbour.

I think it right to let you know that I am giving orders to vessels of my division to take no notice of a Decree which regulates a fishery the enjoyment of which belongs only to France. The Colonial Secretary has no right whatever to give to or take from the British residents established on the Newfoundland coast, between Cape Ray and Cape St. John, passing by the north, any right whatever, when such right concerns the fishery, and I am convinced that my Government takes the same view of the question.

I am, &c.

(Signed) F. LE CLERC.

No. 40.

The Marquis of Salisbury to Viscount Lyons.

My Lord, *Foreign Office, February* 2, 1887.

THE French Ambassador called upon me to-day by appointment, in order to ascertain what the intentions of Her Majesty's Government were with respect to a Bill that has been passed in the Legislature of Newfoundland for prohibiting the sale of bait to foreigners. His Excellency had, on a previous occasion, expressed considerable solicitude upon this subject, both in respect to the reversal of our practice, which had been pursued by the Government of this country without question for many years, and also on account of the unexpected and sudden character of the impediment which the approval of such a Bill would oppose to the prosecution by French citizens of an industry in which large investments had been made.

I pointed out to M. Waddington that, under the verbal arrangement which was come to at the Foreign Office last autumn in respect to the lapsed or suspended Convention of 1885, all existing rights were reserved on either side, and that, therefore, if Her Majesty's Government were to allow this Bill of the Newfoundland Legislature to come into operation, they would be acting entirely within their rights. At the same time, I said that we recognized the claim arising out of the change of previous practice, and the want of a sufficient opportunity for the requisite preparation.

While reserving for further discussion the policy which Her Majesty's Government might think right to adopt in respect to these or any other questions in dispute touching the fisheries of Newfoundland, we thought that it would be inequitable to bring the measure into operation without giving to the French fishermen and traders a longer notice of the course that was about to be taken; and, therefore, I had to inform his Excellency

that for the present year no change would be made, but that this assurance was given to him without prejudice to our liberty of action in future years.

I am, &c.
(Signed) SALISBURY.

No. 41.

Governor Sir G. Des Vœux to Mr. Stanhope.—(Received at the Foreign Office, February 3.)

Sir, *Government House, Newfoundland, January* 14, 1887.

IN view of the great anxiety existing in this Colony with regard to the fate of the Bill "to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," which passed the local Legislature in the Session of last year, and was reserved by me for the signification of Her Majesty's pleasure, I feel bound to accede to the desire of my Ministers, that I should make another effort to obtain from Her Majesty's Government a decision favourable to the desires of the Colony.

2. The more complete knowledge of the position of affairs which I have acquired during the six months that have elapsed since I first addressed your predecessor with regard to this Bill, and the fuller consideration which, in the meantime, I have had the opportunity of giving to the subject, have strengthened to the point of complete conviction my previous impression of its vital importance to the interests of the Colony, and have left me no reason to doubt that the disallowance of the measure, without the adoption of some other means equally efficacious to secure the same end, would be nothing less than a calamity.

3. For it is only by residence here that it is possible to appreciate to the full how completely the prosperity of the Colony depends on its fisheries, and how inevitable is the ruin and misery of the greater part of its population unless the causes are removed that tend to render this industry continuously unprofitable.

4. Owing to the absence of coal, there is not the slightest likelihood that any manufacture of appreciable importance can be carried on here at a profit for purposes of export; and such factories as are here, or are likely to be established, are, or may be expected to be, either directly connected with the fisheries, or indirectly dependent on them, as supplying the only means for the purchase of their products.

5. As regards agriculture, there are no doubt large tracts of waste land in the Colony which are fairly capable of cultivation, and it may therefore be asked, why is the attention of the population not directed to this as a resource, and why cannot they succeed as cultivators as well, for instance, as the people of Manitoba, who have an even more inhospitable climate, and are many of them equally without training to agricultural pursuits?

6. The reply to this is that though the cold of Newfoundland is by no means as intense as that of Manitoba, or even that of the Province of Quebec, the winter here is equally long, if not longer, than it is there, while, on the other hand, there is an absence of the extreme heat of summer which prevails in Canada; and thus wheat, barley, maize, apples, &c., which are the main dependence of the Canadian farmer, cannot, unless under exceptional conditions, be brought to maturity here, while even oats frequently fail to ripen from the same cause, and have to be cut as fodder for cattle. Moreover, as regards the soil, I question whether the extremest enthusiast would venture to compare the capabilities of even that comparatively small portion of it which is cultivable with the prairie lands of Manitoba and the Western United States, so that while the latter are still so partially settled, there is absolutely no prospect whatever that the harvest of Newfoundland soil can ever take the place of the products of its seas for the purpose of export to outside markets.

7. Newfoundland might very possibly produce all the potatoes and meal which it requires for its own consumption if any considerable portion of its population could be induced to overcome its reluctance to abandon the sea, and betake itself exclusively to the cultivation of the soil, while some, though probably no very great, advance might be made in this direction even under the present system of combining farming with fishing pursuits; but even this comparatively small advantage would involve a great change in the habits of the people that could only be brought about gradually, and which when accomplished would afford only to a limited number a very bare support. It would create nothing to exchange with the outside world for wheat, coal, and other articles that have come to be regarded as necessaries of life, and would not in any appreciable degree hinder the rapid decay of wealth, or prevent the consequent collapse of the revenue that would result from continuously unremunerative fisheries.

8. That the disastrous results expected from this cause are by no means merely conjectural we have evident indications from what has occurred during the past year. During the winter now passing the destitution of a great number of the people has been such that the Government, in order to save them from starvation, has been compelled to spend over 50,000*l.* on relief works. As only a very small, if any, part of this amount can be defrayed from ordinary revenue, and there is good reason for believing that the latter cannot to any considerable extent be increased, such an expenditure would be sufficiently serious if the existing state of things could be regarded as abnormal. What, however, constitutes the gravity of the situation is that it is probably not an exceptional one.

9. For though the produce of the Labrador fishery has been in quantity about one-third below the average, and there has probably been an even greater failure on the coast of Newfoundland proper from St. John's northwards, there has, on the other hand, been an unusually good "catch" on the southern and western coasts, while the fishery on what are called the "Banks of Newfoundland" has also been much more than ordinarily productive. In fact, the gain on the one side so far compensates for the loss on the other that the fish export of the Colony will, it is believed, prove little, if at all, short of the average. But however this may be, it is at least certain that there have been many occasions in the past when the general failure was far greater than in the last season, and yet the necessity for Government support was much less urgent.

10. The course of this difference is not far to seek. Formerly, when the world was more exclusively supplied from Newfoundland, a falling-off in the quantity of produce was usually followed by enhanced prices; and even when this was otherwise, the merchants had confidence that the years of abundance would compensate for the years of scarcity, and were thus encouraged to support the destitute fishermen by advances to be repaid in the future, a system which, however open to exception in other respects, had at least the advantage that to a great extent it precluded the necessity of pauper relief.

11. Now, however, this confidence on the part of the merchants is completely wanting, as they have reason to apprehend, from painful experience, that production beyond the average would only depress prices to a point still more unremunerative; and as the practice of advances is on this account coming rapidly to an end, the people who would formerly have been thus supported are now compelled to resort to the Government.

12. If this be a true description of the position, and I am bound to say that it is held to be so by those who appear most competent to form an opinion on the subject, I need scarcely say that the prospect in front of the Colony is nothing less than alarming. For it is evident that such expenditure on works that are only to a very limited extent remunerative cannot continue without a collapse of the colonial credit, and hence very terrible and general distress is only a question of time, and that a not very long time, unless some very substantial change can be effected in the commercial situation.

13. As the only available means of bringing about this desirable change, the colonists look to this measure for practically prohibiting the export of bait fishes; and in view of the importance of the subject, I trust I may be excused for again calling attention to the considerations upon which their hopes in this respect are based, and to the reasons which they regard as giving them an incontestable claim to give effect to their views.

14. Dried codfish, the production of which may be said to constitute the main support of our population, is, to the extent of probably two-thirds of the consumption of the world, obtained from the seas in the immediate neighbourhood of this Colony, either on the coast of the island and its dependency, Labrador, or over the extensive marine plateau known as the Banks of Newfoundland. Of late years the coast fishing has much declined in actual extent, and still more in relative importance; while, on the other hand, that of the Banks has from various causes advanced with rapid strides.*

15. As the Banks of Newfoundland are outside the limits of our territorial waters, people of other nationalities besides the British, especially French and Americans, are engaged in the fishing there, and it is the great increase of their numbers in recent years, and the enormously increased quantity of fish thus obtained, which is regarded as the principal cause of the diminished prices which are so seriously affecting this Colony.

16. As the immediate neighbourhood of the coast of Newfoundland enables its people to cure even the fish caught on the Banks, so as to produce a better quality and at a smaller cost than is possible for foreigners, the above evil might be expected and allowed to cure itself if the competition were otherwise on even terms, as the production would in all probability fall off until it had reached the point where it became remunerative for all concerned. But, unfortunately, the competition is not on even terms in other respects, and

* I am informed that the French fishing fleet employed on the Banks has within the last two years increased by no less than 120 vessels.

the advantages granted to the foreign fishermen by their respective Governments are such as to more than compensate for the natural advantages possessed by the people of Newfoundland, so that the former are able to maintain and continually increase their products, while the latter are less and less able to maintain the unequal struggle.

17. American fishermen are protected in the markets of the United States, which take all their produce, by a duty of 56 cents a quintal, which is almost prohibitive to the results of British industry; while the French fishermen are supported not only by a Law absolutely prohibiting the importation of British-caught fish into France, but by bounties on export and otherwise, which are equivalent to quintal consumed in France, and varying from 8 fr. to 12 fr. per quintal, according to destination, on such as is exported to foreign markets.

18. Under the circumstances, while the United States' market is practically and the French market is actually closed to British-caught fish, the latter is, by the operation of the French bounties, being gradually excluded from all other markets, except as regards the limited quantity taken by Brazil* and other tropical countries, requiring a quality which cannot be produced by the French, owing to the want of the facilities of curing afforded by the neighbouring coast of Newfoundland.

19. At the present moment French fish can, I am told, be bought all over the Continent of Europe at 12*s.* 6*d.* a quintal. The French fishermen, however, obtain for it 21*s.* a quintal, the bounty being thus equal to 72 per cent. of the value, while the British fishermen for their superior produce can obtain only 14*s.* a quintal, or 33 per cent, less.

20. It requires but little imagination to perceive how this condition of things must end unless a remedy can be found, and, but for an unusual consumption of Newfoundland fish this year in Brazil (owing to the prevalence of cholera in the Argentine Republic, and the consequent prohibition by Brazil of meat imports from Buenos Ayres and Monte Video), the distress already existing here would have been very much intensified.

21. Now it happens that the quantity of fish caught on the Banks very largely depends on the supply of fresh-bait fishes, and these are principally obtained from the territorial waters of Newfoundland in the immediate neighbourhood, being bought by foreigners, as well as British subjects, from the fishermen of Fortune Bay and the neighbouring inlets. Salt or otherwise artificially prepared bait, though cod can be caught with it, does not attract them by any means in the same degree, while fresh bait, if the supply from the neighbouring coast were closed to foreigners, could only be procured by them on the more distant portion of the Newfoundland coast, where the French have fishing rights, or elsewhere, at considerably greater cost, and owing to ice at a period of the year later by three or four weeks. If the cheaper, more ready, and more prolonged supply from the coast in the immediate neighbourhood of the "Banks" were cut off, there can be no doubt whatever that under no possible bounty could the quantity obtained by foreigners remain as large as at present, and in all probability it would fall off to that which would be sufficient for their home markets.

22. This being the state of the case, it is evident that Newfoundland is thus furnishing the means of its own destruction, and it cannot be matter of surprise that its people should desire to put an end to so pernicious an anomaly, and to be permitted to adopt the principle which, I am informed, has long been put into practice in England, of preventing access to their coasts on the part of foreigners for the purpose of procuring bait.

23. If the loss caused to foreigners by the cutting off of this supply were at all commensurate with that which will be suffered here from its continuance, the argument against such a measure, on the ground of international comity, would, of course, have much strength; but, as a matter of fact, the one is not at all comparable with the other. For while the fishing industry in this neighbourhood is, by comparison with their other resources, of infinitesimally small importance to the other peoples concerned, it is to the people of this Colony their all in all; and the withdrawal of the privilege from foreigners, while it would at the worst cause them only a comparatively trifling inconvenience, is to us sole means of preservation from ruin.

24. Under these circumstances, the case of the colonists in favour of the proposed prohibition would be very strong, even if the foreigners to be prohibited were in no way contributing to the evil which it is designed to remedy; but, in fact, they are, one and all, so contributing by the exclusion of Newfoundland fish from their markets, while the French, who would probably suffer most from the proposed measure, are by reason of their export bounties chiefly responsible for its necessity.

* Since writing the above, I have been informed on good authority that French-caught fish has this year for the first time invaded even the market of Brazil, and though the quantity sent was small, the prices obtained were so remunerative as to render probable a large increase of export thither in the coming season.

25. Though this measure, if allowed, would to a large extent place the fish production in this neighbourhood within the control of the people of this Colony, they have no desire to monopolize it, and I feel satisfied that they would willingly modify the provisions of the measure in favour of such Governments as would grant a proportional reciprocity.

26. Without of course being able to speak with certainty as to the amount of concession that would be granted by the Legislature in any particular case, I have very good reason for believing that, as regards the United States, the right of obtaining bait would be restored on the opening of the American markets to Newfoundland fish, or (if common cause be made with Canada) to all British fish; while in view of the greater expense involved in maintaining the fishery from head-quarters on the other side of the Atlantic, I believe that in the case of the French the abolition or a substantial reduction of the export bounties would alone be held sufficient, even though the other bounties and the prohibition of the import of British fish were still retained. In a word, the principle that the colonists desire to maintain is, "Live and let live," and they merely object to that of "Let others live by killing us."

26. But whether the views of the colonists on this subject are just or not (and after much and anxious consideration of the subject I am bound to say that, in my opinion, they are based on very substantial grounds), the proposed measure of prohibition, as in no way affecting the Treaty rights of foreign Powers, can scarcely be contended to be otherwise than such as is within the competence of the local Legislature under the existing Constitution of the Colony: and, indeed, if the same object had been aimed at by more indirect means, and a Bill had been passed imposing a prohibitive duty on bait exported in foreign vessels, it appears open to doubt whether, under my existing instructions, I should have been justified in refusing assent to it.

27. But however this may be, any question as to the competence in the matter of the Colonial Legislature has been practically set at rest by the recent allowance of the Canadian Bill, which, I am informed, adopts almost precisely similar means for procuring an analogous object. And as the importance of the fisheries to the Dominion is moreover incomparably less, for the reasons above given, than to this Colony, it may be presumed that the disallowance of the Newfoundland Bill, which would appear probable from the long delay of decision, is due to some Imperial consideration which applies either not at all, or in a considerably less degree, to the case of Canada. If this be so, as indeed there are other reasons for believing, I would respectfully urge that in fairness the heavy resulting loss should not, or at all events not exclusively, fall upon this Colony, and that if in the national interest a right is to be withheld from Newfoundland which naturally belongs to it, and the possession of which makes to it all the difference between wealth and penury, there is involved on the part of the nation a corresponding obligation to grant compensation of a value equal, or nearly equal, to that of the right withheld.

28. With further reference to the Canadian Act referred to, I may mention, as possibly having escaped notice, that its object will, to a large extent, fail to be secured if the similar measure of this Colony should not be in force, as it is not impossible that the Americans could afford to disregard the prohibition of bait supply on the Canadian coast, if they were assured of being able to procure all they require on the coast of Newfoundland.

29. The interests of Canada and of this Colony being thus, to this extent, identical, it is not difficult to foresee that any further delay in the allowance of the Bill would give rise to strong pressure on the part of the Canadian Government. Unless, therefore, there be some paramount consideration that has decided Her Majesty's Government against this Bill, I would respectfully suggest that the allowance should take place before this pressure makes itself felt, and that the appearance should be avoided of conceding to a powerful Dominion what has been denied to the entreaties of a comparatively weak and unimportant Colony.

30. I may mention that every day's delay is causing loss to this Colony, in restricting preparations for next season's fishing. For the allowance of this Bill would be at once followed by a large increase in the number of British vessels employed in the Banks fishing; and even now it is too late in some cases for arrangements that would enable advantage to be taken of the earliest portion of the season.

31. Moreover, it is only fair to the French that, if they are to be prohibited from procuring bait here during the coming season, they should be made aware of the fact at once, in order that they may restrict their operations accordingly; it being probable, as regards the large number of vessels which annually leave France for these fishing-grounds, that preparations are being already made for their dispatch in order to enable them to obtain bait and commence the fishing at the beginning of April. And thus, not merely in the interest of this Colony and Canada, but for the sake of international comity, I would

respectfully urge that, in the absence of a fixed decision against this measure, the delay which has already taken place in respect of its allowance should not be further prolonged.

32. Now that I fully comprehend the present position of the Colony, it is to me no longer a matter of wonder that the Legislature has hitherto failed to ratify the proposed Arrangement with France; indeed, I can scarcely conceive it possible that this Arrangement will ever be accepted so long as the Bait Clause remains in it, and no security is taken that the export bounties will not be maintained on their present footing.

33. For though all the other Articles have the appearance of concession on the part of the French, and some are, no doubt, substantial concessions, they are all immeasurably outweighed by the single concession required on the part of this Colony. For if there were granted to the French an inalienable right to procure bait here, the future, not only of the coast where they already have fishing rights, but of the whole Colony, would practically be placed within the control of their Government. Even if the present bounties should prove insufficient, it would require but a slight addition to them, involving an exceedingly small cost, by comparison with the enormous expenditure of France, to destroy the trade of this Colony altogether, and at once; and in view of the great importance attached to these fisheries by the French, as the means of maintaining the strength of their navy, it would appear by no means improbable that such an attempt would be made if there were thus withdrawn the only means of preventing its success. And this probability appears the greater, when it is considered that the cessation of British productions with the cause in operation that would render its recovery impossible would, in all probability, produce a rise in the market value of fish, which would eventually render unnecessary the continuance of any bounty, so that the additional expenditure on the part of France would be only a temporary sacrifice that would secure a permanent economical gain.

34. As the matter at present appears to me, it seems deserving of the consideration of Her Majesty's Government whether it would, under any circumstances, be politic to place in the hands of the French a weapon capable of being used with such terrible effect against British interests, and whether, without the security for the discontinuance of the bounties on their present footing as above referred to, it would be wise to make further effort for the passing of the Arrangement while the Bait Clause is included in it.

35. In conclusion, I would respectfully express, on behalf of this suffering Colony, the earnest hope that the vital interests of 200,000 British subjects will not be disregarded out of deference to the susceptibilities of any foreign Power, and this especially when the privilege which that Power desires to retain cannot be pretended to be matter of right, but is a benefit which may be lawfully withdrawn, as in the nature of a tenancy at will, and may now be justly withdrawn as being used for the infliction of fatal injury on those who have hitherto permitted its enjoyment. Sincerely hoping that the fulfilment of the desires of Newfoundland may be no longer delayed, and that I may be able to meet the Legislature next month with the announcement that this important Bill has already received Her Majesty's gracious allowance and confirmation, I have, &c.

(Signed) G. WILLIAM DES VŒUX.

No. 42.

Sir H. Holland to Governor Sir G. Des Vœux.

Sir, *Downing Street, February 3, 1887.*

I HAVE the honour to acknowledge the receipt of your despatch of the 14th January last upon the subject of the Bill passed by the Legislative Council and Assembly of Newfoundland during the last Session, and reserved by you for the signification of Her Majesty's pleasure, entitled "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," a transcript of which accompanied your despatch of the 26th May last.

Her Majesty's Government have carefully considered your despatch now under acknowledgment, together with your previous despatches on the subject, as well as the Attorney-General's Report, and the Petition which accompanied your despatch of the 19th June last, addressed to the Secretary of State by both Houses of the Legislature praying that the Bill may not be disallowed.

The representations made by the Attorney-General and by Sir Ambrose Shea, with whom Her Majesty's Government had the advantage of repeatedly conferring during their visits to this country, have also received full attention.

Owing to the change of the Government here, there has unfortunately been some unavoidable delay in dealing with this question, but I have made it the first subject of my consideration, and have not lost any time in bringing it under the notice of Her Majesty's Government, who recognize the great importance of maintaining and developing by all legitimate means that industry on which the greater part of the population of Newfoundland is directly or indirectly dependent. The representations of the French Government, on the other hand, have also necessarily received careful attention.

Her Majesty's Government are aware that, when the Convention of 1857 was under consideration, a clause relating to bait formed one of the grounds for the rejection of that Convention by the Government of Newfoundland; but it is to be remembered that the clause in question conferred on the French not only the right to purchase bait, but to take it for themselves on the south coast in a certain contingency, and was for this reason much more unfavourable to colonial interests than that inserted in the Arrangement of 1885.

In the negotiations which have taken place since 1857 a provision for the sale of bait to French fishermen has invariably been contemplated, and has been agreed to by Representatives of the Colony on more than one occasion. Moreover, in Resolutions adopted in 1867, and again in 1874, the Legislative Council and House of Assembly of Newfoundland agreed to a clause allowing the French to purchase bait at such times as British subjects might lawfully take the same.

More recently again, when the Arrangement of 1884, in its first stage, was communicated to the Colonial Government, the Article providing for the sale of bait to French fishermen was not objected to by them, although other modifications of the details of the Arrangement were pressed by the Colony. It was only at so recent a date as the spring of last year, when the Arrangement, as revised in 1885 in accordance with the wishes of the Colonial Government, was presented for the final approval of the Legislature of Newfoundland, that exception was taken to the provision for the sale of bait to the French fishermen, and this objection was followed up by the passing of an Act to give effect to it.

I recapitulate these facts in order to explain how it is that Her Majesty's Government, while fully recognizing the serious character of the representations now placed before them as to the actual condition and prospects of the colonial fishing trade, feel constrained to admit that there are special difficulties in the way of an entire departure, at the present moment, from the policy which has been so long adhered to. The time is now close at hand at which the French fishermen prepare to sail for the fisheries, and large expenditure has been incurred for the season, and the French Government, having received no formal intimation that the practice hitherto uniformly maintained will be departed from, has been entitled to assume that there will be no alteration in the arrangements for the current year. Her Majesty's Government would consequently not be justified in disregarding the strong protest of the French Government against the introduction at this late period of restrictions calculated to inflict grave loss upon the French fishermen; and as for this reason they are unable to advise the Queen to allow the Bill to come into operation in respect of the approaching fishing season, it will not at present be submitted for Her Majesty's confirmation.

I do not desire now to raise the question how far the objection to the sale of bait to the French should, if well founded, have been pressed at an earlier date. The papers before me make it clear that it has but very recently been discovered that the operation of the French bounties has so lowered the price of fish in the markets of Europe as to make the fishing no longer profitable to the colonists, who are not aided by bounties. In the 19th paragraph of your despatch you state that on the Continent of Europe French-caught fish is sold for 12*s.* 6*d.* per quintal, while that caught by British fishermen, being better prepared, fetches 14*s.* per quintal. As the French fishermen receive, in addition, a bounty which, you state, amounts to some 8*s.* 6*d.* per quintal, it is sufficiently obvious that the British fishermen lie under a grave disadvantage; but I do not perceive that it has yet been shown in detail that although there is a great difference between the present price of 14*s.* per quintal and the former price of 15*s.* to 20*s.*, which, as stated in a Memorandum furnished to Her Majesty's Government, was obtained for Newfoundland fish until about two years ago, the colonial fishery has actually ceased to be remunerative, and to what extent. It is desirable that the case for the allowance of the Bill should be supported by full evidence on this point, and during the current year it will be possible to ascertain accurately the full effect of the French bounties and the exact position of the British fishing trade. Until these facts have been established, it is not possible for Her Majesty's Government to decide with confidence whether the proposed legislation will prove to be the best mode of applying a remedy for the depressed state of the colonial

fishery, or whether, after further communication with the French Government upon a more precise statement of the facts, such remedy may be found in some other direction.

I have, &c.
(Signed) H. HOLLAND.

No. 43.

Sir H. Holland to Governor Sir G. Des Vœux.

Sir, *Downing Street, February* 11, 1887.

I HAVE the honour to transmit to you herewith, for communication to your Government, printed copies, received through the Admiralty, of the Annual Report on the Newfoundland Fisheries, forwarded by the Commander-in-chief on the North American and West Indies Station.*

As regards the French rights of fishery off the coast of Newfoundland, the two principal points in these Reports, and accompanying correspondence, which especially deserve the attention of your Government are:—

1. The use of cod-traps by British fishermen; and
2. The lobster factories which have been established on certain parts of the coast.

On the first point my predecessor addressed a despatch to you on the 18th October last, and you were asked to ascertain whether your Government contemplated taking any steps for prohibiting the use of cod-traps, at any rate on that part of the coast of Newfoundland to which the French right of fishing extends.

There can be no doubt from the evidence of the British naval officers that these traps constitute a serious interruption with the fishing operations of the French, and I desire to impress upon your Government the urgent necessity of the adoption—without delay, and in view of the approaching fishery season—of such measures as may prevent this interruption in future, as, if continued, it may result in grave difficulties between the fishermen of the two nations.

I should be glad to learn at your earliest convenience the course which they propose to take to guard against so serious a risk.

With regard to the lobster factories which have been established by British subjects on certain parts of the coast, I have the honour to inform you that a correspondence on this subject has recently passed between this Department and the Foreign Office, arising out of an application made by the French Ambassador at this Court for the suppression of certain lobster factories at Port-à-Port.

The French Government have approved the removal of some lobster factories established on the coast by French subjects, and although the correspondence with the French Government is still incomplete as to the removal of the British factories, your Government must be prepared for that Government insisting upon their removal.

In your despatch of the 14th September last you stated your intention of apprising the Secretary of State of the views of your Ministers on the question of prohibiting such establishments on the coasts where the French rights exist, and you informed my predecessor on the 27th of the following month that no decision had up to that time been taken in the matter.

I have now to request that you will bring these papers before your Ministers at the earliest opportunity, and apprise me of their views on the suggestion contained in paragraph 7 of your despatch above referred to, as to the advisability of closing all the lobster factories on the coasts in question.

I have, &c.
(Signed) H. HOLLAND.

No. 44.

Colonial Office to Foreign Office.—(Received February 14.)

Sir, *Downing Street, February* 12, 1887.

A LETTER has been received in this Department from the Admiralty, dated the 15th January last (and it is understood that a similar letter has been addressed to the Foreign Office), inclosing a copy of a letter, dated the 11th December, from the

* No. 37.

Commander-in-chief on the North America and West Indies Station, with inclosures, relating to certain matters connected with the Newfoundland fisheries.

The questions bearing upon the use of cod-traps and the establishment of lobster factories referred to in these papers are, in the opinion of Sir Henry Holland, sufficiently disposed of for the present by the despatch which was on the 11th instant addressed to the Governor of Newfoundland.

It will be observed that Captain Le Clerc, in his letter addressed to Captain Hamond, of the "Emerald," dated the 22nd September last, referring to an Order prohibiting for three years the taking of lobsters in Bonne Bay, takes a more comprehensive view of the French rights on the Newfoundland coasts than did Count d'Aubigny in the note which he addressed to the Secretary of State for Foreign Affairs on the 20th September last. Count d'Aubigny appears to found his complaint on the fact that the French right of fishery cannot be limited by a Colonial Decree; but the position taken by Captain Le Clerc is tantamount to a denial of the right of the Colonial authorities to issue any Decree binding upon British subjects on matters concerning the fisheries on that part of the coast to which the French rights of fishery extend. As this ground, however, is not taken by the French Government, Sir H. Holland does not think any notice need be taken of Captain Le Clerc's observations; the French Government would, no doubt, be satisfied on receiving an assurance that the Order in question will not be enforced against French subjects.

On this point I am desired to inclose copy of a despatch which will be addressed to the Governor by the next mail.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure in No. 44.

Draft of Despatch to Governor Sir G. Des Vœux.

Sir, *Downing Street, February* 12, 1887.

IN his despatch of the 29th October last my predecessor communicated to you a note received from the French Chargé d'Affaires at this Court, giving notice on behalf of his Government that they could not recognize the validity of an Order passed by the Government of Newfoundland prohibiting for three years the fishing for lobsters in Bonne Bay.

In your reply of the 24th November you stated that after your Ministers had had time to consider the despatch in question, you would address the Secretary of State further upon the subject, and you mentioned that there was not any intention of enforcing the Order against French fishermen.

I should be glad to receive from your Ministers a formal assurance to this effect, as the matter has again been brought to the notice of Her Majesty's Government in a correspondence which has passed between the British and French naval officers on the Newfoundland Station.

This correspondence also refers to the questions connected with the use of cod-traps and to the establishment of lobster factories on the coast, upon which I addressed you in my despatch of the 11th instant.

I feel assured that your Ministers will recognize the necessity of coming to an early decision in regard to these matters.

I have, &c.

No. 45.

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

Sir, *Downing Street, March* 21, 1887.

WITH reference to previous correspondence, I am directed by the Secretary of State for the Colonies to transmit to you, for communication to the Marquis of Salisbury, a copy of a despatch from the Governor of Newfoundland, inclosing newspaper extracts respecting the action of Her Majesty's Government with regard to the reserved Bill of 1886 for the preservation of bait fishes.

I am also to inclose a copy of a further despatch from Sir G. W. Des Vœux

reporting the departure of Mr. Thorburn and Sir Ambrose Shea for this country with a view to making further representations to Her Majesty's Government on the subject.

I am, &c.

(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 45.

Governor Sir G. Des Vœux to Sir H. Holland.

Sir, *Government House, Newfoundland, February* 21, 1887.

WITH reference to your despatch of the 3rd instant, informing me of the inability of Her Majesty's Government to allow to come into force this year the Bill for the preservation of bait fishes which was passed by the Legislature of this Colony in the Session of last year, I have the honour to inclose, for your perusal, various extracts from local newspapers on the subject of this non-allowance.*

You will observe that one of these journals advocates annexation of the Colony to the United States.

I have, &c.

(Signed) G. WILLIAM DES VŒUX.

Inclosure 2 in No. 45.

Governor Sir G. Des Vœux to Sir H. Holland.

Sir, *Government House, Newfoundland, February* 21, 1887.

I HAVE the honour to inform you that Mr. Thorburn, the Premier of this Colony, and Sir Ambrose Shea, the leader of the Opposition, are proceeding to England by the mail-steamer which carries this, with a view to make further representations to Her Majesty's Government on the subject of the preservation of bait fishes.

I have, &c.

(Signed) G. WILLIAM DES VŒUX.

No. 46.

Colonial Office to Foreign Office.—(Received March 31.)

Sir, *Downing Street, March* 30, 1887.

WITH reference to previous correspondence, I am directed by Secretary Sir H. Holland to transmit to you, to be laid before the Marquis of Salisbury, copy of a despatch rom the Governor of Newfoundland, inclosing copies of a Bill entitled "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," which was passed unanimously by both Houses of the Legislature of Newfoundland in the first week of the present Session.

Sir H. Holland defers making any observations on the subject of this Act until he has had an opportunity of further conferring with Sir A. Shea and Mr. Thorburn, who have been deputed to make representations to Her Majesty's Government in reference to this matter, as will be seen by the Governor's despatch of the 21st February, of which a copy was inclosed in my letter of the 21st instant.

I am, &c.

(Signed) JOHN BRAMSTON.

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* Not printed.

Inclosure 1 in No. 46.

Governor Sir G. Des Vœux to Sir H. Holland.

Sir, *Government House, Newfoundland, February* 21, 1887.

I HAVE the honour to forward herewith copies of a Bill entitled "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," which was passed unanimously by both Houses of the Legislature of this Colony in the first week of the Session.

2. With the exception of the clause suspending the operation of the measure until its allowance by Her Majesty is made known by Proclamation, this Bill is identical, or almost identical, with that passed in the Session of last year, of which the non-allowance was conveyed to me in your despatch of the 3rd instant.

3. As this Bill contains the suspensory clause referred to, I have given my assent to it.

I have, &c.
(Signed) G. WILLIAM DES VŒUX.

Inclosure 2 in No. 46.

ANNO QUINQUAGESIMO VICTORIÆ REGINÆ.

CAP. I.—*An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes.*

[Passed February 21, 1887.]

Preamble.

WHEREAS in the interests of the fisheries of this Colony, and for the preservation of the bait necessary for the pursuit of these fisheries, it is essential to regulate the exportation and sale of such bait:

Be it therefore enacted by the Governor, the Legislative Council, and Assembly in Legislative Session convened as follows:—

No person shall haul, catch, purchase, or sell bait, except he shall obtain a licence from the Receiver-General.

1. No person shall—

(1.) Export or cause or procure to be exported or assist in the exportation of, or

(2.) Haul, catch, purchase, or sell for the purpose of exportation, or

(3.) Sell or purchase for the purpose of sale

any herring, capelin, squid, or other bait fishes from on or near any parts of this Colony or of its dependencies, or from or in any of the bays, harbours, or other places therein, without a special licence in writing obtained from the Receiver-General of this Colony, which licence may be in the form set forth in the Schedule hereto annexed, and shall be of no avail beyond the fishing season for which it is granted.

Persons found hauling, taking, or conveying bait fishes may be examined on oath by Justice of the Peace or other officer.

2. Any person found hauling, catching, or taking, shipping, or conveying any of the said fishes within the said limits, or any person having any of the said fishes in possession, may be examined on oath by a Justice of the Peace, officer of Customs, Fishery Warden, or person commissioned for the purpose, as to whether such herring, capelin, squid, or other bait fishes are intended for exportation or sale, and on refusing to answer, or answering untruly, or failing to produce a licence as above mentioned, such Justice, officer of Customs, Fishery Warden, or person commissioned as aforesaid may seize the vessel in or on board of which such herring, capelin, squid, or other bait fishes shall have been hauled or caught or put, kept, shipped, carried, or conveyed, or on board of which the same may have been found, her tackle, apparel, furniture, and outfit, and bring the same before any Stipendiary Magistrate, and the person so refusing to answer, answering untruthfully, or failing to produce the said licence, shall be guilty of an offence against this Act.

Licence issued under the authority of the Governor in Council.

3. The licence provided for in the first section shall be issued under the authority of the Governor in Council, and shall be countersigned by the Colonial Secretary.

Persons forging or counterfeiting signature of the Receiver-General guilty of offence against this Act.

4. If any person shall forge or counterfeit or procure to be forged or counterfeited the signature of the Receiver-General to any such licence as mentioned in the next preceding section, or shall tender or offer in response to inquiries made under the provisions of this Act, or in evidence in any prosecution under this Act, any such licence knowing the signature thereto to be false or counterfeit, such person shall be deemed to be guilty of an offence against this Act.

Penalty for first and subsequent violations.

5. Every person guilty of a violation of any of the provisions of this Act shall, for the first offence, be liable to a fine not exceeding 1,000 dollars, and in default of payment of any such penalty to imprisonment for a period not exceeding six months, and for the second or any subsequent offence to imprisonment for a period not exceeding twelve months.

Mode of procedure.

6. All offenders against the provisions of this Act may be prosecuted and convicted, and all fines incurred under the provisions of this Act may be sued for and recovered in a summary manner before a Stipendiary Magistrate by any person who may sue for the same; one half of such fine shall go to the party who may prosecute the offender, and the remainder to the Receiver-General for the use of the Colony; and in the event of the prosecution of an offender who, under this Act, would not be liable to or ordered to pay a fine, then the reasonable expenses of the prosecutor, including a fair amount for his time and labour expended in and about such prosecution, shall, on the certificate of the Magistrate who heard the cause, be paid to the prosecutor by the Receiver-General.

Person convicted may appeal to Supreme Court.

7. If any person convicted under this Act shall feel himself aggrieved by such conviction, he may appeal therefrom to the then next sitting of Her Majesty's Supreme Court holden in or nearest to the place where such conviction shall have been had: Provided notice of such appeal, and of the cause and matter thereof, be given to the convicting Magistrate in writing within seven days next after such conviction; and the party desiring to appeal shall also, within fourteen days after such notice given, enter into recognizance with two approved sureties before the convicting Magistrate conditioned for the appearance of the person convicted at such next sitting of the Supreme Court, on the first day of such sitting, for the prosecution of the appeal with effect and without delay, to abide the Judgment of the Court thereon, and to pay such costs as the Court shall award. Any person who shall be convicted and imprisoned by any such Magistrate for an offence against this Act, and who shall have given such notice of appeal, and shall have entered into such recognizance with approved sureties, may be discharged from prison, in which case the recognizance shall be further conditioned for the surrender of the convicted party on the first day of such next sitting of the Supreme Court to the Sheriff of the district in which such appeal shall be heard.

Proceedings not quashed for informality.

8. No proceeding or conviction by, or order of, any Justice or other officer under this Act shall be quashed or set aside for any informality, provided the same shall be substantially in accordance with the intent and meaning of this Act.

Additional penalty.

9. Any person who shall violate any of the provisions of this Act, in addition to the penalties provided in the 5th section hereof, shall be liable to have his vessel, or the vessel used by him, seized in manner aforesaid, her tackle, apparel, furniture, and outfit forfeited and sold by public auction.

What included under "vessel."

10. In this Act the word "vessel" shall include any boat or ship, registered or not registered, jack, skiff, punt, and launch, whether propelled by sails, oars, or steam.

Rights of States in amity with Her Majesty not affected.

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

Suspending clause.

12. This Act shall not come into operation unless and until the Officer administering the Government notifies by Proclamation that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the Officer administering the Government shall notify the same, or any other, by Proclamation.

SCHEDULE.

Form of Licence mentioned in the First Section.

Schedule.

According to the provisions of the Act passed in the year of the reign of Her present Majesty, entitled "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," permission is hereby given to *A.B.*, of , &c., to haul, catch, and take herring, capelin, squid, and other bait fishes, in his boat or vessel called the , during the ["current" or "now coming," as the case may be] fishing season, for the purpose of ["exportation" or (and) "sale"], as the case may be.

Dated at St. John's this day of , 188 .

(Signed) C. D.,
Receiver-General.

(Countersigned) E. F.,
Colonial Secretary.

No. 47.

Colonial Office to Foreign Office.—(Received April 5.)

Sir, *Downing Street, April 4, 1887.*

WITH reference to previous correspondence, I am directed by Secretary Sir H. Holland to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor of Newfoundland, forwarding copies of an Address from the Legislative Assembly of that Colony on the subject of the action of Her Majesty's Government with regard to the Bait Bill passed by the Legislature of the Colony in the Session of 1886.

Sir H. Holland proposes, with Lord Salisbury's concurrence, to reply to this Address in the terms of the inclosed draft.

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

Inclosure 1 in No. 47.

Governor Sir G. Des Vœux to Sir H. Holland.

Sir, *Government House, Newfoundland, February 21, 1887.*

I HAVE the honour to inform you that there has been sent to me for perusal, when my mail is just closing, an Address to you signed by the Speaker on behalf of the House of Assembly.

2. I observe that this Address refers to the Bill for controlling the sale of bait, which is referred to in other despatches forwarded by this mail. I have, however, no time for comment.

3. I do not forward this document, as I find from a letter of the Speaker, which transmits it to me, that the House desires it to be presented by its Delegates, Mr. Thorburn and Sir Ambrose Shea, whom, as I have informed you in another despatch, go home by this mail.

I have, &c.
(Signed) GEO. WILLIAM DES VŒUX.

Inclosure 2 in No. 47.

Address.

To the Right Honourable Her Majesty's Principal Secretary of State for the Colonies.

Sir,

WE, Her Majesty's loyal subjects, the Commons House of Assembly of Newfoundland, in Session convened, have had under consideration the subject of our coast fisheries in relation to the operations of foreign fishermen and their competition in our markets. The history of this important matter was exhaustively examined in an Address, from both branches of our Legislature, to the Right Honourable the Secretary of State for the Colonies in May last. This Address accompanied a Bill, passed in the last Session, to control the sale of bait to foreigners, and set forth the reasons for the adoption of that measure, and with such completeness and force as to claim its confirmation by Her Majesty's Government, for whose sanction it had been reserved.

The Council and House of Assembly had not contemplated the possibility of successful opposition to their views in this case. The measure was the outcome of a state of things which placed all our interests in a perilous position. We accordingly passed the Bait Act as a measure of self-preservation, and this was so clearly shown in the Address that accompanied it that we saw no room for doubt of the cordial concurrence of Her Majesty's Government in this endeavour to guard the integrity of our trade and the well-being of our population.

It was, therefore, with feelings of profound disappointment and regret that we learned

from his Excellency's Speech, at the opening of the present Session of the Legislature, and from your despatch to him of the 3rd instant, that Her Majesty will not be advised to give her sanction to this Bill.

This announcement awakened a public sentiment that has had its expression in the immediate passage of another similar Bill, which took precedence of all other business in the Legislature, and will be transmitted immediately for the approval of Her Majesty's Government. We most earnestly trust that the result of this renewed effort in support of our rights may not be another disappointment with its ruinous consequences.

When we learn from your despatch that the main reason for the refusal of our Bill is that its present adoption would "inflict grave loss on the French fishermen," we cannot forbear from the expression of our surprise at this apparent disregard of the sufferings of our fishermen, and of the British interests which are thus made subservient to the purposes of foreigners. The people of this Colony have the right in our fisheries, and foreigners have not; and we cannot see those rights surrendered in defiance of our appeals without expressing our deep sense of the injustice to which our people are thus called on to submit.

Your despatch sets forth that further information is required to enable Her Majesty's Government to appreciate the true character and bearings of our Bait Bill. The Address of the Legislature, already referred to, in possession of Her Majesty's Government, is pregnant with facts in justification of that measure, and appears to us to exhaust the whole subject. But while we fail to see any want of completeness in the evidence already supplied, every desire is felt to satisfy any further reasonable requirements in this respect.

It would further appear from your despatch that, in support of the objections to the measure, much importance is given to the fact that the bait traffic has been long recognized, and has only of late been resisted. We thought the reasons for this change of view had been fully explained in the representations recently made to Her Majesty's Government. The traffic was permitted so long as the bounty-assisted fisheries of France found a market in that country for their produce. But within the last three years the great increase in their fisheries has gone far beyond the requirements of their home markets; and we find them meeting us in Spain, Italy, and other European countries, and, with the bounty equal to 60 per cent. of the value of the fish, they are fast supplanting us; the reduced value of our staple industry from this cause already representing a fairly estimated sum of 250,000*l.* per annum, under conditions that menace us with a still more serious decline. In these facts, our change of view of the bait traffic is but too well warranted, and we have abundant reason for the application of the remedy provided in the Bait Act. In furnishing our rivals with bait, we promote the evils we have to contend with, and our only course is to terminate this suicidal traffic.

We are but too conscious that, from the causes referred to, the condition of our trade awakens a sense of great anxiety at the present moment; while we have full trust in the future, if only permitted by Her Majesty's Government to legislate as we see fit for the protection of what belongs to us. We regret we cannot safely accept your view of waiting to test, by further experience, the question how much longer and to what further extent our trade will bear up against the adverse influences that now prevail. Our ability to sustain ourselves against undue competition would be no argument for obliging us to contribute to its continuance, while the perils of such an experiment are too obvious to warrant its acceptance.

Her Majesty's Government, in proposing that they should be the judges of the effect of our measures on our local interests, are not, we humbly submit, in a position to discharge that duty with safety or advantage. When it is suggested that, as regards our Bait Act, a consultation with the French may lead to a remedy being found in some other direction for the admitted evils, this proposal would appear to have originated with a want of knowledge of the situation. A free supply of bait to the French from our coasts means the effacement of our British trade and the exodus of our population, and forbids all thought of possible equivalents. We, moreover, must decline respectfully to accept the view that the French, or any other foreign Power, has a status or consultative claim in the control or disposition of our property, and we humbly demur to any recognition of their pretensions in this respect. We acknowledge no authority but that of the Imperial Government, and their rights of dominion are wisely limited by our Constitutional powers, which secure for us the free exercise of our instructed intelligence in the management of our local affairs.

The decision of Her Majesty's Government leaves us to deal with disheartening prospects for another year, the effects being already seen in the restriction and abandonment of proposed enterprise; but we cannot believe that any alleged difficulties will be

allowed further to supersede the rights and mar the fortunes of the loyal people of thi Colony struggling to maintain their position as an independent and honourable appendage of the British Crown.

[For Inclosure 3 in No. 47, see *post*, No. 58.]

No. 48.

Colonial Office to Foreign Office.—(Received April 6.)

(Extract.) *Downing Street, April 5, 1887.*

WITH reference to the instructions to be issueed to the naval officers engaged in the protection of the Newfoundland fisheries for their guidance during the approaching fishing season, I am directed by Secretary Sir Henry Holland to transmit to you, for the information of the Marquis of Salisbury, a copy of a letter which has been addressed to the Admiralty upon this subject.

Inclosure in No. 48.

Colonial Office to Admiralty.

(Extract.) *Downing Street, April 5, 1887.*

WITH regard to the instructions to be issued to the naval officers engaged in the protection of the Newfoundland fisheries for their guidance during the approaching fishing season, I am to inform you that Sir Henry Holland has been in communication with the Marquis of Salisbury, who concurs with him in the approval of the proposed instructions, subject to the following observations and suggestions.

So long as the French are not prevented by law from purchasing bait on the south coast of Newfoundland, there is no objection to the naval officers on the Newfoundland Station being generally instructed to carry out the spirit of the Fishery Arrangement provisionally signed at Paris in November 1885.

No. 49.

Count d'Aubigny to the Marquis of Salisbury.—(Received April 20.)

M. le Marquis, *Londres, le 20 Avril, 1887.*

LE Gouvernement de la République, sur le vœu unanime des armateurs Français, vient de rapporter, en ce qui concerne ses nationaux, la décision qui autorisait l'usage des trappes à Terre-Neuve. Il a été constaté, en effet, par la pratique de ces dernières années, que l'emploi des trappes pour la pêche constitue une gêne évidente, et compromet gravement pour l'avenir le succès de la pêche de la morue.

Je suis chargé de notifier à votre Seigneurie l'adoption par les autorités Françaises de cette prohibition, qui devra être mise en vigueur dès la saison de pêche, qui s'ouvre en ce moment.

Mon Gouvernement veut croire que la présente notification suffira pour que les autorités Britanniques adoptent sans retard, vis-à-vis de leurs nationaux, des dispositions analogues. Il a toujours considéré les Traités comme assurant aux Français un droit exclusif de pêche dans les eaux de Terre-Neuve qui leur sont réservées. S'il n'en invoque pas toujours la stricte exécution, c'est à la condition du moins que les pêcheurs Anglais n'en entraveront pas l'exercice par leur intervention. Or, les trappes constituent de véritables barrages, arrêtant la morue à l'entrée des havres et l'empêchant de pénétrer dans les baies. C'est pour ce motif que le Commandant de la Division Navale Française de Terre-Neuve s'était vu forcé de confisquer l'année dernière les trappes de certains pêcheurs Anglais. Si plus tard ces engins ont été rendus aux autorités navales de la Grande-Bretagne, cette démarche, ainsi que j'ai eu l'honneur de l'exposer au prédécesseur de votre Excellence, avait un caractère purement gracieux.

Mais mon Gouvernement est convaincu que le débat sur ce point est inutile dans les circonstances actuelles, et que le Gouvernement de la Reine, en présence de

l'interdiction prononcée vis-à-vis des pêcheurs Français, s'empressera d'en édicter une semblable pour ses nationaux dans l'étendue des eaux de Terre-Neuve réservées aux pêcheurs Français.

Je serai reconnaissant à votre Seigneurie de vouloir bien me répondre à cet égard le plus tôt possible.

Veuillez, &c.
(Signé) L. D'AUBIGNY.

(Translation.)

My Lord, *London, April* 20, 1887.

THE Government of the Republic, at the unanimous desire of French shipowners, have revoked, so far as their citizens are concerned, the decision authorizing the use of traps in Newfoundland. It has been ascertained, in fact, by the experience of recent years, that the use of traps in connection with fishing does real harm, and seriously affects the future success of the cod fishery.

I am instructed to notify to your Lordship the adoption by the French authorities of this prohibition, which will be put in force from the commencement of the fishing season, now about to open.

My Government trusts that the notification now made will have the effect of causing the British authorities to adopt, without delay, similar arrangements as regards their subjects. They have always considered that the Treaties guaranteed to the French an exclusive right of fishing in the waters of Newfoundland reserved for their use. If they have not always demanded a strict execution of those Treaties, it has been on the understanding that at least the English fishermen should not hinder their exercise by their interference. The traps, however, constitute real barriers, detaining the codfish at the mouths of the harbours, and preventing them from entering the bays. It is on this ground that the Commander of the French Naval Division in Newfoundland found himself compelled last year to confiscate the traps belonging to certain English fishermen. If subsequently the engines in question were returned to the British naval authorites, this proceeding, as I had the honour to explain to your Lordship's predecessor, was a pure act of courtesy.

But my Government is persuaded that discussion on this point is unnecessary in the actual circumstances, and that Her Majesty's Government, in view of the prohibition issued as regards French fishermen, will hasten to issue a similar one applicable to their countrymen in that portion of the Newfoundland waters reserved for the use French fishermen.

I shall be obliged to your Lordship for a reply on this point as soon as possible.

I have, &c.
(Signed) L. D'AUBIGNY.

No. 50.

The Marquis of Salisbury to Count d'Aubigny.

M. le Chargé d'Affaires, *Foreign Office, April* 29, 1887.

I HAVE the honour to acknowledge the receipt of your note of the 20th instant, in which you acquainted me that your Government have forbidden the use of cod-traps by French fishermen in Newfoundland waters. You further state that this prohibition will be enforced during the fishery season which has just opened, and you express the hope of your Government that in view of the step thus taken Her Majesty's Government will adopt similar measures as respects the use of such traps by British subjects within the waters of Newfoundland "reserved to French fishermen."

I beg to inform you, in reply, that your letter will be duly considered by the authorities of this country and of Newfoundland. But I feel bound at the same time to add that Her Majesty's Government have never assented to, and cannot admit as justified by the proper interpretation of the Treaties between France and this country, the view which you state is held by your Government, that the French fishermen are entitled "to the exclusive right of fishing in the waters of Newfoundland which are reserved to them."

On that point I beg to refer you more particularly to the note to his Excellency M. Waddington of the 24th July last, in which it is pointed out that it is stipulated by the Declaration of Versailles that the old methods of fishery "shall not be deviated from by either party," a provision quite inconsistent with the alleged right of exclusive fishery.

I have, &c.
(Signed) SALISBURY.

No. 51.

Foreign Office to Colonial Office.

Sir, *Foreign Office, April* 29, 1887.

I AM directed by the Marquis of Salisbury to transmit to you herewith copy of a note from the French Chargé d'Affaires,* requesting that in view of a decision which has been come to by the French Government to prohibit the use of cod-traps by French citizens in Newfoundland waters, and which will be enforced during the season just opened, Her Majesty's Government will adopt similar measures as regards the employment of such traps by British subjects in the waters of Newfoundland "reserved to French fishermen."

Lord Salisbury is strongly disposed to think that the use of cod-traps is calculated to inflict injury upon the interests of all parties concerned in the Newfoundland fisheries, and I am accordingly to request that you will move Secretary Sir H. Holland to again urge upon the Government of Newfoundland the expediency of losing no time in taking measures for its suppression.

A copy of the reply which has been returned to Count d'Aubigny's note is annexed for Sir H. Holland's information.†

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 52.

Colonial Office to Foreign Office.—(Received May 2.)

Sir, *Downing Street, April* 30, 1887.

I AM directed by Secretary Sir H. Holland to transmit to you, to be laid before the Marquis of Salisbury, with reference to previous correspondence, copy of a despatch from the Governor-General of Canada, inclosing a Minute by his Ministers, setting forth their objections to the Bait Bill recently passed by the Legislature of Newfoundland.

I am also to inclose copies of letters from Sir R. Thorburn and Sir A. Shea, who have been delegated by the Legislature of Newfoundland to make representations to Her Majesty's Government on the subject of the Bait Bill, together with a Memorandum received from Sir A. Campbell, one of the Delegates from Canada to the Colonial Conference.

Sir H. Holland is of opinion that the explanations given by Sir A. Shea, if expressed in a declaration such as is suggested by Sir A. Campbell, will render unnecessary any amendment of the Bill, and he would now propose, with Lord Salisbury's concurrence, to inform the Newfoundland Delegates that it will receive Her Majesty's sanction.

I am, &c.
(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 52.

The Marquis of Lansdowne to Sir H. Holland.

Sir, *Government House, Ottawa, April* 12, 1887.

I HAVE the honour to inclose herewith a certified copy of a Minute of the Privy Council of Canada, in which the attention of Her Majesty's Government is invited to the objections felt by my Government to an Act of the Legislature of Newfoundland, "for regulating the Exportation of Herring, Capelin, Squid, and other Bait Fishes," which Act now awaits Her Majesty's assent.

From the language of your despatch to the Governor of Newfoundland dated the 3rd February, 1887,‡ I inferred that it was not your intention to advise Her Majesty to assent to this Bill until the further evidence for which you have asked upon certain points had been given, and that during the current year, at all events, the Law would probably remain unchanged. In compliance, however, with the request of my Ministers, I telegraphed to you on the 8th instant begging that Her Majesty might not be advised to

* No. 49. † No 50. ‡ No. 42.

signify her assent until I had had an opportunity of laying before you a statement of the manner in which the proposed measure would affect the interests of the Dominion.

It does not appear upon the face of the despatch addressed by Sir G. W. Des Vœux to you on the 14th January that the steps proposed to be taken by the Government of Newfoundland under this Bill were directed against any but French or American fishermen. It is, however, clear from the statement made by the Attorney-General in the Newfoundland Legislature on the 2nd March that it was the intention of the framers of the Bill that it should apply to Canadian fishermen, and there can, I think, be no doubt that, as pointed out in the Reports furnished by my Ministers of Marine and Fisheries and of Justice, the legislation proposed would involve a serious curtailment of the rights not only of these but of all British fishermen (except those of Newfoundland) resorting, or who might desire to resort, to the coasts of that Colony either for the purpose of fishing or for that of supplying themselves with bait.

The proposed enactments to which most exception is taken by my Government are, you will observe:—

1. The exclusion from the advantages of the bait trade of all persons not holding a special licence from the Newfoundland Government, a restriction which, as pointed out by the Ministers of Marine and Fisheries, may have the effect of seriously impeding Canadian fishermen in the pursuit of this business.

2. The procedure to be resorted to in cases where it was believed that there had been an infraction of the proposed Law; the most objectionable provisions of the Bill in this respect being those under which a private prosecutor is given a direct interest in preferring charges, even where such charges cannot be sustained by evidence, against vessels alleged to have violated the Act, and those giving jurisdiction in the case of offences under the Act to a Stipendiary Magistrate instead of to a Vice-Admiralty Court.

3. The application of the provisions of the Bill to the sale or purchase of bait fishes "from, on, or near any parts of this Colony or its dependencies." These words, to the vagueness of which attention is called in the Minister's Report, appear to have been deliberately inserted in the Bill, as I observe that it is stated in paragraph 21 of Sir G. W. Des Vœux's despatch already referred to that these fishes are principally obtained "from the territorial waters of Newfoundland or in the immediate neighbourhood."

I observe in paragraphs 28 and 29 of the same despatch that Sir G. Des Vœux refers to the Canadian Act entitled "An Act for amending the Act respecting Fishing by Foreign Vessels," recently assented to by Her Majesty, and adds that the object of that Act "will to a large extent fail to be secured if the similar measure of this Colony should not be in force, as it is not impossible that the Americans could afford to disregard the prohibition of the bait supply on the Canadian coast if they were assured of being able to procure all they required on the coast of Newfoundland." Sir George assumes upon the strength of this statement that the interests of Canada and of Newfoundland are "to this extent identical," and that any further delay in the allowance of the Bill would "give rise to strong pressure on the part of the Canadian Government."

The above observations will be sufficient to show that any loss which might be sustained by the fishermen of the Dominion in consequence of a continuation of the facilities now offered to foreign fishermen for obtaining bait in the territorial waters of Newfoundland would be more than neutralized by the injury which Canadian interests would sustain were the Bill under consideration to become law.

In the opinion of my Government the Bill should, if it be allowed to come into operation, apply only to foreign vessels, and not to those of Great Britain or the British Colonies.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 52.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council on the 11th April, 1887.

THE Committee of the Privy Council have had their attention called to the Reserved Bill passed by the Legislature of Newfoundland on the 21st February last, entitled "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," and now before Her Majesty's Government for the Royal Assent.

The Minister of Marine and Fisheries, to whom the said Bill was referred for report as to its effect on Canadian fisheries, submits the following Report thereon :—

The first section of the Bill is as follows :

No person shall—

" 1. Export, or cause or procure to be exported, or assist in the exportation of; or

" 2. Haul, catch, purchase, or sell for the purpose of exportation ; or

" 3. Sell, or purchase for the purpose of sale, any herring, capelin, squid, or other bait fishes from, on, or near any parts of this Colony or of its dependencies, or from or in any of the bays, harbours, or other places therein, without a special licence in writing obtained from the Receiver-General of this Colony, which licence may be in the form set forth in the Schedule hereto annexed, and shall be of no avail beyond the fishing season for which it is granted."

Any person found hauling, catching, taking, shipping, or conveying any of the said fishes within the limits set forth, or having them in possession, may be examined on oath by a Justice of the Peace, officer of Customs, Fishery Warden, or person commissioned for the purpose, as to whether the fish are intended for exportation or sale. If he refuses to answer, or answers untruly, or fails to produce a licence, the vessel may be seized, with tackle and outfit, and brought before any Stipendiary Magistrate, and the person shall be guilty of an offence against the Act.

The licence provided for in the Act is to be issued yearly.

The following are the penalties :—

First violation : a fine not exceeding 1,000 dollars, and, in default, imprisonment not exceeding six months.

Second or subsequent offence : imprisonment not exceeding twelve months. Offenders are tried and fines recovered in a summary manner before a Stipendiary Magistrate by any person who may sue for the same. Half the fine goes to the prosecutor and half to the Receiver-General. The unsuccessful prosecutor in any case is paid his reasonable expenses, and fair compensation for the time and labour expended in such prosecution. An appeal can be had from conviction of the Magistrate's Court to the next sitting of the Supreme Court.

In addition to the penalties above mentioned, the vessel belonging to or used by the offender, with all outfit, tackle, &c., is liable to be forfeited and sold at public auction.

The Act comes into force when the Officer administering the Government notifies by Proclamation that it is Her Majesty's pleasure not to disallow the Bill.

The Bill, if it becomes law, will, to a large extent, affect British and Canadian fishing interests.

1. Our fishermen upon the Grand Banks will be cut off from their free supply of bait either by purchase or catch.

2. Our fishermen upon the coast of Labrador will be debarred from the privilege of free catch of herring and their hitherto untrammelled trading in herring.

3. Whatever trade is now done by Canadian vessels in herring or bait fishes upon the Newfoundland coast will be no longer left free.

In all these cases Canadian fishermen or merchants will be obliged to take a licence from the Newfoundland Government. The conditions on which these licences are to be given are not stated, nor is it known whether any licence will be issued. In any case they, if issued, are to be issued yearly.

It will be apparent, therefore, that Canadian fishermen run the risk of being entirely debarred from the Newfoundland coasts so far as taking or dealing in herring and other bait fishes is concerned, and if licences are granted to them, will be put to great delay and some probable cost of obtaining them.

Any Canadian vessel, even with licence, will be in danger of being brought before a Stipendiary Magistrate, and, if innocence is not satisfactorily proven, may be seized and, upon conviction, confiscated.

Before such conviction could have been reviewed by the Supreme Court, the venture for the season would be broken up.

It is to be borne in mind that while this would be the condition of things as regards Canadian fishermen and traders on Newfoundland coasts, Newfoundland fishermen and traders on the Canadian coasts would have free right to catch, purchase, and trade in all kinds of fish.

The copies of telegrams annexed indicate the extent to which Canadian vessels rely on procuring bait in Newfoundland for carrying on their operations. It will also be observed that the purchase of herring on the south and west sides of Newfoundland, and on the Labrador shore, forms a part of the business of these vessels.

It is estimated that at least 300 vessels engaged in the Bank and Labrador fisheries received the fishing bounty in 1885.

Of 121 vessels hailing from Lunenburg, Nova Scotia, which have filed claims for bounty in 1886, 85, measuring 7,314 tons, are known to have been engaged in this fishery.

It is further to be observed that, in the event of the proposed Bill becoming law, British and Canadian fishermen will be placed at a disadvantage as compared with United States' fishermen on those portions of the coasts of Newfoundland and its dependencies on which, by the Convention of 1818, United States' fishermen were granted the liberty of taking fish.

The following are the copies of telegrams above alluded to :—

"*Mr. Tilton to Mr. Kaulbach.*

"*Ottawa, March* 30, 1887.

"Please say to what extent Nova Scotia fishing-vessels fishing on Banks and the coasts of Labrador are dependent upon getting bait in Newfoundland, and if this privilege is indispensable to their business ; also, whether the purchase or catching of herring, either by trading or fishing vessels, in Newfoundland, or on Newfoundland's part of the coast of Labrador, is carried on to any considerable extent."

"*Mr. Kaulbach to Mr. Tilton.*

"*Lunenburg, March* 31, 1887.

"Privilege of purchasing bait on south side of Newfoundland absolutely indispensable to success of Nova Scotia fishermen ; greater part of season on Grand Banks.

"Our vessels to Labrador get bait on that shore, but this business not nearly so extensive as formerly, owing to partial failure of cod.

"Both trading and fishing for herring is carried on to considerable extent by Nova Scotia vessels on south and west sides of Newfoundland, also Labrador shore in latter part of season and early winter."

The Minister of Justice, to whom the Report of the Minister of Marine and Fisheries was referred, concurs in the views therein expressed, and submits the following additional observations:—

It seems desirable that the attention of Her Majesty's Government should be called to some of the very unusual provisions of this Bill. The prohibition in reference to purchasing bait extends to all places "on or near any parts of the Colony of Newfoundland and its dependencies." This really gives no limit to the extent of the enactments capable of being defined, and, inasmuch as a violation of the provisions of the Bill is to be followed by very heavy penalties, he, the Minister of Justice, thinks that such an enactment would be embarrassing and oppressive in its operation.

The Bill gives extraordinary jurisdiction to Stipendiary Magistrates. The most stringent Acts against fishing by foreign vessels in other parts of North America have given such jurisdiction only to the Vice-Admiralty Courts.

The Stipendary Magistrates' Courts are inferior Tribunals, without any regular legal procedure, and presided over by persons who are not necessarily possessed of legal qualifications.

The Bill contains extraordinary inducements to persons to take up the task of prosecution. On conviction, half of the fine goes to the prosecutor; on acquittal, the prosecutor is still to be rewarded, so that encouragement is given to those who would be disposed to harass and annoy vessels from other parts of British North America by prosecutions which cannot be sustained.

It is to be observed that the appeal which is to be given from the Stipendiary Magistrates' decisions is of little advantage, as the fishing season would probably be passed, and a captured vessel be rendered comparatively useless, before the termination of the appeal.

The Committee concur in the views above set forth, and they advise that a remonstrance against the Royal Assent being given to this Bill be forwarded by telegraph and despatch to Her Majesty's Principal Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk, Privy Council, Canada.

Inclosure 3 in No. 52.

Sir R. Thorburn to Colonial Office.

Sir, 4, *Princes Street, Hanover Square, April* 27, 1887.

I BEG to acknowledge receipt of your communication of to-day's date, covering copy of a despatch from the Government of the Dominion of Canada of the 12th April, embodying a Minute of the Privy Council, setting forth certain objections to the Newfoundland Bait Act, and asking Her Majesty's Government to delay giving assent to that measure until an opportunity had been afforded the Government of Canada of expressing an opinion on its assumed interpretation of the Act.

I feel constrained to say that such opinion is at entire variance with the spirit and intention of the Act, and feeling certain that such is the case, I waive consideration of the question how far the Government of Canada, or indeed any other Government save that of Her Majesty, has any right to interfere in a question which involves the right of the Legislature of Newfoundland to make such Laws as it may deem proper for the regulation of its own internal affairs, and the conservation of its property, rights which are not affected by Treaty obligations, nor in their operation under the proposed Act interfering differentially with the privileges of any portion of Her Majesty's subjects.

I append copies of cable despatches already sent to our own Provincial Government and that of the Dominion, which I venture to say very clearly define the intention and scope of the proposed legislation, and I reiterate the assertion that by no manner of construction, implied or otherwise, can the Act be construed to affect, in a differential manner, the fishermen of any British possession, but it will, I submit, be readily conceded that the Colony of Newfoundland has a perfect right to enact such local Regulations as may be deemed necessary for the efficient management of its inshore fisheries, and to which the fishermen of all parts of Her Majesty's dominions must be amenable in like manner as are the inhabitants of the Colony.

To illustrate the case more forcibly, the fishermen of Newfoundland when participating in the fisheries of the Dominion (a matter of frequent occurrence) must and do conform to the local Regulations governing the same, and it would be presumption on their part to argue that any other course be pursued.

Why, then, should Canada assume the right of interference with similar Regulations in a sister Colony over which she exercises no jurisdiction?

I respectfully submit that the objections raised are entirely untenable, and cannot be founded on grounds other than an entire misconception of the scope and intentions of the measure, which, so far from prejudicially affecting the interests of Canadian fishermen, must materially assist the success of their operations in curtailing the competition of foreign fishermen, firstly, in procuring the essential supply of bait; and, secondly, in diminishing the quantity of bounty-produced fish, the depressing influence of which in foreign markets has been experienced by Dominion fishermen as well as by those of Newfoundland.

No difficulty will arise in procuring the licence required by the Act, as it cannot be supposed that Regulations will be imposed that would hamper the operations of our own fishermen in an equal, if not greater, degree than those of our neighbours, and provision will be made on all parts of the coast of Newfoundland for the issue of licences.

The objections taken to the mode of procedure in cases of violation of the Act I do not propose to discuss further than to say that here again the penalties are of general application, and the Dominion Government cannot reasonably object to a penalty that will fall with equal severity on our own citizens.

The inference drawn by Sir G. W. Des Vœux, in his despatch relative to the Bait Bill, that Canada would suffer from its disallowance, inasmuch as American and other foreign fishermen would continue to procure their bait supplies in Newfoundland waters, particularly if excluded from this privilege in the Dominion, seems a perfectly correct conclusion, and serves practically to illustrate the desirability of British fishermen retaining the undivided control of so important an element as the bait supply giving them a vantage-ground over their bounty-sustained rivals.

No importance need be attached to the point raised as to the application of the Bait Act to the coast of Labrador, as that coast is not frequented by fishermen trading in bait, and there is, therefore, no necessity for interference with fishing operations outside of the scope of the Act.

I have not seen the question nor answer of the Attorney-General of Newfoundland as

to the application of the Bait Bill to Canadian fishermen, but I am certain his answer, however construed, could only apply in the manner I have indicated.

I have, &c.

(Signed) ROBERT THORBURN,
Premier, Newfoundland.

Inclosure 4 in No. 52.

Sir R. Thorburn to the Attorney-General of Newfoundland.

(Telegraphic.) *St. John's, April* 20, 1887.

CANADIAN Government evidently misunderstand scope and intention of our Bait Act. Assure them promptly, by telegraph, that their fishermen will enjoy equal privileges with our own, and that practically there will be no restrictions on bait supply of any British subjects.

Inclosure 5 in No. 52.

Sir R. Thorburn and Sir A. Shea to Sir C. Tupper.

(Telegraphic.) *April* 29, 1887.

YOUR fishermen are on same footing as ours under Bait Bill, and no practical impediment in way of either. Our Government will give any required guarantee that this is our reading of the Act. Advise Colonial Office soon as possible that this explanation is satisfactory.

Inclosure 6 in No. 52.

Sir A. Shea to Colonial Office.

Sir, 4, *Princes Street, Hanover Square, April* 27, 1887.

I HAVE the honour to acknowledge receipt of your letter of this date, inclosing copy of a despatch from the Governor-General and Minute of Council of Dominion Government, objecting to the confirmation of the Newfoundland Bait Bill by Her Majesty's Government.

This Act was passed to protect the bait fisheries on the Newfoundland coast against the use by foreigners whose bounty-assisted operations have been disastrous to British interests. The measure embraces the rights of all British fishermen, and regards them in the same light in every respect. Canadian fishermen, in common with our own, are seriously affected by the bounty-assisted rivalry of foreigners, and must in a corresponding degree be benefited by our Conservative legislation.

The working clauses of the Act are such as local knowledge only could have wisely devised for its effective execution, and I may observe that they were adopted mainly by regard to their application to the limited number of our own people, by whom it was thought the chief efforts might be made to infringe on its provisions.

I feel the Dominion Government has no real ground for its opposition, from which it will at once recede when authorized assurances are given that in carrying out the Law no supposed ambiguity in its terms will be allowed to operate to the prejudice of Canadian fishermen, with whom we have common rights on the coast of the Dominion.

It must, I submit, be manifest that the course taken by the Dominion Government has arisen from a complete misapprehension of the views and purposes of the Newfoundland Legislature, and while I should regret if they could be justified in their conclusion of such unfriendly legislation, I feel Her Majesty's Government will be satisfied that such impressions are unfounded, and, moreover, are fully explained away by our statement of the aims of the Act, and its assured uniform application to all British subjects. I do not think it necessary to consider the objections in detail, but I would observe that the exception taken to the "immediate neighbourhood" to be included for the purposes of the Law is answered by the fact that the Law cannot operate outside the jurisdiction of the Government of Newfoundland, and that the terms "immediate neighbourhood" must be construed as being within this limitation.

I have, &c.

(Signed) A. SHEA.

Inclosure 7 in No. 52.

Memorandum.

I HAVE read the despatch of the Marquis of Lansdowne, dated Government House, Ottawa, Canada, the 12th April, 1887.

The Newfoundland Bill is open to the objections which are taken in the despatch and its inclosures, particularly when read in connection with the explanation said to have been used in the Legislature of Newfoundland by the Attorney-General of the island.

The object of the Bill, as avowed by the Delegates from Newfoundland, is not that which the Canadian Government has apprehended.

Sir Robert Thorburn and Sir Ambrose Shea affirm that the Bill was intended exclusively against foreign fishermen (French). Upon that assumption the enactments which are criticized in Lord Lansdowne's despatch and the inclosures would not have seemed formidable, in my opinion, to the Canadian Government. There would, perhaps, have been embarassment, in Newfoundland, in framing the Bill to give effect to the intentions with which the Delegates say it was passed ; but why, then, did the Attorney-General of Newfoundland give the interpretation of it which is referred to in Lord Lansdowne's despatch ?

It will be impossible for the Legislature of Newfoundland, which is understood to be not now sitting, to alter the language of the Bill, but perhaps it might be done at another Session by that Legislature.

In the meantime, I should think that an official declaration from Newfoundland (which should, I think, rather be addressed to the Secretary of State for the Colonies than to the Canadian Government), stating that licences under the Act would issue to Her Majesty's subjects in Canada and elsewhere, on the same terms as to those residing in Newfoundland, should be sufficient to induce the withdrawal by the Government of Canada of the protest contained in Lord Lansdowne's despatch.

The penalties mentioned in the Bill, and other features objected to by the Canadian Government, strike me as matters over which the Legislature of Newfoundland had control, and may have been considered by them necessary to remedy an evil which, they assert, is ruining the Colony.

I have not heard from the Canadian Government on the subject, and have no authority from them, but have simply indicated my own opinion.

(Signed) A. CAMPBELL.

Brown's Hotel, Dover Street, London,
April 29, 1887.

No. 53.

Colonial Office to Foreign Office.—(*Received May* 7.)

Sir, *Downing Street, May* 6, 1887.

WITH reference to previous correspondence, I am directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, a copy of a despatch from the Governor of Newfoundland, reporting the course which the Government of Newfoundland have decided to adopt with regard to the lobster factories and the use of cod-traps on that part of the coast of that Colony where the French have fishery rights.

With reference to the concluding paragraph of the Governor's despatch respecting the prohibition of lobster fishing in Bonne Bay, under a Proclamation issued in August last, I am to request you to refer Lord Salisbury to the letter from this Department of the 12th February last. His Lordship will observe that the Governor has now received from his Minister the formal assurance that this prohibition will not be enforced against French subjects.

With regard to Sir William Des Vœux's remark in paragraph 3 of his despatch, to the effect that Her Majesty's Government regard lobster factories as a contravention of the Treaty of Utrecht, I am to state that Sir Henry Holland proposes, with Lord Salisbury's concurrence, to point out to the Officer administering the Government that these British establishments are not regarded by Her Majesty's Government as a contravention of that Treaty, but of the Declaration attached to the Treaty of Versailles of 1783.

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

Inclosure in No. 53.

Governor Sir G. Des Vœux to Sir H. Holland.

Sir, *Government House, Newfoundland, March* 19, 1887.

IN reply to your despatch of the 11th February, 1887,* and referring to previous correspondence on the subject of the presence of lobster factories and the use of cod-traps on that part of the coast of this island where the French have fishery rights, I have the honour to report as follows:—

2. At an Executive Council held to-day my Ministers informed me that they are not prepared to take Legislative or Executive action, either for the removal of the lobster factories complained of by the French Government or for the prohibition of the use of cod-traps on the coast in question; and that, moreover, they do not see their way to make further use of the existing Act to prohibit the lobster fishery on that portion of the coast.

3. They will, however, at once notify to the persons concerned that, as Her Majesty's Government concurs with the French Government in regarding the presence of lobster factories on the coast in question as a contravention of the Treaty of Utrecht, it may be expected that measures will be taken for closing and removing them, and under such circumstances the owners will not be entitled to compensation.

4. The Government will also give a similar notice with regard to cod-traps, to the effect that their use on the coast in question will render them liable to seizure or destruction.

5. I mentioned that, as regards cod-traps, there was lately an intention of prohibiting them throughout the island in the interest of our own fishermen, when I was informed in reply that a Bill for this purpose failed to pass the Legislature last Session, and that there was this year no change of feeling in its favour, but rather the reverse. Moreover, any notion that one of the reasons for such a measure had reference to French fishing rights could only serve to increase the opposition to it.

6. On my pointing out the various obvious reasons against a passive policy such as that described, especially that it would necessitate the use of force, either by our own or by French ships of war, suggesting at the same time the expediency of action such as would constitute these contraventions of the Treaty as breaches of the local law, I was in every case met with the reply that any more active policy than that indicated would be impracticable, inasmuch as it would certainly be condemned by the Legislature, and would be even less likely to be approved by the constituencies.

7. At the same meeting of Council I received the formal assurance, required in your despatch of the 12th February, 1887, that the prohibition of lobster fishery in Bonne Bay by the Proclamation of the 9th August, 1886, will not be enforced against French subjects. The Proclamation in question was issued at the request of the British inhabitants of the coast with reference to factories established or contemplated by British subjects, and there never was any intention of making it applicable to French subjects.

I have, &c.

(Signed) G. WILLIAM DES VŒUX.

No. 54.

Foreign Office to Colonial Office.

Sir, *Foreign Office, May* 7, 1887.

I HAVE laid before the Marquis of Salisbury your letter of the 30th ultimo, forwarding copies of communications received from the Governor-General of Canada, from the Newfoundland Delegate to the Colonial Conference, and from Sir A. Campbell, one of the Delegates from Canada, relative to the Bait Bill recently passed by the Legislature of Newfoundland, and stating that Sir H. Holland proposes to inform the Newfoundland Delegates that the Act in question will receive Her Majesty's sanction; and I am now directed by his Lordship to request you to inform Sir H. Holland that he concurs in the proposed communication to Sir R. Thorburn and Sir A. Shea.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

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* No. 43.

No. 55.

The Marquis of Salisbury to M. Waddington.

(Extract.) *Foreign Office, May* 19, 1887.

THE Arrangement signed at Paris on the 14th November, 1885, was signed subject to the approval of the British and French Governments, and it was fully understood that the final approval of Her Majesty's Government could only be given on the acceptance of the Arrangement by the Legislature of Newfoundland.

No. 56.

Colonial Office to Foreign Office.—(*Received May* 20.)

Sir, *Downing Street, May* 19, 1887.

I AM directed by Secretary Sir Henry Holland to acknowledge the receipt of a copy of a note from the French Chargé d'Affaires,* requesting that, in view of a decision which has been come to by the French Government to prohibit the use of cod-traps by French citizens in Newfoundland waters, and which will be enforced during the season just opened, Her Majesty's Government will adopt similar measures as regards the employment of such traps by British subjects in the waters of Newfoundland reserved to French fishermen. From the despatch from the Governor of Newfoundland, of which a copy accompanied the letter from this Department of the 6th instant, Lord Salisbury will have learnt the course which the Newfoundland Government propose to take with regard to the use of cod-traps by British fishermen. Sir H. Holland is, however, of opinion that now that Her Majesty's Government have announced that Her Majesty will not be advised to disallow the Bait Bill, they are fairly entitled to press for the discontinuance of cod-traps by British subjects in the waters where French fishermen have a right to fish, without interruption on the part of the British, upon the French taking a like step.

Should Lord Salisbury concur, Sir Henry Holland will press the adoption of this course upon the Colonial Government, pointing out that every effort should now be made to avoid disputes with the French in the waters in question.

I am, &c.

(Signed) JOHN BRAMSTON.

No. 57.

Foreign Office to Colonial Office.

Sir, *Foreign Office, May* 23, 1887.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 6th instant, inclosing copy of a despatch from the Governor of Newfoundland, reporting the course that his Government have decided to adopt in regard to the lobster factories, and the use of cod-traps on that part of the coast of the Colony where the French have fishery rights.

I am to request you to state to Secretary Sir H. Holland that his Lordship concurs in the proposal to point out to the Officer administering the Government of Newfoundland that British lobster factories are not regarded by Her Majesty's Government as a contravention of the Treaty of Utrecht, but of the Declaration attached to the Treaty of Versailles of 1783.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 58.

Sir H. Holland to Administrator Sir F. Carter.

Sir, *Downing Street, May* 23, 1887.

HER Majesty's Government have had under their careful consideration your despatch of the 21st February, forwarding copies of a Bill entitled "An Act to regulate

* No. 49.

the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," which was passed by both Houses of the Legislature on the commencement of the present Session.

2. They have also had before them the Address from the House of Assembly on the subject of this Bill, which was duly presented to me by Sir R. Thorburn and Sir A. Shea, who were delegated by the House of Assembly to make representations to Her Majesty's Government on this matter.

3. In my despatch of the 3rd February I fully explained to you the reasons for which Her Majesty's Government had felt it necessary to refrain from submitting the Bill for Her Majesty's confirmation. I regret to observe, however, that the main reason appears to have been misapprehended by the House of Assembly, though I was careful to make it clear that the special loss which the introduction of new restrictions, without due notice and on the eve of the fishing season, would cause to French fishermen, was the consideration which principally precluded Her Majesty's Government from consenting to the imposition of these restrictions at the present time.

4. In suggesting that further communication with the French Government might lead to the discovery of a remedy for the present depression in the Newfoundland fishery trade in some other direction than in that of the prohibition of the sale of bait, Her Majesty's Government had in fact followed a suggestion made by the Colonial Legislature, which had itself referred to another solution (the modification of the French bounties) as likely to remove all need for restriction on the sale of bait.

5. I may also point out that, although the damage to the colonial fisheries is stated to have been going on for some period "within three years," the Bait Clause in the Arrangement of 1884 was not objected to by the Government of Newfoundland when stating the modifications which they desired to be made in the Arrangement in the Minute of Council of the 15th July in that year.

6. But although the Address of the House of Assembly has appeared to Her Majesty's Government to require the foregoing observations, they have not failed to give their best attention to the strong representations contained in it, and to the further important facts which have since been brought before them as to the operation of the French bounties, and they have felt it their duty to give effect to the reiterated expression of the wishes of the Legislature and Government of Newfoundland. They have accordingly advised Her Majesty to sanction the Act, and an Order in Council for the purpose will be forwarded to you by an early opportunity.

7. I have, however, desired you, by telegraph, not to issue any Proclamation under section 12 for bringing the Act into force until after the close of the present fishing season.

8. You will be so good as to apprise the Members of the Legislature of the decision which has been arrived at in reply to their Address.

I have, &c.
(Signed) H. T. HOLLAND.

No. 59.

Sir H. Holland to Administrator Sir F. Carter.

Sir, *Downing Street, July* 4, 1887.

I HAVE the honour to acknowledge the receipt of Sir G. W. Des Vœux's despatch of the 19th March,* reporting the course which the Government of Newfoundland had decided to adopt with regard to the lobster factories and the use of cod-traps on that part of the coast where the French have fishery rights.

With regard to Sir William Des Vœux's remark in paragraph 3 of his despatch to the effect that Her Majesty's Government regard lobster factories as a contravention of the Treaty of Utrecht, I beg to point out to you that these British establishments are not regarded by Her Majesty's Government as a contravention of that Treaty, but of the Declaration attached to the Treaty of Versailles of 1783.

I have, &c.
(Signed) H. T. HOLLAND.

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* Inclosure in No. 53.

No. 60.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, July* 5, 1887.

WITH reference to Count d'Aubigny's letter of the 20th September last, in regard to the prohibition by the Newfoundland Government of fishing for lobsters in Bonne Bay, I have the honour to acquaint your Excellency that a despatch has been received from the Governor of that Colony in which he states that his Government have given a formal assurance that the prohibition will not be enforced against French citizens to whom there had not been any intention of applying it.

I have, &c.
(Signed) SALISBURY.

No. 61.

M. Waddington to the Marquis of Salisbury.—(Received July 6.)

M. le Marquis, *Londres, le* 5 *Juillet,* 1887.

PAR une note en date du 20 Avril dernier j'ai eu l'honneur de porter à votre connaissance la décision prise par le Gouvernement de la République interdisant l'usage des trappes aux pêcheurs Français sur les côtes de Terre-Neuve, et en même temps je vous demandais que le Gouvernement de Sa Majesté Britannique adoptât vis-à-vis de ses nationaux des dispositions analogues.

Le 29 Avril votre Seigneurie m'a répondu que ma demande allait être examinée par les autorités compétentes; mais vous ne m'avez pas encore fait connaître le résultat de cet examen.

Cependant, la pêche de la morue est aujourd'hui en pleine activité, et il importe beaucoup à nos pêcheurs de savoir si le Gouvernement de Sa Majesté a l'intention d'interdire définitivement, comme nous l'avons fait nous-mêmes, ces engins destructeurs, qui empêchent toute pêche normale et régulière.

J'espère donc que votre Seigneurie sera bientôt en mesure de me communiquer la décision à laquelle se sera arrêté le Gouvernement de Sa Majesté Britannique.

En même temps, je suis chargé par M. Flourens de saisir votre Seigneurie d'une demande d'indemnités formulée par MM. Besnier et Dupuis-Robial, armateurs Français, contre le Gouvernement de Sa Majesté Britannique, à raison du tort que leur ont causé, pendant la dernière campagne de pêche, les pratiques des pêcheurs Anglais et l'insuffisance des mesures prises par les autorités Anglaises pour les prémunir contre cette concurrence.

En fait, le préjudice grave causé aux armateurs Français résulte principalement de l'emploi des trappes par les pêcheurs Anglais, emploi que les croiseurs Anglais, malgré leur activité et leur bonne volonté, sont impuissants à arrêter.

En droit, la responsabilité du Gouvernement de Sa Majesté est engagée par la Déclaration du Roi George III, en date du 3 Septembre, 1783, portant que :—

" Sa Majesté Britannique prendra les mesures les plus positives pour empêcher que ses sujets ne troublent en aucune manière par leur concurrence la pêche des Français pendant l'exercice temporaire qui leur est accordé sur les côtes de l'Ile de Terre-Neuve."

Pour que votre Seigneurie puisse s'éclairer complètement sur les faits allégués par les armateurs Français, et sur la responsabilité qui incombe au Gouvernement de Sa Majesté, j'ai l'honneur de lui transmettre les conclusions de M. le Capitaine de Vaisseau Le Clerc, Commissaire-Enquêteur.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation).

My Lord, *London, July* 5, 1887.

BY a note dated the 20th April last, I had the honour to bring to your knowledge the decision of the Government of the Republic, forbidding French fishermen to use traps on the Newfoundland coasts, and, at the same time, I requested that Her Britannic Majesty's Government should adopt similar measures towards their subjects.

Your Lordship replied on the 29th April that my request would be examined by the competent authorities; but you have not yet acquainted me with the result of this examination.

The cod fishery is at present, however, in full activity, and it is very important that our fishermen should know whether Her Majesty's Government intend to definitely prohibit, as we have ourselves done, these destructive engines, which stop all ordinary and regular fishery.

I therefore trust your Lordship will soon be in a position to communicate to me the decision at which Her Majesty's Government may have arrived.

At the same time, I am instructed by M. Flourens to approach your Lordship on the subject of a claim for indemnity put forward by MM. Besnier and Dupuis-Robial, French ship-owners, against Her Majesty's Government, on account of injury caused them during the last fishing season by the practices of English fishermen, and the insufficiency of the measures taken by the English authorities to guard them against this competition.

In fact, the serious harm done to the French ship-owners results principally from the employment of traps by the English fishermen, which the English cruizers, notwithstanding their activity and good will, are powerless to prevent.

By right, the responsibility of Her Majesty's Government rests on a Declaration of King George III, dated the 3rd September, 1783, laying down that—

"His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner, by their competition, the fishery of the French during the temporary exercise of it which is granted to them upon the coasts of the Island of Newfoundland."

In order that your Excellency may completely verify the facts alleged by the French ship-owners, and the responsibility devolving on Her Majesty's Government, I have the honour to transmit the views of Captain Le Clerc, Commissioner of Inquiry.

I have, &c.

(Signed) WADDINGTON.

Inclosure in No. 61.

Le Capitaine de Vaisseau Le Clerc, Commandant le Cuirassé d'Escadre "l'Indomptable," à M. le Chef du Service de la Marine à Saint-Servan.

A bord de "l'Indomptable," Toulon, le 10 *Février,* 1887.

J'AI l'honneur de vous adresser le complément de l'enquête faite à Saint-Brieuc et à Binic, par ordre du Ministre de la Marine, au sujet du tort causé à nos nationaux établis en pêche au Kirpon pendant les années 1885-86, par des pêcheurs de l'Ile de Terre-Neuve, sujets de Sa Majesté Britannique.

Le complément de cette enquête consiste dans la déposition du Capitaine Domalain, des bricks "Stella Maris" et "Union," appartenant tous deux à M. Besnier, armateur à Binic, lequel, absent de France au moment de mon séjour à Saint-Brieuc, n'a pu être interrogé que le 17 Janvier.

Il est maintenant de mon devoir de résumer cette enquête et d'en tirer des conclusions que les dépositions m'amènent à prendre et aussi de les appuyer de ma connaissance personnelle des faits qui ont pu se produire à la côte de Terre-Neuve pendant la durée du commandement que j'y ai exercé en 1885-86.

Le Ministre de la Marine m'avait déjà fait l'honneur de me consulter sur la valeur d'une réclamation introduite par M. Besnier, armateur à Binic, et j'avais conclu par un avis favorable.

Je n'ai pas cette correspondance qui, vraisemblablement, sera jointe au dossier de cette affaire à Paris. Toutefois, je n'estimais pas à moins de 1,000 quintaux marchands, soit 50,000 kilog. de morue, le tort fait à nos nationaux par les sujets Anglais par suite des empêchements qu'ils mettent au libre exercice de notre pêche et, cela, pour la seule année 1886.

Il va de soi que le même tort s'appliquait aux opérations de M. Dupuis-Robial, armateur du "Sans-Souci," et aussi établi en pêche au Kirpon.

Au cours de l'enquête, il m'a paru naturel de chercher à établir également les pertes qu'ont pu faire nos nationaux pendant l'année 1885, époque à laquelle j'exerçais le commandement de la division navale de Terre-Neuve.

Je n'ai pas cru devoir remonter au delà, parce que je n'aurais pu avoir aucun contrôle sur les dépositions des pêcheurs interrogés; mais il n'est pas moins constant à mes yeux, que si les pêches faites au Kirpon pendant les cinq années du tirage 1881-86 ont été des plus médiocres, il y a lieu d'attribuer ces résultats désastreux à la concurrence faite à nos

pêcheurs, tant par les goélettes nomades expédiées des ports de la côte est de Terre-Neuve que par les résidents eux-mêmes.

Afin de résumer mon enquête avec plus de clarté, je diviserai mon travail en demandes et en réponses :—

1. Les pêcheries du Kirpon ont-elles été ruinées par les sujets de Sa Majesté Britannique ?

Je n'hésite pas à répondre que oui, en grande partie, Les places du Kirpon étaient autrefois les plus recherchées, parce que la morue s'y porte en abondance dans ses migrations à la poursuite du capelan. Elle atterrit par les deux côtes, en venant du Cap Normand par le nord et des Baies du Sud par la côte est. La position particulière du Kirpon, à cheval sur les deux côtes par suite du chenal du Petit Kirpon, en fait donc un lieu éminemment favorable à la pêche, et il n'y a pas de doute pour moi que le tirage de 1881-86 eût fourni une pêche moyenne pour nos nationaux s'il leur avait été loisible de profiter des avantages particuliers de la position géographique de leur place de pêche.

Or, qu'est-il arrivé ? Nos nationaux ayant abandonné les pêcheries qui avoisinent le Cap Normand, les goélettes Anglaises se sont portées en foule au Havre de Cook, dans l'Anse à la Goélette, dans la Baie du Cap Normand elle-même, et y ont tendu leurs trappes. Le premier résultat a été d'arrêter la morue au passage et de l'empêcher, sinon entièrement, au moins en grande partie, de se rendre jusqu'au Kirpon.

L'usage de la trappe et la façon dont elle capture le poisson indique jusqu'à l'évidence que la morue ne se rend pas directement à la côte perpendiculairement à sa direction, mais bien qu'elle en suit les contours dans le sens de son gisement. C'est là un fait bien connu et important à rappeler, et sans lequel les trappes ne seraient pas disposées normalement à la côte.

Maintenant : la morue vient-elle du Cap Normand vers le Kirpon en passant le long des côtes de la Baie du Pistolet et de la grande Baie du Sacre ? Je le crois encore, car ces pêcheries ouvrent plus tard que celles plus au sud de la côte ouest.

Les pêcheries de la côte du Labrador, dans le détroit de Belle-Ile, commencent à prendre de la morue quand déjà celles de Port au Choix, de Cod Roy, &c, ... sont en pleine pêche. Dans l'année 1885 nos pêcheurs de la côte ouest réussissaient assez bien depuis le milieu de Mai, alors que le 19 Juin il n'avait pas encore paru de morue à Forteau, où j'étais mouillé. La côte du Labrador était encore encombrée par la banquise et c'est à ce fait que j'attribuais l'absence du poisson.

Il me semble donc vrai de dire que les trappes du Cap Normand arrêtent au passage le poisson que nos gens attendent vainement au Kirpon.

Voilà pour la côte nord. Le même fait se reproduit pour la côte sud et le poisson est arrêté par les trappes de Saint-Lunaire et des Griguets, avant de pouvoir arriver sur les côtes de la grande île du Kirpon, ou sur la partie de côte située entre l'entrée du Petit Kirpon et la Baie du Nord des Griguets.

Par analogie avec ce qui se passe sur la côte nord, entre le Cap Bauld et le Cap Normand, le courant de morue qui vient du sud pour aller chercher les côtes du Labrador est arrêté en partie au passage, et nos nationaux souffrent à la côte est du Kirpon des mêmes inconvénients qu'ils rencontrent à la côte nord de cette baie. On peut donc dire en réalité que les pêcheries Françaises du Kirpon sont bloquées au nord et au sud par les Anglais.

Mais là ne se borne pas le dommage qui leur est causé.

En effet, les trappes Anglaises occupent les meilleurs endroits où nos seines peuvent déborder et il s'ensuit qne si un pêcheur Français veut aller chercher fortune ailleurs, il ne peut le faire sous peine d'être obligé de seiner aussi la trappe de ses rivaux.

Donc, de toutes les façons, à quelque point de vue que l'on se place, il est parfaitement sûr que les Anglais ruinent nos gens, soit en arrêtant le poisson au passage, soit en empêchant par la présence de leurs engins nos nationaux de le capturer là où il se trouve.

C'est certainement une question importante pour nous d'établir si, oui ou non, les trappes sont des engins destructeurs qui ont ruiné nos pêcheries, mais c'est plutôt une question d'un intérêt général et dont la solution ne change rien aux conclusions de cette enquête, qu'une question particulière intéressant spécialement les armateurs du Kirpon. Pour la résoudre il n'est du reste pas besoin des témoignages de nos nationaux que les Anglais pourraient taxer de partialité, il suffit de s'en remettre au simple témoignage des résidents Anglais eux-mêmes, à ceux-là qui, trop pauvres pour acheter une trappe, gagnent péniblement leur pain à l'aide d'une ligne à main et savent ce que leur coûte le voisinage de ces filets que viennent tendre les goélettes nomades à l'entrée des baies où ils ont établi leurs modestes habitations. Il n'est pas un pauvre résident qui ne m'ait demandé de saisir

ces trappes, de prendre en main leur défense contre leurs propes compatriotes, et de me rappeler le temps où la côte de Terre-Neuve réservée à notre pêche, était l'objet d'une sage et méthodique exploitation. Le mal dont souffre Terre-Neuve s'étend au Labrador et je puis affirmer que les pêcheurs de Porteau m'ont demandé de les débarrasser d'un riche pêcheur de Saint-Jean qui, en tendant vingt trappes entre la côte et l'Ile Woody dans la Baie des Blancs Sablons, avait entièrement ruiné leur plus modeste industrie.

Mais cette question ne saurait nous occuper que subsidiairement, car d'autres causes, qu'il est inutile d'énumérer ici, viennent entrer en ligne de compte en ce qui concerne la ruine de la côte de Terre-Neuve. Il me suffit de constater que le Kirpon est ruiné par la concurrence Anglaise, et de prier de se reporter aux dépositions des maîtres de seine de "l'Union" et du "Sans-Souci." Je puis certifier qu'elles n'ont rien d'exagéré, et il n'y a pas lieu de s'arrêter aux arguments mis en avant par les propriétaires des trappes—arguments consistant à dire que leurs engins de pêche ne sont pas placés dans les baies même où nos pêcheurs sont établis. Cette raison n'a aucune valeur, car si nos pêcheurs se trouvent réduits à pêcher dans un périmètre extrêmement restreint, et non loin du mouillage de leurs navires, c'est précisément parce qu'ils n'osent pas seiner dans les endroits où les sujets Anglais sont en force, et bloquent les débordages.

Les goélettes nomades de la côte est vont d'ailleurs chercher fortune partout ou bon leur semble ; elles s'établissent en pêche au milieu de nos gens, et placent leurs trappes là où elles croient avoir le plus de chance de capture du poisson, sans s'inquiéter davantage de la gêne qu'elles apportent à nos opérations. J'en ai compté jusqu'à quarante dans le dégrat du Kirpon, autant dans le Petit Kirpon, menaçant nos pêcheries autant par leur nombre que par leur avidité à s'emparer des meilleurs endroits.

2. Dans quelles conditions nos nationaux doivent-ils pêcher à Terre-Neuve, et quelles sont les obligations que les Traités imposent à l'Angleterre ?

Nos nationaux sont établis à Terre-Neuve pendant la saison de pêche, qui dure depuis la fonte des glaces jusqu'aux premières neiges, conformément aux stipulations de l'Article XIII du Traité d'Utrecht. Ces stipulations portent qu'ils ne doivent avoir à terre que les cabanes et échafauds nécessaires et usités pour sécher le poisson, mais rien en dehors de cela ne limite leur action comme pêcheurs. Il s'ensuit donc qu'ils peuvent pêcher partout où bon leur semble, pourvu qu'ils arrêtent l'exercice de leur droit en deça des Caps Saint-Jean et de Raye en passant par le nord. Mais un semblable droit serait presque illusoire s'il n'existait quelque stipulation en venant sanctionner l'exercice.

On comprend combien la protection que peuvent lui donner les croiseurs Français est précaire, si l'on songe que cette protection ne saurait être effective sans l'exercice d'un droit de police sur les nationaux Anglais—droit de police que chaque Gouvernement est jaloux de garder sur ses sujets et peut-être le Gouvernement Britannique plus que tout autre.

La conséquence de cette situation eut été que le droit d'usufruit que possède la France sur la mer qui baigne une partie des côtes de Terre-Neuve serait devenu d'une application presque impossible, si un Article Additionnel n'était venu définir dans quelles conditions de sécurité les Français pouvaient compter pouvoir profiter des dispositions du Traité d'Utrecht.

Cet Article Additionnel n'existe pas dans le Traité, mais la Déclaration du Roi Georges le remplace amplement.

Or, que dit cette Déclaration :—

"*Versailles, le* 3 *Septembre*, 1783.

"Le Roi étant entièrement d'accord avec Sa Majesté Très Chrétienne sur les Articles du 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'efficacité possible aux principes qui empêcheront jusqu'au *moindre genre* de dispute à l'avenir.

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

Il en résulte clairement que l'Angleterre s'est engagée à assurer elle-même à nos nationaux le libre exercice des droits que leur confère le Traité d'Utrecht et qu'elle est dans la situation d'un propriétaire qui ne saurait altérer, détruire, ou diminuer de valeur le gage de l'usufruitier sans encourir des responsabilités pécuniaires.

Mieux encore, l'Angleterre s'est constituée le gardien de cet usufruit.

Or, les dépositions de l'enquête établissent surabondamment que nos nationaux sont dans l'impuissance d'en jouir en paix et que les armements qu'ils ont fait sur la foi de la Déclaration du Roi Georges n'ont abouti qu'à la ruine et il ne reste plus pour établir les responsabilités qu'à considérer :

3. Si l'Angleterre a pris les mesures les plus positives pour empêcher ses sujets de troubler nos pêcheurs par leur concurrence.

Il serait injuste de dire que le Gouvernement de Sa Majesté Britannique n'a pris aucune mesure, mais ces mesures n'ont aucun caractère positif. Les croiseurs Anglais font preuve d'une grande activité ; ils sont très bienveillants et courtois pour nos nationaux, mais ils sont absolument impuissants contre les empiètements des pêcheurs Anglais de l'Ile de Terre-Neuve.

Si nous allions, ainsi que nous y autorise la Déclaration du Roi Georges, jusqu'à considérer s'ils ont éloigné les établissements sédentaires qui nous gênent, nous aurions une tâche trop facile pour démontrer qu'il n'en est rien. Mais il n'est pas besoin d'aller jusque-là ; il suffit de considérer ce qui se passe pour leurs pêcheurs au point de vue de la concurrence acharnée qu'ils font aux nôtres.

Sur la plainte des croiseurs Français, ou même sur celle des capitaines-pêcheurs, les Commandants des croiseurs Anglais prient leurs nationaux d'apporter plus de modération dans leur concurrence ; quelquefois ils font appareiller des goélettes qui sont une gêne trop évidente pour nos pêcheurs ; mais on peut dire que les habitants de Terre-Neuve mettent autant de répugnance et de mollesse à satisfaire aux injonctions des croiseurs Anglais qu'ils en mettent à tenir compte des observations des croiseurs Français. Il en résulte que tout se passe en conversation et que nos nationaux n'ont rien obtenu, ni d'un côté ni de l'autre, et qu'alors ils renoncent à se plaindre.

Je dis cela parce qu'il ne faudrait pas arguer de ce que nos pêcheurs ne se plaignent pas pour en conclure qu'ils ne sont pas gênés. Ce serait une grave erreur ; les pêcheurs n'osent pas aller à bord des navires de guerre Anglais, dont ils ne parlent pas la langue, affronter des officiers beaucoup plus haut placés qu'eux dans la hiérarchie sociale ; en plus, ils redoutent les résidents et surtout les équipages des goélettes nomades qui, une fois débarrassés des croiseurs, donnent un libre cours à leurs antipathies nationales. Comment peut-on croire qu'il en puisse être autrement, quand on songe que des gens que l'instruction, l'éducation, et les voyages, auraient dû affranchir des préjugés de race et de religion, apporter souvent dans leurs jugements, dans leurs actes, et dans leur conduite internationale, un esprit de parti et un aveuglement que le sentiment de la justice ne parvient pas à dissiper.

En réalité, les pêcheurs Anglais sont ignorants ou ne tiennent aucun compte des Traités qui lient la France à l'Angleterre, et les croiseurs de leur nation ne les rappellent qu'au prix de grandes difficultés à leur respect. D'un autre côté, les plaintes que leur transmettent les croiseurs Français, quoique écoutées avec le plus grand bon vouloir, restent souvent sans effet, non pas par suite de la mauvaise volonté des Commandants Anglais, mais par suite des retards forcés que subit la transmission de ces plaintes.

Je citerai un exemple pour bien faire comprendre ce que je veux dire.

Le 17 Août, 1885, étant au Kirpon, le croiseur Français "l'Ibis" a reçu les plaintes des Capitaines Domalain du brick Français "Stella Maris ;" Houard, du brick le "Sans-Souci," et enfin du Capitaine Maoucet, de "l'Élisabeth," tous trois établis en pêche dans les environs du Kirpon. Ces navires ne pouvaient pas pêcher par suite de la présence de nombreuses goélettes dont les pirogues encombraient les lieux de pêche. Ces goélettes, priées d'appareiller pour laisser la place à nos nationaux, refusèrent positivement de le faire et de plus, pour éviter que leurs engins de pêche ne fussent saisis, ils les débarquèrent provisoirement à terre. Bien plus, leurs patrons narguèrent le Capitaine de "l'Ibis," le mettant au défi de les faire partir ou de saisir leurs goélettes, ainsi que l'y autorisait l'Article X de la Convention du 26 Avril, 1884.

Cet officier vint me trouver au Croc, et je me rendis au Kirpon d'où la plupart des goélettes étaient parties. Mais le mal était fait et il y avait longtemps que nos pêcheurs étaient gênés, leur pêche compromise, quand j'arrivai pour les débarrasser de leurs encombrants rivaux. Ce n'est que le 7 Septembre que je pus faire parvenir une plainte au Commandant du croiseur le "Fantôme," et l'on comprend du reste qu'elle n'eut aucun effet, les goélettes n'étant plus au Kirpon.

Je pourrais répéter cet exemple à l'infini, car quel respect veut-on que des pêcheurs aient pour une autorité qui n'a aucun pouvoir répressif ?

Les croiseurs Anglais suivent leurs ordres ; ils ne peuvent être rendus responsables de leur inefficacité. Que sert de dire à un pêcheur Anglais : "Allez vous-en un peu plus loin ; vous gênez les pêcheurs Français," si ce pêcheur n'encourt aucune peine pour avoir

causé cette gêne? Il est clair que si la place lui convient, il reviendra dès que le croiseur aura disparu, et c'est ce qui arrive constamment.

En plus, quand les représentants de l'autorité ont disparu, nos pêcheurs sont l'objet des représailles des sujets Anglais; ils sont quelquefois assaillis à coups de pierre, d'autrefois presque assommés comme l'a été Moncet, au Cap d'Oignon, menacés de coups de fusil comme l'a été Domalain dans l'Anse à Clou, et le maître de seine du Capitaine Hamonet à l'écueil de Bréhat.

En résumé, ils ont à se défendre pour jouir d'un bien qui leur appartient, et il ne faudrait pas savoir faire la part de la nature humaine pour penser que les croiseurs Anglais, et surtout le Gouvernement de Saint-Jean, ne sont pas tout disposés à la plus grande indulgence pour les frasques de leurs administrés, en fait d'empiètement sur nos droits.

Le seul remède à une semblable situation eut été la confiscation définitive des engins de pêche de ceux qui, par leur concurrence, je ne dirai pas gênent, mais ruinent nos pêcheurs. L'Angleterre non seulement ne l'a jamais pratiquée mais encore n'a pas admis que nous puissions le faire. Il s'ensuit donc que les mesures qu'elle a pu prendre n'ont aucun caractère positif et qu'elle est par conséquent responsable du dommage qu'elle a causé en ne tenant pas les engagements pris par Sa Majesté le Roi Georges.

Il n'y a là-dessus aucun doute à avoir et MM. Besnier et Dupuis-Robial sont en droit de lui réclamer une indemnité pécuniaire à charge par eux de faire la preuve du bien fondé de leur plainte.

Leur cause se résume à ceci: "J'ai, sur la foi des Traités, et confiant dans la Déclaration du Roi Georges, armé un navire pour pêcher à Terre-Neuve. Non seulement vous me devez la liberté de la mer, mais encore vous vous êtes engagés à me débarrasser par les mesures les plus positives de la concurrence des pêcheurs de l'Ile de Terre-Neuve. Or, vous n'en avez rien fait; vous avez laissé vos nationaux occuper avec leurs trappes les endroits où je pouvais déborder mes seines avec avantage; les pêcheurs à la main encombrer les platiers où se tient la morue. Je vous prouve que pendant que les vôtres prenaient du poisson, moi je n'ai pu rien prendre. Vous ne pouvez pas dire qu'il n'y avait pas de trappes puisque la 'Clorinde' a été obligée de les confisquer, vous ne pouvez pas dire qu'elles ne prenaient pas de poisson, puisque John Pilgrin déclare que sa trappe contenait 20 quintaux de poisson le 7 Juillet, jour où elle a été confisquée, alors que la seine n'a pu rien prendre d'après le carnet de pêche. En outre, quand la côte qui va du Cap d'Oignon à la Baie de Haha a été purgée des trappes, ce jour même les seines Françaises ont pris 11,000 morues.

"Vous êtes donc la cause directe de la ruine de mes opérations et je vous rends responsable pécuniairement du dommage qui m'a été causé."

4. Évaluation du dommage causé. Il est évident que cette évaluation est très difficile, mais elle n'est pas impossible. Les dépositions des témoins permettent d'apprécier avec assez d'exactitude le montant de la perte subie par nos armateurs.

Dans une lettre que j'écrivais au Commandant Hamond, de la station Anglaise, le 8 Septembre, 1886, de Sydney, C.B., j'évaluais à 2,000 quintaux marchands le tort fait aux navires établis en pêche au Kirpon pendant la saison de l'année précitée. Je n'avais à cette époque aucune connaissance de la plainte formulée par nos armateurs et l'on ne saurait imputer à la partialité cette évaluation qui m'avait été fournie par des résidents Anglais, qui, ayant eux-mêmes eu à se plaindre de l'usage des trappes, étaient préoccupés de chiffrer le dommage causé à la pêche.

Si l'on se reporte aux dépositions de l'enquête, on voit que si nous considérons d'abord le navire "l'Union," établi au Kirpon, Domalain, son capitaine, estime à 700 quintaux le tort qu'on lui a fait; Guillosson, son maître de seine, à 900 quintaux; quant au maître de seine Saintillan, il n'a pêché qu'un moment; il venait du Cap Rouge, mais il a perdu 35 quintaux. En passant au brick le "Sans-Souci," établi en pêche à la Baie au Mauves, Houard, son capitaine, estime aussi à 700 quintaux le tort qu'on lui a fait; le maître de seine Guillon, du "Sans-Souci," estime qu'il a perdu 400 quintaux en 1886; et Tiechel, second maître de seine, accuse le même chiffre. En me résumant, voici les pertes accusées pour 1886 par les demandeurs:

Pour le brick "l'Union," 700 quintaux, et pour le "Sans-Souci," 800 quintaux, ce qui donne une moyenne de 750 quintaux par navire. Ces chiffres me paraissent au-dessous de la vérité, car ils ne tiennent pas compte du tort fait aux pêcheurs à la ligne—tort qui est considérable, empêchés qu'ils sont de pratiquer leur industrie là où les trappes sont établies. Puis il y a les huiles perdues et enfin tout un équipage de pêche nourri à rien faire. À la perte de pêche il faut donc ajouter la perte des déboursés inutiles qu'il sera du devoir des demandeurs de faire apprécier et qu'il est de toute justice de faire entrer en ligne de compte mais que je suis incapable d'estimer au juste.

Voici donc pour l'année 1886 le compte de la perte subie par MM. Besnier et Dupuis-Robial :—

	Fr.
750 quintaux marchands, soit 375 quintaux métriques, de 100 kilog., à 75 fr...	28,125
1,500 litres d'huile, à 2 fr.	3,000
Perte sur débours inutiles	6,000
Total	37,125

Année 1885.

Pour l'année 1885, Domalain évalue la perte à 1,000 quintaux marchands ; Guillosson, son maître de seine, évalue à 360 quintaux ce qu'on lui a fait perdre, et comme Domolain auraient deux seines, nous trouvons une évaluation de 720 quintaux de perte pour les deux seines ; voilà pour le "Stella Maris."

Houard estime à 600 quintaux le tort qu'on lui a fait en 1885, son maître de seine Tiechel accuse 400 quintaux, et comme ils avaient deux seines j'estime sa perte à 860 quintaux. Je n'ai pas pu faire déposer le second maître de seine, qui n'était pas le même qu'en 1886.

En prenant pour chacun de ces armateurs la moyenne des pertes accusées nous trouvons 860 quintaux pour Domolain et 700 quintaux pour Houard, soit une moyenne de 785 quintaux pour chacun d'eux.

J'établis donc ainsi leur compte de perte :—

	Fr.
785 quintaux marchands, soit 392 quintaux métriques, à 75 fr., ci	29,400
1,570 litres d'huile, à 2 fr.	3,140
Perte sur débours inutiles	6,000
Total	38,540

Je n'ai pas de certificat de vente pour l'année 1885 : cette pièce sera à produire.

En résumé, pendant les deux années 1885 et 1886, les demandeurs ont perdu une somme que j'évalue à 75,665 fr., soit 151,330 fr. pour les deux maisons Besnier et Dupuis-Robial, somme qui leur est due par le Gouvernement de Sa Majesté Britannique pour n'avoir pas, conformément à la Déclaration de Sa Majesté le Roi Georges, pris les mesures qu'il était tenu de prendre pour assurer à nos nationaux le libre exercice de leur droit de pêche.

Il y a donc lieu d'en poursuivre le recouvrement par toutes les voies légales sous peine de laisser la justice et le droit méconnus.

La situation telle qu'elle est à Terre-Neuve est la conséquence de la tolérance Anglaise vis-à-vis des pêcheurs de cette Colonie.

La France a fait la part de la civilisation en n'usant qu'avec réserve de ceux des droits que lui confèrent le Traité d'Utrecht et la Déclaration subséquente, qui pouvaient sembler en opposition avec le développement naturel des besoins de la population qui a élu domicile sur la partie de côte où nous pêchons. Mais cette intelligente tolérance ne saurait dégager l'Angleterre du devoir de tenir ses engagements, et il n'est que trop évident que les demandeurs ayant été ruinés par la concurrence de leurs rivaux, ont droit à se faire indemniser par le Gouvernement qui s'était chargé de garantir leurs opérations industrielles.

Nous, Soussignés, négociants-consignataires, domiciliés et demeurant à Marseille, déclarons que la valeur moyenne, pour les qualités à l'état sain des morues séchées à la côte est de Terre-Neuve, a été, cette année-ci, sur la place de Marseille, de 70 fr. les 100 kilog., prime d'exportation non comprise.

Fait à Marseille, le 20 Décembre, 1886, pour valoir ce que de droit.

(Signé) ROUX, FRÈRES, DE SAINT-BARTHÉLEMY.

Vu, pour la légalisation de la signature de Roux, Frères, de Saint-Barthélemy :

Le Maire,

L'Adjoint Délégué,

(Signé) Illisible.

Marseille, le 20 Décembre, 1886.

(Translation).

Captain Le Clerc, commanding the Iron-clad "Indomptable," to M. le Chef du Service de la Marine at St. Servan.

On board the "Indomptable," Toulon, February 10, 1887.

I HAVE the honour to address to you the finding of the inquiry held, by order of the Minister of Marine, at St. Brieuc and Binic on the subject of the injury caused to our countrymen established for the purpose of fishery at Kirpon during the years 1885-86 by the fishermen of the Island of Newfoundland, subjects of Her Britannic Majesty.

The finding of this inquiry consists of the deposition of Captain Domalain, of the brigs "Stella Maris" and "Union," both belonging to M. Besnier, ship-owner at Binic, whom it has been impossible to examine before the 17th January, owing to his absence from France at the time of my stay at St. Brieuc.

It is now my duty to sum up the results of this inquiry, and to draw the conclusions which the depositions lead me to arrive at, and also to support them by my personal knowledge of the facts which have occurred on the coast of Newfoundland during the time of my command in 1885-86.

The Minister of Marine had already done me the honour to consult me on the merit of a claim brought forward by M. Besnier, ship-owner at Binic, and I ended by giving a favourable opinion on it.

I do not possess this correspondence, which should by rights be added to the papers on this affair at Paris. At any rate, I valued at not less than 1,000 market quintals, *i.e.*, 50,000 kilog. of cod, the injury caused to our countrymen by English subjects through the impediments they put in the way of the free exercise of our fishery, and that for the year 1886 alone.

It follows that the same injury applied to the operations of M. Dupuis-Robial, ship-owner of the "Sans-Souci," who also has a fishing establishment at Kirpon.

In the course of the inquiry, it seemed to me natural to try to fix also the losses sustained by our countrymen in 1885, at which time I was in command of the naval division of Newfoundland.

I thought it better not to go further back, because I should have had no means of verifying the depositions of the fishermen when examined; but I do not lose sight of the fact that, if the fisheries at Kirpon during the five years 1881-86 have been most mediocre, these disastrous results may be attributed to the competition with our fishermen of roving schooners from the ports of the east coast of Newfoundland, as well as of the residents themselves.

To sum up my inquiry with greater clearness, I shall divide my work into question and answer:—

1. Have the fisheries of Kirpon been ruined by the subjects of Her Britannic Majesty?

I do not hesitate to reply for the most part, yes. The localities at Kirpon were formerly the most favourable, because cod frequent them in great abundance in their migrations in the pursuit of the capelin. They make the land on both sides, coming from Cape Norman by the north, and from South Bay by the east coast. The particular position of Kirpon between the two coasts, owing to the channel of Little Kirpon, renders the spot eminently favourable to fishery, and I have no doubt that the seasons of 1881-86 would have furnished to our countrymen an average fishery if they had been allowed to profit by the peculiar advantages of the geographical position of their fishing grounds.

Now, what happened? Our countrymen having abandoned the fisheries neighbouring Cape Norman, the English schooners crowded into Cook Harbour, Goélette Cove, and even the Bay of Cape Norman, and laid down their traps. The immediate result was to stop the passage of cod, and prevent it to a great extent, if not entirely, from reaching Kirpon.

The manner of using traps and the way they catch the fish plainly indicate that the cod do not go direct to the coast at right angles to its direction, but that they follow the bends in the bearings of its line. This is a well-known fact, and one important to recollect, without which the traps would not generally be set on the coast.

Now, do the cod come from Cape Norman towards Kirpon, passing along the coast of the Baie du Pistolet and the great Baie du Sacre? I think so, because these fisheries open later than those more to the south of the west coast.

The fisheries on the coast of Labrador, in the Straits of Belle Isle, begin to take

cod when those of Port-au-Choix, Cod Roy, &c., are in full swing. In 1885 our fishermen on the west coast succeeded fairly well after the middle of May, while on the 19th June no cod had appeared at Forteau, where I was anchored. The coast of Labrador was still blocked with icebergs, and it is to this cause I attributed the absence of fish.

It seems to me to be true that the traps off Cape Norman impede the passage of the fish which our people await in vain at Kirpon.

So much for the north coast. The same thing happens on the south coast, and the fish are stopped by the traps of St. Lunaire and the Griquets before being able to reach the coasts of the large island of Kirpon, or the part of the coast lying between the entrance of the Little Kirpon and the Baie du Nord des Griquets.

Similarly to what occurs on the north coast, between Cape Bauld and Cape Norman, the stream of cod coming from the south towards the coasts of Labrador is partly stopped in its passage, and our countrymen suffer on the east coast of Kirpon from the same inconveniences which they experience on the north coast of this bay. One may, therefore, really say that the French fisheries of Kirpon are blocked to the north and the south by the English.

But the damage done to them does not stop here.

For the British traps occupy the best places where our nets can be laid, and it follows that if a French fisherman wishes to go and try his luck elsewhere, he can only do so by running the risk of being obliged to net the traps of his rivals.

Thus, on all sides and from every point of view, it is quite certain that the English ruin our people, whether by stopping the passage of fish, or by preventing our countrymen by the presence of their engines from taking it where it is to be found.

It is certainly an important question for us to establish whether or not traps are destructive engines which have ruined our fisheries, but it is rather a question of general interest, the solution of which does not in any way alter the conclusions of this inquiry, than a private question specially interesting the ship-owners of Kirpon. To settle it there is no need of evidence from our countrymen, whose impartiality might be questioned by the English, but it suffices to appeal to the evidence of the resident English themselves, those who, too poor to buy a trap, gain their bread with difficulty by means of a hand-line, and who know what those nets cost them which are spread by roving schooners at the entrance of the bays where their modest dwellings are situated. There is not a single poor resident who has not begged me to seize these traps, to take upon myself their defence against their own countrymen, and to remind me of the time when the coast of Newfoundland, reserved for our fishery, was the object of a wise and methodical industry. The evils which Newfoundland is suffering extends to Labrador, and I may assert that the fishermen of Forteau have asked me to rid them of a rich fisherman of St. John's, who, by laying down twenty traps between the coast and Woody Island in the Bay of Blancs Sablons, had entirely ruined their more humble industry.

But this question need only occupy us in a secondary degree, for other causes, which it is useless to enumerate here, must be taken into account with regard to the ruin of the Newfoundland coast. It is sufficient for me to demonstrate that Kirpon is ruined by British competition, and to call your attention to the depositions of the net owners of the "Union" and "Sans-Souci." I can certify that they have exaggerated nothing, and it is needless to consider seriously the arguments put forward by the owners of traps—arguments intended to show that their fishing engines are not placed in the bays just where our fishermen are engaged. This reasoning is of no value, for if our fishermen are reduced to fishing in an extremely restricted area, not far from the anchorages of their vessels, it is precisely because they dare not net in the places where British subjects are in force, and block the places where nets can be laid down.

Moreover, the roving schooners of the east coast go about trying their luck wherever they please; they establish their fishery in the midst of our people, and place their traps just where they think they have the best chance of catching the fish, without troubling themselves about the harm they do to our operations. I have counted as many as forty in the waters of Kirpon, and as many in Little Kirpon, threatening our fisheries as much by their number as by their eagerness to seize the most favourable places.

2. Under what conditions ought our countrymen to fish in Newfoundland, and what are the obligations imposed by Treaty on England?

Our countrymen are established in Newfoundland during the fishing season, which lasts from the melting of the ice to the first snows, conformably to the stipulations of Article XIII of the Treaty of Utrecht. These stipulations enact that they should

have on shore only the necessary huts and stages used for drying fish, but no further limits are placed upon their action as fishermen. It follows, then, that they may fish wherever they please, so long as they restrict the exercise of their rights to this side of Capes St. John and Ray, passing round by the north. But such a right would be almost illusory if no stipulation existed sanctioning its exercise.

It may be understood how precarious is the protection afforded by the French cruizers when it is remembered that this protection can only be made effective by exercising a right of supervision over the English fishermen—a right which every Government, and, perhaps, the British Government most of all, jealously reserve over their subjects.

The consequence of this situation would have been that the right of use possessed by France over the sea which washes a part of the Newfoundland coasts would have become almost impossible of application, if an Additional Article had not defined in what conditions of security the French could reckon on profiting by the stipulations of the Treaty of Utrecht.

This Additional Article is not to be found in the Treaty, but the Declaration of King George amply replaces it.

Now the Declaration says :—

"*Versailles, September* 3, 1783.

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

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

It clearly results from this that England has engaged herself to secure to our countrymen the free exercise of the rights conferred upon them by the Treaty of Utrecht, and that she is in the position of a proprietor who can neither alter, destroy, nor diminish in value the right of use granted to us, without incurring pecuniary responsibilities.

But, further, England has constituted herself the guardian of this right of use.

The depositions of the inquiry establish clearly that our countrymen are unable to enjoy it in peace, and that the fishing preparations they have made, on the faith of the Declaration of King George, have only ended in ruin, and that it only remains, in order to establish the responsibilities, to consider:

3. Whether England has taken the most positive measures to prevent her subjects from interrupting our fishermen by their competition.

It would be unjust to say that Her Britannic Majesty's Government have taken no measures, but these measures have no positive character. The English cruizers show great activity; they are very kind and courteous to our countrymen, but they are absolutely powerless against the encroachments of the British fishermen of the Island of Newfoundland.

If we were to consider, as the Declaration of King George authorizes us to do, whether they have removed the fixed settlements which injure us, we should have a too easy task to prove that they have done nothing of the kind. But we have no need to go so far; it is sufficient to consider what their fishermen are doing from the point of view of the serious competition they carry on with our people.

When the French cruizers or even the masters of fishing-vessels complain, the Commanders of the English cruizers tell their countrymen to use greater moderation in their competition; sometimes they order schooners to sail away when they are too evidently doing harm to our fishermen; but it may be said that the inhabitants of Newfoundland are just as unwilling and lax in obeying the orders of the English as in conforming to the injunctions of the French cruizers. The result is, that all ends in talk, that our nationals obtain nothing either from one side or the other, and that, at last, they give up complaining.

I say this because it must not be argued that, because our fishermen do not complain, they have therefore nothing to complain of. This would be a serious mistake. The fishermen have not the courage to go on board the English men-of-war to face officers who are in a far higher social position than themselves, and whose

language they cannot speak; moreover, they are afraid of the residents, and, above all, of the crews of the roving schooners, who, when once they are clear of the cruizers, give free vent to their national antipathies. How could it be otherwise, when it is remembered how persons whom teaching, education, and travelling should have freed from prejudices of race and religion often show in their judgments, their acts, and their international conduct a blind party spirit, which the sentiment of justice does not succeed in dispelling?

In fact, the British fishermen are ignorant, and give no heed to the Treaties which bind France and England, and the cruizers of their own nation can only keep them in order with great difficulty. In addition, the complaints made by the French cruizers, although listened to with the greatest good-will, often remain fruitless, not by reason of the ill-will of the English Commanders, but on account of the unavoidable delay in the transmission of these complaints.

I will cite an example to explain what I mean.

On the 17th August, 1885, the French cruizer "Ibis," being at Kirpon, received complaints from Captain Domalain, of the French brig "Stella Maris," Captain Houard, of the brig "Sans-Souci," and Captain Maoucet, of the "Elisabeth," all three engaged in fishery in the neighbourhood of Kirpon. These vessels could not fish on account of the presence of numerous schooners whose boats encumbered the fishing grounds. These schooners, when asked to withdraw to make room for our countrymen, positively refused to do so, and, moreover, to avoid having their fishing implements seized, temporarily put them ashore. Further, their masters defied the Captain of the "Ibis" to make them leave or to seize their schooners, as he was empowered to do by Article X of the Convention of the 26th April, 1884.

This officer came to me at Croc, and I went to Kirpon, whence most of the schooners had gone. But the harm was done, our fishermen had for a long time been interfered with, and their fishery injured, when I arrived to free them from the interference of their rivals. It was not until the 7th September that I was able to communicate a complaint to the Commander of the cruizer "Fantôme," and it will be understood that it had no effect whatever, the schooners being no longer at Kirpon.

I could adduce such examples over and over again, for what respect can the fishermen have for an authority which has no repressive power?

The English cruizers obey their orders; they cannot be made responsible for their inefficiency. What is the good of saying to a British fisherman: "Go a little further off; you are in the way of the French fishermen," if this fisherman suffers no penalty for having caused this inconvenience? It is evident that if the place suits him, he will come back the moment the cruizer disappears, and this is what constantly happens.

Besides, when the authorities have left, our fishermen are the objects of reprisals on the part of the English; they are sometimes assailed with stones, sometimes almost beaten to death, as was Moncet at Cape Onion, threatened with fire-arms, as was Domalain at l'Anse-à-Clou, and Captain Hamonet's net-master at the Bréhat rock.

To sum up, they have to defend themselves in order to enjoy a right which belongs to them; and it needs no great knowledge of human nature to believe that the English cruizers, and, above all, the Government of St. John's, are not altogether indisposed to be indulgent towards the proceeding of their subjects in encroaching on our rights.

The sole remedy for such a situation would have been the definite confiscation of the fishing implements of those who, by their competition, I will not say harm, but ruin our fishermen. England has not only never done this, but has never admitted that we might do it. It follows, therefore, that the measures she has been able to take have no positive character, and that she is consequently responsible for the damage she has caused by not keeping the engagements undertaken by His Majesty King George.

There is no doubt about this, and Messrs. Besnier and Dupuis-Robial have a right to demand a pecuniary indemnity on undertaking to produce proof of the justice of their complaint.

Their case may be summed up as follows: "Trusting to the Treaties, and relying on the Declaration of King George, I fitted out a vessel to fish at Newfoundland. Not only do you owe me the free use of the sea, but you have also engaged to protect me by the most positive measures against the competition of the fishermen of the Island of Newfoundland. But you have done nothing; you have allowed your countrymen to occupy with their traps the places where I could have laid down my nets to the greatest advantage, and your fishermen with lines, to block the fishing grounds where the cod lie. I prove to you that while your people caught fish, I could catch none.

You cannot say there were no traps, because the 'Clorinde' was obliged to confiscate them; you cannot say they did not catch fish, because John Pilgrim declares that his trap contained 20 quintals of fish on the 7th July, the day it was confiscated, when the net could take nothing, as is shown by the fishing book. Further, the very day when the coast from Cape Onion to Haha Bay was cleared of traps, the French nets took 11,000 cod. You are thus the direct cause of the ruin of my operations, and I hold you responsible for the damage caused me."

4. Valuation of the damage caused. It is evident that this valuation is very difficult, but it is not impossible. The depositions of witnesses enable me to make out with sufficient accuracy the amount of loss suffered by our ship-owners.

In a letter which I wrote to Captain Hamond, on the English station, on the 8th September, 1886, from Sydney, C.B., I valued the injury done to the vessels engaged in the fishery at Kirpon during the season of the above-mentioned year at 2,000 market quintals. I had no knowledge at that time of the complaint made by our ship-owners, and my valuation cannot be taxed with partiality, for it was furnished me by English residents, who, having had to complain personally of the use of traps, had calculated the damage done to the fishery.

By reference to the depositions of the inquiry, it will be seen that if to begin with we take the vessel "Union," engaged at Kirpon, her captain, Domalain, estimates the damage done to him at 700 quintals; Guillosson, her master of the nets, at 900 quintals; as to the master of the nets, Saintillan, he only fished for a very short time; he came from Cape Rouge, but he lost 35 quintals. If we go on to the brig "Sans-Souci," engaged in fishing at the Baie au Mauves, her captain, Houard, also estimates his loss at 700 quintals; Guillon, the master of the nets of the "Sans-Souci," reckons he has lost 400 quintals in 1886; and Tiechel, second net-master, puts down the same figure. To sum up, the losses in 1886 asserted by the claimants are as follows:—

For the brig "Union," 700 quintals, and for the "Sans-Souci," 800 quintals, which gives an average of 750 quintals per vessel. These figures seem to me to be below the truth, for they do not count the injury done to the line fishermen—a considerable injury, since they are prevented from carrying on their industry where the traps are established. Then there is the loss of oil; in short, an entire fishing crew to keep with no equivalent result.

To the loss of fishery must therefore be added the loss of useless expenditure, which it is the duty of the claimants to bring forward, and which must in justice be taken into account, but which I am unable to estimate accurately.

The following is the total loss sustained by MM. Besnier and Dupuis-Robial in the year 1886:—

	Fr.
750 market quintals, or 37,500 kilog. (100 kilog. at 75 fr.)	28,125
1,500 litres of oil, at 2 fr.	3,000
Loss through useless expenditure	6,000
	37,125

For the year 1885, Domalain values the loss at 1,000 market quintals; Guillosson, his net-master, values the loss he has sustained at 360 quintals, and as Domalain has two nets, we find a valuation of 720 quintals loss for the two nets; so much for the "Stella Maris."

Houard estimates the damage done to him in 1885 at 600 quintals, his net-master, Tiechel, reckons 400 quintals, and as they had two nets, I value the loss at 860 quintals. I could not get the second net-master's depositions, as he was not the same as in 1886.

In taking the average losses set forth by each of these ship-owners, we find 860 quintals for Domalain and 700 quintals for Houard, or an average of 785 quintals each. I therefore set down their loss thus:—

	Fr.
785 market quintals, or 39,200 kilog., at 75 fr.	29,400
1,570 litres of oil, at 2 fr.	3,140
Loss through useless expenditure	6,000
	38,540

I have no certificate of sale for 1885; this document will have to be produced.

To conclude, during the two years 1885-86 the claimants have lost a sum which I value at 75,665 fr., or 151,330 fr. for the two firms Besnier and Dupuis-Robial, a sum which is due to them from Her Britannic Majesty's Government for not having, in

conformity with the Declaration of His Majesty King George, taken the measures they were bound to take to assure to our countrymen the free exercise of their fishery right.

Compensation should therefore be sought by every legal means, as otherwise there would be a disregard of justice and right.

The present situation in Newfoundland is the result of the forbearing treatment of the fishermen of this Colony by England.

France has acted in conformity with the ideas of civilization in only using sparingly those of the rights conferred on her by the Treaty of Utrecht and the subsequent Declaration, which might seem to be opposed to the natural development of the wants of the population which have chosen to dwell on the part of the coast where we fish. But this wise toleration can never release England from the duty of keeping her engagements, and it is only too evident that the claimants, having been ruined by the competition of their rivals, have a right to be indemnified by the Government which had undertaken to guarantee their industrial operations.

We, the Undersigned, merchant consignees, domiciled and living at Marseilles, declare that the average value for the qualities of dried cod in a fresh state on the east coast of Newfoundland has been this year in the market-place at Marseilles from 70 fr. per 100 kilog., not counting the export bounty.

Done at Marseilles, the 20th December, 1886, as value by law.

(Signed) ROUX, FRÈRES, DE ST. BARTHÉLEMY.

Seen, for the legalization of the signature of Roux, Frères, de St. Barthélemy :

The Mayor,
The Assistant Delegate,
(Signed) Illegible.
Marseilles, December 20, 1886.

No. 62.

M. Waddington to the Marquis of Salisbury.—(*Received July* 9.)

M. le Marquis, *Londres, le 7 Juillet,* 1887.

PAR une communication en date du 24 Novembre de l'année dernière Lord Iddesleigh répondant à des démarches que j'avais dû faire auprès du Secrétaire d'État pour les Affaires Étrangères, exprimait l'espoir que le Gouvernement de la République ne s'opposerait pas à la conservation sur le "French Shore" à Terre-Neuve, de celles des usines à homards qui avaient été établies par des sujets de la Grande-Bretagne, antérieurement à la conclusion de l'Arrangement de 1885. A l'appui de cette manière de voir, Lord Iddesleigh invoquait à la fois les dispositions stipulées par l'Article II de la Convention précitée, et surtout le fait que les usines dont il s'agit paraissaient avoir été élevées avec le consentement du Consul de France.

Mon Gouvernement a dû se préoccuper de rechercher si l'attitude de son Vice-Consul à Saint-Jean de Terre-Neuve justifiait réellement l'interprétation que les autorités navales de la Grande-Bretagne avaient cru pouvoir lui attribuer. Il résulte des investigations qui ont été faites à ce sujet qu'il n'existe aucun document permettant de présumer que l'autorisation invoquée par le Commodore Devarenne et le Commandant Kennedy, de la Marine Royale, aurait été réellement concédée. Bien au contraire, les Vice-Consuls de France à Terre-Neuve, et en particulier MM. Kraetzer et Schœnfeld, de Janvier 1879, au mois de Juin 1882, n'ont cessé de s'élever contre toute espèce d'empiètements de la part des sujets Britanniques sur le "French Shore."

D'autre part, votre Seigneurie, dans une lettre du 19 Mai dernier, niait la validité de l'Arrangement du 14 Novembre, 1885, alléguant le refus persistant du Parlement de Terre-Neuve de le ratifier. Le Gouvernement de la Reine n'en peut dès lors invoquer le bénéfice en sa faveur.

Dans ces conditions, je suis chargé par M. Flourens d'insister auprès de votre Seigneurie pour qu'il soit donné suite aux communications de mon Ambassade des 25 Août et 20 Novembre, 1886, et pour que le retrait des usines à homard établies à Port-à-Port, ou sur tout autre point du "French Shore" soit exécuté dans le plus court délai possible.

Je serai reconnaissant à votre Seigneurie de vouloir bien m'informer de la suite qui aura été donnée à ma démarche.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation).

My Lord, *London, July* 7, 1887.

BY a communication dated the 24th November of last year, Lord Iddesleigh replied to the requests I had made to the Secretary of State for Foreign Affairs, and expressed the hope that the Government of the Republic would not oppose the retention of those lobster factories on the "French Shore" of Newfoundland which had been established by subjects of Great Britain previous to the conclusion of the Arrangement of 1885. In support of this view, Lord Iddesleigh quoted the stipulations of Article II of the above-mentioned Convention, and especially that the factories in question seemed to have been erected with the consent of the French Consul.

My Government have carefully examined whether the attitude of their Vice-Consul at St. John's, Newfoundland, really justified the interpretation which the naval authorities of Great Britain had thought fit to put upon it. The investigations made into this matter show that no document exists to prove that the authorization requested by Commodore Devarenne and Commander Kennedy, of the Royal Navy, has ever really been given. On the contrary, the French Vice-Consuls in Newfoundland, and especially Messrs. Kraetzer and Schœnfeld, did not cease to protest from January 1879 to June 1882 against every kind of encroachment on the part of British subjects on the "French Shore."

On the other hand, your Excellency, in a letter dated the 19th May last, denied the validity of the Arrangement of the 14th November, 1885, alleging the persistent refusal of the Newfoundland Parliament to ratify it. Her Majesty's Government cannot, therefore, invoke its stipulations in their favour.

In these circumstances, I am instructed by M. Flourens to urgently request your Excellency to act on the communications from my Embassy of the 25th August and 20th November, 1886, and to cause the removal of the lobster factories established at Port-à-Port, or any other point on the "French Shore," to be carried out with the least possible delay.

I shall be obliged if your Excellency will kindly inform me that my request has been complied with.

I have, &c.
(Signed) WADDINGTON.

No. 63.

Foreign Office to Colonial Office.

Sir, *Foreign Office, July* 15, 1887.

I AM directed by the Marquis of Salisbury to transmit to you herewith, for such observations as Secretary Sir H. Holland may have to offer thereupon, copy of a note from the French Ambassador at this Court,* inquiring at what decision Her Majesty's Government have arrived as regards prohibiting the use of cod-traps off the coast of Newfoundland, and forwarding documents in support of a claim for damages advanced by Messrs. Besnier and Dupuis against Her Majesty's Government on account of injuries stated to have been caused to them during the late fishery season by the practices of British fishermen, and by the alleged insufficiency of the measures taken by the British authorities to protect them against such competition.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 64.

Foreign Office to Colonial Office.

Sir, *Foreign Office, July* 18, 1887.

WITH reference to previous correspondence, I am directed by the Marquis of Salisbury to transmit to you the accompanying copy of a note from the French

* No. 61.

Ambassador at this Court,* stating the reasons which induce his Government to insist that the British lobster factories established at Port-à-Port, "or at any other point of the 'French Shore,'" shall be withdrawn with as little delay as possible; and to request that you will lay this paper before Secretary Sir H. Holland for his observations.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 65.

Sir H. Holland to the Officer administering the Government of Newfoundland.

Sir, *Downing Street, July* 19, 1887.

WITH reference to my despatch of the 23rd May last, I have the honour to transmit to you herewith an Order of Her Majesty in Council, dated the 12th instant, specially confirming the Act passed by the Legislature of Newfoundland during the last Session, entitled "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes."

As you are informed in my despatch above quoted, no Proclamation is to be issued under section 12 of the Act for bringing the Act into force until after the close of the present fishing season.

I have, &c.

(Signed) H. T. HOLLAND.

Inclosure in No. 65.

At the Court at Windsor, the 12th day of July, 1887.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.	Sir W. Hart-Dyke.
Earl of Kintore.	Sir John Cowell.
Earl Brownlow.	

WHEREAS the Governor of Her Majesty's Colony of Newfoundland with the Council and Assembly of the said Colony did, in the month of February 1887, pass an Act which has been transmitted, entitled as follows, viz., "Anno Quinquagesimo Victoriæ Reginæ," cap. 1, "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes:"

And whereas the said Act has been laid before Her Majesty in Council, together with a letter to the Lord President of the Council from the Right Honourable Sir H. T. Holland, Bart., &c., one of Her Majesty's Principal Secretaries of State, recommending that the said Act should receive Her Majesty's special confirmation:

Her Majesty was thereupon this day pleased, by and with the advice of her Privy Council, to declare her special confirmation of the said Act, and the same is hereby specially confirmed, ratified, and finally enacted accordingly. Whereof the Governor, Lieutenant Governor, or Commander-in-chief for the time being of Her Majesty's Colony of Newfoundland, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) C. L. PEEL.

No. 66.

Colonial Office to Foreign Office.—(Received July 27.)

Sir, *Downing Street, July* 27, 1887.

I AM directed by Secretary Sir Henry Holland to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor of Newfoundland,

* No. 62

inclosing Resolutions passed by the two Houses of the local Legislature with reference to the proposed Arrangement with France for the regulation of Newfoundland fisheries.

I am also to inclose a copy of a despatch which, with the concurrence of his Lordship, Sir Henry Holland proposes to address to the Officer administering the Government in reply.

I am to add that the Officer administering the Government will be asked to obtain from the Premier explanations as to the delay in communicating these Resolutions to the Governor.

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

Inclosure 1 in No. 66.

Governor Sir G. Des Vœux to Sir H. Holland.

Sir, *Government House, Newfoundland, June* 22, 1887.

I HAVE the honour to forward to you Resolutions recently passed by the two Houses of the local Legislature with reference to the proposed Arrangement with France in connection with the fishery on that portion of the coast of Newfoundland where the French have fishing rights.

Though passed on the 4th May last, these Resolutions have only just been received by me.

I have, &c.
(Signed) G. WILLIAM DES VŒUX.

Inclosure 2 in No. 66.

Resolutions passed the Legislative Council and House of Assembly of Newfoundland.

WHEREAS Her Majesty's Government have recognized, in the most solemn manner, the jurisdiction of the Government of this Colony over the coastal fisheries and territory of Newfoundland and its dependencies, and have acknowledged that the said fisheries and territory cannot be alienated, except with the consent of the local Legislature, and have, by the despatch accompanying the Arrangement of 1885, made between France and Great Britain, concerning that part of our coasts whereon the French have certain fishery privileges, further recognized, as essential to the validity of the said Arrangement, its ratification by our local Legislature;

And whereas the Arrangement would place the French in possession of the principal harbours on the coast between Cape Ray and Cape John, to the practical exclusion of British fishermen from any of the fishing privileges of that coast;

And whereas the said Arrangement gives jurisdiction to Commanders of French cruizers in matters criminal as well as civil, to the disregarding of those principles and procedures to which, as British subjects, we are accustomed and entitled in Tribunals of Justice;

And whereas the French fisheries on our coasts are sustained and stimulated by an enormous bounty from the French Government to French fishermen, and our people are in consequence unduly burdened in their competition in foreign markets, to the almost complete exclusion of their fish products from the said markets;

And whereas this proposed Arrangement seeks to assert, perpetuate, and legalize a claim to the purchasing of bait by the French in all the parts of this Colony, without any reservation of power on the part of the Colony to restrict them by local legislation;

And whereas the great decline of late years of the inshore fishery of this Colony has necessitated the turning of our attention to the Bank fishery, and the economizing of the supply of bait fishes, in which ample proof of a marked decadence has been shown within the past few years;

And whereas the power of restricting the supply of bait on our coasts to nations competing with our people in an industry which is the staple support of the Colony is vital to the commercial existence of this country, which relies principally on its fisheries for the maintenance of its population;

And whereas no acceptable equivalent is ceded to this Colony for those large and important concessions proposed to be made by us to the French by this Arrangement:

Be it therefore resolved, that, for the reasons hereinbefore set forth, and by virtue of

that Constitutional right which has been so often and so clearly admitted by Her Majesty's Government to exist in the Legislature of this Colony, we do consider it our bounden duty, in the interests of Her Majesty's loyal subjects in Newfoundland and elsewhere, to respectfully decline to assent to the Arrangement now proposed for our ratification.

Passed the Legislative Council, 4th May, 1887.

(Signed) E. D. SHEA, *President.*

Passed the House of Assembly, 4th May, 1887.

(Signed) ALEX. J. W. McNEILY, *Speaker.*

[For Inclosure 3 in No. 66, see *post*, No. 68.]

No. 67.

Colonial Office to Admiralty.

Sir, *Downing Street, July* 28, 1887.

THE French Government having applied to Her Majesty's Government for the removal of all British lobster factories existing on that part of the coast of Newfoundland to which, under Treaty, the fishery rights of French subjects extend, I am directed by Secretary Sir Henry Holland to request that instructions may be sent, by telegraph, to the officers of Her Majesty's ships now employed in the protection of the fisheries on the coasts of that island to ascertain and to state, in a separate tabular form, the exact position of each British lobster factory on the coasts in question (viz., from Cape St. John to Cape Ray passing by the north).

The statement should set forth the distance of the factory or establishment from the sea, the date of its establishment, and name of owner, and the amount of injury or inconvenience which its existence causes to the fishing operations of French subjects.

It will be desirable, also, if this can be done without materially delaying the Report, to ascertain the probable amount of capital invested in each case, and to supply such other information as may enable Her Majesty's Government to estimate the probable loss which would accrue to the owner from its suppression.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

No. 68.

Admiralty to Colonial Office.

Sir, *Admiralty, July* 30, 1887.

IN accordance with the request contained in your letter of the 28th instant, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of Sir Henry Holland, that the following telegram was yesterday addressed to the Commander-in-chief at Halifax, viz.:—

"Call for Report tabular form of all British lobster factories from Cape St. John to Cape Ray passing north, setting forth exact position, distance from sea, owner's name, amount of injury or inconvenience its existence causes to fishing operations, French subjects also, unless causing material delay of Report, capital invested in factories, and all information to enable Her Majesty's Government to estimate loss to owners if factories put down."

I am, &c.

(Signed) EVAN MACGREGOR.

No. 69.

Sir H. Holland to the Officer administering the Government of Newfoundland.

Sir, *Downing Street, August* 10, 1887.

I HAVE the honour to acknowledge the receipt of Sir W. Des Vœux's despatch of the 22nd June last, inclosing Resolutions passed by the two Houses of the local

Legislature upon the subject of the Arrangement which was proposed between this country and France for the regulation of the Newfoundland fisheries.

These Resolutions recite that "the Arrangement would place the French in possession of the principal harbours on the coast between Cape Ray and Cape John, to the practical exclusion of British fishermen from any of the fishing privileges of that coast;" and that it "gives jurisdiction to Commanders of French cruizers in matters criminal as well as civil, to the disregarding of those principles and procedures to which, as British subjects, we are accustomed and entitled in Tribunals of Justice."

The Legislative Council and Assembly appear to have misapprehended those clauses of the Arrangement of 1885 to which allusion is thus intended to be made.

There is no Article in the Arrangement which would place the French in possession of any harbour of Newfoundland to the exclusion of British fishermen. The red lines on the Map accompanying the Arrangement have reference to the land.

Earl Granville, when addressing you in his telegram of the 20th March, 1886, in reference to a similar misapprehension, informed you to the following effect: "the term harbour 'reserves' is an incorrect one. No harbours are reserved to the French under the Arrangement. Stipulations against fixed settlements except fishery settlements are removed in parts of the coast which are tinted red in the Map, but the stipulations in the Declaration attached to the Treaty of Versailles are not similarly removed with regard to those portions of the coast not tinted red, which remain under old Treaties, with the very important exceptions that facilities for working mines and exporting minerals are given under certain conditions. With respect to the fishery, the British have the same right of fishing on every portion of the coast where the French fish, subject to the old condition that the French are not to be interrupted by them."

This matter was also fully explained to the Committee of the Legislature by Mr. Pennell when he met them in April 1886, and it was also explained at the same time, as well as in the despatch from the Earl of Derby to the Governor of Newfoundland dated the 12th June, 1884, that under the proposed Arrangement of 1884 (which in this particular does not differ from that of November 1885), "the claim of the French to an exclusive right of fishery would be withdrawn, as the Arrangement recognizes the concurrent righ of British fishermen to fish everywhere on the coast between Cape St. John and Cape Ray, under the condition of not interfering with or molesting French fishermen when in the exercise of their fishing industry.

In the face of these explanations, it is difficult to understand how the Legislative Council and Assembly conclude that any of the harbours of Newfoundland are placed in possession of the French, to the practical exclusion of British fishermen.

With regard to the second point, viz., that which forms the subject of Articles VII to XIV of the Arrangement of 1885, the Legislative Council and Assembly also appear to be under a misapprehension; these Articles do not confer on the Commanders of French cruizers any jurisdiction, civil or criminal, but provide for the collection of evidence on matters of fact to be used for the settlement of disputes, and investigation of offences which, in the case of British subjects, would be adjudicated upon by the Commanders of Her Majesty's cruizers.

The power in certain cases (Article IX) to oppose the interruption of French fishermen, and the power in certain cases (Article XI) to secure the person of an offender in order to give him up into the hands of the Commander of a cruizer of his own nationality, cannot be said to include any civil or criminal jurisdiction on the part of the Commander of the cruizer of the nationality to which the plaintiff in the case may belong.

I have, &c.
(Signed) H. T. HOLLAND.

No. 70.

Sir H. Holland to Officer administering the Government of Newfoundland.

Sir, *Downing Street, August* 13, 1887.

WITH reference to your despatch of the 19th March, 1887, I have the honour to transmit to you, for the information of your Ministers, the accompanying copies of letters received from the Foreign Office* relating to the demand made on behalf of the Government of France for the removal of the British lobster factories which have

* Nos. 21, 27, 36, and 64.

been established on that part of the coast of Newfoundland where the French have fishing rights.

With a view to the further consideration of this question, I thought it desirable to obtain accurate information as to the extent of the interests which would be affected by compliance with the application of the French Government, and, as you will see from the accompanying correspondence with the Admiralty,* Her Majesty's Commander-in-chief at Halifax has been desired to furnish the requisite information.

I have, &c.
(Signed) H. T. HOLLAND.

No. 71.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, August* 24, 1887.

WITH reference to your letter of the 5th ultimo, upon the subject of the use of cod-traps off the coast of Newfoundland, and certain claims of French citizens in connection therewith, I have the honour to acquaint your Excellency that after careful consideration Her Majesty's Government have come to the conclusion that the French fishermen have no legitimate claim to compensation in respect of the losses which they allege that they have suffered in consequence of the use of cod-traps by British fishermen.

The claim to compensation is based on a supposed violation of the Declaration signed at Versailles on the 3rd September, 1783.

It is important, therefore, not only to examine carefully the terms of that Declaration, but also to bear in mind the circumstances under which it was made.

In the first place, I need hardly remind your Excellency that the right of fishery conferred on the French citizens by the Treaty of Utrecht did not take away, but only restricted during a certain period of the year and on certain parts of the coast, the British right of fishery inherent in the sovereignty of the island.

The restriction on the British right of fishery laid down in the second paragraph of the Declaration is that it should not be exercised by British fishermen so as to "interrupt in any manner by their competition the fishery of the French;" and "for this purpose" it was declared that the British fixed settlements (which were used on the shore for the "pêche sédentaire" as distinguished from the "pêche nomade") should be removed. This was a most important provision, as it had been a subject of complaint that, at the opening of the fishery season, the shore was found occupied by the fishing-scaffolds or "établissements sédentaires" of the Newfoundland fishermen.

The third paragraph of the Declaration proceeds to lay down, "among other things, that the XIIIth Article of the Treaty of Utrecht shall govern the rights of fishery, and be observed by either party; the French fishermen building only their scaffolds, confining themselves to the repair of their fishing-vessels, and not wintering there; the subjects of His Britannic Majesty, on their part, not molesting in any manner the French fishermen during their fishing, nor injuring their scaffolds during their absence."

Her Majesty's Government have always held that there is nothing in the XIIIth Article of the Treaty of Utrecht, or in the Declaration of 1783, which deprives British subjects of the right of taking fish at sea off that part of the shore to which the French Treaty rights apply, provided they do not molest the French fishermen in the exercise of their Treaty right of fishing, nor interrupt them by their competition. It is manifest that such molestation and interruption can only refer to a physical obstruction and impediment to the exercise of the French right of fishery, and not to any diminution to the French catch of fish which may be supposed to result from the mere participation by British fishermen in the sea fishery.

If cod-traps are used by British fishermen in fishing-grounds within the French fishery limits which are *bonâ fide* required by French fishermen for their own use, the latter have a right to demand that such fishing-grounds be vacated, and to call on the proper authority to enforce their demand; but Her Majesty's Government cannot admit their right to found thereon a claim for compensation in respect of hypothetical profits which might have accrued to them but for the use of such cod-traps.

They are nevertheless prepared to take steps to cause the effect of these cod-traps upon the net fisheries, both British and French, to be carefully examined, and will then

* Nos. 67 and 68.

consider how far their suppression may be advantageous to the fishing interests of both nations.

I have, &c.
(Signed) SALISBURY.

No. 72.

Admiralty to Colonial Office.

Sir, *Admiralty, August* 30, 1887.

WITH reference to your letter of the 28th July last, and to Admiralty reply of the 30th idem, respecting the objection raised by the French Government against the British lobster factories on the Newfoundland coast, I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for Sir Henry Holland's information, a copy of a Report, dated the 9th August, by Captain Hamond, of Her Majesty's ship "Emerald," the Senior Officer on the coast, together with a copy of the remarks of the Commander-in-chief in his submission of the 13th August, forwarding the Report, in response to the instructions sent to him, as requested in your letter of the 28th July.

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

Inclosure 1 in No. 72.

Captain Hamond to Vice-Admiral Lyons.

Sir, "*Emerald,*" *at St. John's, August* 9, 1887.

IN compliance with your Memorandum of the 29th July, I forward a Return of all British lobster factories between Cape Ray and Cape St. John.

2. At the beginning of the season I directed Lieutenant-Commander Masterman to get all the information he could on the subject, and the tabular statement is compiled from his Report and from my own inquiries. I am unable to give the amount of probable capital invested in these factories without long delay in sending a Report, but the structures are of wood, and of such a temporary nature that the cost of removal would be very little.

3. In some cases where factories have been abandoned on account of the lobsters being fished out, the owners have not gone to the trouble of removing the material of their factories.

4. As regards the "distance from the sea," I may state that they are all close to the water, with a wooden jetty built out from the shed.

5. The only complaint made this year has been against the lobster factory at Port Saunders, as the French fishing captains complained to the French naval officer that they could not catch bait at one portion of the coast on account of the lobster-traps. Lieutenant-Commander Masterman caused them to be taken up, and the French Commodore expressed himself satisfied with the measures taken.

6. In no case do I think damage is caused to the French fishing by the lobster fishing.

7. I would call attention to the fact that the French lobster factories set up last year are working this year; one, worked by Captain Huit at Port-au-Choix, in his fishing shed, the other, Captain Dameron has set up ashore at Barred Bay, St. John Island, having removed this season from Old Port-au-Choix. With the difference that the position of the last-mentioned factory is changed, these are the same factories which the French Foreign Office, in their correspondence last year, stated had been suppressed, and on which fact they founded their claim that certain English factories should be removed.

8. I have mentioned the fact about the French factories working, in case at the end of this season demands are made for the abolition of English factories.

9. The total suppression of the lobster factories would be a great loss to the wretchedly poor inhabitants of this coast, as this industry gives them constant employment during the summer, and girls and women can do work in the factories.

10. At Bonne Bay last winter almost the only families who were able to live without

Government relief were those who had been employed in the local lobster factory, and Bonne Bay has a population of 890.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 2 in No. 72.

TABULAR Statement of Lobster Factories on Coast of Newfoundland from Cape Ray to Cape St. John, worked by British subjects.

Position of Factory.	Name of Owner.	Where from.	Amount of Injury or Inconvenience to French Fishery.	Probable Capital invested.	Remarks.
1. St. George's Bay ..	Hill ..	Prince Edward Island	None ..	Unknown ..	Small factory, employs fifteen people.
2. The Gravels, Port-à-Port	Haliburton .	Ditto	Ditto ..	Ditto ..	Not visited.
3. Black Duck Brook ..	Ditto ..	Ditto	Ditto ..	Ditto ..	Not visited. Started this year.
4. Bluff Head	Cairns ..	Ditto	Ditto ..	Ditto ..	French occasionally fish off Long Point, 5 miles from factory.
5. Lark Harbour, Bay of Islands	Forsey ..	Newfoundland ..	Ditto ..	Ditto ..	Catch 3,000 daily. Fishes in Lark Harbour and adjacent islands. No French fish here.
6. Wood Island, Bay of Islands	Carter ..	Nova Scotia ..	Ditto ..	Ditto ..	
7. Liverpool Cove, Bay of Islands	Ditto ..	Ditto	Ditto ..	Ditto ..	Owner has become bankrupt. Factory seized by creditors from St. John's.
8. The Crabs, Bay of Islands	Roach ..	Newfoundland ..	Ditto ..	Ditto ..	Factories Nos. 5 to 8 in Bay of Islands have received notice from Newfoundland Government that they will be subject to any orders given in furtherance of Treaty obligations with the French.
9. Woody Point, Bonne Bay	Paysant and Fraser	Nova Scotia ..	Ditto ..	Ditto ..	Large factory. Catch 6,000 to 7,000 lobsters per diem. Employs forty hands in factory and forty fishermen, nearly all local people. This employment is a great assistance to the poor inhabitants of the bay.
10. Cow Head	Munroe ..	Newfoundland ..	Ditto ..	Ditto ..	Not visited.
11. Port Saunders ..	Forrest and Shearer	Nova Scotia and Prince Edward Island	*Vide* Remarks	Ditto ..	A complaint was made by the French to Lieutenant-Commander Masterman this year that the lobster-traps on one portion of the coast prevented the French seining for bait, and Lieutenant-Commander Masterman ordered Mr. Shearer to take the traps up. French Commodore expressed himself satisfied with measures taken. I understand the owners of this factory, and the one at Brig Bay, intend removing them to Notre Dame Bay, south of Cape St. John.
12. Brig Bay	Ditto ..	Ditto	None ..	Ditto ..	Average catch, 26th May to 23rd June, 2,642 lobsters per diem. Packed 25,536 tins. Cases of four dozen tins valued at 5 to 7 dollars.

Inclosure 3 in No. 72.

Vice-Admiral Lyons to Admiralty.

(Extract.) *Halifax, August* 13, 1887.

THE suppression of the lobster factories would be a very serious loss to the inhabitants of the coast, who are wretchedly poor. Their existence does not cause injury or inconvenience to the fishing operations of French subjects. It will be observed from Captain Hamond's Report that the two French lobster factories, which the Government of the Republic, in the correspondence of last year on this subject, stated had been ordered to be suppressed, are again working this year; this fact, I think, should have an important bearing on the question.

I have instructed Captain Hamond to obtain as soon as possible the amount of probable capital invested in the British factories.

(Signed) ALGERNON LYONS.

No. 73.

Administrator Sir F. Carter to Sir H. Holland.—(Received at the Foreign Office, September 22.)

Sir, *Government House, Newfoundland, August* 30, 1887.

I HAVE the honour to acknowledge the receipt of your despatch of the 13th August instant, with inclosures, for information of my Ministers, relating to the demand made on behalf of the Government of France for the removal of British lobster factories from that part of the coast of this island where the French exercise fishery rights.

Also, you have been pleased to acquaint me that you had thought it desirable, with a view to the further consideration of this question, to obtain more accurate information thereon through Her Majesty's Naval Commander-in-chief at Halifax.

I have, as requested, communicated your despatch, with accompanying correspondence, to my Ministers, who desire me to express their appreciation of the very careful consideration you are bestowing on this important subject, towards the sustainment of British interests in the carrying out of Treaty stipulations.

I have, &c.
(Signed) F. B. T. CARTER.

No. 74.

Colonial Office to Foreign Office.—(Received September 26.)

Sir, *Downing Street, September* 24, 1887.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, an extract from the Minutes of the Executive Council of Newfoundland, relating to the question connected with the use of cod-traps and the establishment of lobster factories in Newfoundland.

The Minutes inclosed, which are dated the 19th March last, appear to be those upon which the Governor's despatch of the same date was founded, which despatch was communicated to you in the letter from this Department of the 6th May.

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

Inclosure 1 in No. 74.

Administrator Sir F. Carter to Sir H. Holland.

Sir, *Government House, Newfoundland, August* 30, 1887.

I HAVE the honour to transmit herewith a copy of the Minutes of the Executive Council of Newfoundland for the half-year ended the 30th June, 1887, received this day.

I have, &c.
(Signed) F. B. T. CARTER.

Inclosure 2 in No. 74.

Extract from the Minutes of the Executive Council of Newfoundland.

Present:

His Excellency the Governor.
Hon. Attorney-General.
Hon. Receiver-General.
Hon. Surveyor-General.
Hon. Mr. Ayre.
Hon. Mr. Goodridge.
Hon. Colonial Secretary.

Seizure of cod-traps by French officer.

THE Council had under consideration despatch from Right Honourable Secretary of State for the Colonies, dated the 18th October, 1886, and papers received from the Admiralty from the Commander-in-chief on the North American Station, transmitted

therewith in relation to the seizure of cod-traps belonging to British fishermen by the Senior French Officer on the Newfoundland coast.

The Council note the objections to the use of cod-traps on that part of the coast of Newfoundland where the French have certain fishing privileges, but they think it would be inopportune at the present to recommend to the Legislature any measure declaring their use there to be illegal. They will, however, issue notices that parties using cod-traps on that part of the coast, in contravention of French fishery rights, do so at their own risk.

Lobster factories on that part of the coast where the French have fishing privileges.

His Excellency the Governor submitted for consideration of the Council despatch of the 11th February, 1887, from the Right Honourable the Secretary of State for the Colonies, transmitting copies of the Annual Report on the Newfoundland Fisheries, forwarded by the Commander-in-chief on the North American and West Indian Station.

In reference to the establishment of lobster factories on that part of the coast where the French have certain fishing privileges, especially alluded to in the despatch and Report, the Council will direct that factories already established there will be subject to any orders that may be made in furtherance of Treaty obligations with the French.

Prohibition taking lobsters at Rocky Harbour not to affect French fishermen.

With reference to despatch of the 12th February, 1887, from the Right Honourable Secretary of State for the Colonies, his Excellency the Governor would convey to him the assurance of this Government that the Order in Council made under the Lobster Act of 1878, prohibiting the taking of lobsters at Rocky Harbour, Bonne Bay, is not intended to be enforced against French subjects.

Read and approved the 13th day of April, A.D. 1887.

(Signed) G. WILLIAM DES VŒUX.

Government House, March 19, 1887.

No. 75.

Count d'Aubigny to the Marquis of Salisbury.—(*Received October* 8.)

M. le Marquis, *Londres, le 6 Octobre,* 1887.

PAR une lettre en date du 7 Juillet dernier, M. Waddington avait exposé à votre Seigneurie les motifs qui rendent nécessaire la suppression aussi prompte que possible des usines Anglaises à homards, ayant un caractère de fixité et se trouvant sur le "French Shore" à Terre-Neuve.

Il résulte d'informations transmises à mon Gouvernement par la Division Navale Française dans ces parages qu'outre les établissements Anglais de cette nature à Port Saunders, il en existe d'autres sur divers points de la côte, et en particulier à Bonne Baie de St. Julien et à la Tête de Vache.

Je suis chargé par M. Flourens d'attirer de nouveau l'attention de votre Seigneurie sur cet état de choses contraire aux stipulations des Traités, en La priant d'aviser pour qu'il y soit porté remède.

Mon Gouvernement est convaincu que l'Administration Britannique tiendra d'autant plus à faire disparaître cet abus de la part des sujets Anglais, qu'il n'existe pas actuellement sur le "French Shore" d'usine à homards Française constituant un établissement permanent.

Veuillez, &c.

(Signé) L. D'AUBIGNY.

(Translation.)

My Lord, *London, October* 6, 1887.

BY a letter dated the 7th July last M. Waddington explained to your Excellency the reasons which urgently call for the removal, with the least possible delay, of the British lobster factories of a permanent nature on the "French Shore," Newfoundland.

From information transmitted to my Government by the French Naval Division on these coasts, it appears that besides the British establishments of this kind at Port Saunders, there exist others on various points of the coasts, and especially at Bonne Bay of St. Julien and Cow Head.

I am instructed by M. Flourens to again draw your Excellency's attention to this state of things so contrary to the stipulations of the Treaties, and to beg you to cause it to be remedied.

My Government is convinced that the British Government will be all the more ready to remedy this abuse on the part of British subjects, that no French

lobster factories constituting a permanent establishment exist at the present moment on the "French Shore."

I have, &c.
(Signed) L. D'AUBIGNY.

No. 76.

Count d'Aubigny to the Marquis of Salisbury.—(*Received October* 8.)

M. le Marquis, *Londres, le* 7 *Octobre*, 1887.

EN réponse à des démarches faites par M. Waddington dans le but d'obtenir que l'usage des trappes à morues fût interdit aux sujets de la Grande-Bretagne dans l'étendue des eaux de Terre-Neuve réservée par les Traités aux pêcheurs Français, votre Seigneurie avait annoncé, en terminant Sa lettre du 24 Août dernier, que le Gouvernement de Sa Majesté la Reine allait examiner la question de savoir si la suppression de ces engins de pêche serait réellement avantageuse, ainsi que les autorités Françaises l'avaient déjà reconnu.

Il résulte de renseignements adressés au Gouvernement de la République par le Commandant de la Division Navale de Terre-Neuve que, pendant le cours de la campagne de pêche qui vient de s'achever, les officiers de la marine Britannique se sont convaincus de l'étendue des dommages occasionnés par les trappes en question. Le Capitaine Hamond a même pris l'initiative d'en défendre l'emploi sur le "French Shore" dans le voisinage des exploitations Françaises, et mon Gouvernement se plaît à reconnaître la spontanéité conciliante de ce procédé.

Mais il y aurait un grand intérêt à ce que cette mesure d'interdiction devînt générale. Les rapports des autorités navales Britanniques à Terre-Neuve, après l'enquête faite cette année, concluront certainement dans ce sens ; et je suis chargé par mon Gouvernement de signaler spécialement à votre Seigneurie combien il importerait que le Gouvernement de Sa Majesté la Reine s'appropriât de telles conclusions et imitât l'exemple des autorités Françaises, en interdisant désormais d'une façon absolue, sur toute l'étendue du "French Shore," à ses nationaux, l'usage des trappes à morue.

J'ai, &c.
(Signé) L. D'AUBIGNY.

(Translation.)

My Lord, *London, October* 7, 1887.

IN reply to the representations made by M. Waddington with the object of obtaining the prohibition of the use of cod-traps by the subjects of Great Britain in all the Newfoundland waters which are reserved by Treaty for the use of French fishermen, your Lordship announced, at the end of your letter of the 24th August last, that Her Majesty's Government would examine into the question whether the suppression of these fishing engines would be of real advantage, as the French authorities had already declared.

From information addressed to the Government of the Republic by the Commander of the Naval Station of Newfoundland, it appears that in the course of the fishing season which has just closed, the British naval officers were convinced of the extent of the damage occasioned by the traps in question. Captain Hamond even took the initiative in prohibiting their use on the "French Shore" in the neighbourhood of the French operations, and my Government gladly recognizes the conciliatory spirit of this proceeding.

But it is of great interest that this prohibitory measure should become general. The reports of the British naval authorities at Newfoundland, after the inquiry made this year, clearly point to this conclusion ; and I am instructed by my Government to specially point out to your Lordship how important it is that Her Majesty's Government should adopt these conclusions and imitate the example of the French authorities, by absolutely forbidding henceforward the use of cod-traps by British subjects over the whole extent of the "French Shore."

I have, &c.
(Signed) L. D'AUBIGNY.

No. 77.

The Marquis of Salisbury to Count d'Aubigny.

M. le Chargé d'Affaires, *Foreign Office, October* 19, 1887.

WITH reference to the inquiry made by you on the occasion of your visit to the Foreign Office on the 20th ultimo, I have the honour to transmit herewith a copy of the Act passed by the Legislature of Newfoundland on the 21st February last, to regulate the exportation and sale of herring, capelin, squid, and other bait fishes. This Act has received the Royal confirmation, and the Government of Newfoundland have signified their intention of putting it in force during the next fishing season.

I have to add that the Government of the Colony has reported by telegraph that licence will be freely granted to British subjects on that portion of the Newfoundland coast to which French Treaty rights extend to catch and sell bait on the spot, but they will not be permitted to engage in the exportation of bait to St. Pierre or elsewhere. On the other parts of the coast the Act will be rigorously enforced.

I have, &c.
(Signed) SALISBURY.

No. 78.

M. Waddington to the Marquis of Salisbury.—(*Received November* 11.)

M. le Marquis, *Londres, le* 10 *Novembre,* 1887.

JE viens de recevoir de mon Gouvernement copie des documents contenant les réclamations soulevées à Port Saunders par les procédés d'un Sieur Shearer, propriétaire d'une usine à homards et sur l'incident qu'elles ont provoqué.

En m'adressant ces informations, M. Flourens me fait savoir qu'il n'a pas l'intention, en présence du bon vouloir manifesté cette année par les croiseurs Britanniques, de revenir sur la solution poursuivie par le Commandant Humann, bien qu'elle eût laissé subsister l'usine construite par Shearer. Toutefois, M. le Ministre des Affaires Étrangères me prie de vous faire savoir qu'il est bien entendu que le fait d'avoir toléré cette usine ne saurait être interprété en aucun cas comme un abandon de notre doctrine en ce qui touche les atteintes portées de ce chef à nos droits et m'a recommandé de faire auprès de Votre Seigneurie pour les transmettre à qui de droit les réserves les plus expresses à cet égard.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation).

My Lord, *London, November* 10, 1887.

I HAVE just received from my Government copies of the documents containing the claims raised at Port Saunders in consequence of the proceedings of a Mr. Shearer, owner of a lobster factory, and the incident to which they have given rise.

M. Flourens, in furnishing me with this information, gives me to understand that, in view of the good-will shown this year by the British cruizers, he has no intention of modifying the settlement made by Commander Humann, although the factory constructed by Shearer is thereby allowed to remain. Nevertheless, the Minister for Foreign Affairs wishes me to explain to you that it must be well understood that the fact of having tolerated this factory must never be construed as an abandonment of our doctrine with regard to infringements of our rights under this head, and has instructed me to make the most explicit reservations on this point to your Lordship, to be transmitted to the proper authorities.

I have, &c.
(Signed) WADDINGTON.

No. 78*.

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

Sir, *Downing Street, November* 19, 1887.

WITH reference to the letter from this Department of the 30th April last,* relating to certain objections expressed by the Government of Canada to the Bait Bill passed by the Legislature of Newfoundland, I am directed by Secretary Sir Henry Holland to transmit to you, for the information of the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, inclosing copy of one which he had addressed on the subject of the Bait Bill to the Government of Newfoundland.

I am also to inclose a copy of the despatch from the Secretary of State to which the Marquis of Lansdowne's present despatch is a reply.

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

Inclosure 1 in No. 78*.

The Marquis of Lansdowne to Sir H. Holland.

Sir, *Government House, Ottawa, October* 26, 1887.

I HAVE the honour to forward herewith, for your information, a copy of a despatch which I have addressed to his Excellency the Governor of Newfoundland, transmitting a copy of an approved Report of a Committee of the Privy Council upon the subject of the Newfoundland Bait Bill.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 78*.

The Marquis of Lansdowne to Governor Blake.

Sir, *Government House, Ottawa, October* 20, 1887.

I HAVE the honour to transmit to you, for communication to your Government, a copy of an approved Report of a Committee of the Privy Council of Canada, to which is appended a copy of a despatch from the Secretary of State for the Colonies of the 20th May last, inclosing copies of a correspondence which had passed between the Colonial Office and Representatives of the Government of Newfoundland, then in London, regarding the Newfoundland Bait Bill.

You will observe that my Ministers are desirous that your Government will indicate at the earliest convenient period the nature of the Regulations under which it is proposed that Canadian subjects shall enjoy the rights of fishing and procuring bait in the territorial waters of Newfoundland.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 3 in No. 78*.

Certified Copy of a Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council on the 11*th October,* 1887.

THE Committee of the Privy Council have had under consideration a despatch dated the 20th May, 1887, from Sir Henry Holland, inclosing copies of correspondence which had passed between the Colonial Office and Representatives of the Government of Newfoundland, then in London, regarding the Newfoundland Bait Bill.

The Minister of Marine and Fisheries, to whom the papers were referred, reports as follows :—

It appears from the correspondence that a copy of the Minute of Council dated

* No. 52.

the 11th April, 1887, urging the objection taken by the Canadian Government to the Bait Bill becoming law, was submitted to Sir R. Thorburn and Sir Ambrose Shea for their consideration. The replies made thereto by these gentlemen conveyed ample assurances that the Government of Newfoundland, in the passage of this Bill, were not actuated by any desire to curtail the privileges of British fishermen, and had no intention of allowing the Law to be operated to their prejudice ; that no Regulations were proposed which would unnecessarily hamper the operations of their own and British fishermen, and that every facility would be afforded for procuring the licences under the Act.

Sir R. Thorburn also authorized the dispatch of a telegram by the Attorney-General of Newfoundland to the Canadian Government, conveying the assurance that Canadian fishermen would enjoy equal privileges with those of Newfoundland, and that there would be practically no restriction on the bait supply of any British subjects,

These assurances appeared to Her Majesty's Government to offer such sufficient safeguards for Canadian interests that Her Majesty was at once advised to assent to the Bill.

The Committee, concurring in the Report of the Minister of Marine and Fisheries, respectfully recommend that your Excellency be moved to transmit a copy of the despatch above mentioned, and inclosures (permission having been obtained from the Colonial Secretary) to his Excellency the Governor of Newfoundland, for the consideration of his Ministers, and with a request that they will indicate at the earliest convenient period the nature of the Regulations under which it is proposed that Canadian subjects shall enjoy the rights of fishing and procuring bait in the territorial waters of Newfoundland.

The Committee further recommend that your Excellency be also moved to transmit a copy of this Minute to his Excellency the Governor of Newfoundland.

All which is respectfully submitted for approval.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

Inclosure 4 in No. 78*.

Sir H. Holland to the Marquis of Lansdowne.

My Lord, *Downing Street, May* 20, 1887.

I HAVE the honour to acknowledge the receipt of your despatch of the 12th April,* forwarding a Minute of the Privy Council urging objections to the Bill for regulating the sale of bait passed in the present Session of the Newfoundland Legislature.

I caused your despatch and its inclosures to be referred to Sir R. Thorburn and Sir A. Shea, who had been delegated by the House of Assembly of Newfoundland to make representations to Her Majesty's Government on the subject of this Bill, and I inclose, for communication to your Ministers, copies of their replies,† and also copy of a Memorandum by Sir Alexander Campbell,‡ whom I consulted on the subject.

The explanations given by Sir R. Thorburn as to the scope of the measure, and his assurances as to the manner in which it will be worked, appeared to Her Majesty's Government to offer sufficient safeguards for Canadian interests, and they did not, therefore, hesitate to advise Her Majesty to assent to it.

Should your Government desire such a formal assurance as to the issue of licences under the Act as is suggested in the fourth paragraph of Sir A. Campbell's Memorandum, I have no doubt it will be readily given by the Government of Newfoundland.

I have, &c.
(Signed) H. T. HOLLAND.

No. 79.

M. Waddington to the Marquis of Salisbury.—(*Received November* 23.)

M. le Marquis, *Londres, le* 21 *Novembre,* 1887.

A LA date du 19 Octobre dernier, Votre Seigneurie a notifié officiellement à mon Gouvernement, par l'entremise de cette Ambassade, la sanction définitive donnée par

* Inclosure 1 in No. 52. † Inclosures 3 and 6 in No. 52.
‡ Inclosure 7 in No. 52.

le Gouvernement de Sa Majesté Britannique au Bill sur la Boëtte, et dans la même communication Elle ajoutait que, d'après un télégramme du Gouverneur de Terre-Neuve, les dispositions de ce Bill, en ce qui concerne la pêche de l'appât, devaient être entendues en ce sens que: "Les sujets Britanniques pourront sur toute l'étendue du 'French Shore' pêcher et vendre sur place la boëtte, à condition de ne point se livrer à l'exportation de ce produit soit à St.-Pierre, soit ailleurs."

Cette prétention du Gouvernement Local de Terre-Neuve à réglementer la pêche par mesures législatives, ou simplement administratives, sur le littoral de Terre-Neuve réservé à nos pêcheurs, a provoqué de la part du Ministre de la Marine des observations que M. le Ministre des Affaires Étrangères m'a prié de porter à la connaissance de Votre Seigneurie.

En donnant aux dispositions du Bill le sens précité, M. Flourens estime que le Gouvernement Colonial paraît avoir perdu de vue que, pendant la saison de pêche, la libre disposition du rivage, et la libre exploitation des champs de pêche, sur toute l'étendue du "French Shore," sont garanties à nos pêcheurs par des Actes Internationaux dont il n'est pas en son pouvoir d'entraver ou de modifier l'application.

Le Gouvernement de la Reine, il est vrai, s'est souvent efforcé de faire prévaloir une interprétation de la lettre des Traités sensiblement différente de celle que mon Gouvernement a toujours soutenue, et a contesté notre thèse du droit exclusif, d'après laquelle, pendant la période dont il s'agit, la pêche devrait être réservée à nos nationaux. Mais, du moins, le Gouvernement de la Reine a-t-il toujours reconnu que notre droit, qu'il appelle concurrent, était privilégié et primait tous les autres droits.

Je suis chargé par mon Gouvernement de faire part à Votre Seigneurie des réserves auxquelles a donné lieu, de notre part, la mesure annoncée par le télégramme du Gouverneur de Terre-Neuve, et de vous prier de ne pas lui laisser ignorer que nous sommes décidés à réserver à nos nationaux la pêche de l'appât sur toute l'étendue de côte, et pendant toute la période, qui leur sont attribuées par les Traités. Mon Gouvernement, en me priant de faire connaître cette décision à Votre Seigneurie, a d'ailleurs la confiance qu'il me suffira de la signaler au Gouvernement de la Reine, pour qu'il donne lui-même les instructions nécessaires en vue de prévenir, ou faire disparaître, tout établissement qui serait de nature à entraver l'exercice de ce droit.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation.)

My Lord, *London, November* 21, 1887.

ON the 19th October last Your Lordship officially notified to my Government through this Embassy the definite sanction by Her Britannic Majesty's Government of the Bait Bill, and added in the same communication that, according to a telegram from the Governor of Newfoundland, the provisions of this Bill as regards the bait fishery should be understood in the following sense: "Licence will be freely granted to British subjects on that part of the Newfoundland coast to which French Treaty rights extend to catch and sell bait on the spot, but they will not be permitted to engage in the exportation of bait to St. Pierre or elsewhere."

This attempt of the Local Government of Newfoundland to regulate the fishery by legislative or simply administrative measures on the coast of Newfoundland reserved for the use of our fishermen has called forth certain observations on the part of the Minister of Marine, which the Minister for Foreign Affairs has asked me to bring to Your Lordship's knowledge.

In interpreting in the above sense the provisions of the Bill, M. Flourens considers that the Colonial Government appear to have lost sight of the fact that, during the fishing season, the free allotment of the bank, and the free working of the fishing localities, throughout the extent of the "French Shore," are guaranteed to our fishermen by International Treaties, the application of which it is impossible either to prevent or to modify.

It is true that Her Majesty's Government have often endeavoured to place an interpretation on the letter of the Treaties widely differing from that which my Government have always upheld, and have contested our theory of exclusive right, by which, during the time in question, the fishery should be reserved for the use of our countrymen. But Her Majesty's Government have at least always recognized that our right, which they called concurrent, was privileged and took precedence of all other rights.

I am instructed by my Government to acquaint Your Lordship with the reservations on our part which have been caused by the measure announced in the telegram

from the Governor of Newfoundland, and to beg you to let him understand that we have decided to reserve for the use of our countrymen the bait fishery on the whole extent of the coast, and during the whole period granted them by the Treaties. My Government, in instructing me to inform Your Lordship of this decision, is, moreover, confident that it will be sufficient to point it out to Her Majesty's Government to induce them to give the necessary instructions themselves to prohibit or cause to be removed all establishments likely to interfere with the exercise of this right.

I have, &c.

(Signed) WADDINGTON.

No. 80.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, December* 16, 1887.

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 21st ultimo, in which, after commenting on the decision of the Newfoundland Government to enforce the provisions of the Bait Act, your Excellency announced that the French Government have determined to reserve to French citizens the right of catching bait over the whole extent of the coast to which French Treaty rights extend, and express the hope that instructions will be given for the removal of all establishments which may interfere with the exercise of that right.

I beg leave to acquaint your Excellency, in reply, that by section 11 of the Bait Act French Treaty rights have been carefully reserved and protected.

I have, &c.

(Signed) SALISBURY.

No. 81.

Sir H. Holland to Governor Blake.

(Extract.) *Downing Street, December* 23, 1887.

IN my despatch of the 13th August last I forwarded to the Officer administering the Government of Newfoundland copies of a correspondence with the Foreign Office and the Admiralty relating to the demand made by the Government of France for the removal of the British lobster factories which have been established on that part of the coast of Newfoundland where the French have fishery rights.

I now inclose a copy of a further correspondence, and you will see from the note addressed by Count d'Aubigny to the Marquis of Salisbury of the 6th October that the French Government reiterate and insist upon their demand that these lobster factories should be removed.

In my despatch of the 11th February last I informed Sir W. des Vœux that "the French Government had approved the removal of some lobster factories established on the coast by French subjects," and "that although the correspondence with the French Government was still incomplete as to the removal of the British factories, your Government must be prepared for that Government insisting upon their removal."

Sir William Des Vœux informed me, in his despatch of the 19th March last, that although his Ministers were not prepared to take legislative or executive action for the removal of the lobster factories complained of by the French, they would at once notify to the persons concerned that as Her Majesty's Government concurs with the French Government in regarding the presence of lobster factories on the coast in question as a contravention of Treaty, it might be expected that measures would be taken for closing and removing them, and, under such circumstances, the owners would not be entitled to compensation.

In the British Declaration attached to the Treaty of Versailles the King undertook to "give, on his part, all possible efficacy to the principles which shall prevent even the least foundation of dispute for the future," and "to this end, and in order that the fishermen of the two nations may not give cause for daily quarrels, His Britannic Majesty promised to take the most positive measures for preventing his subjects from interrupting in any manner by their competition the fishery of the French during the temporary exercise of it which is granted to them upon the coasts of the Island of Newfoundland," and "that

he would for this purpose cause the fixed settlements which should be formed there to be removed."

Her Majesty's Government have never denied that this undertaking to remove fixed settlements applied to fixed fishery establishments.

There is another matter which has already formed the subject of correspondence with your predecessor, and in regard to which the French Government have also addressed some pressing representations to Her Majesty's Government. I refer to the use of cod-traps by British subjects on the coast of Newfoundland within the French fishery limits.

The Secretary of State, writing to the Governor of Newfoundland on the 18th October, 1886, drew attention to the opinion of Captain Hamond, of the "Emerald," to the effect that the cod-traps are a constant source of trouble between the French and British fishermen, and that in many cases they interfere with the French seine fishing; and Lord Clanwilliam, lately Naval Commander-in-chief on the Station, reported to the Admiralty that "until fishing with cod-traps is made illegal, their continued use will lead to serious difficulties between the French and English, and it has been stated by a French naval officer that British residents on the coast have begged him, in their own interests, to remove these traps."

These considerations were submitted to the Government of Newfoundland, but Sir William Des Vœux reported in his despatch of the 19th March that the Government did not propose to legislate in the matter, but would give a notice similar to that above referred to in respect of lobster factories to the effect that their use on the coast in question will render them liable to seizure or destruction.

I inclose, for the information of your Ministers, copies of the representations received from the French Government, to which I have above alluded, and of a note addressed to the French Ambassador at this Court, on the 24th August last, in regard to claims of French citizens in connection with alleged losses occasioned to them by the use of these traps.

You will see that Her Majesty's Government have admitted that "if cod-traps are used by British fishermen in fishing grounds within the French fishery limits, which are *bonâ fide* required by French fishermen for their own use, the latter have a right to demand that such fishing grounds be vacated, and to call upon the proper authority to enforce their demand."

This being the case, it has become obligatory upon the Imperial Government to take care that the requisite legislation is completed without any unnecessary delay. It is the duty of the Government of Newfoundland to propose to the local Legislature the measure necessary to enable such steps to be legally taken as are requisite for fulfilling the obligations imposed upon Her Majesty by Treaty, and to use its best efforts to secure its enactment.

If the Legislature of Newfoundland, when thus called upon, declines to legislate as desired, it will not be entitled to expect the support of Her Majesty's Government in matters at issue with the French Government in connection with the fisheries; and an Act of the Imperial Parliament will have to be obtained.

Her Majesty's Government lately advised the Queen to give her sanction to a Bill relating to bait, the operation of which may seriously interfere with French interests, and they took this course in a matter not coming within Treaty stipulations, upon the strong representations of the Newfoundland Government, that it was in the interests of the colonists of Newfoundland that the measure should be allowed to come into operation. They trust that, on their part, the Newfoundland Government and Legislature will act in a similar spirit, and will at once pass the measure which is required to insure the due execution of Her Majesty's Treaty obligations.

No. 82.

M. Waddington to the Marquis of Salisbury.—(*Received January* 13.)

M. le Marquis, *Londres, le* 11 *Janvier*, 1888.

LE Chargé d'Affaires de France a eu l'honneur, par une lettre du 7 Octobre dernier, de faire connaître à Votre Seigneurie la communauté de vues qui s'était établie à Terre-Neuve entre les officiers des marines Française et Anglaise relativement à l'utilité d'interdire l'usage des trappes à morues. Je reçois aujourd'hui de mon Gouvernement communication de nouveaux rapports du Commandant de la Division Navale Française, qui ont trait à l'ensemble des opérations de la dernière campagne de pêche.

Dans ces rapports, le Commandant Humann signale une fois de plus la bonne harmonie qui n'a cessé de régner entre les officiers Anglais et lui, et je suis chargé de faire parvenir à votre Seigneurie des remerciements pour les nombreuses marques de courtoisie que le chef des forces navales Françaises a reçues de ceux-ci. Mon Gouvernement me prescrit en même temps de rappeler au Cabinet de St. James la question précitée des trappes à morue et de lui signaler une fois de plus tout le prix qu'il attacherait à ce que cette affaire pût être promptement réglée dans le sens que les autorités compétentes, tant Anglaises que Françaises, sont unanimes à considérer comme le plus favorable aux intérêts engagés.

Dans ces mêmes rapports, le Commandant Humann revient sur une autre question qui n'a pas une moindre importance au point de vue de la bonne organisation du régime de la pêche, je veux parler de l'utilité qu'il y aurait à obliger les goélettes indigènes à porter une marque extérieure (un numéro peint dans la voile) permettant de les reconnaître aisément et les empêchant de se soustraire aux investigations de la justice. Je n'ai point à rappeler ici les inconvénients qui résultent de l'absence d'une règle semblable. Ils n'ont pas moins frappé le Commandant des Forces Navales Anglaises que le Commandant Français, si bien que, dans cette question, M. Humann s'est trouvé complètement d'accord avec le Commodore Hamond qui a dû adresser à l'autorité Britannique compétente des propositions conformes. Mon Gouvernement se plaît par suite à penser que Votre Seigneurie voudra bien entrer Elle-même dans ces vues et prendre des dispositions pour qu'il soit procédé à leur réalisation. J'attacherais un prix particulier à recevoir dès qu'il sera possible la réponse du Gouvernement de Sa Majesté la Reine sur les deux points que je me permets de signaler une fois de plus à son attention.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation).

My Lord, *London, January* 11, 1888.

THE French Chargé d'Affaires had the honour, by a note of the 7th October last, to inform Your Lordship of the views arrived at in common by the French and English naval officers in Newfoundland relative to the advantage of prohibiting the use of cod-traps. I have to-day been furnished by my Government with fresh reports from the Commander of the French Naval Division on the whole subject of the operations of the last fishing season.

In these reports Commander Humann once more describes the harmony which has never ceased to exist between the English officers and himself, and I am instructed to thank Your Lordship for the numerous marks of courtesy which the chief of the French naval forces has received from them. At the same time, my Government wish me to again call the attention of the Cabinet of St. James' to the above-mentioned subject of the cod-traps, and to once more point out to you the importance they attach to the prompt settlement of this matter in the sense which the competent authorities, both English and French, are unanimous in considering most favourable to the interests engaged.

In these same reports Commander Humann raises another question which is no less important from the point of view of the proper organization of the fishing regulations: I mean the advantage to be gained by obliging the local schooners to carry an outward mark (a number painted on the sail), so that they may be easily recognized and prevented from escaping the investigations of justice. I have no need to dwell here on the inconveniences resulting from the absence of such a rule. They have struck the Commander of the English naval forces not less than the French Commander; so much so, that on this question M. Humann found himself in entire agreement with Commander Hamond, who must have submitted proposals in this sense to the competent British authority. My Government is accordingly inclined to believe that Your Lordship would yourself adopt these views, and take steps to carry them into effect. I should attach special importance to receiving, as soon as possible, the reply of Her Majesty's Government on the two points which I have allowed myself to once more lay before them.

I have, &c.
(Signed) WADDINGTON.

No. 83.

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

(Extract.) *Admiralty, January* 13, 1888.

I AM commanded by my Lords Commissioners of the Admiralty to forward, for the information of the Secretary of State for Foreign Affairs, a copy of the Report on the Newfoundland Fisheries for the season of 1887, forwarded by Vice-Admiral Lyons in a letter dated the 5th November last, an extract of which is also inclosed.

My Lords desire to call the attention of the Secretary of State to the following points referred to in the inclosed Reports :—

The satisfactory relations which appear to have existed, during the past season, between the British and French officers employed on the fisheries.

My Lords request that any instructions which it may be decided to issue may be communicated to the Admiralty in good time, respecting the question of closing lobster factories.

In connection with the wreck of the "Belem" their Lordships desire to call attention to the suggestion contained in paragraph 5 of the inclosed Report, as to the advisability of registering and marking the Newfoundland schooners.

As regards the sale of bait to the French on the south coast of Newfoundland, I request to be informed whether the instructions contained in the Colonial Office letter of the 5th April, 1887,* are still to be accepted by naval officers for their guidance on that point.

My Lords propose, with the concurrence of the Secretary of State, to approve of the manner in which the officers employed on the fisheries have performed the duties intrusted to them during the season just closed.

Inclosure 1 in No. 83.

Vice-Admiral Lyons to Admiralty.

(Extract.) "*Bellerophon*," *at Bermuda, November* 5, 1887.

I HAVE the honour to submit herewith Reports from the officers in command of Her Majesty's ships stationed on the Newfoundland coast during the season which has now closed.

Captain Hamond, of the "Emerald," as Senior Officer, brought to bear on the delicate duties with which he was intrusted the same tact and intelligence as was shown by him last year.

He expresses himself as having been zealously supported by Commander Gibson, of the "Lily," and by Lieutenant-Commander Masterman, of the "Bullfrog."

The relations between the two Senior Officers would appear to have been most cordial, and a mutual good understanding to have existed generally between the French and English officers.

The lobster factory at Port Saunders formed the subject of correspondence between Captain Hamond and Commodore Humann. In the early part of the season Lieutenant-Commander Masterman, acting on a complaint from the French Senior Officer that the lobster fishing was interfering with the French hauling their seines, prohibited Mr. Shearer, the manager of the factory, from setting traps on those parts of the coast objected to. This order was at once obeyed.

Commodore Humann subsequently requested that Mr. Shearer should be told to close his establishment at the end of the season, adding that, if it was open at the beginning of the next one, he should be obliged to oppose its operations. Notwithstanding the French objection to the lobster-tinning establishments, two, owned by French subjects, have again been working this year, and these belong to the same individuals referred to in M. Waddington's letter of the 25th August, 1886, as having been ordered to suppress them.

As I have already pointed out, the lobster factories generally are a great boon to the poorer classes of the inhabitants by giving them employment. If worked without causing injury to the general operations of French and English fishermen alike, which, for the most part, they certainly are, their maintenance cannot but be beneficial to the Colony.

The case of the wreck on the Labrador coast of the French brig "Belem," and

* No. 48.

the subsequent pillaging of that vessel, has already been reported. There can be no doubt that the crews of the Newfoundland schooners were the principal actors in the pillaging, as also that they are the cause of much of the trouble which occurs periodically on the coasts of Labrador and Newfoundland.

Captain Hamond points out the extreme desirability of these vessels being registered and properly marked, without which their identification is almost impossible.

As the French will be prevented by law, next year, from purchasing bait on the south coast of Newfoundland, I would inquire whether, with the exception of Article 17, the naval officers employed on the fisheries should be again directed to carry out the spirit of the Fishery Arrangement provisionally signed at Paris in November 1885.

Inclosure 2 in No. 83.

Captain Hamond to Vice-Admiral Lyons.

Sir, "*Emerald*," *at Halifax, October* 25, 1887.

I HAVE the honour to forward the Fishery Reports for the past season from Her Majesty's ships "Emerald," "Lily," and "Bullfrog." The two last-named ships have been by my orders kept cruizing on those parts where the French fishing operations are carried on.

Both Commander Gibson and Lieutenant-Commander Masterman have shown great interest in their work, and performed their duty with zeal and to my entire satisfaction.

The correspondence between Commodore Humann and myself I have forwarded separately, the chief point of which centres on the subject of Port Saunders, relative to Mr. Shearer's lobster factory; and on the case of the "Belem."

In the case of the lobster factory at Port Saunders I will not add to my copies of correspondence with the French Commodore.

As regards the "Belem," a French brig, wrecked at L'Anse-à-Loup in Labrador, I have sent in the whole correspondence on the subject. I differ from Judge Bennett in his opinion that the captain of the brig lost his ship purposely. I think that he proved himself a most incapable man, that he might have avoided all wreckage of his vessel, and that he showed himself indifferent and unwilling to give assistance to both Judge Bennett and Lieutenant-Commander Masterman in reclaiming his goods. Three men have been convicted and punished, and the Newfoundland Government are doing their best by further investigation with a view to punishing guilty parties.

I would point out again the absolute necessity of the Newfoundland schooners being properly marked with numbers on their sides and sails, their names being also painted on their sterns, and the vessels registered. These wants have been brought forward by my predecessors on former occasions, and I believe by Her Majesty's Governm ent, to the notice of the Newfoundland Government, but with no result. As matters stand now those schooners which fit out for their summer voyage for fish are under no control whatever. With proper means for identifying vessels I believe the greater part of the wrecking of the "Belem" would not have occurred.

I have written strongly on this point of the schooners to show one of the difficulties that the Captains of Her Majesty's ships have to contend with, as these errant schooners are the cause of the greater part of the trouble that occurs.

Only seventeen French rooms were working this season on the coast, against twenty-two last year. Possibly next season there may be an increase owing to the Bait Bill, and they would probably work in conjunction with the Bank fishery.

The question of cod-traps has not come prominently forward this year, and I hope that they will die out, as I question if the merchants will supply new ones. The majority of the fishermen I have spoken to on the subject tell me they are the curse of the country, and have ruined the shore fishery.

In conclusion, I must add that my relations with Commodore Humann have been most cordial, and that there has been a mutual good understanding between the French and English officers.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 3 in No. 83.

General Remarks.

THE cod fishery on the coasts of Newfoundland and Labrador has been a poor one, and especially bad on the east coast. The Bank fishery has been pretty good, and the fish has been well cured, and will command much higher prices than last year. Herrings have been plentiful in many places, but in some parts the people are so poor they are unable to take them from want of nets. The ice being so late on the east coast interfered with the salmon fishery, and the take was a poor one.

The shore fishery seems to get worse yearly, and there will be great want this year at the small settlements round the coast, as the people are heavily in debt to the local merchants, and have little or no fish to exchange for the necessaries of life. Government relief will probably be afforded in the shape of flour, but what is wanted is assistance that will permanently improve the condition of the people. Help given by supplies of seed, implements, and instruction in cultivating the land would do much to raise them from the wretched state of poverty that many families are in. In some cases I think they should be removed to better parts of the country.

I have found the people law-abiding, industrious, sober, and uncomplaining, but living sorrowful lives, with no better prospects ahead of them.

Many who were able to do so have left the country, the soil of which, with proper cultivation, could surely support them.

(Signed) RICHD. H. HAMOND,
Captain and Senior Officer.

Inclosure 4 in No. 83.

Commander Gibson to Captain Hamond.

Sir, "*Lily*," *at St. John's, Newfoundland, October* 12, 1887.

IN forwarding my Fishery Report, I have the honour to make the following remarks:—

The fishery on the coast between Cape St. John and Cape Norman has been decidedly poor, especially the earlier part of the season; at the latter place a trifle better than in others.

2. The ice being so late on the coast this year spoilt the salmon fishery very considerably. The capelin have not been so plentiful as usual, and in many places the squid have been scarce. Herring in most places are pretty plentiful, but from want of nets many of the residents have been unable to catch many.

3. There is a good deal of poverty along the coast, which is doubtless aggravated by a succession of bad seasons. Gardens and crops seem to have been fairly successful, and in several places the residents have a little live stock, which apparently thrive.

4. I have received no complaints from the French naval officers or the French fishermen. The number of French rooms has very considerably decreased, and the French shore fishery has not been a success this year. The Bait Bill may possibly, I think, cause an increase of the French rooms next season. The Prud'homme of the French room at St. Julien's informed me that he expected they would have a large fleet next season on that account.

5. There seems to be a feeling against cod-traps amongst many of the residents, and in two instances some of them "took up" a trap set by a schooner's crew. The residents complain, and with cause, I think, of the schooners, for wherever there is a "sign of fish" the schooners come and set their traps, and crowd out the people who live there all the year round.

I am, &c.
(Signed) HERBERT W. S. GIBSON.

Inclosure 5 in No. 83.

General Remarks.

THE past season has been another bad one for the cod and salmon fisheries, but the herring have been in many parts unusually plentiful, and very fine fish.

The lobster fishery has attracted many fishermen, and, though the lobsters are neither so plentiful nor so large as they were a year or two ago on this coast, yet they certainly are by no means fished out. The lobster factories at Brig Bay and Port Saunders have not had a bad season; they employ a number of fishermen belonging to the place to work their boats and traps, paying them at the rate of 50 cents per 100; they also purchase at the rate of 60 cents per 100 from independent fishermen, who work their own gear and find their own bait.

The French have recognized the value of this fishery, and are setting themselves in serious competition to the English in it.

Others besides the French are being attracted to this coast with the object of "canning" lobsters. I have mentioned in this Report the case of a schooner working a factory at St. Barbes during the month of September, and also the commencement of one for next season's fishing at St. Geneviève Bay. I have heard of about ten others in contemplation. Salmon are also "canned" at these factories.

At Old Port-au-Choix a number of schooners collected, towards the end of the season, for the herring fishery; the captains of the French fishing-vessels made a complaint about them, and I sent them away.

Ten French ships have been fishing on this coast this season, including a small sloop and a schooner; the number of men employed has been 410. Four ships have come out for freight; there have been nine rooms allotted, and three outlying rooms have been worked as well; two of the vessels have fished at Port-à-Port and Little Port on their way out as well.

There was much alarm on this coast at the commencement of the season, on account of some reports that got about that the French intended to destroy traps, &c., but I am glad to say that everything has worked harmoniously between the French and English. The manner in which the Captain of the French man-of-war schooner "La Perle" performed his duties no doubt contributed in no small degree to this desirable result.

On the coast of Labrador the season has not been a good one, and the fish have generally run small. Much distress is anticipated during the coming winter.

Concerning the wreck of the French ship "Belem" at l'Anse-à-Loup, taking home a cargo of 2,200 quintals, you already have full particulars.

I have seen no American vessels fishing on these coasts.

Fishermen complained of bad weather at Bonne Bay, but to the eastward it has been a fine-weather season. The Straits of Belleisle were blocked with ice till nearly the end of June, and I passed many icebergs on my way to St. John's, round Cape Norman, on both sides, at the beginning of August.

I have, &c.

(Signed) J. MASTERMAN, *Lieutenant*,

October 15, 1887. *Commanding Her Majesty's ship "Bullfrog."*

Inclosure 6 in No. 83.

Captain Hamond to Vice-Admiral Lyons.

Sir, "*Emerald*," *at Halifax*, *October* 26, 1887.

I HAVE the honour to forward correspondence relative to the working of an English lobster factory at Port Saunders, Newfoundland, and which has existed several years.

2. At the beginning of the season a complaint was made to Lieutenant-Commander Masterman by Commodore Humann that the lobster fishing on a certain portion of the coast at Port Saunders interfered with the French taking bait. Mr. Shearer, the owner of the factory, was ordered by Lieutenant-Commander Masterman to remove his lobster-pots from that part, which order he complied with.

3. This year the French have been carrying on lobster-tinning at two places on the west coast, practically the same places they claim to have suppressed last year, and referred to by M. Waddington in his letter of the 25th August, 1886. I am of opinion that the reason they want this factory closed is to carry out the industry themselves. This is a mode of curing fish certainly not practised at the date of the Treaty of Utrecht.

4. It will be seen by the Return of lobster factories,* previously forwarded as

* Inclosure 2 in No. 72.

called for, that there are several new ones set up this season. In most cases they benefit the inhabitants by giving them constant employment, and, if the French do not make objections to them, it may be a matter of policy to let the whole subject rest; but I hope that instructions may be given me for the next season.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 7 in No. 83.

Captain Humann to Lieutenant-Commander Masterman.

M. le Commandant, *Havre de Saint-Jean, le* 23 *Août*, 1887.

J'AI été informé par M. le Commandant Carpentier des mesures que vous avez prises pour faire saisir par la justice les gens de l'Anse-à-Loup, coupables du pillage du brick Français le "Belem," et je vous prie d'agréer mes plus vifs remerciements pour cette intervention.

D'autre part, je dois vous informer que les postes de pêche de l'Ile Keppel et de Port Saunders devant être concédés l'an prochain à l'un de nos bâtiments, l'usine à homard du Sieur Shearer ne peut continuer à fonctionner dans ces conditions sans gêner la pêche des Français d'une façon constante. Je vous prie donc de vouloir bien l'avertir qu'il ait à fermer sa factorerie à la fin de la présente saison, et s'il ne se conformait pas à cet ordre, je me verrais obligé de m'opposer à ses opérations dès le début de la campagne de pêche.

Veuillez, &c.
(Signé) E. HUMANN,
Chef de la Division Navale de Terre-Neuve.

(Translation.)

Sir, *St. John's Harbour, August* 23, 1887.

I HAVE been informed by Commander Carpentier of the steps taken by you for the apprehension of the people at l'Anse-à-Loup guilty of the pillage of the French brig "Belem," and I beg you to accept my warmest thanks for your action.

On the other hand, I have to inform you that, in view of the fact that the fishing stations at Keppel Island and at Port Saunders are to be allotted next year to one of our vessels, Mr. Shearer's lobster factory cannot, under these circumstances, continue to be worked without constantly hindering the fishery of the French. I therefore beg you to be so good as to warn him that he must close his factory at the end of this season, and if he does not obey this order I shall be obliged to prevent his operations the moment the fishing season has opened.

I have, &c.
(Signed) E. HUMANN,
Commander of the Naval Division in Newfoundland.

Inclosure 8 in No. 83.

Lieutenant-Commander Masterman to Captain Humann.

Sir, "*Bullfrog*," *at Forteau, September* 16, 1887.

AS I have been disappointed in my expectation of meeting Captain Hamond before leaving Port Saunders, and Mr. Shearer having been away, I can only acknowledge, with thanks, by this mail, the receipt of your letter of the 23rd August, handed to me by Lieutenant-Commander Farret, commanding the "Drac."

I will inform you, by the earliest opportunity, when Mr. Shearer has been communicated with.

I also beg to acknowledge the receipt of an official communication from you, addressed to Captain Hamond, which I will deliver to him as soon as possible.

I have, &c.
(Signed) J. MASTERMAN.

Inclosure 9 in No. 83.

Lieutenant-Commander Masterman to Mr. Shearer.

Sir, "*Bullfrog*," *at Port Saunders, September* 24, 1887.

HAVING received from Captain Humann, Senior French Naval Officer, Newfoundland, a notification to the effect that the fishing station of Keppel Island and Port Saunders has been allotted next year to one of their ships, and that the factory you work in Port Saunders will interfere very much with their fishing if carried on as at present—

I have to inform you that you will continue working your factory next season at great risk, for on any reasonable complaint on the part of the French of your operations interfering with the full enjoyment of their fishing rights your factory will be suppressed.

I have, &c.
(Signed) J. MASTERMAN.

Inclosure 10 in No. 83.

Captain Hamond to Captain Humann.

Sir, "*Emerald*," *at Halifax, October* 25, 1887.

I HAVE the honour to address you on the subject of your letter to Lieutenant-Commander Masterman, of Her Majesty's ship "Bullfrog," in connection with Mr. Shearer, and showing the contemplated fishing-grounds of one of your fishing-vessels next year.

Our best endeavours will be used, as heretofore, to prevent any interruption to the fishing of French subjects, and any case will meet with the most careful attention on the part of the Captains of Her Britannic Majesty's ships when referred to them by the French naval officers or your own fishermen. At the same time, I hold each case must stand on its own merits, and be dealt with at the time it occurs.

I may add that my instructions are opposed to any such action against British subjects as is suggested in your letter.

I beg to thank you for your courtesy in reference to Lieutenant-Commander Masterman's proceedings in the case of the "Belem."

I have, &c.
(Signed) RICHD. H. HAMOND.

No. 84.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, January* 25, 1888.

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 11th instant, in which, after expressing the acknowledgments of the French Government for the courtesy shown by the British naval officers to the French Senior Naval Officer in Newfoundland waters during the last fishery season, your Excellency again draws attention to the question of cod-traps and to the expediency of affixing distinctive marks to Newfoundland local fishing-vessels, and presses for the prompt adoption of the necessary measures in respect of both these matters.

I hasten to acquaint your Excellency, in reply, that Her Majesty's Government have read with much satisfaction the testimony borne by the French Government to the good relations subsisting between British and French naval officers on the Newfoundland Station, and that no time shall be lost in again communicating with the Newfoundland Government upon the other points referred to in your note.

I have, &c.
(Signed) SALISBURY.

No. 85.

Foreign Office to Colonial Office.

Sir, *Foreign Office, January* 25, 1888.

I AM directed by the Marquis of Salisbury to transmit to you, to be laid before the Secretary of State for the Colonies, the accompanying copy of a note from the French Ambassador at this Court,* in which, after expressing the acknowledgments of the French Government for the courtesy shown by the British naval officers to the French Senior Naval Officer in Newfoundland waters during the recent fishery season, his Excellency again calls attention to the question of cod-traps, and to the expediency of affixing distinctive marks to local Newfoundland fishing-vessels, and presses for the prompt adoption of the necessary measures in respect of both these matters.

I am to observe that no steps appear to have been taken with regard to the latter of the two questions raised by M. Waddington since the adoption of the provision relating to it which was inserted as Article VI in the Agreement of November 1885, and I am to ask that Lord Salisbury may be favoured with an early expression of Sir H. Holland's views on the point.

As regards the question of cod-traps, Lord Salisbury would suggest that the Government of Newfoundland might be requested by telegraph to take speedy action in the matter.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 86.

Sir H. Holland to Governor Blake.

Sir, *Downing Street, February* 2, 1888.

I HAVE the honour to acquaint you that I have this day telegraphed to you that I considered it of the utmost importance that there should be colonial legislation with regard to cod-traps, and desiring you to do your utmost to secure early action by your Government in the matter.

I have, &c.
(Signed) H. T. HOLLAND.

No. 87.

The Governor of Newfoundland to Sir H. Holland.—(*Received at the Foreign Office, February* 7, 1888.)

(Telegraphic.)

I HAVE received your telegram, and will endeavour to get a Cod-trap Bill passed in coming Session of Legislature. Success, however, is not certain.

No. 88.

Colonial Office to Foreign Office.—(*Received March* 1.)

Sir, *Downing Street, February* 29, 1888.

WITH reference to previous correspondence relating to the removal of lobster factories, the suppression of cod-traps on certain parts of the coast of Newfoundland, and the marking of vessels engaged in the fisheries, I am directed by Secretary Sir Henry Holland to transmit to you, to be laid before the Marquis of Salisbury, a communication received from Sir Robert Thorburn on the subject.

2. As regards the removal of lobster factories and the suppression of cod-traps, Sir Henry Holland proposes to await the result of the action of Sir R. Thorburn in the matter after his arrival in the Colony, before deciding as to the necessity of Imperial legislation.

3. As to the marking of ships, Sir Henry Holland, with the concurrence of Lord

* No. 82.

Salisbury, would suggest to the Lords Commissioners of the Admiralty that the Senior Naval Officer on the station be instructed to ascertain, on his arrival at St. John's, the exact state of the law in the Colony applicable to vessels engaged in the fisheries to which the French complaint of non-possibility of identification refers. If he finds that the law is sufficient, if duly enforced, to insure the identification of vessels, he should warn off vessels not complying with the Statute, or take such other steps as may insure such compliance, or punishment in default of it. Should, however, he ascertain that the law is insufficient, a report of the facts should be submitted.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure in No. 88.

Sir R. Thorburn to Colonial Office.

Sir, *Colonial Office, February* 16, 1888.

REFERRING to our conversation about distinctive marks on Newfoundland fishing-vessels, I beg to say that all registered decked vessels employed in the Colony are required to be plainly marked on the stern in the same manner as prescribed in "The Merchant Shipping Act, 1854," 17 & 18 Vict., cap. 104, sec. 19, which I take it to be is in force in the Colony of Newfoundland, in the Consolidated Statutes thereof.

From my own knowledge in practice I know that a vessel sailing without her name so marked renders her owner liable to a penalty in Newfoundland.

There can be, therefore, little trouble in identifying any Newfoundland vessels contravening Treaty rights.

Open boats could not be marked in any manner such as to identify them, but they cannot, in any case, interfere seriously with French fishermen, and we may assume that any complaints do not apply to this class of vessel.

With respect to the question of cod-traps used on that portion of the Newfoundland coast where the French enjoy certain fishery privileges, and lobster factories situated on same territory, I think it is contemplated to introduce a Bill during the present Session of the Newfoundland Legislature regulating the distance between the location of lobster factories on other parts of the coast, and it has occurred to me that advantage might be taken in the introduction of this Act to deal with the question of setting cod-traps and locating lobster factories by a system of licence, and providing for the removal, at expense of the Government, of lobster factories at present erected on the so-called French Shore, understood to be contrary to Treaty. If such a Bill could be passed through the Newfoundland Legislature (and I think there is a better chance of it in this shape than in any other), the Colonial Government would then be vested with the power of removing those few lobster factories, and refusing licences for the use of cod-traps in the localities complained of, which would get over the difficulty complained of by Her Majesty's Government in improvising Imperial legislation to accomplish the same end.

As I hope to return to Newfoundland two weeks hence, I could ascertain how far the views given above can be carried out.

I have, &c.
(Signed) ROBERT THORBURN.

No. 89.

Lord Knutsford to Governor Blake.

Sir, *Downing Street, March* 1, 1888.

WITH reference to previous correspondence relating to the question of the removal of lobster factories and the suppression of cod-traps on certain parts of the coast of Newfoundland, I have the honour to transmit to you herewith, for the information of yourself and of your Ministers, a copy of a letter addressed to me by Sir R. Thorburn on the subject.

Sir R. Thorburn's letter also refers to the question of the proper marking and registering of vessels, which has formed the subject of a representation from the French

Ambassador at this Court, of which a copy is inclosed, together with copies of a letter from the Foreign Office, and of the reply which has been returned to it by my direction.*

I have, &c.

(Signed) KNUTSFORD.

No. 90.

M. Waddington to the Marquis of Salisbury.—(*Received March* 5.)

M. le Marquis, *Londres, le* 3 *Mars*, 1888.

VOTRE Seigneurie a bien voulu me faire savoir, par Sa lettre du 25 Janvier dernier que les demandes de mon Gouvernement concernant l'emploi des trappes à Terre-Neuve et les marques à imposer aux goélettes nomades allaient faire l'objet d'un nouvel examen, dont le résultat me serait prochainement communiqué.

En vue de faciliter cet examen et de corroborer les observations que je vous ai déjà soumises, je crois devoir vous faire part de nouvelles indications qui me sont communiquées par mon Gouvernement. D'abord, en ce qui concerne les goélettes, j'ai reçu des détails plus précis, que je crois devoir signaler à Votre Seigneurie, sur les procédés qu'elles emploient pour échapper à toute surveillance. Non seulement ces bâtiments naviguent sans pavillon et sans autres papiers de bord qu'une licence délivrée par un agent des Douanes, mais ils ne sont pas astreints à porter d'une façon apparente le nom qui les individualise. Lorsque le navire en porte un, les gens du bord ont soin, lorsqu'ils se livrent à des déprédations, de l'effacer ou de jeter à la mer la planche sur laquelle il est inscrit. Si l'on considère, d'autre part, que la plupart de ces goélettes sont construites sur un modèle uniforme et sont identiques sous le rapport du gréement et de la mâture, on ne peut être surpris qu'elles échappent au contrôle des autorités navales et à la surveillance des bâtiments de guerre des deux pays.

C'est en se fondant sur ces pratiques que le Ministre de la Marine de la République croit devoir recommander comme moyen le plus propre à parer aux inconvénients qui en résultent d'obliger les goélettes Terre-Neuviennes non pas simplement à porter un nom selon la manière usuelle, car l'expérience a montré que cette précaution serait de peu d'effet, mais bien à avoir un signe extérieur "bien apparent," tel que serait, par exemple, un numéro d'ordre peint dans l'une de leurs voiles. L'annonymat dont ces navires se couvrent disparaîtrait ainsi, et avec lui la principale cause de l'impunité dont ils jouissent.

Un exemple très frappant des inconvénients du système actuel est offert par l'affaire Dupuis-Robial, dont j'ai déjà entretenu le Foreign Office, et sur laquelle je vous demande la permission de revenir avec vous aujourd'hui. Cela me semble d'autant plus nécessaire que l'interprétation des engagements internationaux à laquelle cet incident a donné lieu de la part du Gouvernement de la Reine ne saurait être acceptée par le Gouvernement de la République. D'après la note de Votre Seigneurie du 24 Août dernier, les sujets Britanniques seraient seulement tenus à n'apporter aucun obstacle et aucun empêchement matériel à l'acte même de la pêche, mais ils ne pourraient pas être inquiétés pour des faits qui ne présenteraient pas rigoureusement ce caractère ; bien plus, leur droit de participer à la pêche sur le "French Shore" subsisterait, alors même qu'il résulterait de la façon dont ils en useraient un appauvrissement des fonds réservés à la pêche Française. Or, dans l'opinion des personnes compétentes, cet appauvrissement, tel qu'il résulte de l'usage des trappes, peut aller éventuellement jusqu'à la stérilisation complète. Par conséquent le fait de tendre les dites trappes de manière à empêcher la morue de doubler les caps et de remonter le long du "French Shore" ne devrait pas être considéré comme une infraction aux clauses des Traités si ces trappes étaient posées sur des points où les Français ne se livraient pas, dans le moment, à l'exercice de la pêche. Une telle doctrine équivaut, dans l'opinion de mon Gouvernement, à affirmer que les pêcheurs Anglais ont toute liberté pour faire à nos nationaux une concurrence nuisible et même ruineuse, pourvu que cette concurrence ne soit pas pratiquée dans le voisinage immédiat de nos pêcheurs et ne soit pas accompagnée de molestations matérielles.

Il ne saurait échapper à Votre Seigneurie que telle n'a pu être l'intention des Hautes Parties Contractantes en 1783, et l'expression "interrupt" employée dans la traduction de la Déclaration du 23 Septembre de cette même année n'a évidemment pas le sens du mot Français "interrompre ;" elle correspond au contraire à l'expression beaucoup plus

* Nos. 82, 85, and 88.

générale de "troubler." Sur ce point aucune discussion ne semble possible, puisque, comme le sait Votre Seigneurie, la Déclaration du 3 Septembre, 1783, n'a été rédigée qu'en une seule langue, le Français; et le texte original signé du Duc de Manchester porte que "Sa Majesté Britannique prendra les mesures les plus positives pour prévenir que ses sujets ne troublent en aucune manière par leur concurrence la pêche des Français." Cette allusion à la "concurrence" suffirait à elle seule à montrer que l'interdiction n'est pas restreinte à des faits ayant la gravité d'une interruption proprement dite; car la concurrence n'interrompt pas l'opération du rival en cause; elle y nuit seulement par son action parallèle.

Cela posé, il ne saurait être contesté qu'il y ait eu gêne, entrave, trouble apporté par les sujets Britanniques dans les entreprises de nos armateurs. J'ai donné précédemment à Votre Seigneurie des indications qui ne laissent aucun doute à ce sujet. Les trappes ont empêché d'une façon, pour ainsi dire, permanente, nos pêcheurs de déborder leurs seines; elles barraient les emplacements où ils avaient le droit incontestable de seiner, et où, sans ces entraves, ils l'auraient certainement fait. Même en admettant que les pêcheurs Anglais n'eussent tendu leurs trappes qu'en dehors du "French Shore," il semblerait déjà que cette pratique ne saurait être admise comme l'exercice d'une pêche loyale, car, au témoignage des gens du métier, ces engins, empêchant la morue de remonter, ont pour effet de rendre en partie illusoire notre droit de pêche dans ces eaux. Mais nous sommes loin de cette hypothèse, car il a été reconnu et matériellement constaté que la contravention avait été commise sur notre littoral même en violation certaine des engagements internationaux.

Pour ces motifs, mon Gouvernement ne croit pas pouvoir considérer comme définitive la réponse de Votre Seigneurie du 24 Août dernier, et, conformément aux instructions que j'ai reçues, je La prie de vouloir bien soumettre la question à un nouvel examen.

Je vous rappellerai, à l'appui de cette demande, que dans votre note précitée vous reconnaissez vous-même à nos pêcheurs le droit de faire appel aux autorités Britanniques pour être protégés contre les empiètements des pêcheurs Anglais dans les limites réservées à la pêche Française. On ne saurait admettre que la responsabilité du Gouvernement de la Reine fût dégagée par ce seul fait que l'autorité qualifiée pour répondre à l'appel de nos pêcheurs a fait défaut au moment où elle a été requise. Dans l'espèce, les réclamants ont eu à se plaindre, de la part de sujets Britanniques, d'actes qui constituent une atteinte à la libre jouissance des fonds réservés par les Traités à la pêche Française. Le chiffre auquel ils évaluent le préjudice que leur a causé cette intervention abusive des pêcheurs Anglais peut être sujet à discussion; mais le grief sur lequel se fonde leur réclamation ne paraît pas pouvoir être mis en question.

Indépendamment des considérations que je viens d'exposer à Votre Seigneurie, il en est d'autres d'un ordre différent et qui militent aussi en faveur de l'attribution d'une indemnité aux armateurs Besnier et Dupuis-Robial. Ces armateurs ont été, pendant la campagne de pêche de 1886, victimes de vols répétés à propos desquels ils ont formé, sur les lieux, des réclamations devant l'autorité compétente; j'ai même eu l'honneur au mois de Juillet dernier de demander à Votre Seigneurie le concours de la station navale Anglaise en vue d'assurer la recherche et la punition des coupables et de faire désintéresser les réclamants. D'après les informations que je reçois, l'enquête n'aurait donné presque aucun résultat; seul, le receleur d'une faible partie des objets dérobés aurait été découvert, et il n'y a pas lieu d'en être autrement surpris si l'on tient compte des conditions dans lesquelles naviguent les goélettes nomades et de l'impossibilité presque absolue qu'il y a à les identifier. J'adresse ci-joint à Votre Seigneurie le procès-verbal de deux interrogatoires qui Lui feront connaître dans quelles circonstances les vols ont eu lieu, et qui me paraissent mettre en lumière, de la façon la plus évidente, la nécessité de réglementer plus strictement les conditions de navigation des goélettes, en même temps qu'ils complètent l'exposé des préjudices dont nos armateurs ont à se plaindre.

Je profite de cette occasion pour mentionner une dernière question concernant l'exercice de la pêche à Terre-Neuve; je veux parler de la pêche du saumon. Dans une note remise récemment au Département des Affaires Étrangères, le Ministre d'Angleterre à Paris a exprimé l'opinion que nos nationaux n'auraient pas le droit de pêcher dans les rivières qui ont leur embouchure sur le "French Shore." La communication de Mr. Egerton équivaut, en fait, à la revendication des avantages de l'Article XV de la Convention du 14 Novembre, 1885, par lequel nous renoncions "à la pêche du saumon dans les cours d'eau pour nous la réserver en mer et à l'embouchure des rivières jusqu'au point où les eaux sont salées." Mais Votre Seigneurie sera sans doute d'accord avec nous pour reconnaître qu'on ne saurait faire revivre à notre détriment une Convention dont le rejet ne nous est pas imputable et a eu pour conséquence d'annuler les concessions qui y étaient réciproquement stipulées. Nous ne pouvons donc, dans ces conditions, que

maintenir intact, comme nous l'avons toujours fait, notre droit exclusif de pêche tel que nous l'avons antérieurement exercé dans les rivières et les saumonneries aussi bien que sur la côte elle-même.

Neanmoins, dans un sentiment de conciliation et dans la pensée que le Gouvernement de la Reine voudra bien accueillir nos demandes concernant l'interdiction de l'usage des trappes et les obligations à imposer aux goélettes nomades, mon Gouvernement serait disposé, au cas où son attente en ce qui concerne cette double question ne serait point trompée, à faire certaines concessions relativement à l'exercice de ce droit de pêche. L'usage des barrages fixes serait interdit à nos nationaux qui ne devraient se servir à l'avenir, que de rets mobiles aménagés de façon à permettre la circulation des bateaux.

Je serai fort reconnaissant à Votre Seigneurie si Elle veut bien examiner, dans un esprit bienveillant, l'ensemble des considérations et propositions qui précèdent. J'attacherais beaucoup de prix, étant donnée la date à laquelle nous sommes arrivés, à recevoir le plus tôt possible Sa réponse.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation).

My Lord, *London, March* 3, 1888.

YOUR Lordship informed me by your note of the 25th January last that the wishes of my Government in the matter of the use of traps in Newfoundland and of the marking of stray fishing-smacks were to be subjected to further consideration, the result of which would presently be communicated to me.

With the view of facilitating this consideration, and of corroborating the observations I have already submitted to you, I think it right to lay before you fresh considerations which have been communicated to me by my Government. In the first place, in the case of the fishing-smacks, I have received more precise details, of which I think it right to inform Your Lordship, as to the methods adopted by them for eluding all supervision. Not only do these vessels sail without a flag and without any papers on board other than a licence handed to them by a Customs officer, but they are not compelled to carry the names which distinguish them, in a conspicuous manner. When the vessel has a name, the crew is careful when carrying on depredations, to efface it, or to throw overboard the plank on which it is painted. If, further, it is remembered that the greater part of these fishing-smacks are built on a uniform model, and are identical in the matter of rigging and masts, it is not surprising that they escape the control of the naval authorities and the supervision of the war ships of the two countries.

It is these practices which lead the Minister of Marine of the Republic to think it his duty to recommend, as the best means for meeting the difficulties resulting therefrom, that the Newfoundland fishing-smacks should be compelled not simply to carry their names in the usual manner, for experience has shown that this would have little effect, but to carry some outward and very clear sign, as, for example, a number painted on one of their sails. The absence of names which enables these vessels to hide their identity would thus disappear, and with it the principal cause for the impunity which they enjoy.

A very striking instance of the evils of the actual system is furnished by the Dupuis-Robial case, which I have already brought to the notice of the Foreign Office, and to which I beg permission to return to-day. This seems to me the more necessary that the interpretation of the international engagements which this incident has led Her Majesty's Government to put forward cannot be accepted by the Government of the Republic. According to Your Lordship's note of the 24th August last, British subjects would be bound only not to put any obstacle or material impediment in the way of the act of fishing itself; but they could not be disturbed for acts which could not be rigorously interpreted to have this character; indeed, their right of participating in the fishery on the "French Shore" would subsist, even though their method of availing themselves of this right impoverished the part reserved for the French fishing. But in the opinion of competent people this impoverishment, such as results from the use of traps, might end in absolute sterility. Consequently, the act of placing the said traps so as to prevent the cod-fish doubling the capes and going along the "French Shore" should not be considered an infraction of the clauses of the Treaties if these traps were placed at points where the French were not for the moment fishing. Such a doctrine would, in the opinion of my Government, be equivalent to asserting that British fishermen are at liberty to engage in an injurious and even ruinous competition with French citizens, provided that such competition be not carried on in the

immediate vicinity of our fishermen, and be not accompanied by material molestations.

Your Lordship must be aware that such could not have been the intention of the High Contracting Parties in 1783, and the expression "interrupt" employed in the translation of the Declaration of the 23rd September of the same year has evidently not the same meaning as the French word "interrompre;" on the contrary, it corresponds to the much more general expression "troubler." On this point no discussion seems possible, since, as Your Lordship is aware, the Declaration of the 3rd September, 1783, was only drawn up in one language, the French; and the original text signed by the Duke of Manchester states that "Sa Majesté Britannique prendra les mesures les plus positives pour prévenir que ses sujets ne troublent en aucune manière, par leur concurrence, la pêche des Français." This allusion to "competition" would suffice in itself to show that the prohibition is not limited to acts grave enough to constitute an interruption, properly so called; for competition does not interrupt the rival operation in question; it injures it solely by its parallel action.

This being so, it cannot be contended that there have not been inconvenience, impediment, and disturbance, caused by British subjects to the enterprises of our ship-owners. I have previously given Your Lordship proofs which leave no doubt on this subject. The traps have prevented our fishermen in a manner, so to speak permanent, from spreading their nets; they blocked up those parts in which they had the incontestable right of spreading their nets, and in which, but for these impediments, they would certainly have done so. Even supposing that British fishermen had only placed their traps outside the limits of the "French Shore," it would appear that this practice could not be permitted as a loyal method of fishing, for, according to the testimony of men of the trade, these traps, in hindering the cod from coming up, have the effect of rendering our right of fishing in these waters partially illusory. But we are far from this hypothesis, for it has been recognized and substantially proved that the contravention took place on our shore itself in undeniable violation of international engagements.

On these grounds my Government cannot consider Your Lordship's answer of the 24th August last as final, and, in obedience to my instructions, I beg you to be good enough to submit the question to a fresh examination.

I would remind you, in support of this request, that in your above-mentioned note you yourself recognize the right of our fishermen to appeal to the British authorities for protection against the encroachments of British fishermen in the limits reserved for French fishing. It cannot be admitted that Her Majesty's Government were freed from their responsibility by the sole fact that the authority qualified to answer the appeal of our fishermen failed at the moment when it was called upon. In this particular case, the claimants have had to complain of acts on the part of British subjects which constitute an infringement of their free enjoyment of the fishing grounds reserved by the Treaties for French fishing. The actual sum at which they estimate the damage caused them by this injurious intervention of British fishermen may be matter for discussion, but the wrong on which they base their claim does not appear to admit of question.

Independently of the considerations I have submitted to Your Lordship, there are others of a different kind which militate in favour of the grant of an indemnity to the ship-owners Besnier and Dupuis-Robial. These ship-owners have been during the fishing season of 1886 victims of repeated thefts, on account of which they have made claims before the competent authority on the spot; indeed, I had the honour last July to request from Your Lordship the assistance of the British squadron in securing the discovery and punishment of the offenders, and the indemnification of the claimants. According to the information received by me, the inquiry has had almost no result, except that the receiver of a small part of the stolen goods has been discovered. This is not surprising when the conditions under which these stray fishing-smacks work, and the almost absolute impossibility of identifying them, are taken into consideration. I transmit herewith to Your Lordship the Report of two inquiries, which will acquaint you with the circumstances under which the thefts took place, and which appear to me to show in the clearest manner the necessity of regulating more strictly the terms on which these vessels sail, while, at the same time, they complete the statement of the injuries of which our ship-owners have to complain.

I avail myself of this opportunity to mention one more point in connection with the fishery at Newfoundland,—I mean the salmon fishing. In a note recently addressed to the Ministry of Foreign Affairs, the British Minister at Paris expressed the opinion that our citizens had no right to fish in the rivers whose mouths are on the "French

Shore." Mr. Egerton's communication is tantamount, in fact, to a claim for the advantages of Article XV of the Convention of the 14th November, 1885, by which we abandoned "the salmon fisheries in rivers, and only reserved a right to the salmon fishery in the sea and at the mouths of rivers up to the point where the water remains salt." But Your Lordship will doubtless agree with us in recognizing the impossibility of reviving to our detriment a Convention the rejection of which cannot be imputed to us. In consequence of this rejection, the concessions reciprocally stipulated in the Convention were annulled. We cannot do otherwise, under these circumstances, than maintain intact, as we have always done, our exclusive right of fishing such as we have previously exercised it in the rivers and salmon fisheries, as well as on the coast itself.

Nevertheless, in a spirit of conciliation, and in the belief that Her Majesty's Government will agree to our requests for the prohibition of the use of traps and for the regulations to be imposed on stray fishing-smacks, my Government would be disposed, in the event of their expectations in regard to this twofold question not being falsified, to make certain concessions relative to the exercise of this right of fishing. The use of weirs would be prohibited to our citizens, who would only be permitted in future to make use of movable nets managed in such a way as to admit of the passage of boats.

I should be much obliged to Your Lordship if you would examine in a kindly spirit the above considerations and proposals. I should be very grateful, bearing in mind the date at which we have arrived, to receive an answer at your earliest convenience.

I have, &c.
(Signed) WADDINGTON.

No. 91.

M. Waddington to the Marquis of Salisbury.—(*Received March* 6.)

M. le Marquis, *Londres, le* 5 *Mars,* 1888.

EN réponse à la note que j'avais eu l'honneur d'adresser au Foreign Office pour formuler des réserves au sujet de l'interprétation donnée par le Gouvernement de Terre-Neuve à l'Acte concernant la Boëtte, Votre Seigneurie a bien voulu me signaler par Sa lettre du 16 Décembre que cet Acte maintenait d'une manière complète les droits de mon Gouvernement dans ce pays.

J'ai l'honneur, conformément aux instructions que j'ai reçues, de prendre acte de cette indication, non toutefois sans faire observer qu'il n'aurait pu d'ailleurs appartenir au Parlement de Terre-Neuve de porter atteinte, par aucune disposition légale, aux droits qui découlent pour nous des Traités.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation).

My Lord, *London, March* 5, 1888.

IN reply to the note which I had the honour to address to the Foreign Office formulating reservations on the subject of the interpretation given by the Newfoundland Government to the Bait Act, Your Lordship was good enough to state in your note of the 16th December that this Act maintained entire the rights of my Government in that country.

I have the honour, in accordance with instructions received, to take act of this statement, not, however, without observing that in no case could it have appertained to the Newfoundland Parliament to infringe by any legal disposition the rights which accrue to us from the Treaties.

I have, &c.
(Signed) WADDINGTON.

No. 92.

Foreign Office to Colonial Office.

Sir, *Foreign Office, March* 6, 1888.

WITH reference to the 3rd paragraph of your letter of the 29th ultimo, I am directed by the Marquis of Salisbury to state to you, for the information of Lord

Knutsford, that his Lordship concurs in the terms of the proposed letter to the Admiralty suggesting certain instructions to the Senior Naval Officer on the Newfoundland Station with a view to facilitate the identification of the local fishing-vessels.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 93.

Colonial Office to Foreign Office.—(*Received March* 14.)

Sir, *Downing Street, March* 13, 1888.

WITH reference to your letter of the 6th instant, relating to the marking of vessels engaged in the Newfoundland fisheries so as to insure that they can be easily identified in case of necessity, I am directed by Lord Knutsford to transmit to you a copy of a letter which has been addressed on this subject, by his Lordship's direction, to the Admiralty.

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

Inclosure in No. 93.

Colonial Office to Admiralty.

Sir, *Downing Street, March* 13, 1888.

WITH reference to previous correspondence relating to certain matters connected with the fisheries of Newfoundland, I am directed by Lord Knutsford to transmit to you, to be laid before the Lords Commissioners of the Admiralty, a copy of a letter from Sir R. Thorburn, together with a copy of a correspondence which has ensued upon it between this Department and the Foreign Office.

As regards the question of the marking of fishing-vessels so as to insure their being easily identified, I am to request that their Lordships will give to the Senior Naval Officer on the Newfoundland Station instructions to ascertain on his arrival at St. John's the exact state of the law in the Colony applicable to vessels engaged in the fisheries to which the French complaint of non-possibility of identification refers. If he finds that the law is sufficient, if duly enforced, to insure the identification of vessels, he should take such steps as the law permits to enforce compliance with it, or to insure punishment in default of such compliance. Should he, however, ascertain that the law is insufficient, a report of the facts should be submitted.

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

No. 94.

The Marquis of Salisbury to the Earl of Lytton.

My Lord, *Foreign Office, April* 11, 1888.

THE French Chargé dAffaires called upon me to-day with reference to certain questions relating to the Newfoundland fisheries. He said, in the first place, much damage and mischief were done by fishing-vessels of unknown nationality carrying no distinguishing mark, and impossible to recognize. Whenever they wished to escape recognition they simply threw their name-board overboard.

It had been suggested by the French Government, and M. Jusserand wished to urge the suggestion, that all fishing-vessels should be compelled to carry some name or number painted on the sails which they could not get rid of.

I replied that I would inquire into the matter, and that the suggestion seemed at first sight a useful one; but it would certainly require an Act of Parliament to confer such powers on Her Majesty's Government if they were not already invested with them.

M. Jusserand then spoke to me on the subject of cod-traps, of which, he said, the French Government had constantly urged the removal, but with respect to which they could obtain no definite answer from this Department. He believed that there was no difference in principle between the two Governments as to the injurious influence of these traps on the cod-fishery, and he expressed the hope that we would assist in removing them.

I promised inquiry, but said again that any action on our part would probably require legislative sanction.

Finally, M. Jusserand referred to salmon weirs, in regard to which complaints had been made by Her Majesty's Government against the French. Whilst disclaiming the notion of a bargain, he intimated with tolerable distinctness that the French Government would be willing to consult the wishes of Her Majesty's Government on this point if they could obtain some satisfaction in the matter of cod-traps.

I am, &c.
(Signed) SALISBURY.

No. 95.

Colonial Office to Foreign Office.—(Received May 8.)

Sir, *Downing Street, May 7, 1888.*

WITH reference to previous correspondence, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegram from the Governor of Newfoundland respecting a Bill which his Government propose to introduce in regard to the purchase of bait.

Mr. Blake has been informed, in reply, by telegram, that he may assent to the Bill.

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

Inclosure in No. 95.

Governor Blake to Lord Knutsford.

(Telegraphic.) (*Received May 6, 1888, 8.10 P.M.*)

IT is proposed by my Government to introduce on the 7th May a Bill to amend the Bait Act by providing for issue to British or foreign subjects of licences to purchase bait, and making sale of it lawful to persons holding licence, thus remedying defects in the present Act which necessitate contraction of number of licences for selling or exporting bait. Until assured of my assent, Ministers will not introduce the Bill. There will also be provision for general permission to sell on parts of the shore mentioned in Governor's Proclamation. This is intended to enable a general permission to be proclaimed on shores to which French rights extend. The Bill is in accord with the principle of the Bait Act, and I see no objection to it, and I shall give my concurrence unless I receive a telegram on Monday desiring me to withhold assent. The steps taken for carrying out Act have been effectual so far. Although 40 fr. a-barrel are offered, the French have not yet been successful in getting bait in any appreciable quantity.

The Session will probably be closed on Wednesday next.

No. 96.

Governor Blake to Lord Knutsford.—(Received at the Foreign Office, May 10.)

(Extract.) *Government House, Newfoundland, April 7, 1888.*

I HAVE the honour to inform your Lordship that a Bill for the total suppression of cod-traps after the expiration of two years has been passed through the House of Assembly as a general measure, and I have reason to believe that it will be accepted by the Legislative Council.

No. 97.

The Marquis of Salisbury to the Earl of Lytton.

My Lord, *Foreign Office, May 26, 1888.*

THE French Ambassador yesterday drew my attention to the questions which are still unsettled with respect to the Newfoundland fisheries. He pointed out that he had

frequently pressed upon Her Majesty's Government the importance of some legislation for the suppression of cod-traps, a contrivance which was ruinous to the fisheries, and which both Governments were agreed in condemning. He said that the season was about to open, the instructions to the French Commodore were being drawn up, and that the silence of Her Majesty's Government on this question, which he had submitted to them more than once, was very embarrassing. It was difficult for the French Government to know what instructions to give. If they allowed the abuse to continue, the fishery would be seriously injured, while if they gave directions to their naval officers to remove the cod-traps themselves, there was danger of friction with the colonial fishermen or with the British naval authorities. At the same time, his Excellency pressed me for some indication of the course we intended to pursue with respect to the unmarked schooners and cutters, which committed all sorts of illegal actions, and whose masters could not be brought to justice because there was no means of recognizing them. He urged again, as he had urged before, that every vessel fishing in these seas should be bound by law to have a number painted upon her sails. It was of no use to have the number painted upon the hull of the vessel, for the plan of these smugglers was to paint it upon a movable plank, which when in danger of surprise they threw away.

I promised to convey his remonstrances to the Colonial Office, and had no doubt that they would do their utmost to urge more speedy action upon the Legislature of Newfoundland. I said there was considerable doubt whether it would be according to usual practice for the Imperial Parliament to interfere by legislation in such a matter, and we were therefore dependent upon the co-operation of the Colonial authorities; but I would not fail to ask the Colonial Office to point out to them that by continued inaction they ran the risk of bringing about collisions between the fishermen and the naval authorities of the two nations.

I am, &c.
(Signed) SALISBURY.

No. 98.

Lord Knutsford to Governor Blake.

Sir, *Downing Street, June* 13, 1888.

I HAVE the honour to acknowledge the receipt of your despatch of the 7th April, reporting that a Bill for the total suppression of cod-traps after two years had passed the House of Assembly.

I am in communication with the Foreign Office on the subject of this measure; but, in the meantime, I should be glad to be informed of the reasons for deferring its operation for so long a period as two years.

I have, &c.
(Signed) KNUTSFORD.

No. 99.

Governor Blake to Lord Knutsford.—(Received at the Foreign Office, June 15.)

My Lord, *Government House, Newfoundland, May* 17, 1888.

I HAVE the honour to forward to your Lordship advance copies of an Act for the abolition of cod-traps.

I have, &c.
(Signed) HENRY A. BLAKE.

Inclosure in No. 99.

ANNO QUINQUAGESIMO PRIMO VICTORIÆ REGINÆ.

Cap. VIII.—*An Act respecting the Abolition of Cod-Traps.*

[*Passed 9th May,* 1888.]

Enacting clause.

BE it enacted by the Governor, Legislative Council, and House of Assembly, in Legislative Session convened, as follows:—

Unlawful to use cod-traps after two years.

1. After two years from the date of the passing of this Act, it shall be unlawful for any person to use any cod-trap for the purpose of catching or taking any cod-fish on the coast of this Colony or its dependencies.

Penalty.

2. Any person who shall violate the provisions of this Act shall be subject to a penalty not exceeding 400 dollars, to be recovered in a summary manner before a Stipendiary Magistrate or Justice of the Peace, and in default of payment of such penalty such offender shall be subject to imprisonment for a term not exceeding six months.

Cod-traps used in contravention of this Act may be seized.

3. Any cod-trap used in contravention of this Act may be seized by any Justice, Sub-Collector of Customs, Preventive Officer, Fishery Warden, or Constable, on view, or by warrant, issued by such Justice, Sub-Collector, or Preventive Officer, upon complaint made on oath to be administered by any of them, and detained until the trial of the offender, and upon conviction, the same may be declared forfeited and ordered to be sold at public auction.

How penalty distributed.

4. The proceeds of such sale, and the penalties imposed upon such conviction, shall, after payment of all costs of prosecution, be distributed as follows, viz. :—

One moiety to the person prosecuting the offender to conviction, and the residue to the Receiver-General for the use of the Colony.

No. 100.

Colonial Office to Foreign Office.—(*Received July* 6.)

Sir, *Downing Street, July* 6, 1888.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegram from the Governor of Newfoundland conveying the protest of his Government against the alleged assumption of territorial rights by France over a portion of the coast where the French have fishery rights, and the establishment of permanent buildings by a Company claiming to have received from the French Government an exclusive right to fish for lobsters in that locality for five years.

I am to request that you will move Lord Salisbury, should his Lordship concur in the suggestion, to bring this case before the French Government, pointing out that the exclusive right to fish, alleged to have been granted, and the erection of permanent buildings such as are stated to have been commenced, are in excess of the Treaty rights accorded to the French.

Lord Knutsford will cause a further communication to be addressed to you on the subject of the action taken by Messrs. Murphy and Andrews in proceeding to erect their lobster factory at White Bay.

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

Inclosure in No. 100.

Governor Blake to Lord Knutsford.

(Telegraphic.) *St. John's, July* 3, 1888.

COMPLAINTS received from Messrs. Murphy and Andrews, who were about to erect a building for packing of lobsters at Hauling Point, in White Bay, that four days after their arrival a large number of French arrived there. On Sunday, 24th June, the French war-ship "Drac" arrived and prevented Mr. Andrews from erecting plant, stating that the French Government had conceded to French Company, represented by recent arrivals, an exclusive right to fish for lobsters in that locality for five years. The French proceeded to land a large quantity of plant and machinery, and have already begun to build very extensive and permanent buildings.

My Government strongly protest against this assumption of territorial rights by France, and against the establishment of the lobster factory, the erection of which they hope Her Majesty's Government will prevent.

No. 101.

The Marquis of Salisbury to Mr. Elliot.

Sir, *Foreign Office, July* 7, 1888.

THE Governor of Newfoundland telegraphs, on the 3rd July, that complaints have been received from Messrs. Murphy and Andrews, who were about to erect a building for the packing of lobsters at Hauling Point, in White Bay, that four days after their arrival a large number of French arrived there. On Sunday, the 24th June, the French war-ship "Drac" came and prevented Mr. Andrews from erecting plant, stating that the French Government had conceded to a French Company, represented by recent arrivals, an exclusive right to fish for lobsters in that locality for five years. The French proceeded to land a large quantity of plant and machinery, and have already begun to build very extensive and permanent buildings.

I request that you will ask the French Government whether they have received similar information, and, in any case, urge them to send out immediate orders, by telegraph, to put a stop to the proceedings complained of, which, if the facts are as reported, appear to be quite indefensible, and, unless immediately checked, may result in grave disturbances.

I am, &c.
(Signed) SALISBURY

No. 102.

Mr. Elliot to the Marquis of Salisbury.—(Received July 9.)

My Lord, *Paris, July* 8, 1888.

I HAVE the honour to transmit herewith to your Lordship a copy of a note which, in obedience to the instructions contained in your despatch of yesterday, I have addressed to the Minister for Foreign Affairs on the subject of the proceedings of the French at Hauling Point, reported by the Governor of Newfoundland.

I have, &c.
(Signed) F. ELLIOT.

Inclosure in No. 102.

Mr. Elliot to M. Goblet.

M. le Ministre, *Paris, July* 8, 1888.

I AM instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to inform your Excellency that, according to a telegram from the Governor of Newfoundland, dated the 3rd July, complaints have been received from Messrs. Murphy and Andrews, who were about to erect a building for the packing of lobsters at Hauling Point in White Bay; that four days after their arrival a large number of French arrived there; that on Sunday, the 24th June, the French man-of-war "Drac" came, and prevented Mr. Andrews from erecting plant, stating that the French Government had conceded to a French Company, represented by the recent arrivals, an exclusive right to fish for lobsters in that locality for five years. It is added that the French proceeded to land a large quantity of plant and machinery, and have already begun to build very extensive and permanent buildings.

In making the above communication to your Excellency, I am instructed to ask whether the French Government have received similar information, and to urge that in any case immediate orders should be sent by telegraph to put a stop to the proceedings complained of, which, according to the facts reported, are, in the opinion of Her Majesty's Government, quite indefensible, and unless immediately checked may result in grave disturbances.

I have, &c.
(Signed) FRANCIS ELLIOT.

No. 103.

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

Sir, *Downing Street, July* 11, 1888.

WITH reference to the letter from this Department of the 6th instant respecting the recent proceedings in White Bay, Newfoundland, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegraphic correspondence which has taken place between this Department and Governor Blake respecting the action of Messrs. Murphy and Andrews.

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

Inclosure 1 in No. 103.

Lord Knutsford to Governor Blake.

(Telegraphic.) *Downing Street, July* 6, 1888.

REFERRING to your telegram of the 3rd July, Secretary of State for Foreign Affairs requested make representations to French Government.

Meanwhile, require explanation Murphy and Andrews' grounds for believing that were justified in erecting building.

Inclosure 2 in No. 103.

Governor Blake to Lord Knutsford.

(Telegraphic.) *Newfoundland, July* 7, 1888.

REFERRING to your telegram of the 7th July, Murphy and Andrews assumed right of building. I have informed them that they were not justified in erecting fixed fishing establishments.

No. 104.

Foreign Office to Colonial Office.

Sir, *Foreign Office, July* 16, 1888.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 11th instant, respecting the recent occurrence in White Bay; and I am to request that you will move Lord Knutsford to inquire of the Governor of Newfoundland what title Messrs. Murphy and Andrews have to the land on which they commenced to erect a lobster factory.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 105.

M. Waddington to the Marquis of Salisbury.—(*Received July* 17.)

M. le Marquis, *Londres, le* 15 *Juillet*, 1888.

MON Gouvernement, ainsi que le sait Votre Seigneurie, attacherait beaucoup de prix à être fixé sur les intentions du Gouvernement de la Reine en ce qui concerne l'interdiction des trappes à morues à Terre-Neuve et les obligations à imposer aux goélettes nomades afin de faciliter la vérification de leur identité. Le Cabinet de Paris espère qu'il ne peut y avoir qu'une complète conformité de vues entre les Administrations intéressées sur ces deux questions, d'où dépend en grande partie la possibilité de maintenir l'ordre parmi les bâtiments qui se livrent à la pêche et d'assurer ainsi qu'il convient le peuplement des eaux.

Toutefois, nous n'avons reçu jusqu'ici aucune réponse du Cabinet Britannique relative-

ment à cette affaire, que j'ai eu plusieurs fois l'honneur de rappeler verbalement à Votre Seigneurie. Il en est de même de la réclamation Dupuis-Robial qui se rattache à l'emploi des trappes par les pêcheurs Terre-Neuviens. Je crois devoir vous prier de vouloir bien vous reporter à ma lettre du 3 Mars dernier, dans laquelle je traitais de cette question, et je serai fort obligé à Votre Seigneurie si Elle veut bien prendre des dispositions pour qu'il soit répondu sans retard à mes communications, afin qu'il soit donné satisfaction aux pressantes demandes que j'ai l'honneur de Lui réitérer au nom de mon Gouvernement.

Veuillez, &c.

(Signé) WADDINGTON.

(Translation).

My Lord, *London, July* 15, 1888.

AS Your Lordship is aware, my Government would be very grateful to be informed as to the intentions of Her Majesty's Government respecting the prohibition of cod-traps in Newfoundland, and the regulations to be imposed on stray fishing-smacks with the view of facilitating their identification. The Paris Cabinet trusts that nothing but complete uniformity of views exists between the two Governments interested in these two questions, on which the possibility of maintaining order among the fishing-vessels, and of insuring in the proper manner the stocking of the waters, chiefly depends.

But we have hitherto received no reply from the British Cabinet on this matter, to which I have had the honour to call Your Lordship's attention several times. The same is the case with the Dupuis-Robial claim, which is connected with the use of traps by the Newfoundland fishermen. I think it my duty to beg that you will be good enough to refer to my letter of the 3rd March last, in which I discussed this question, and I should be much obliged to Your Lordship if you would take steps for replying to my notes without delay, in order that the pressing requests of my Government, which I have the honour to reiterate in their name, may be satisfied.

I have, &c.

(Signed) WADDINGTON.

No. 106.

The Marquis of Salisbury to the Earl of Lytton.

My Lord, *Foreign Office, July* 24, 1888.

I MENTIONED to the French Ambassador, who called on me this afternoon, that we had received intelligence from Newfoundland to the effect that the French fishermen had begun to build lobster factories on the shore within the French fishery limits. I begged his Excellency to call the attention of his Government to this circumstance, as he must be aware that whatever interpretation might be placed on the Treaty of Utrecht, it certainly did not imply a right to take any action of this kind.

His Excellency said that no intelligence of the sort had reached him, and that he was unable to express an opinion.

I am, &c.

(Signed) SALISBURY.

No. 107.

Colonial Office to Foreign Office.—(Received July 24.)

(Extract.) *Downing Street, July* 23, 1888.

WITH reference to your letter of the 16th instant respecting the proceedings of the French at Hauling Point, White Bay, on the coast of Newfoundland, in connection with the erection of a lobster factory, and interference with Messrs. Murphy and Andrews, I am directed by Lord Knutsford to transmit to you a copy of a despatch received from the Governor of Newfoundland on the subject.

The constructions stated to have been commenced by the French, as well as the asserted claim to grant to French subjects an exclusive right for a period of five years to fish for lobsters in the locality in question, are clearly contrary to Treaty, and Lord Salisbury will no doubt make such further representations to the French Government on the subject as he may deem the circumstances of the case to demand.

It will be seen that preliminary damages are claimed on behalf of Messrs. Murphy and Andrews to the amount of 2,180 dol. 63 c.

Inclosure 1 in No. 107.

Governor Blake to Lord Knutsford.

My Lord, *Government House, Newfoundland, July* 10, 1888.

I HAVE the honour to forward, for your Lordship's consideration, a statement from Messrs. McNeily and McNeily, solicitors for Messrs. Murphy and Andrews, who made arrangements for the establishment of a lobster-canning establishment at Hauling Point, in White Bay, a place where for more than forty years no French subjects have carried on any kind of fishery. Messrs. Murphy and Andrews had agreed last autumn with a number of the inhabitants to catch lobsters for them, and were to begin operations on the 25th June.

2. On the 10th June Messrs. Murphy and Andrews arrived with the necessary plant and supplies for the season. On the 14th June a large number of Frenchmen arrived there. Messrs. Murphy and Andrews proceeded to erect the necessary boiling-house for carrying on their business, and had their arrangements all but completed, when the French war-ship "Drac" arrived at Hauling Point. The Commander, on Sunday, the 24th June, informed Messrs. Murphy and Andrews that he would not allow them to take lobsters in that locality, and, further, that the French Government had conceded to the French Company there represented an exclusive right to fish for lobsters in that locality for five years.

3. In consequence of the interdict of the Commander of the "Drac," the men who had agreed with Messrs. Murphy and Andrews to supply them with lobsters refused to do so, and they have been obliged to abandon the venture at considerable loss, for which they claim compensation amounting to 2,180 dol. 63 c. The particulars of the claim are attached to the statement.

4. Having ejected the British subjects from the place, the French Company have proceeded to erect an establishment of a permanent character, over 300 feet in length, in which, from the Report of Mr. Berteau, Sub-Collector of Customs, which I inclose for your Lordship's information, it appears that they intend to carry on a lobster factory and general trading establishment, with accommodation for a large number of men. This savours more of a regular annexation of that portion of our coast than the temporary occupation of a portion of the shore for fishery purposes. As the cost of the erection of the boiling-house by Messrs. Murphy and Andrews was 150 dollars, including the labour, it is evident that it was not a fixed establishment, but a temporary erection to be removed at the end of the season.

5. My Ministers protest very strongly against this assertion of French claims. They submit that the terms of the Treaty of Utrecht and the Declaration of 1783 do not include the concession to the French of an industry then unknown. The Treaty of Utrecht gave to France the right "to catch fish and to dry them on land." Lobsters are not fish, and the process of canning is not that of drying them. The taking of lobsters does not, therefore, appear to come within the terms of the Treaty, and the assertion of French claims as detailed in the inclosed statement involves the practical exclusion of British subjects from an industry within British territory unknown when the French Treaty rights accrued, and now of great and increasing importance to some thousands of British subjects settled on the coasts over which the French Treaty rights extend.

I have, &c.

(Signed) HENRY A. BLAKE.

Inclosure 2 in No. 107.

Messrs. McNeily and McNeily to the Colonial Secretary.

Sir, *July* 2, 1888.

WE are charged by Messrs. Murphy and Andrews, lobster packers, and by Messrs. Goodfellow and Co., who have made large advances to said Murphy and Andrews, to lay before you, for the consideration of his Excellency the Governor and Commander-in-chief, the following statement of facts:—

1. In the autumn of last year Messrs. Murphy and Andrews made arrangements for the establishment of a lobster factory at a place called Hauling Point, on the south side of White Bay, on the so-called French Shore, and situate some 30 miles to south and west of Partridge Point.

2. It is not known that any Frenchmen had ever prosecuted the fishery in this place,

but it is affirmed that for a period of more than forty years no French subjects had in that locality been engaged in any fishery enterprise. No erections, temporary or permanent, had ever been attempted to be made there by the French for fishery or other purposes.

3. Messrs. Murphy and Andrews arrived at Hauling Point on the 10th June last, having in the autumn previous secured the services of a number of men who agreed to catch lobsters for them, and who had arranged to commence operations on Monday last the 25th June.

On the 14th June, four days after the arrival of Murphy and Andrews at Hauling Point, a large number of Frenchmen arrived there.

5. Murphy and Andrews had, in the meantime, landed their machinery, plant, material, and supplies.

6. Murphy and Andrews proceeded to make the necessary erections of buildings and machinery for the purpose of carrying on their business, and had their arrangements all but completed when the French war-ship the "Drac" came into Hauling Point.

7. The Commander, on Sunday, the 24th June, informed Murphy and Andrews that he would not allow them to fish for lobsters or to take lobsters in that locality, and further, that the French Government had conceded to a French Company (being represented by the Frenchmen who had arrived on the 14th June) an exclusive right to fish for lobsters in that locality, *i.e.*, Hauling Point, for a period of five years.

8. Meantime, Murphy and Andrews had made all necessary erections for the carrying out of their enterprise. The erection of the buildings involved an expenditure of about 150 dollars. The cost of supplies for lobster catches, of machinery, plant, and material, and freight thereon, amounted to 3,106 dol. 31 c., and they brought with them from St. John's a bookkeeper and a tinsmith.

9. The French Company are, as we learn, putting up a building for lobster packing purposes of about 300 feet long. They have about 160 men to be employed, who came from France in two vessels which are in the service of the Company, one (being in the Southern Arm) a large brig, another a brigantine (lying in the Western Arm); and it is said that they have also another vessel somewhere near upon that coast.

10. It will thus be seen that they contemplate operations upon a gigantic scale.

11. The manager of the projected French factory, one M. Michel, has asserted that he has this exclusive right of which the Commander of the "Drac" has spoken, and has said, moreover, that he has the French Government at his back, and that he will be compensated by that Government whether he is permitted to succeed in his enterprise or if he be restrained. There is some reason for believing that it is the intention of the French Government to foster this new fishery upon our coasts by means of bounties, as the cod fishery is at present assisted.

12. A number of the men who had agreed with Murphy and Andrews to supply them with lobsters, when the Captain of the "Drac" interfered with our clients, were present. In consequence of his interdict these men refused to carry out their agreement theretofore made.

13. It will thus be apparent that, through the high-handed, unwarranted, and utterly unlawful interference of the French Commandant, our clients, Murphy and Andrews, have been completely prevented from prosecuting their season's enterprise, for which they had at so much labour and expense prepared themselves.

14. It will also be observed that the French are presuming to assert rights of a territorial character and in respect of inshore fisheries, which their extremest arrogance has never heretofore compassed, in its claims. The lobster fishery is a new industry which was never contemplated or anticipated by the Treaties. It is an industry subject to the regulations of our local Legislature as to close time, seize, &c.

If the contentions of the French in respect of this fishery be admitted, or even connived at, they will doubtless insolently assert their immunity from local regulations or legislation. Thus we should have the lamentable spectacle of our own fishermen, in our own territorial waters, and upon the soil of our own Dominion, hampered by regulations which are designed for the protection of the fishery; whilst aliens not only prevent them from exercising their birthright, but set at insolent defiance the municipal restraints imposed by law, and prosecute their alien operations to the ultimate destruction of this valuable and yearly increasing industry.

15. Moreover, there is a yet larger issue involved in this claim. This industry, when carried on upon the scale contemplated, must, as we are informed, demand the erection by the French of "permanent establishments," and thus a new form of territorial claim is asserted in direct violation of the Treaty. It has been, unfortunately, by reason of our supineness and our hesitation to withstand such claims of the French at the very outset, that they have been encouraged to go on from aggression to aggression.

These, Sir, are, as concisely as they can be expressed, the facts and obvious conclusions therefrom which we deem it necessary to bring before his Excellency at present; and we are constrained to request the intervention of Her Majesty's Government in respect of this gross violation of international law and the great damage which our parties have thereby sustained. The full extent of the damage sustained it is impossible for us at present to define. We have, however, prepared a statement of what reasonable compensation we should without doubt be entitled to receive at the hands of the French Government. We have brought the whole matter before his Excellency with the least possible delay. But we reserve to ourselves the right to add to our claim when further information and future development of affairs shall enable us to give more accurate details. Inclosed (marked A) is a statement of our preliminary claim.

We are moved to this action, not merely by reason of the personal injuries sustained by our parties, but by our earnest desire for the vindication of British rights as to the territorial soil and waters, as confirmed to us by the perfected negotiations between the High Contracting Parties.

(Signed) McNEILY AND McNEILY,
Solicitors and Advocates for the above-named Parties.

Inclosure 3 in No. 107.

Schedule (A) referred to in annexed Correspondence.

THE probable result of season's fishery, being at least one thousand cases, on which a profit of at least 1 dol. 50 c. per case would be realized.

	Dol	c.
Loss thereon, 1,000 cases, at 1 dol. 50 c.	1,500	00
The loss on supplies being computed at a minimum of 10 per cent.—		
Loss thereon, 10 per cent. on 3,106 dol. 31 c.	310	63
The loss on buildings and erections, being principally for labour	150	00
The labour in removing said buildings, &c.	100	00
The necessary freight in removing supplies, machinery, plant, material, &c.. .	120	00
	2,180	63

N.B.—This does not include wages of bookkeeper, tinsmith, or loss of claimants' time and remuneration therefor.

(Signed) McNEILY AND McNEILY.

Inclosure 4 in No. 107.

Mr. Berteau to Sir R. Thorburn.

Dear Sir, *Revenue Cruizer "Rose," June* 26, 1888.

I BEG to report to you the arrival at South-West Arm, White Bay, of two French vessels. These vessels have a large stock of goods on hand to be used in trading. There are four persons of a class superior to those who usually come out to this part of the coast, and who are in charge. They intend starting lobster factories, as well as to commence business with the inhabitants of White Bay. It would not appear as if it was the intention of these people to give much work to Newfoundland, as they have brought out a large number of men and boys, to be used evidently in the prosecution of the lobster fishery.

I am, &c.
(Signed) FRANCIS C. BERTEAU,
Sub-Collector, Labrador, E.C., and Officer Inspecting Customs.

No. 108.

Governor Blake to Lord Knutsford.—(Received at the Foreign Office, July 28.)

My Lord, *Government House, Newfoundland, July* 6, 1888.

WITH reference to your Lordship's despatch of the 13th June, the receipt of which I have the honour to acknowledge, the reasons for deferring the operation of the Law for abolition of cod-traps for two years was that the traps in use would be worn

out by that time, and the considerable annual cost of repairs being saved for the two years the owners would be recouped to a certain extent.

2. There is a very large amount of capital sunk in cod-traps round the islands, and the immediate suppression of these expensive engines, without compensation, would produce much hardship.

At the same time, the owners of cod-traps on the Treaty shores have been warned by this Government that they use them at their own risk, and may at any time find them removed by British cruizers.

I have, &c.
(Signed) HENRY A. BLAKE.

No. 109.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, July* 28, 1888.

ON the 3rd March last your Excellency did me the honour to address to me a note dealing, amongst other matters relating to the Newfoundland fisheries, with the question of the use of cod-traps, and with that of the marking of local fishing-boats.

In the course of a conversation which I had the honour to hold with your Excellency upon these subjects on the 25th May following, I promised that your representations should be conveyed to the Colonial Office, and I expressed my conviction that they would do their utmost to urge more speedy action upon the Legislature of Newfoundland. I explained, however, at the same time, that there was considerable doubt whether it would be according to usual practice for the Imperial Parliament to interfere by legislation in such matters, and that we were therefore dependent upon the co-operation of the Colonial authorities. I added that the latter would be warned of the risk they incurred by continued inaction of bringing about collision between the Newfoundland fishermen and the naval authorities of both countries.

In the note of the 15th instant, which I have now received from your Excellency, you press for a further answer upon these points, as well as with regard to the special claim for damages on account of the use of cod-traps by certain British subjects, which was urged by your Excellency on behalf of M. Dupuis Robial on the 5th July, 1887, and again brought forward in your letter of the 3rd March last.

In the last-mentioned communication your Excellency contended that the word "interrupt" does not correctly represent the meaning of the French word "*interrompre*," used in the Declaration of 1783; that the latter must be taken in the sense of "*troubler*," and that the use of cod-traps by British fishermen within the French fishery limits, and even outside of them, was, in effect, to "*troubler*" the French fishermen in their pursuits, to render the French rights partly illusory, and, therefore, to constitute a violation of international engagements.

Her Majesty's Government have not failed to give their best attention to the arguments adduced by your Excellency in favour of reopening this claim, but they regret to be unable to see anything in the views urged by your Excellency which would justify them in departing from the conclusions at which they have arrived in the matter, whether as regards the general question of the nature of an "interruption," or the particular claim before them. Those conclusions I had the honour of explaining in some detail in my note to your Excellency of the 24th August, 1887.

The right of British subjects to fish concurrently with French citizens has never been surrendered, though the British fishermen are prohibited by the second paragraph of the Declaration of Versailles from interrupting in any manner by their competition the fishery of the French during the temporary exercise of it which is granted to them, and, therefore, in the view of Her Majesty's Government, the "interruption" referred to in the Declaration can only mean a physical interruption caused by competition.

With reference, however, to the general subject of cod-traps, I beg leave to inform your Excellency that, during the Session of the Newfoundland Legislature which has recently closed, a Bill was passed for the total suppression of those engines on that part of the coast of the island to which the French fishery rights extend, but the Colonial Legislature, in view of the large amount of capital invested in cod-traps and the loss which their immediate suppression would inflict, declined to allow the prohibition to take effect until after the expiration of two years.

Her Majesty's Government are awaiting further reports from the Colonial Government

upon the subject, but as the Session of the Colonial Legislature has now closed, it would not be practicable in any case to obtain an amending Act this year.

In the meanwhile, the British naval authorities will take all the measures in their power to prevent any interruption to the operations of French fishermen by the use of cod-traps.

Her Majesty's Government have also taken note of the suggestions made by your Excellency on the subject of the marking of fishing-vessels for purposes of identification.

They are making every endeavour to secure the objects which both Governments have in view. But I need hardly say, M. l'Ambassadeur, that the efforts of Her Majesty's Government are gravely impeded by the recent action of the French fishermen and of the French naval officers which forms at the present time the subject of a representation to your Government through Her Majesty's Ambassador at Paris.

Her Majesty's Government are anxiously awaiting the assurance that instructions will be sent out, with the least possible delay, which will remove all legitimate ground for the complaint on the part of the Government of Newfoundland that the French fishermen are abusing their fishery privileges, with the aid and support of their own authorities, by erecting lobster factories on the coast, in violation of the sovereign rights of the British Crown and of the express provisions of the Treaties.

I have, &c.
(Signed) SALISBURY.

No. 110.

Captain Hamond to Vice-Admiral Lyons.—(Received at the Foreign Office, August 6.)

Sir, "*Emerald*," *at St. George's, June* 26, 1888.

IN obedience to your telegram of yesterday, I forward correspondence that has taken place with reference to lobster factories.

2. As regards the Port Saunders factory I am unable to see that it has or does interfere with the French fishing or getting of bait. Capitaine de Vaisseau Humann, in his first letter to me (Inclosure 1), says of Keppel Island and Keppel Harbour, "being occupied in a permanent manner by our fishermen." I remained at Port Saunders for a week and visited all these places, which are quite adjacent. I found that the French had taken herrings for bait at the head of Keppel Harbour and kept them barred in alive for use when wanted; that there were only two French guardians there under canvas looking after the nets, and that bait-boats came from Port-au-Choix occasionally to take back bait. I also noticed that a small hut had been erected on Keppel Island, near where an old French room had formerly stood, but I never saw any sign of life in it.

3. I saw no French boats fishing within 6 miles of Keppel Island or Port Saunders. They were always anchored on banks outside Cape Riche. However, on receipt of Capitaine de Vaisseau Humann's letter, I gave an order to Mr. Shearer, prohibiting the fishermen he employs from setting their lobster trawls on those parts of the coast mentioned in the said order (Inclosure 3), so as to avoid any possible cause of complaints.

4. I would mention that at Port-au-Choix there are two French lobster industries which have been set up within the last two years, and their trawls are set all along the coast to Cape Riche, without apparently interfering with their own boats taking bait.

5. I have given Commander Campbell orders to do his best to see that the directions of my Memo. to Mr. Shearer are duly complied with.

6. The inference I draw from these complaints being made by the French fishermen is that they are irritated by the Bait Bill, and that they wish to get the lobster industry at Port Saunders and its neighbourhood into their own hands.

7. There has also been correspondence between Capitaine de Vaisseau Humann and myself, with complaints on both sides between the French fishermen at Red Island and the lobster factory at Black Duck Brook, Port-au-Port, but it is not yet complete, and I understand your telegram to refer to the Port Saunders matter. In this case Capitaine de Vaisseau Humann verbally admitted to me that his people were in the wrong. I sent the "Lily" to investigate the matter, and am of the same opinion.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 1 in No. 110.

Captain Humann to Captain Hamond.

M. le Commandant, *Port Saunders, le* 18 *Juin*, 1888.

LES emplacements de pêche de l'île et du havre de Keppel étant occupés cette année par nos pêcheurs, d'une façon permanente, ainsi que j'avais eu l'honneur de vous en informer l'an dernier, je suis dans l'obligation de renouveler près de vous la demande que je vous ai déjà adressée en 1887, savoir: de prescrire au Sieur Shearer de fermer son usine.

De nombreuses plaintes me sont déjà parvenues contre lui, et nos pêcheurs déchirent fréquemment leurs seines sur ses casiers; sa présence à moins d'un mille de nos établissements est une cause de gêne et de trouble constants pour nos pêcheurs, et malgré toutes les recommandations et les interdictions que vous avez bien voulu lui adresser, j'estime que la poursuite de ses opérations de pêche est incompatible avec le plein exercice des droits qui nous sont concédés par les Traités.

Veuillez, &c.
(Signé) HUMANN.

(Translation.)

Sir, *Port Saunders, June* 18, 1888.

THE fishing stations of the island and harbour of Keppel having been permanently occupied by our fishermen this season, as I had the honour of informing you last year, I find myself compelled to renew the demand which I made to you in 1887, namely, to call upon Mr. Shearer to close his factory.

Numberless complaints against him have already reached me, and the nets of our fishermen are constantly being torn by his traps; his presence at less than a mile's distance from our establishments is a source of constant inconvenience and annoyance to our fishermen, and, notwithstanding all the advice and warnings which you have been good enough to address to him, I consider that the pursuit of his fishing operations is incompatible with the full exercise of the rights granted to us by the Treaties.

Accept, &c.
(Signed) HUMANN.

Inclosure 2 in No. 110.

Captain Hamond to Captain Humann.

"*Emerald*," *at Port Saunders, Newfoundland,*
Sir, *June* 19, 1888.

I HAVE the honour to acknowledge your letter of the 18th June, containing a request that I should cause Mr. Shearer to close his lobster factory at this place. On the merits of the case I do not feel justified in taking such a measure, especially as I understand the question of lobster factories established by both nations is under the consideration of our respective Governments; but I have given orders to Mr. Shearer not to permit the fishermen to set lobster trawls round the shores of Keppel Island and Keppel Harbour, and also other portions of the coast which I have already explained to you on the Chart.

By these means, I think that any interruption to your fishermen's fishing or using seines for bait will be avoided.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 3 in No. 110.

Orders issued to Mr. Shearer.

Memo. "*Emerald*," *at Port Saunders, June* 16, 1888.

COMPLAINTS having been made by certain French captains of fishing-vessels, through Captain Humann, Chief of the French Naval Division in Newfoundland, that lobster trawls set by your fishermen on certain portions of the coast interfere with their fishing operations, I deem it my duty to forbid you in future to set lobster trawls anywhere north of the first point of rocks at Two Hills Point, that is, between the last-named point and Gargamelle Cove. No lobster trawls are to be placed in Keppel

Harbour, that is, between Point Saunders and Keppel Point, neither are any to be put round the shores of Keppel Island, or from Hawke Point to Mall Bay. I rely upon you to carefully fulfil these instructions so as to avoid any pretext for the French to make further complaints.

This order will hold good during this season, and till an English man-of-war visits Port Saunders next season, when circumstances may have altered.

(Signed) RICHD. H. HAMOND,
Captain and Senior Officer.

Mr. Shearer,
Lobster Factory, Port Saunders.

No. 111.

The Marquis of Salisbury to Mr. Egerton.

My Lord, *Foreign Office, August* 28, 1888.

WITH reference to my despatch of the 7th ultimo, I transmit herewith copy of a letter, with its inclosures, which I have received from the Lords Commissioners of the Admiralty on the subject of the working of the English lobster factories at Port Saunders, and on the parts of the coast of Newfoundland to which the French rights of fishing extend.*

You will observe that in the French Commodore Humann's letter to Captain Hamond of the 18th June, which forms one of the inclosures in the Admiralty letter, he states that the "emplacements de pêche de l'Ile de Keppel sont occupés cette année par nos pêcheurs d'une façon permanente;" and I have to request you to call the attention of the French Government to this statement, and, at the same time, to press them for an early answer to Mr. Elliot's note of the 8th ultimo with respect to the alleged assumption of territorial rights by the French authorities in White Bay, copy of which was inclosed in his despatch of the 8th ultimo.

I am, &c.
(Signed) SALISBURY.

No. 112.

M. Waddington to the Marquis of Salisbury.—(Received September 5.)

M. le Marquis, *Londres, le* 2 *Septembre*, 1888.

CONFORMÉMENT aux instructions de mon Gouvernement, j'ai l'honneur de porter à la connaissance de Votre Seigneurie des difficultés survenues à Terre-Neuve par suite de l'établissement, par un Sieur Shearer, originaire de la Nouvelle-Écosse, d'une homarderie à Ingarnachoix, French Shore.

L'établissement de cette usine a eu lieu en 1884. A cette époque le Sieur Shearer, qui avait précédemment épuisé par une pêche à outrance les gisements de homard de Sainte-Barbe, vint se fixer dans la baie précitée, à l'anse de Port Saunders. Son industrie a pris de l'extension, et il en est résulté pour nos nationaux un trouble grave dans l'exercice de la pêche. Les casiers à homards que le Sieur Shearer place en grand nombre sur des parties de la côte dont les Traités nous réservent l'exploitation, empêchent nos nationaux de déborder leurs seines qui sont aussitôt défoncées s'ils essayent de s'en servir. Les appareils et les procédés employés par cet industriel font, de plus, fuir le capelan; si bien que le maintien de son usine est devenu incompatible avec l'exercice de notre droit de pêche.

Ainsi que le Commandant de notre station navale avait eu le soin d'en avertir son collègue Britannique le 23 Août, 1887, les postes de pêche de l'Ile Keppel et de Port Saunders ont été concédés cette année à des goelettes Françaises. Malgré l'avis préalable donné par nos officiers, le Sieur Shearer a continué son industrie dans les mêmes conditions qu'auparavant: aucune opération sérieuse n'a été possible, nos pêcheurs ayant eu, comme précédemment, leurs seines défoncées par les casiers à homards.

Des plaintes ont été adressées par nos nationaux lésés dans leurs intérêts aux autorités navales Françaises. Celles-ci dès 1884, avaient formulé des observations au sujet de l'établissement du Sieur Shearer, et elles n'ont cessé de les renouveler depuis, d'une manière de plus en plus pressante, à mesure que la situation allait s'aggravant. Elle

* No. 110.

est devenue aujourd'hui telle qu'il est indispensable de la régler et que des conflits sont à craindre.

Le Commandant de la station navale Anglaise n'a pu se refuser à reconnaître qu'il y avait eu en effet gêne et trouble apporté dans la pêche de nos nationaux, et il a proposé de limiter à certaines étendues de côte les localités où le Sieur Shearer pourrait se livrer à la pêche. Mais cette offre ne saurait être considérée comme acceptable car, d'une part, à moins de maintenir un bâtiment dans Port Saunders pendant toute la durée de la campagne, ce qui n'est pas possible, de mauvais procédés quotidiens s'établiraient entre les pêcheurs des deux nations, établis à moins d'un mille les uns des autres, et contraints de se mêler pour gagner les eaux qui leur seraient ainsi arbitrairement attribuées. C'est justement ce résultat que la Déclaration de Versailles avait pour but d'éviter. D'autre part, nous ne saurions à aucun degré reconnaître qu'il appartient au chef de la station Anglaise de se porter lui-même juge de la gêne éprouvée par nos pêcheurs.

Ces observations ont été communiquées au Commandant Hamond, et en même temps, conformément à ses instructions, le Commandant Humann a demandé la fermeture de l'usine Shearer; il n'a reçu d'autre réponsé qu'une fin de non recevoir, le Chef de la station navale Britannique lui ayant fait connaître que " les faits ne lui paraissaient pas de nature à justifier une pareille mesure."

Les pourparlers engagés sur les lieux n'ayant point permis de terminer l'affaire, j'ai l'honneur d'en saisir Votre Seigneurie. Il ne me sera point nécessaire, pour Lui démontrer la légitimité de notre réclamation, d'entrer dans une argumentation détaillée. Il me suffira de Lui rappeler combien les termes de la Déclaration de Versailles sont précis et formels. Les sujets Anglais ne doivent " troubler en aucune manière par leur concurrence la pêche des Français," et, comme je le signalais à Votre Seigneurie par ma dépêche du 3 Mars dernier, aucune difficulté d'interprétation ou de traduction ne peut être suscitée; la Déclaration de 1783 a été rédigée en Français seulement, et la clarté des termes qui y sont employées ne laisse rien à désirer. Dans l'exploitation qui nous est dévolue, nous devons jouir de la liberté de mouvements la plus complète, et si un obstacle était opposé à nos pêcheurs il devrait être levé dès que nous en ferions la réquisition; seuls nous pouvons être juges de l'obstacle ou de la gêne apportés à nos opérations parce que ce n'est qu'à cette condition que notre droit de libre jouissance peut avoir le caractère absolu que les Traités lui donnent. Cela est si vrai que déjà dans plus d'une circonstance analogue les autorités Anglaises ont reconnu elles-mêmes que tel était bien notre droit, et que telles en étaient les conséquences. Dans une réponse des jurisconsultes de la Couronne à une demande de consultation qui leur avait été adressée par Lord Palmerston, on lit à la date du 17 Avril, 1837 :—

" S'il existait réellement, dans les limites du district en question, un espace véritablement suffisant pour que les pêcheurs des deux nations pussent y pêcher sans être en contact les uns avec les autres, en ce cas nous pensons que ce pays ne serait pas astreint à empêcher ses sujets d'y pêcher. Il paraît cependant, d'après le rapport de l'Amiral Sir P. Halkett, que le fait est difficilement praticable, et nous pensons que, suivant la véritable portée du Traité et de la Déclaration, les sujets Britanniques sont exclus d'y pêcher s'ils ne peuvent le faire sans apporter quelque gêne à la pêcherie Française." Une lettre du Ministre des Colonies de Sa Majesté Britannique à Mr. Darling, Gouverneur de Terre-Neuve, en date du 16 Janvier, 1857, contient des indications semblables. " Il suffit de dire," y lit-on, " que la conclusion fixée par vous-même est réellement celle à laquelle une investigation impartiale pourrait à peine manquer d'arriver; que les termes établissant les droits des Français fussent logiquement équivalents ou non au mot exclusif, ils l'étaient réellement dans la pratique. Puisque les pêcheurs Anglais ne pouvaient pas gêner les pêcheurs Français par leur concurrence, il était de peu d'importance qu'ils eussent en théorie un droit de concurrence que les Français étaient toujours autorisés à faire cesser à leur gré."

Je serai reconnaissant à Votre Seigneurie de vouloir bien examiner la question dont j'ai l'honneur de La saisir, le plus tôt possible, avec toute l'attention qu'elle comporte. La solution n'en saurait être incertaine, et je ne puis douter que le Gouvernement de Sa Majesté ne reconnaisse l'intérêt urgent qui s'attache à ce que ses officiers reçoivent sans délai les instructions nécessaires pour prévenir des difficultés dont la responsabilit ne saurait nous incomber, et pour prononcer la fermeture de l'usine du Sieur Shearer.

Veuillez, &c.

(Signé) WADDINGTON.

(Translation.)

My Lord, *London, September* 2, 1888.

IN accordance with the instructions of my Government, I have the honour to bring to the knowledge of Your Lordship the difficulties that have arisen in Newfound-

land in consequence of the establishment by a Mr. Shearer, a native of Nova Scotia, of a lobster factory at Ingarnachoix, on the "French Shore."

The establishment of this factory dates from 1884. At that period Mr. Shearer, who had previously exhausted the lobster grounds of St. Barbe's by continuous fishing, established himself in the above-mentioned bay, at Port Saunders Cove. He extended his operations, which had the effect of causing serious difficulties to our citizens in the exercise of their fishing. The lobster-traps which Mr. Shearer places in large numbers on portions of the coast the use of which is reserved for our use by the Treaties, prevent our citizens from casting their seines, which are at once torn in the attempt to use them. The gear and the contrivances adopted by this person also drive away the capelin; so much so, that the maintenance of his factory has become incompatible with the exercise of our fishery rights.

As the Commander of our naval station had taken care to warn his British colleague on the 23rd August, 1887, the fishing stations at Keppel Island and at Port Saunders had that year been granted to French schooners. Notwithstanding the necessary notice given by our officers, Mr. Shearer continued his operations under the same conditions as before; no serious business was therefore possible, the seines of our fishermen being, as on former occasions, torn by the lobster-traps.

Complaints were addressed by our citizens, whose interests suffered, to the French naval authorities. The latter since 1884 had made representations in regard to Mr. Shearer's establishment, and have not failed to renew them since in a more and more pressing manner, as the gravity of the state of affairs increased. It has become so critical at the present moment that it is absolutely necessary to regulate it, as conflicts are to be feared.

The Commander of the British naval station could not but admit that the fishing operations of our citizens had indeed been inconvenienced and interfered with, and he proposed to limit to certain parts of the coast the places in which Mr. Shearer could pursue his fishing operations. But this offer could not be looked upon as acceptable, considering that, on the one hand, unless a vessel were stationed at Port Saunders during the whole length of the season, which is not possible, daily collisions would take place between the fishermen of both nations, placed, as they are, at a distance of less than a mile from each other, and forced to cross one another in order to reach the waters which would thus arbitrarily be assigned to them. It was this very result which the Declaration of Versailles was intended to obviate. On the other hand, we could in no way admit that it appertains to the Chief of the British station to constitute himself the judge of the restraint suffered by our fishermen.

These remarks were communicated to Commander Hamond, and, at the same time, in accordance with his instructions, Commander Humann asked for the closing of Shearer's factory: the only reply he received was a refusal to act, the Commander of the British naval station informing him that "the facts of the case did not appear to justify such a measure."

The interchange of communications on the spot not having been conducive to a settlement of the question, I have the honour to refer it to Your Lordship. It will not be necessary for me to enter upon a detailed argument in order to prove to Your Lordship the validity of our claim. It will suffice to remind you how precise and formal was the wording of the Declaration of Versailles. British subjects are in no way to "*troubler* by their competition the fishery of the French," and, as I pointed out to your Lordship in my despatch of the 3rd March last, no difficulty of interpretation or translation can be raised; the Declaration of 1783 was drawn up in French only, and the clearness of the terms used in it leaves nothing to be desired. In the carrying out of the industry which is vested in us we are to enjoy the most complete liberty of action, and, if an obstacle is put into the way of our fishermen, it would have to be removed as soon as we made the request: we alone can be judges of the obstacle or the hindrance to our operations, since this is the only condition on which our right to the free enjoyment of fishing can have the absolute character which the Treaties give to it. This is so true, that in more than one analogous case the British authorities have already themselves admitted that such was our undoubted right and such its logical outcome. In a reply of the Law Officers of the Crown to a question asked them by Lord Palmerston, we read, under date of the 17th April, 1837:—

"If there were really good room within the limits of the district in question for the fishermen of both nations to fish, without interfering with each other, then we do not think that this country would be bound to prevent her subjects from fishing there. It appears, however, from the Report of Admiral Sir P. Halkett, that this is hardly

practicable, and we are of opinion that, according to the true construction of the Treaty and Declaration, British subjects are precluded from fishing if they thereby cause any interruption to the French fishery." A letter of Her Majesty's Secretary of State for the Colonies addressed to Mr. Darling, Governor of Newfoundland, dated the 16th January, 1857, contains similar expressions. "Suffice it for the present to say," it says, "that the conclusion drawn by yourself . . . . . is substantially that at which impartial investigation could scarcely fail to arrive. Whether the terms conveying the French right were logically equivalent or not to the term 'exclusive,' they were at all events practically so. Since English fishermen could not interrupt French fishermen by 'competition,' it was of little importance whether they had in theory a 'concurrent' right, since they could always be warned off by the French."

I should be obliged if Your Lordship would kindly, as soon as possible, examine the question, which I have the honour to refer to Your Lordship, with all the attention it deserves. There can be no uncertainty about its solution, and I cannot doubt but that Her Majesty's Government will recognize the great importance of the fact that their officers should, without delay, receive the necessary instructions to obviate difficulties, for which we could not be held responsible, and to decree the closing of Mr. Shearer's factory.

I have, &c.
(Signed) WADDINGTON.

No. 113.

Mr. Egerton to the Marquis of Salisbury.—(*Received September* 7.)

My Lord, *Paris, September* 4, 1888.

I HAVE the honour to inform your Lordship that I have this day addressed a note to the French Government in the terms of your Lordship's despatch of the 28th ultimo, calling attention to the words used by the French Commodore Humann to describe the nature of the French fishing establishments on the Island of Keppel and pressing them for an answer to Mr. Elliot's note of the 8th July on the subject of the alleged assumption of territorial rights by the French authorities in White Bay.

A copy of my note is inclosed herewith.

I have, &c.
(Signed) EDWIN H. EGERTON.

Inclosure in No. 113.

Mr. Egerton to M. Goblet.

M. le Ministre, *Paris, September* 4, 1888.

ON the 8th July Mr. Elliot had the honour to address to your Excellency a note containing information received by Her Majesty's Government, to the effect that a five years' Concession of the exclusive right of lobster fishing in White Bay, Newfoundland, having been given by the Government of the Republic to a French Company, permanent buildings were now being erected on the shore by the latter, and that, at the same time, the French authorities had prevented the building of a similar lobster packing factory by British subjects.

I am now instructed to call your Excellency's attention to another instance of the apparent assumption of territorial rights in Newfoundland by the French authorities.

It appears from a correspondence which has lately passed between the Commodore of the French squadron on the coast and Captain Hamond, of Her Majesty's ship "Emerald," respecting the working of a British lobster factory at Port Saunders, that Commodore Humann, in a letter of the 18th June last, made use of the following expression :—

"Les emplacements de pêche de l'île et du havre de Keppel étant occupés cette année par nos pêcheurs d'une façon permanente."

Whilst bringing the above to your Excellency's knowledge, I have to add that I would esteem it a favour if your Excellency would enable me to acquaint Her Majesty's Government with the answer of the Government of the Republic to the note from this Embassy to which I have the honour to draw your Excellency's attention.

I have, &c.
(Signed) EDWIN H. EGERTON.

No. 114.

Colonial Office to Foreign Office.—(*Received October* 3.)

Sir, *Downing Street, September* 29, 1888.

WITH reference to the letters from this Department of the 13th March last, relating to the question of the marking of fishing-vessels on that part of the coast of Newfoundland to which the French rights of fishery extend, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a letter from the Admiralty, inclosing the Reports of the naval officers on the station, from which it appears that the requirements of "The Merchant Shipping Act, 1854," which are in force in the Colony, are not carried out.

It will be observed that Captain Hamond states that "the law as it stands is sufficient if carried out," and that the Governor, in writing to Captain Hamond, under date the 21st July, incloses a communication from the Acting Receiver-General, from which it appears that the necessary instructions have been issued to the Customs authorities at St. John's and in the outports to see that the requirements of the law are complied with.

It would seem, therefore, that sufficient steps have now been taken to meet the wishes of the French Government, with a view to facilitate the identification of local vessels in cases of interference with or against French fishermen; but Lord Knutsford has, nevertheless, addressed a despatch to the Governor, of which a copy is inclosed, desiring him to impress upon his Ministers the necessity of insisting upon the strictest observance of the law in the case of all vessels to which it applies, and directing him to invite their attention to the suggestion of Captain Hamond to the effect that small undecked vessels and boats should be marked by numbers and capital letters, the latter to denote the ports to which they belong.

I am, &c.

(Signed) R. H. MEADE.

Inclosure 1 in No. 114.

Admiralty to Colonial Office.

Sir, *Admiralty, September* 1, 1888.

WITH reference to your letter of the 13th March, on the subject of distinctive marks on Newfoundland fishing-vessels, I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for the perusal of the Secretary of State for the Colonies, copy of a submission from the Commander-in-chief on the North American and West Indian Station, dated the 15th August, inclosing copy of a letter from Captain Hamond, of Her Majesty's ship "Emerald," stating that the requirements of "The Merchant Shipping Act, 1854," which are in force in the Colony, are not carried out.

I am, &c.

(Signed) R. D. AWDRY.

Inclosure 2 in No. 114.

Vice-Admiral Lyons to Admiralty.

Halifax, August 15, 1888.

SUBMITTED.

I would remark that from personal observation when at St. John's last month I found several decked coasting-vessels and fishing-schooners in the port with no name anywhere marked. Thus, the requirements of "The Merchant Shipping Act, 1854," which are in force in the Colony, are not carried out as they should be.

I would submit that the attention of the Government of Newfoundland should be directed to the great importance of strictly carrying into effect the law relating to distinctive marks on Newfoundland coasting and fishing vessels, the neglect of which, owing to the difficulty in identification, is the cause of constantly recurring complaints from English and French naval officers alike.

(Signed) ALGERNON LYONS.

Inclosure 3 in No. 114.

Captain Hamond to Vice-Admiral Lyons.

Sir, "*Emerald*," *at Fogo, Newfoundland, July* 23, 1888.

IN accordance with your Memorandum of the 7th April, 1888, I have the honour to report that the Merchant Shipping Acts of 1854 and 1873 are in force in this Colony.

2. As regards that part of the Act which requires all vessels with a whole or fixed deck to have their names and port of registry painted on their sterns, and also their names painted on each bow, I find that the law is not enforced by the local authorities. From my own observations on the 10th July at the port of St. John's, I found hardly any fishing-schooners or coasting-traders (wholly decked vessels, generally I should judge between 20 and 30 tons) had their names painted on the bows. The law as it stands is sufficient if carried out.

3. All these vessels have to get a yearly clearance from the Collector of Customs at the port from which they fit out, so that if the Collectors did their duty there would be no difficulty in the matter.

4. As regards the small undecked vessels and boats, I do not think they have been the cause of any serious complaints, although I would suggest that on any parts of the coast where there are local authorities it would be a good thing if a system of marking such small craft and boats by numbers and capital letters (the latter to denote the ports to which they belong) was adopted. A system such as is in use in the North Sea with our own fishing-boats would meet the case.

5. I addressed a letter to the Governor of Newfoundland on arriving at St. John's informing him that vessels clearing from that port did not comply with the Merchant Shipping Act, with the view that he might cause the law to be complied with in this Colony.

I inclose his reply, and also the Report of the Acting Receiver-General.

I have, &c.

(Signed) RICHD. H. HAMOND.

Inclosure 4 in No. 114.

Captain Hamond to Governor Blake.

Sir, "*Emerald*," *at St. John's, Newfoundland, July* 10, 1888.

AS I have received instructions from the Commander-in-chief to ascertain the law on certain points connected with the registration, &c., of vessels fitting out from Newfoundland ports, I have the honour to request that your Excellency will assist me by official information on this subject, and especially as to whether the Acts known as the Merchant Shipping Acts, 1854 and 1873, are in force in this Colony.

I am, &c.

(Signed) RICHD. H. HAMOND.

Inclosure 5 in No. 114.

Governor Blake to Captain Hamond.

Government House, St. John's, Newfoundland,

Sir, *July* 21, 1888.

WITH reference to your letter respecting the marking of vessels under the terms of "The Merchant Shipping Act, 1873," I have the honour to inform you that I have caused inquiry to be made.

I inclose the answer of the Acting Receiver-General, by which you will observe that the necessary instructions have been issued to the Customs authorities here and in the outports to see that the requirements of the law are complied with.

I have, &c.

(Signed) HENRY A. BLAKE.

Inclosure 6 in No. 114.

Sir R. Thorburn to Lord G. Fitzgerald.

Sir, *St. John's, July* 21, 1888.

WITH respect to his Excellency's inquiry *re* marking of vessels, orders have been issued here, and will be repeated to Outport Collectors, to see what requirements of the Act are complied with in their various districts.

I have, &c.

(Signed) ROBERT THORBURN,
Acting Receiver-General.

Inclosure 7 in No. 114.

Lord Knutsford to Governor Blake.

Sir, *Downing Street, September* 29, 1888.

WITH reference to previous correspondence relating to the question of the marking of fishing-vessels so as to insure their identification in case of necessity, I have the honour to transmit to you a copy of a letter from the Admiralty, inclosing copy of a communication from the Commander-in-chief of the North American and West Indian Station, with copy of a letter from Captain Hamond, of Her Majesty's ship "Emerald," from which it appears that the requirements of the Merchant Shipping Act have not in the past been carried out in the Colony.

I am pleased to observe, however, from the letter which you addressed to Captain Hamond on the 21st July last, that instructions have been issued to the Customs authorities at St. John's and in the outports to see that the requirements of the law are complied with.

You will be so good as to impress upon your Ministers the necessity for insisting upon the strictest observance of the law in the case of all vessels to which it applies, and you will invite their attention to the advisability of adopting the suggestion made by Captain Hamond to the effect that small undecked vessels and boats should be marked by numbers and capital letters, the latter to denote the ports to which they belong.

I have, &c.

(Signed) KNUTSFORD.

No. 115.

The Earl of Lytton to the Marquis of Salisbury.—(*Received November* 3.)

My Lord, *Paris, November* 2, 1888.

WITH reference to Mr. Egerton's despatch of the 4th September, I have the honour to transmit herewith a copy of a note which I have received from the French Minister for Foreign Affairs in reply to the communications which were addressed to him in execution of the instructions contained in your Lordship's despatches of the 7th July and of the 28th August, on the subject of questions relating to the Newfoundland fisheries.

Firstly, with regard to the fishing Concession granted in White Bay, M. Goblet declares that its terms concern only the French Government and the grantee, provided that the fishing is carried on in a manner not contrary to Treaty; and he asserts, and supports the assertion by a photograph, that the establishments erected there do not depart from the temporary character which is required by Treaty.

Secondly, the phrase used by the French Commodore, in a letter to Captain Hamond, that "les emplacements de pêche sont occupés cette année par nos pêcheurs d'une façon permanente," is explained to have meant that they were permanently occupied for the season only.

In conclusion, M. Goblet observes that the only infraction of the Treaties which calls for notice consists in the impediments ("troubles") to the operations of the French fishermen caused by Mr. Shearer's industry.

I have, &c.

(Signed) LYTTON.

Inclosure 1 in No. 115.

M. Goblet to the Earl of Lytton.

M. l'Ambassadeur, *Paris, le* 30 *Octobre,* 1888.

SE référant à une lettre en date du 8 Juillet dernier, qui m'avait été adressée par le Chargé d'Affaires d'Angleterre, au sujet de la Concession à une Compagnie Française pour une durée de cinq ans, d'une usine à homards dans la Baie Blanche à Terre-Neuve, Mr. Egerton a, le 4 Septembre, appelé mon attention sur le développement et le caractère de permanence que présentaient, d'après les informations receuillies par le Gouvernement Britannique, les bâtiments de cette exploitation et sur la nécessité par suite d'arrêter l'entreprise de nos nationaux. Le Ministre d'Angleterre me signalait, en même temps, comme contraire aux droits de souveraineté qui appartiennent à la Couronne Britannique sur l'Ile de Terre-Neuve, un passage d'une lettre adressée, le 18 Juin, par le Commandant Humann au Capitaine Hamond, relativement à l'usine à homards établie par le Sieur Shearer à Port Saunders, et dont les opérations sont une cause de trouble pour l'exercice de notre droit de pêche. Le passage était ainsi conçu : " Les emplacements de pêche de l'île et du havre de Keppel étaient occupés cette année par nos pêcheurs d'une façon permanente."

Je n'avais pas manqué de saisir le Ministre de la Marine de l'incident soulevé par les établissements que nos compatriotes ont formés dans la Baie Blanche. Les communications que l'Amiral Krantz a dû échanger avec le Commandant-en-chef de notre station navale, pour être en mesure de se rendre un compte exact des conditions dans lesquelles s'était créée et fonctionnait cette exploitation, ont pris un certain temps et ne m'ont pas permis, à moi-même de fournir plutot au Gouvernement de la Reine des explications complètes sur l'affaire dont il nous a entretenus.

Il résulte desi nstructions détaillées qui sont transmises par le Ministre de la Marine à mon Département, que nous n'avons attribué à aucune Compagnie les emplacements de pêche de la Baie Blanche dans des termes diflérents de ceux dans lesquels les Traités réservent notre droit d'exploitation. C'est là, d'ailleurs, un point d'ordre purement contractuel et qui, votre Excellence le reconnaîtra, concerne exclusivement le Gouvernement Français et le concessionnaire, M. Thubé Lourmand. Le Gouvernement Britannique ne pourrait être fondé à élever des réclamations que si, en fait, l'industrie de nos nationaux s'exerçait dans des conditions contraires aux Traités. Or, il ressort des constatations de nos officiers que les installations de M. Thubé Lourmand dans le bras du sud et dans celui de Hawling, sur la côte est de Terre-Neuve, ne peuvent être considérés comme s'écartant du caractère de construction temporaire imposée par les Traités. L'épreuve photographique, ci-jointe, qui représente le principal chauffaud élevé par cet armateur, permettra au Gouvernement Britannique de s'en rendre compte. Il convient, d'ailleurs, d'ajouter que le caractère de ces établissements a été apprécié de la même façon, par les officiers des deux stations, et le Commandant du croiseur Anglais " Forward," comme votre Excellence le verra par la copie, également ci-jointe, d'un ordre émanant de cet officier, n'a pas hésité à notifier au Sieur Murphy, possesseur d'une usine à homards, établie sur la côte est de la Baie Blanche, qu'il eut à cesser une exploitation qui entravait l'exercice des droits de pêche attribués aux Français. On s'explique difficilement, dès lors, l'accueil favorable que la réclamation de ce sujet Anglais a rencontré à Saint-Jean et même à Londres.

En ce qui touche la seconde partie de la communication précitée de Mr. Egerton et aux termes dans lesquels le Commandant Humann a cru devoir motiver, auprès du Capitaine Hamond, sa demande d'éviction concernant le Sieur Shearer, votre Excellence me permettra de lui rappeler les circonstances dans lesquelles cette correspondance a été échangée. Pendant la campagne de 1887, des pêcheurs Français avaient éprouvé dans le havre de Keppel certaines difficultés à exercer leur industrie, du fait des casiers du Sieur Shearer qui, dès cette époque, mais dans des conditions beaucoup plus modestes, se livrait à la pêche du homard à Port Saunders. Toutefois, le Commandant Humann, s'inspirant de l'esprit de conciliation dont il ne s'est jamais départi et de son vif désir d'éviter toute occasion de conflit, crut devoir s'abstenir de formuler une réclamation précise contre l'installation de Shearer, dont les opérations ne lui paraissaient alors de nature à ne causer qu'une gêne accidentelle et peu considérable à nos nationaux.

Mais, cette année, nos pêcheurs ayant occupé le havre et l'Ile Keppel durant toute la durée de la campagne, c'est-à-dire d'une façon permanente pendant l'été et rencontrant dans le fonctionnement de l'usine Shearer une gêne et un obstacle continus et graves, le chef de notre station navale s'est vu dans la nécessité de réclamer l'éviction de ce sujet

Britannique et il a été ainsi amené à faire remarquer au Capitaine Hamond que notre occupation actuelle était permanente, en ce sens qu'elle ne cesserait pas avant la fin de la saison.

Telle est l'exacte portée de l'expression employée par M. Humann, et l'officier Anglais à qui il s'adressait a une trop longue expérience des affaires de Terre-Neuve pour que le Commandant de notre station navale ait pu penser un moment qu'il se méprendrait sur la signification de ce passage de sa communication.

Ces explications suffiront, je l'espère, pour convaincre le Gouvernement de la Reine que nous n'avons d'établissements permanents dans le sens où les Traités l'entendent et l'interdisent, ni à Port-au-Choix ni à la Baie Blanche, et que la seule infraction à ces mêmes Traités qu'il y ait à relever consiste en réalité, dans le trouble causé par l'exploitation du Sieur Shearer aux opérations de nos pêcheurs.

Agréez, &c.
(Signé) RENÉ GOBLET.

(Translation.)

M. l'Ambassadeur, *Paris, October* 30, 1888.

IN referring to a note dated the 8th July last addressed to me by the British Chargé d'Affaires respecting the Concession to a French Company for a period of five years of a lobster factory in White Bay in Newfoundland, Mr. Egerton on the 4th September called my attention to the development and permanent character presented, according to information in the possession of the British Government, by the buildings of this undertaking, and to the consequent necessity of arresting the enterprise of our citizens. The British Minister pointed out at the same time, as contrary to the rights of sovereignty inherent in the British Crown over the Island of Newfoundland, a passage in a letter addressed on the 18th June by Commander Humann to Captain Hamond relative to the lobster factory established by Mr. Shearer at Port Saunders, the operations of which constitute a disturbance to the exercise of our right of fishing. The passage ran as follows: "The fishing stations of the island and harbour of Keppel were permanently occupied by our fishermen this season."

I did not fail to acquaint the Minister of Marine of the incident raised by the establishments formed by our compatriots at White Bay. The communications which had to pass between Admiral Krantz and the Commander-in-chief of our naval station in order to put the former in a position to accurately judge the conditions on which this undertaking had been entered upon and was being worked, have taken some time, and have made it impossible for me to furnish sooner full explanations to Her Majesty's Government on the matter which they have brought before us.

The outcome of the detailed reports transmitted by the Minister of Marine to my Department is, that we have not granted privileges to any Company for fishing stations in White Bay in terms differing from those in which the Treaties reserve our fishing rights. This is, in any case, purely a matter of contract, and one which your Excellency will acknowledge to be exclusively the concern of the French Government and the owner of the concession, M. Thubé Lourmand. The British Government could only found claims if in point of fact the industry of our citizens was carried on under conditions contrary to the Treaties. But it is proved by the inquiries of our officers that the establishments of M. Thubé Lourmand on the South Arm and on Hauling Arm on the east coast of Newfoundland cannot be considered to depart from the character of temporary constructions laid down by the Treaties. The inclosed photograph which represents the drying scaffold erected by this ship-owner will enable the British Government to appreciate this. I may also add that the character of these establishments has been understood in the same manner by the officers of the two squadrons, and the Commander of the British cruizer "Forward," as your Lordship will perceive from the inclosed copy of an order emanating from that officer, did not hesitate to notify Mr. Murphy, the owner of a lobster factory established on the east coast of White Bay, that he must refrain from an enterprise which impeded the exercise of fishery rights granted to Frenchmen. It is difficult to understand after this the favourable reception with which the claim of this British subject has met at St. John's, and even in London.

In regard to the second part of Mr. Egerton's above cited communication, and to the terms in which Commander Humann thought it his duty to couch his request to Captain Hamond for the eviction of Mr. Shearer, your Excellency will allow me to recall the circumstances in which this correspondence took place. During the season of 1887 some French fishermen experienced in Keppel Harbour certain difficulties in pursuing their industry on account of the traps of Mr. Shearer, who, at that period but

in a much smaller way, carried on a lobster fishery at Port Saunders. In any case, Commander Humann, animated by the conciliatory spirit from which he has never swerved, and a keen desire to avoid all risk of collision, thought it his duty to abstain from making any formal complaint against the Shearer establishment, the operations of which seemed to him at that time of such a nature as to cause only a temporary and slight hindrance to our citizens.

But this season our fishermen having occupied the harbour and island of Keppel throughout the whole duration of the season, that is to say, in a permanent manner during the summer, and meeting in the working of the Shearer factory with a continual and grave hindrance and impediment, the chief of our naval station was under the necessity of requesting the removal of this British subject, and so was led to remark to Captain Hamond that our actual occupation was permanent, in the sense that it would not cease before the end of the season.

Such is the exact meaning of the expression used by M. Humann, and the British officer to whom it was addressed has too long an experience of Newfoundland affairs for the Commander of our naval station to be likely to imagine for a moment that he would misunderstand this passage of his communication.

These explanations will suffice, I hope, to convince Her Majesty's Government that we have no permanent establishments, in the sense intended and prohibited by the Treaties, either at Port-au-Choix or at White Bay, and that the sole infraction of these same Treaties which has to be mentioned consists, in reality, in the disturbance caused by Mr. Shearer's operations to those of our fishermen.

I have, &c.
(Signed) RENÉ GOBLET.

Inclosure 2 in No. 115.

Order issued by Commander Bearcroft.

PAR ordre de John E. Bearcroft, Esq., Lieutenant et Commandant de la canonnière "Forward" de Sa Majesté Britannique, à John Murphy.

Attendu que les droits de pêche concédés aux sujets Français seraient interrompus et entravés par la pêche des homards et le travail des factoreries sur la côte est de la Baie Blanche, je vous notifie que la pêche des homards et le travail des factoreries qui sont sous votre direction doivent être cessés.

Fait par mes ordres à bord du canonnière "Forward" de Sa Majesté Britannique au bras du Hauling de la Baie Blanche.

(Signé) JOHN E. BEARCROFT.

Le 29 *Juin*, 1888.

(Translation.)

ORDER issued by Commander Bearcroft to Mr. J. Murphy.

Whereas the right of fishing enjoyed by French subjects would be interrupted and interfered with by the fishing for lobsters and working of factories on the east side of White Bay, I hereby give you notice that fishing for lobsters, and the working of the factory under your management is to be discontinued.

Given under my hand, on board Her Majesty's ship "Forward," at Hauling Arm, White Bay, this 29th day of June, 1888.

(Signed) JOHN E. BEARCROFT.

No. 116.

Colonial Office to Foreign Office.—(*Received November* 5.)

(Extract.) *Downing Street, November* 3, 1888.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, copies of the accompanying Acts passed in the last Session of the Legislature of Newfoundland.

Chapter VIII, providing for the abolition of cod-traps, has already formed the subject of correspondence with the Foreign Office.

The reasons for the amendment of the Bait Act of last year by Chapter IX were communicated to you in the letter from this Department of the 7th May last.

Lord Knutsford proposes, with Lord Salisbury's concurrence, to advise Her Majesty not to disallow any of these Acts.

Inclosure 1 in No. 116.

ANNO QUINQUAGESIMO PRIMO VICTORIÆ REGINÆ.

CAP. VII.—*An Act to amend Title 27, Cap. 103, of the Consolidated Statutes, entitled "Of Inland Fisheries."*

[*Passed 9th May*, 1888.]

Section 1. Close time for trout, &c., and penalty.
2. Penalties, how recoverable.

Enacting clause. BE it enacted by the Governor, the Legislative Council, and House of Assembly, in Legislative Session convened, as follows:—

Close time for trout, &c., and penalty. 1. No person shall catch, kill, or take any kind of trout, char, whitefish, land-locked salmon, or any fresh-water or migratory fish in any lake, river, or stream of this Colony between the 15th day of September and the 1st day of December in any year, under a penalty of not exceeding 10 dollars for each offence, and, in default of payment, imprisonment for not exceeding ten days.

Penalties, how recoverable. 2. The penalties under this Act may be sued for and recovered in a summary manner before a Justice of the Peace by any person who shall complain of and prosecute the offender to conviction.

Inclosure 2 in No. 116.

ANNO QUINQUAGESIMO PRIMO VICTORIÆ REGINÆ.

CAP. VIII.—*An Act respecting the Abolition of Cod-Traps.*

[*Passed 9th May*, 1888.]

Section 1. Unlawful to use cod-traps after two years.
2. Penalty.
3. Cod-traps used in contravention of this Act may be seized.
4. How penalty distributed.

Enacting clause. BE it enacted by the Governor, the Legislative Council, and House of Assembly, in Legislative Session convened, as follows:—

Unlawful to use cod-traps after two years. 1. After two years from the date of the passing of this Act, it shall be unlawful for any person to use any cod-trap for the purpose of catching or taking any codfish on the coast of this Colony or its dependencies.

Penalty. 2. Any person who shall violate the provisions of this Act shall be subject to a penalty not exceeding 400 dollars, to be recovered in a summary manner before a Stipendiary Magistrate or Justice of the Peace, and in default of payment of such penalty, such offender shall be subject to a term of imprisonment not exceeding six months.

Cod-traps used in contravention of this Act may be seized. 3. Any cod-trap used in contravention of this Act may be seized by any Justice, Sub-Collector of Customs, Preventive Officer, Fishery Warden, or Constable, on view, or by warrant, issued by such Justice, Sub-Collector, or Preventive Officer, upon complaint made on oath, to be administered by any of them, and detained until the trial of the offender, and, upon conviction, the same may be declared forfeited and ordered to be sold at public auction.

How penalty distributed. 4. The proceeds of such sale, and the penalties imposed upon such conviction, shall, after payment of all costs of prosecution, be distributed as follows, viz.: one moiety to the person prosecuting the offender to conviction, and the residue to the Receiver-General for the use of the Colony.

Inclosure 3 in No. 116.

ANNO QUINQUAGESIMO PRIMO VICTORIÆ REGINÆ.

CAP. IX.—*An Act to amend an Act passed in the 50th year of the Reign of Her present Majesty, entitled "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes."*

[*Passed 9th May*, 1888.]

Section 1. Construction.
2. Governor in Council may authorize issue of licences.
3. As to the form of licence.
4. Who shall sign and countersign same.
5. To whom applications shall be made.
6. Penalty in certain cases.
7. Governor in Council may limit or suspend operation of Act.
8. First section of 50 Vict., cap. 1, amended.

Preamble.

WHEREAS it is desirable to make further provision for carrying into effect the objects of the Act 50 Vict., cap. 1, entitled "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," and to remove doubts in relation thereto.

Enacting clause.

Be it therefore enacted by the Governor, the Legislative Council, and House of Assembly, in Legislative Session convened, as follows:—

Construction.

1. In the construction of the said Act, the terms "export" and "exportation" shall be held to signify a conveyance to any place and for any purpose outside of or beyond the limits of the territorial waters of this Colony or its dependencies.

Governor in Council may authorize issue of licences.

2. The Governor in Council may authorize the issue of licences to purchase herring, capelin, squid, or other bait fishes, to be used by the purchasers, *bonâ fide*, for the purposes of bait in the prosecution of the fishery upon, or adjacent to, the coasts of this Colony or its dependencies, or of the Bank fishery.

As to the form of licence.

3. Every licence granted under the authority of this Act, and of the above-recited Act, shall state the name of the person to whom it is granted, of the vessel in which it is intended to export bait or to carry on the fishery, of the country or place to which it is intended to export bait, or the fishery which is intended to be prosecuted, or for which bait is required, the place (as nearly as may be) where such fishery is to be prosecuted, and the period for which such licence is to be available, which shall not in any case extend beyond the then present fishing season; and the form prescribed in the Schedule to the said Act may be amended and adapted to the circumstances herein provided, and every sale to a person holding and producing a licence issued under this Act, or the said Act, *bonâ fide*, for the purposes therein specified, shall be lawful.

Who shall sign and countersign same.

4. All licences issued under the authority of this Act shall be signed by a Customs officer, and countersigned by a Stipendiary Magistrate.

To whom applications shall be made.

5. Application for licences under this Act and the said above-recited Act may be made to a Stipendiary Magistrate or Customs officer, who shall require the applicant to make before him an affidavit in the form set forth in the Schedule to this Act, stating the facts and particulars as required to be set forth in such licence under section 3 of this Act; and it shall be the duty of the said Stipendiary Magistrate or Customs officer to report to the Governor in Council any refusal on the part of the applicant to make such affidavit, or any *bonâ fide* doubt on the part of such Stipendiary Magistrate or Customs officer of the truth of any of the statements set forth in such affidavit, or of a belief on his part that such licence is applied for for the purpose of evading or defeating, or assisting in evading or defeating, the provisions of this Act, or of the above-recited Act.

Penalty in certain cases.

6. Any person who, having obtained a licence under the provisions of the said Act, or of this Act, shall depart from, exceed, or violate the terms or conditions thereof, shall be liable to the same penalties as are provided in, and by, the said Act for violation of the provisions thereof, and, in addition to such penalties, to a forfeiture of the licence.

Governor in Council may limit or suspend operation of Act.

7. The Governor in Council may, at any time, by Proclamation, suspend or limit the operation of the provisions of said Act in relation to any district or part of this Colony, or the coasts thereof, and for such period, and in relation to sale or exportation to such places or to such purposes, as shall appear expedient, and as shall be declared and defined in such Proclamation.

First section of 50 Vict., cap. 1, amended.

8. The first section of the said Act is hereby amended, by inserting after the word "therein," in subsection 3 of said section, the words "for bait purposes."

SCHEDULE.

Form of Affidavit mentioned in the Fifth Section.

Schedule.

Newfoundland, to wit,

I, A. B., of , make oath and say I am the owner (master, or as the case may be) of the boat or schooner ; that I am (or that the said is) desirous of obtaining a licence to haul, or catch, or purchase, (as the case may be) bait, to be conveyed (or used) on board the said vessel to (state the place to which it is proposed to convey or export bait or) to be used on board the said vessel at the fishery to be carried on at (place where the fishery is to be prosecuted), and that I desire such licence to avail and be in force for said (voyage or purpose) for a period of

Sworn before me, at , this day of , A.D. 18

(Signed) A. B.

C. D., *Stipendiary Magistrate.*

or,

E. F., *Sub-Collector of Customs* (or as the case may be).

Inclosure 4 in No. 116.

ANNO QUINQUAGESIMO PRIMO VICTORIÆ REGINÆ.

CAP. X.—*An Act to amend an Act passed in the Forty-first Year of the Reign of Her present Majesty, entitled "An Act respecting the Fishery of Lobsters."*

[*Passed 9th May*, 1888.]

Section 1. No lobster of less than 10½ inches shall be taken.
2. Close time between 31st August and 1st January.
3. Penalty, how recoverable.
4. Act to come into operation in 1889.
5. Repealing clause.

Enacting clause.

BE it enacted by the Governor, the Legislative Council, and House of Assembly, in Legislative Session convened, as follows :—

No lobster of less than 10½ inches shall be taken.

1. No person shall catch, kill, spear, take, buy, sell, or have in possession any lobster of less than 10½ inches in length, under a penalty of not exceeding 100 dollars for each offence, a moiety of such penalty to be paid to any person who shall prosecute the offender to conviction, and the other moiety to the Receiver-General, for the use of the Colony, and in default of payment, imprisonment for any term not exceeding ninety days.

Close time between 31st August and 1st January.

2. No lobster shall be taken before the 1st day of February or after the 31st day of August, in any year, under a penalty of not exceeding 100 dollars for each offence, a moiety of such penalty to be paid to any person who shall prosecute the offender to conviction, and the other moiety to the Receiver-General for the use of the Colony, and in default of payment, imprisonment for any term not exceeding ninety days.

Penalty, how recoverable.

3. The penalties imposed by this Act shall be recovered in a summary manner, on conviction, before any Justice, on complaint or information of any Peace Officer or other person.

Act to come into operation in 1889.

4. This Act shall not come into operation until the 1st day of January, 1889.

Repealing clause.

5. The Act 41 Vict., cap. 16, is hereby repealed.

No. 117.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, November* 5, 1888.

WITH reference to my letter of the 28th July last, in which I informed your Excellency that measures were being taken by Her Majesty's Government to insure

the marking of British fishing-vessels on that part of the coast of Newfoundland to which French rights of fishing extend, I have the honour to state that orders have been issued by the Government of Newfoundland to the Colonial Customs authorities to see that local fishing-vessels are properly marked in accordance with the requirements of the Merchant Shipping Act which are in force in that Colony.

Ships, however, not exceeding 15 tons burden, which have a whole or fixed deck, and ships not exceeding 30 tons burden, which have not a whole or fixed deck, are excepted from the provisions of that Act.

I trust, M. l'Ambassadeur, that sufficient steps have now been taken to meet the wishes of the French Government with a view to facilitate the identification of local fishing-vessels; but the Governor of Newfoundland has been further directed to impress upon his Ministers the necessity of insisting upon the strictest observance of the law in the case of all vessels to which it applies, and to recommend that the vessels of the smaller class should be marked by numbers and capital letters, the latter to denote the ports to which they belong.

I have, &c.
(Signed) SALISBURY.

No. 118.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, November* 23, 1888.

I HAVE carefully considered, in conjunction with Her Majesty's Secretary of State for the Colonies, your Excellency's note of the 2nd September on the subject of the lobster fishery carried on by Mr. Shearer at Port Saunders, on the west coast of Newfoundland.

I have the honour to inform your Excellency that Her Majesty's Government have received Reports from the British naval officers on the Newfoundland Station on this subject, which show that proper and sufficient steps were taken by Captain Hamond to satisfy the obligation imposed by the engagements between this country and France to prevent Mr. Shearer from interfering in any way with the reasonable enjoyment by French citizens of their rights of fishery.

Her Majesty's Government are unable to assent to the claim advanced by your Excellency that the French Government must be the sole judge as to what constitutes such interference within the terms of the British Declaration of 1783.

That is a question on which both Governments have an equal right to form an opinion, and as to which Her Majesty's Government have always endeavoured to meet the views of the French Government as far as was possible consistently with the just claims of the Colony.

As regards the difficulties which have arisen out of the establishment of lobster factories on that part of the coast of Newfoundland to which the French fishery rights extend, they have been much increased, as your Excellency is no doubt aware, by the action of French citizens who have not discontinued the factories established by them, contrary to Treaty, notwithstanding the assurances contained in your Excellency's note of the 25th August, 1886.

The matter, moreover, has been complicated by the proceedings at White Bay, to which the attention of the French Government was called by Her Majesty's Embassy at Paris on the 8th July and the 4th September last.

Her Majesty's Government are desirous of meeting the complaints of the French Government in the most conciliatory manner; but they are placed in a position of much embarrassment in their communication with the Newfoundland authorities by the continued neglect on the part of France to give any effect to their repeated remonstrances against the erection by French citizens of lobster factories on shore, in violation of the express provisions of the Treaty and of the sovereign rights of the British Crown.

I have, &c.
(Signed) SALISBURY.

No. 119.

M. Waddington to the Marquis of Salisbury.—(*Received December* 10.)

M. le Marquis, *Londres, le 7 Décembre*, 1888.

JE n'avais pas manqué de communiquer à mon Gouvernement la note que Votre Seigneurie m'a fait l'honneur de m'adresser le 28 Juillet dernier, au sujet des différentes questions pendantes à Terre-Neuve, et en particulier à la réclamation formulée par deux Français, MM. Dupuis-Robial et Besnier.

M. le Ministre des Affaires Étrangères, après en avoir conféré avec M. le Ministre de la Marine et des Colonies, me charge de faire auprès de votre Seigneurie une nouvelle demande en faveur de MM. Dupuis-Robial et Besnier dont la demande d'indemnité ne saurait être repoussée par le Gouvernement de la Reine, sans porter un véritable préjudice à nos compatriotes et sans mettre en cause dans une certaine mesure les principes mêmes sur lesquels repose l'exercice de nos droits généraux à Terre-Neuve. Les considérations qui sont exposées plus loin permettront sans aucun doute à votre Seigneurie de reconnaître le bien fondé de la revendication de ces deux Français et la gravité de la question de principe qu'elle soulève.

Dans la note précitée, Votre Seigneurie, envisageant les motifs qui déterminent le Gouvernement de Sa Majesté la Reine à rejeter la demande en indemnité de MM. Dupuis-Robial et Besnier, s'exprime en ces termes :—

"Le droit des sujets Britanniques de pêcher concurremment avec les citoyens Français n'a jamais fait l'objet d'une renonciation, bien que les pêcheurs Anglais soient empêchés par le second paragraphe de la Déclaration de Versailles d'interrompre en aucune manière par leur concurrence les opérations de pêche des Français pendant l'exercice temporaire du droit de pêche qui leur est accordée, et par suite, dans les vues du Gouvernement de Sa Majesté, l'interruption à laquelle il est fait allusion dans la Déclaration, ne peut s'entendre que d'une interruption matérielle résultant de la concurrence."

Le Gouvernement de Sa Majesté la Reine, en affirmant pour la première fois le droit essentiel que les pêcheurs Anglais auraient toujours eu de pêcher à côté de nos nationaux, et auquel ils n'auraient jamais renoncé ("surrendered"), remet en discussion la question de la pêche concurrente, et semble s'appuyer pour émettre cette doctrine sur le silence même du texte de l'Article XIII du Traité d'Utrecht, en lui donnant une interprétation que mon Gouvernement ne peut accepter.

On s'est demandé, dans diverses circonstances, pourquoi le Traité d'Utrecht n'avait pas stipulé d'une manière précise que les pêcheurs Anglais n'étaient pas admis à concourir avec les Français sur la côte réservée et que ceux-ci y jouissaient d'un droit exclusif. On serait plutôt en droit de se demander :—

1. Dans quel paragraphe de l'Article XIII, le mot "exclusif" aurait pu trouver place ?

2. Comment il aurait pu venir à la pensée des négociateurs soit Anglais, soit Français, que l'emploi en était nécessaire ou même utile ?

Quant au premier point, il suffit de jeter les yeux sur l'Article pour voir que les négociateurs étaient surtout préoccupés de ce que la France cédait ; et secondairement, de ce qu'elle réservait. Le but principal de l'Article XIII est de préciser le fait de la cession du territoire de Terre-Neuve, d'en garantir la perpétuité, d'en assurer le mieux possible la solidité. Subsidiairement, les Anglais se font donner une certaine partie de la côte pour y établir des pêcheries qui soient à eux. Ils ne prétendent pas davantage. Quant à la côte réservée, par cela seul que l'Article XIII ne s'occupe nullement d'y constituer le droit de pêche, il est de toute évidence qu'il reste établi tel qu'il s'exerçait avant le Traité, c'est-à-dire sous le régime du droit exclusif, sans quoi les négociateurs auraient dû ajouter aux innovations du Traité une clause ainsi conçue : "Les Anglais feront la pêche concurremment avec les Français sur les points qui seront réservés à ces derniers, ou en d'autres termes, les Français n'auront pas un droit exclusif à l'exploitation de leur côte réservée."

Si l'on se reporte en effet au goût systématique des hommes d'État d'alors pour n'admettre autant que possible que des avantages exclusifs, on se convainc que du moment où le mot "partage" ne figure pas dans le Traité, c'est que les Anglais n'y prétendaient nullement.

Ils n'avaient, d'ailleurs, aucun intérêt à y prétendre. Les habitants de Terre-Neuve, en effet, ne possédant que quelques rares établissements sur la côte, il n'y avait pas de motif pour réclamer à leur profit un droit de concurrence, et la situation était suffisamment et clairement définie, lorsque le Traité laissait subsister pleinement quant à la pêche, l'état de choses antérieur à 1713, c'est-à-dire l'état en vigueur alors que les Français exerçaient

la souveraineté territoriale. La France conservait le droit exclusif de pêche puisqu'elle l'avait toujours eu.

L'Article XIII du Traité d'Utrecht ne dit pas que les Anglais ne pourront pas s'établir sur le " French Shore," et cependant les hommes d'État de la Grande-Bretagne n'ont pas contesté un instant notre droit d'exiger l'expulsion de leurs nationaux. Comment expliquer alors qu'en l'absence d'une clause expresse consacrant cette interdiction, les Anglais, propriétaires incontestés du sol, se soient crus tenus d'obliger leurs nationaux à n'élever aucune construction sur notre côte réservée. S'ils avaient eu, au contraire, la faculté de pêcher concurremment avec les pêcheurs Français, rien ne pouvait les empêcher de vivre à côté d'eux. Mais ce contact, les deux Gouvernements ont constamment voulu le rendre impossible afin d'éviter tout prétexte de contestations et de querelles entre leurs sujets.

Les négociateurs Anglais se préoccupant avec raison du seul point intéressant la question et qui n'était autre en définitive que l'expulsion de leurs sujets indûment établis au nord de Bonavista, firent appel aux sentiments de modération de la Cour de Versailles, et sans obtenir rien qui ressemblât à un droit concurrent, obtinrent que la France renoncerait à la partie des côtes envahies et accepterait en dédommagement une étendue équivalente de territoire riverain à exploiter, absolument au même titre et dépassant les limites que le Traité d'Utrecht leur avait jadis assignées.

Ainsi cet échange n'a pas d'autre raison d'être que d'éviter les querelles; on écarte la possibilité du contact, on se refuse des deux parts à la pêche concurrente.

Et comme si l'échange territorial consenti par l'Article V du Traité ne suffisait pas à mettre le but poursuivi par les négociateurs en parfaite lumière, une Déclaration est ajoutée au texte du Traité par l'Angleterre, qui s'engage à ce que " Sa Majesté Britannique prendra les mesures les plus positives pour prévenir que ses sujets ne troublent en aucune manière par leur concurrence la pêche des Français pendant l'exercice temporaire qui leur est accordé sur les côtes de l'Ile de Terre-Neuve, et elle fera retirer à cet effet les établissements sédentaires qui y seront formés."

Le moindre doute ne pouvait plus exister sur la portée du droit des pêcheurs Français, et en présence de l'interprétation donnée à l'Article XIII du Traité d'Utrecht, le Cabinet de Versailles se déclara satisfait.

Le Traité de 1802 ne modifie en rien les Conventions arrêtées entre les deux Gouvernements, car les préliminaires du 9 Vendémiaire, an X, ayant annoncé que les droits de la France seraient reconnus tels qu'ils étaient avant la guerre, " tout en se réservant de prendre par le Traité Définitif les arrangements qui paraîtraient justes et réciproquement utiles pour mettre la pêche des deux nations dans l'état le plus propre à maintenir la paix," il avait paru utile au Cabinet de Paris d'établir notre droit exclusif de pêche en modifiant l'Article XIII du Traité d'Utrecht. Le Ministre Fox avoua qu'il ne reconnaissait pas l'opportunité d'en recourir à cet amendement, et qu'il suffisait de revenir purement et simplement au texte de 1783, qui confirmait dans toute leur force les droits d'Utrecht, le Gouvernement Britannique n'ayant jamais mis en doute le droit d'exclusivité de pêche en notre faveur.

Il ne semble pas qu'aucun doute eût été jamais élevé sur la manière de comprendre une question aussi nettement posée que résolue jusqu'au jour où le Gouvernement Français réclama contre les empiètements des sujets Anglais, et une nouvelle doctrine fût émise par la Législature de Terre-Neuve sur la nature de nos droits de pêche.

Des plaintes furent adressées à Londres en 1831 par M. le Prince de Talleyrand, et en 1836 par le Comte Sebastiani. Ce ne fût que le 10 Juillet, 1838, que Lord Palmerston répondit aux observations de ces deux Ambassadeurs. La question de droit avait été soumise pendant ce temps à l'appréciation des hommes de loi de la Couronne, qui répondirent le 30 Mai, 1835:—

" Nous sommes d'avis que les sujets de la France ont le droit exclusif de pêcher sur la partie de la côte de Terre-Neuve spécifiée dans l'Article V du Traité Définitif signé à Versailles le 3 Septembre, 1783."

Cette déclaration était concluante, mais les Ministres de la Couronne se refusèrent d'y adhérer, et sur une nouvelle demande d'interprétation les jurisconsultes officiels écrivirent le 13 Avril, 1837 :—

"Dans notre Rapport du 30 Mai, 1835, nous pouvons être allés plus loin que la nature du cas ne l'exigeait (' than the circumstances of the case fairly warrant ').

" Conformément au Traité de 1783, à la Déclaration annexée aux Traités subséquents, et à l'Acte du Parlement, nous pensons que la Grande-Bretagne s'est engagée à permettre aux sujets de la France de pêcher, pendant la saison, dans le district indiqué, sans avoir à subir aucune interruption de la part des sujets Anglais.

" S'il existait réellement assez de place dans les limites du district en question pour

que les pêcheurs des deux nations pussent pêcher sans que des collisions dussent en résulter, nous ne pensons pas que ce pays serait astreint à empêcher ses sujets d'y pêcher. Quoi qu'il en soit, il semble resulter du Rapport de l'Amiral Sir H. P. Halkett que le fait est difficilement praticable et nous pensons que conformément à la véritable nature des Traités et de la Déclaration, les sujets Britanniques sont exclus de pêcher, s'ils causent quelque embarras à la pêche Française."

Ainsi, tout en faisant les réserves nécessaires sur le point de vue auquel le Gouvernement de Sa Majesté avait voulu se placer pour juger l'origine et la nature de notre droit de pêche, le second Rapport des Conseillers de la Couronne n'infirme pas le premier ; il reconnaît que nous avons le droit de pêche tel que personne ne peut le partager avec nous du moment que nous pourrions être gênés et que la pêche commune ne peut y être exercée.

Aussi, Lord Palmerston, dans sa réponse du 10 Juillet, 1838, avoue-t-il que "jusqu'alors le privilège acquis aux pêcheurs Français a été considéré en pratique comme un droit exclusif, attendu qu'il serait difficilement possible que les pêcheurs Anglais pussent faire sécher leur poisson sur les mêmes côtes que les pêcheurs Français sans gêner ('interfering') leurs établissements temporaires et sans interrompre leurs opérations."

Vingt ans plus tard, en 1857, la doctrine du Gouvernement Britannique ne s'était pas modifiée : il reconnaissait formellement en pratique notre droit exclusif et l'illégalité de toute concurrence.

Les lignes suivantes, extraites d'une lettre officielle adressée par le Ministre des Colonies, Mr. Labouchère à Mr. Darling, Gouverneur de Terre-Neuve, le 16 Janvier, 1857, en donnent une preuve :—

"Il suffit de dire que la conclusion tirée par vous-même est réellement celle à laquelle une *investigation impartiale* pourrait à peine manquer d'arriver, que les termes *établissant les droits des Français* fussent logiquement équivalents ou non au mot 'exclusif,' ils l'étajent réellement dans la pratique. Puisque les pêcheurs Anglais ne pouvaient pas gêner les pêcheurs Français par leur concurrence, il était de peu d'importance qu'ils eussent en théorie un droit de concurrence que les Français étaient toujours autorisés à faire cesser à leur gré."

Ces instructions, rédigées après la conclusion de la Convention du 15 Janvier, 1857, signée à Londres par M. de Persigny et Lord Clarendon, avaient pour but d'appliquer sur l'heure l'Article Ier, formulé en ces termes :—

"Les sujets Français auront le droit exclusif de pêcher et de se servir du rivage pour les besoins de leur pêche."

Ce n'était autre chose que la reconnaissance formelle des droits anciens sur les territoires occupés par la pêche Française.

Les négociations qui ont été reprises à diverses époques entre les deux Gouvernements pour jeter les bases d'arrangements nouveaux n'ont pas échoué sur la question de reconnaissance de notre droit de pêche exclusif.

Mon Gouvernement était donc fondé à croire, d'après ce qui précède, et en conséquence de cette série d'engagements, que le droit de la France sur la côte de l'Ile de Terre-Neuve réservée à ses pêcheurs n'est autre chose qu'une partie de son ancienne souveraineté sur l'île qu'elle a retenue, en cédant le sol à l'Angleterre, mais qu'elle n'a jamais ni infirmé ni aliéné. Si le droit concédé aux pêcheurs Français a été quelquefois discuté, il l'a été dans la forme, jamais dans le fond, et M. le Ministre des Affaires Étrangères a été surpris de voir le Gouvernement de la Reine présenter pour la première fois la question résolue dans un sens absolument différent.

Il est facile de conclure que si la réclamation de MM. Dupuis-Robial et Besnier, demandant à être indemnisés des pertes qui leur ont été occasionnées par l'usage des trappes, était repoussée, ce fait semblerait consacrer le principe de la pêche concurrente que mon Gouvernement ne peut admettre et donnerait aux Articles des Traités une interprétation toute différente de celle qui leur a été reconnue jusqu'à présent.

Je viens donc appeler de nouveau toute l'attention de Votre Seigneurie sur les considérations développées plus haut, qui ont eu pour but de justifier la demande de ces deux Français, et en même temps de jeter un nouveau jour sur l'étendue du droit de pêche accordé à nos nationaux. Cette question, dont l'intérêt est capital pour les pêcheurs des deux pays, prend une importance spéciale au moment où la saison de pêche est close et où une nouvelle campagne va s'ouvrir, et j'ai trop de confiance dans l'esprit de justice de Votre Seigneurie pour ne pas douter qu'elle partagera les vues de mon Gouvernement relativement à nos droits à Terre-Neuve.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation.)

My Lord, *London, December* 7, 1888.

I DID not fail to communicate to my Government the note which your Lordship did me the honour of addressing to me on the 28th July last on the subject of the various questions pending in Newfoundland, and, in particular, in regard to the claim made by two Frenchmen, Messrs. Dupuis-Robial and Besnier.

The Minister for Foreign Affairs, having conferred with the Minister of Marine and the Colonies, instructs me to make a fresh request to your Lordship in favour of Messrs. Dupuis-Robial and Besnier, whose claim for indemnity cannot be rejected by Her Majesty's Government without gravely injuring our countrymen, and without placing in jeopardy, to a certain extent, the very principles on which the enjoyment of our general rights in Newfoundland depends. The considerations put forward below will, without doubt, enable your Lordship to understand the good foundation for the claim of these two Frenchmen and the gravity of the question of principle which is involved in it.

In the above-cited note Your Lordship, in stating the reasons which induce Her Majesty's Government to reject the claim of Messrs. Dupuis-Robial and Besnier for an indemnity, makes use of these expressions:—

"The right of British subjects to fish concurrently with French citizens has never been surrendered, though the British fishermen are prohibited by the second paragraph of the Declaration of Versailles from interrupting in any manner by their competition the fishery of the French during the temporary exercise of it which is granted to them, and, therefore, in the view of Her Majesty's Government, the 'interruption' referred to in the Declaration can only mean a physical interruption caused by competition."

Her Majesty's Government, in asserting for the first time the absolute right of British fishermen to fish concurrently with our citizens, a right which they say has never been surrendered, bring into discussion the question of concurrent fishing, and seem, in support of this contention, to rely upon the silence of the text of Article XIII of the Treaty of Utrecht, while giving it a meaning which my Government cannot accept.

The question has been asked under various circumstances, why the Treaty of Utrecht did not stipulate in a precise manner that British fishermen were not permitted to compete with Frenchmen on the reserved coast, and that the latter enjoyed on that coast an exclusive right. The question more properly to be asked would be:—

1. In what paragraph of Article XIII could the word "exclusive" find a place?

2. How could the thought enter the minds of the negotiators, whether English or French, that the use of this word was necessary or even useful?

As to the first question, the Article needs only to be perused in order to see that the negotiators were primarily concerned with what France ceded, and secondarily with what she reserved. The principal aim of Article XIII is to clearly bring out the fact of the cession of territory in Newfoundland, to guarantee its permanence, and to establish it on as solid a basis as possible. Subsidiary to this, the English obtain the grant of a certain part of the coast in order to establish on it fisheries of their own. They lay claim to no more than this. As to the reserved coast, it is evident from the fact alone that Article XIII does not in any way attempt to constitute a right of fishing on it, that the right of fishing remains such as it was in practice before the Treaty, that is to say, an exclusive right, otherwise the negotiators must have added to the innovations introduced by the Treaty a clause in this sense: "The English will fish concurrently with the French on the parts reserved for the latter, or, in other words, the French will not have an exclusive right of fishing on the coast reserved for them."

Bearing in mind the systematic preference of the statesmen of that time for granting, if possible, only exclusive privileges, it will be obvious that as the word "partage" (share) does not occur in the Treaty, it must have been because the English made no such claim.

They had indeed nothing to gain by making such a claim. As the inhabitants of Newfoundland, as a matter of fact, only possessed sparse settlements on the coast, there was no motive for claiming on their behalf a concurrent right, and the situation was defined clearly enough by the Treaty allowing, as far as fishing was concerned, the continuance of the state of things prior to 1713, *i.e.*, the state of things in force at the time when the French exercised territorial sovereignty. France retained the exclusive right of fishing because she had always had it.

Article XIII of the Treaty of Utrecht does not say that the English are not to establish themselves on the "French Shore," and yet British statesmen have never for a moment questioned our right to exact the expulsion of their countrymen. How, then, is the fact to be accounted for, that in the absence of an express clause sanctioning this prohibition, the English, indubitable proprietors of the soil, considered themselves bound to forbid their countrymen to raise any building on the coast reserved for us? If, on the contrary, they had had the right of fishing concurrently with the French fishermen, there was nothing to prevent them from living side by side with them. But the two Governments have always desired to render such contact impossible, so as to avoid all possibility of collisions or disputes between their respective subjects.

The British negotiators being with reason chiefly concerned with the one important point in the matter, which was nothing more nor less than the expulsion of their subjects illegally established to the north of Bonavista, appealed to the moderation of the Court of Versailles, and though they obtained nothing resembling a concurrent right, they did obtain the abandonment by France of part of the coast which had been encroached on, and her acceptance in exchange of an equivalent stretch of coast territory on exactly the same terms and exceeding the limits which the Treaty of Utrecht had formerly laid down.

This exchange thus arose simply from a desire to avoid disputes; possibility of contact was put out of the question, and each party refused to grant the other a concurrent right of fishing.

Moreover, as if the territorial exchange agreed upon by Article V of the Treaty did not suffice to put the object aimed at by the negotiators in a clear enough light, a Declaration by England is added to the text of the Treaty, engaging that "His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner by their competition the fishery of the French during the temporary exercise of it which is granted to them upon the coasts of the Island of Newfoundland; and he will, for this purpose, cause the fixed Settlements which shall be formed there to be removed."

No further doubt could exist as to the meaning of the right of French fishermen, and, in view of the interpretation given to Article XIII of the Treaty of Utrecht, the Versailles Cabinet declared itself satisfied.

The Treaty of 1802 does not in any way modify the Conventions made by the two Governments, for the preliminaries of the 9th Vendémiaire, year X, having enunciated that the rights of France would be recognized such as they were before the war, "whilst reserving the right to make, by the Definitive Treaty, the arrangements which should appear just and reciprocally useful for placing the fishery of the two nations on the best footing for preserving peace," it seemed good to the Paris Cabinet to establish our exclusive right of fishing, by modifying Article XIII of the Treaty of Utrecht. Mr. Fox, the Minister, avowed that he could not see the use of having recourse to this amendment, and that it would suffice to return purely and simply to the text of 1783, which confirmed the rights given by the Treaty of Utrecht in all their force, the British Government never having questioned the exclusive right of fishing belonging to us.

It does not appear that any doubt was ever thrown on the interpretation of a question clearly put and clearly decided until the French Government complained of the encroachments of British subjects, and a new doctrine was enunciated by the Newfoundland Legislature as to the nature of our fishery rights.

Complaints were made in London by Prince Talleyrand in 1831, and by Count Sebastiani in 1836. It was not until the 10th July, 1838, that Lord Palmerston answered the observations of these two Ambassadors. The question of right had at this time been submitted to the consideration of the Law Officers of the Crown, who reported on the 30th May, 1835 :—

"We are of opinion that the subjects of France have the exclusive right of fishery on the part of the coast of Newfoundland specified in Article V of the Definitive Treaty signed at Versailles on the 3rd September, 1783."

This Declaration was conclusive, but the Ministers of the Crown refused to agree to it, and, in reply to a further request for their opinion, the Law Officers reported on 13th April, 1837 :—

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

"Attending to the Treaty of 1783, and the accompanying Declaration, the subsequent Treaties, and the Act of Parliament, we think Great Britain has bound herself

to permit the subjects of France to fish, during the season, in the allotted district, free from any interruption on the part of British subjects.

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

Thus, whilst making the necessary reservations as to the point of view in which His Majesty's Government had voluntarily placed themselves to judge the origin and nature of our right of fishing, the second Report of the Law Officers does not vitiate the first; it acknowledges that our right of fishing is such that no one can participate in it whenever we are likely to be hindered, and fishing in common cannot be carried on.

Moreover, Lord Palmerston, in his reply of the 10th July, 1838, declares that: "It is true that the privilege secured to the fishermen of France . . . . has, in practice, been treated . . . . as an exclusive right . . . . because . . . . it would scarcely be possible for British fishermen to dry their fish upon the same part of the shore with the French fishermen, without interfering with the temporary establishments of the French, ... and without interrupting their operations."

Twenty years later, in 1857, the policy of the British Government had not been modified; they formally recognized in practice our exclusive right and the illegality of all competition.

The following lines, extracted from an official despatch addressed by Mr. Labouchere, the Secretary of State for the Colonies, to Mr. Darling, the Governor of Newfoundland, on the 16th January, 1857, are a proof of this:—

"Suffice it for the present to say that the conclusion drawn by yourself . . . . is substantially that at which impartial investigation could scarcely fail to arrive Whether the terms conveying the French right were logically equivalent or not to the term 'exclusive,' they were at all events practically so. Since English fishermen could not interrupt French fishermen by 'competition,' it was of little importance whether they had in theory a 'concurrent' right, since they could always be warned off by the French."

These instructions, drawn up after the conclusion of the Convention of the 15th January, 1857, signed at London by M. de Persigny and Lord Clarendon, were intended to put into immediate execution Article I, couched in the following terms:—

"French subjects shall have the exclusive right to fish, and to use the strand for fishery purposes."

This was nothing else than a formal recognition of ancient rights over the territory occupied by the French fishery.

The negotiations resumed at different times by the two Governments for the purpose of drawing up the bases of fresh arrangements did not break down on the question of the recognition of our right of exclusive fishing.

My Government therefore had reason to believe, in view of the above facts, and in consequence of this series of engagements, that the right of France on the coast of Newfoundland reserved for her fishermen was nothing less than a part of her ancient sovereignty over the island, which she retained when ceding the soil to England, but which she has never diminished nor alienated. If the right granted to French fishermen has been sometimes discussed, it has been as to form, never as to principle, and the Minister for Foreign Affairs was surprised to see Her Majesty's Government bring forward for the first time a question settled in an absolutely different sense.

It is easy to see that if the claim of Messrs. Dupuis-Robial and Besnier, in demanding indemnification for the losses occasioned to them by the use of traps, is rejected, this action will appear to sanction the principle of concurrent fishing which my Government cannot admit, and will give to the Articles of the Treaties a meaning quite different to that which has hitherto attached to them.

I therefore again call Your Lordship's careful attention to the considerations developed above, intended to justify the claim of these two Frenchmen, and at the same time to throw a new light on the extent of the right of fishery granted to our citizens. This question, one of capital interest to the fishermen of the two countries, is of special importance at a moment when the fishing season has terminated and a fresh one is about to open, and I have too much confidence in Your Lordship's

sense of justice to doubt that you will share the views of my Government in regard to our rights in Newfoundland.

I have, &c.
(Signed) WADDINGTON.

No. 120.

The Marquis of Salisbury to the Earl of Lytton.

My Lord, *Foreign Office, December* 17, 1888.

HER Majesty's Government have had under their consideration your Excellency's despatch of the 2nd ultimo, forwarding the reply of M. Goblet to the representation addressed to them on the subject of the fishing Concessions granted by the French Government in White Bay, Newfoundland, and of the lobster factory established there by a French Company.

There would appear to be some misunderstanding as to the main point of the objections raised by Her Majesty's Government in regard to this matter.

By the terms of the Treaty, French citizens have no right to erect on the Newfoundland shore any buildings other than "scaffolds" and "stages made of boards" and "huts necessary and usual for drying fish." The Report made to her Majesty's Government by the Government of Newfoundland was to the effect that certain French citizens, supported by the French war-ship "Drac," had landed a large quantity of "plant" and machinery in White Bay, and had already begun to build very extensive and permanent buildings there. But, even assuming it to be the fact that the huts erected on the shore, and to which exception is taken, were constructed only of boards, and were of a temporary character, as contended by the French Government, they are not used for the purposes indicated in the Treaty. They are constructed and used for the purpose of carrying on the industry of lobster canning. They are, as the French Government themselves admit, "usines" or "factoreries," and, as such, they do not come within the terms or spirit of the Treaty. Moreover, the grant by the French Government to a French Company of the exclusive licence to fish for lobsters in that locality for the term of five years is, in the opinion of Her Majesty's Government, an assumption of territorial rights in derogation of the sovereignty of the British Crown, and unwarranted by the Treaty.

Your Excellency will, accordingly, lay the above considerations before the French Government, and again protest against the erection on the Newfoundland shore of any buildings not coming within the terms of the Treaty and Declaration, and against the attempt of the French Government to grant exclusive rights of fishery to their citizens in British waters.

I am, &c.
(Signed) SALISBURY.

No. 121.

M. Waddington to the Marquis of Salisbury.—(*Received December* 18.)

M. le Marquis, *Londres, le* 15 *Décembre,* 1888.

J'AI communiqué à mon Gouvernement la réponse que Votre Seigneurie m'a fait l'honneur de m'adresser le 23 Novembre dernier au sujet de l'incident provoqué à Terre-Neuve par l'établissement de l'usine Shearer sur le "French Shore," et dans laquelle Elle me faisait connaître que les mesures nécessaires avaient été prises par le Capitaine Hamond pour empêcher cet industriel de troubler les pêcheurs Français.

Ces mesures avaient déjà été portées à la connaissance de M. le Ministre de la Marine et des Colonies par le Chef de la Division Navale Française à Terre-Neuve, qui n'avait pas eu de peine à en démontrer l'insuffisance. Mon Gouvernement s'était vu alors dans la nécessité de demander la fermeture de l'usine Shearer, comme je l'ai exposé à Votre Seigneurie dans ma lettre du 2 Septembre dernier. Cette décision lui paraissait indispensable pour mettre le Sieur Shearer hors d'état de troubler les opérations de nos

pêcheurs dans la Baie d'Ingarnachoix, et il se trouve dans la nécessité de la maintenir pour ne pas créer un précédent qui pourrait amener les complications les plus graves, au moment surtout où deux mois seulement nous séparent de la nouvelle campagne de pêche.

La Déclaration de 1783, sur laquelle j'ai déjà eu l'honneur d'appeler l'attention de votre Seigneurie, est rédigée en Français seulement et la clarté des termes qui y sont employés ne peut donner matière à aucune discussion. Elle proscrit toute espèce de gêne et cela sans distinction de la cause qui la produit. La gêne causée par le Sieur Shearer est indéniable, puisque la pêche du homard chasse la morue et emploie des engins qui détruisent nos filets et les empêchent de déborder. Aucun engin n'est plus meurtrier pour la pêche proprement dite que le casier à homard ; ce n'est pas une gêne temporaire qu'il impose aux pêcheurs Français ; c'est un obstacle permanent et nuisible, qui détruit leurs filets et les force à fuir les territoires que la factorerie exploite ; les résidus de la fabrication souillent les fonds, éloignent la morue et éliminent l'industrie primitive. Les pêcheurs Français le savent si bien que jamais ils ne tendent leurs filets là où la morue paraît à la surface.

L'établissement de la homarderie du Sieur Shearer constitue non seulement une gêne pour les pêcheurs Français, mais une violation flagrante des droits concédés à la France. Le " French Shore " ne peut pas avoir deux classes d'exploitants, et le maintien de cette usine porterait l'atteinte la plus grave au droit qu'ont les Français de pêcher sans concurrence et de préparer toute espèce de poisson. Ce droit concurrent ne peut être soutenu, car il n'est pas écrit et il n'y est fait aucune allusion dans les Traités. L'examen des principaux Articles de ces Traités, dont le texte est emprunté au " Recueil des Actes Législatifs de la Colonie de Terre-Neuve," publié en 1872, que je me permets de placer ci-après sous les yeux de Votre Seigneurie, lui permettra de se convaincre des droits qui ont été concédés à la France à Terre-Neuve.

La lettre même des Traités et les commentaires qui leur ont été donnés ne laissent subsister aucun doute à l'égard de la situation privilégiée de la France à Terre-Neuve. Il est de toute évidence qu'en consentant au Gouvernement Britannique la cession de territoire, la France a entendu se réserver le droit complet de pêcher sur une portion de la côte et d'user pleinement du rivage par les besoins de ses pêcheurs pendant l'occupation temporaire.

Ce droit de pêche, on ne saurait trop le redire, n'a pas été spécialisé ni restreint ; il a été stipulé et reconnu dans son intégrité en termes généraux et suivant un esprit libéral. Il n'est pas admissible qu'aucun des deux Gouvernements Signataires ait entendu faire mentalement une exception quant à la capture et à la préparation des crustacés, et que les mots " fish " et " fishery " doivent par suite s'interpréter dans un sens étroit et différent de l'acception vulgaire.

Le Traité d'Utrecht dit en effet :—

" It shall be allowed to the subjects of France to catch fish and to dry them on land in that part only which stretches from the places," &c.

" Fish " s'applique à tous les produits de la mer, et le verbe " to fish," qui est employé dans la rédaction du Traité de Paris de 1763 à la place du substantif, possède encore dans la langue courante de notre époque une valeur générale qui exclut toute restriction. Le " Lobster Act " de 1888 contient en tête " to fish lobster."

D'autre part, le hareng se fume, le saumon se sale, la truite de mer se met en saumure, et jamais on n'a élevé d'objection contre la capture et la préparation de ces différentes produits. Ce n'est pas sans intention que les Signataires de l'Acte d'Utrecht ont parlé de " catch fish " d'une part, et de " dry on land " de l'autre. Ces termes contiennent deux droits séparés et absolument distincts.

On aurait pu allouer à la France la pêche et lui interdire la sécherie : dans le premier cas, elle a l'usage des eaux, dans le second elle occupe temporairement le sol ; le Traité d'Utrecht ayant eu précisément pour but de faire passer le territoire de Terre-Neuve sous l'autorité Britannique, il était nécessaire de stipuler l'usage temporaire que la France pouvait faire d'une partie de la côte. Ce sont donc deux privilèges distincts qui ont été reconnus à la France, et le second ne peut être considéré comme un diminutif du premier. " Pêcher " constitue le premier, " sécher " constitue le second. Mais si la sécherie est limitée, la pêche ne l'est par aucun terme du Traité, et à ce titre elle est et demeure universelle.

Si il était dans les intentions de l'une ou de l'autre des Parties Contractantes de restreindre la pêche de l'autre à telle ou telle espèce de poisson, elle aurait eu soin de le spécifier, et l'assertion du Gouvernement de Terre-Neuve, que l'imperfection de la science rendait impossible des classifications que tout le monde connaît aujourd'hui, n'est pas admissible. Les anciens avaient différencié les poissons proprement dits des

crustacés et appelaient ces derniers "Malacostracés;" depuis, deux auteurs Anglais, Roy et Willoughby, publiaient un ouvrage, "Synopsis Methodica Animalium," traitant particulièrement de l'Ichthyologie; ce document, paru en 1693, peu d'années avant la signature de la Paix d'Utrecht, aurait certes attiré l'attention des Plénipotentiaires si l'on avait voulu limiter l'exploitation par la France du domaine de la mer. Depuis ce moment, Artedi (1735) et Linnée (1738) en Suède; Cuvier et Agassiz plus récemment en France, ont achevé l'étude de ce régime, et leurs travaux, quelque retentissement qu'ils aient eu, ne paraissent avoir nullement intéressé les diplomates puisque jusque et y compris le Traité de 1814, aucune mention n'est faite de l'intention de sortir de la définition générale de "fish," et on arrive à cette conclusion, que les textes, les traditions, et l'histoire sont concordants pour accorder à la France la pêche à titre universel sur les côtes du "French Shore."

La France a non seulement le droit de pêcher le homard mais encore celui de le préparer industriellement sur place.

Si, en 1713, les autoclaves et étuves chaudes n'étaient pas inventées, peut-on dire que les seines de cette époque, que les harouelles employées par nos pêcheurs du dix-huitième siècle, n'ont pas été modifiées depuis lors et le perfectionnement des engins employés est venu peu à peu?

On lit, d'ailleurs, dans la Déclaration Britannique:—

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

Ce que l'on entend par "the method of carrying on the fishery" est défini par les développements qui suivent cette phrase dans le texte de la Déclaration. C'est le *modus vivendi* des Français sur une côte qui a cessé de leur appartenir qui est réglementé; c'est leur campement provisoire, leur droit à couper le bois nécessaire pour leurs menues réparations qui est confirmé, c'est en un mot le commentaire le plus complet des droits territoriaux de la Couronne Britannique mis en regard de la servitude temporaire consentie à son égard. "The method of carrying on the fishery" signifie les règles de police internationale qui fixeront les rapports des pêcheurs des deux nations, et un examen impartial interdit d'y trouver la moindre restriction apportée aux procédés de pêche des Français ou au mode de préparer le poisson tant que les établissements Français conservent, comme aujourd'hui, le caractère de "temporary building" possédé par l'échaffaudage ("scaffold").

En résumé, l'industrie Française doit être respectée dans les cantonnements qu'elle occupe. La Déclaration de 1783, l'Acte de George III, sont des plus affirmatifs à cet égard, et les commentaires abondent pour renforcer les Traités: Proclamation de Sir G. Hamilton, Consultation des Avocats de la Couronne, Correspondance de MM. Labouchère et Stanley, Ministres des Colonies, que j'ai eu déjà l'occasion de citer dans une lettre à Votre Seigneurie, en date du 7 courant, à propos de la réclamation Dupuis-Robial et Besnier.

Il résulte donc de l'ensemble de ces considérations, tirées de l'examen des Traités et du rappel des traditions, que la France a un droit de pêcher et de préparer le homard identique à celui qu'elle possède de prendre et de sécher la morue.

Quant à l'étendue de ces droits de pêche et des limites dans lesquelles l'exercice pourrait en être considéré comme raisonnable, mon Gouvernement ne saurait accepter la théorie exposée par Votre Seigneurie au milieu de la dépêche citée plus haut. La Déclaration de 1783 est également formelle à cet égard, et la France doit rester seule juge en cette matière, comme je l'ai exposé à Votre Seigneurie dans ma dépêche du 2 Septembre dernier.

Enfin, mon Gouvernement n'a pas vu sans étonnement qu'il était fait allusion de nouveau aux homarderies Françaises de la Baie Blanche, et aux réclamations qu'elles ont provoquées de la part des autorités Britanniques. La réponse que M. Goblet a faite à ce sujet à Lord Lytton et dont Votre Seigneurie a eu sans aucun doute connaissance, émontrde le peu de fondement de ces réclamations. D'autre part, M. le Ministre des Affaires Étrangères s'explique mal les accusations portées contre les pêcheurs Français, qui continueraient à exploiter les homarderies "établies contrairement aux Traités et malgré les assurances contenues dans la note de l'Ambassade du 25 Août, 1886." Les assurances qui s'y trouvaient consignées concernaient exclusivement un incident qui a provoqué de la part de la France, à l'égard de certains de ses nationaux,

l'intervention la plus propre à affirmer aux yeux du Gouvernement de la Reine sa volonté de faire respecter par les pêcheurs Français, en ce qui touche l'aménagement des usines à homard, les obligations résultant des Traités. Les autorités maritimes Françaises n'ont pas appris, depuis lors, que les pêcheurs Français aient transgressé les ordres qui leur avaient été donnés à cette occasion par les croiseurs de leur nation, et ces déclarations ne pouvaient en aucun cas mettre en cause le droit pour les Français d'exploiter le homard.

Les considérations qui précèdent ont eu pour but de démontrer à Votre Seigneurie l'illégalité de l'établissement du Sieur Shearer sur le "French Shore." Ses agissements nuisent à la pêche Française, et le maintien de son usine dans ces parages porterait l'atteinte la plus grave aux droits concédés à la France, tels que je viens de les établir, en passant en revue les Articles des Traités signés entre les deux nations; et je suis chargé d'insister de nouveau auprès du Gouvernement de la Reine pour que l'éviction du Sieur Shearer de Port Saunders ne tarde pas davantage.

Je suis convaincu que Votre Seigneurie voudra bien insister auprès des autorités Coloniales Anglaises pour qu'il soit fait droit à la demande de mon Gouvernement, et je lui serai très reconnaissant de m'informer de la suite qui lui aura été donnée.

Veuillez, &c.

(Signé) WADDINGTON.

(Translation.)

My Lord, *London, December* 15, 1888.

I COMMUNICATED to my Government the reply which Your Lordship addressed to me on the 23rd November last on the subject of the question arising out of the establishment of the Shearer factory on the "French Shore," and in which you informed me that the necessary steps had been taken by Captain Hamond for preventing this trader from disturbing the French fishermen.

These steps had been already reported to the Minister of Marine and the Colonies by the Commander-in-chief of the French Naval Division at Newfoundland, who had no difficulty in demonstrating their insufficiency. My Government were therefore under the necessity of requesting the closing of the Shearer factory, as I pointed out to Your Lordship in my note of the 2nd September last. This decision seemed indispensable to them, in order to put it out of Mr. Shearer's power to disturb the operations of our fishermen in the Bay of Ingarnachoix, and they are forced to maintain it so as not to create a precedent which might cause the gravest complications, more especially at a moment when two months alone separate us from a new fishing season.

The Declaration of 1783, to which I have already called Your Lordship's attention, is drawn up in French alone, and the clearness of its terms leaves no room for any discussion. It prohibits every kind of hindrance, and that without distinction as to the cause producing it. The hindrance caused by Mr. Shearer cannot be denied, for lobster-fishing frightens the cod away, and makes use of implements which destroy our nets and prevent their being laid. No implement is more deadly to fishing, properly so called, than a lobster pot; it is no temporary hindrance that it causes to French fishermen; it is a permanent and injurious obstacle which destroys our nets and banishes them from the fishing grounds which the factory works; the refuse from the works pollute the water, keep the cod away, and destroy the primitive industry. The French fishermen know this so well, that they never spread their nets where the cod appear on the surface.

The lobster factory of Mr. Shearer constitutes not only a hindrance to the French fishermen, but a flagrant violation of the rights conceded to France. The "French Shore" does not admit of two classes of workers, and the maintenance of this factory would be the gravest injury to the right of the French to fish without competition and to prepare every kind of fish. This concurrent right cannot be sustained, for it is not mentioned or alluded to in the Treaties. An examination of the principal Articles of these Treaties, the text of which is taken from the "Collection of the Legislative Acts of the Colony of Newfoundland," published in 1872, which I venture to submit herewith to Your Lordship, will enable you to convince yourself of the rights which have been conceded to France in Newfoundland.

The letter itself of the Treaties and the commentaries made on them leave no doubt as to the privileged position of France in Newfoundland. It is very evident that, in agreeing to the cession of territory to the British Government, France meant to reserve to herself the complete right of fishing on a portion of the coast, and to

make full use of the shore for the wants of her fishermen during their temporary occupation of it.

This right of fishing, it cannot too often be repeated, was not specified or restricted; it was stipulated and recognized in its entirety in general terms and in a liberal spirit. It cannot be admitted that either of the two Signatory Governments intended to make a mental reservation in regard to the catching and preparing of crustaceans, and that the words "fish" and "fishery" are to be interpreted in a narrow sense and one differing from the commonly accepted meaning.

The Treaty of Utrecht says in effect:—

"It shall be allowed to the subjects of France to catch fish and to dry them on land in that part only which stretches from the place," &c.

"Fish" applies to all the products of the sea, and the verb "to fish," which is used in the Treaty of Paris of 1763, in place of the substantive, still possesses in the current tongue of our time a general force which precludes all restriction. The "Lobster Act" of 1888 begins with the expression "to fish lobster."

Again, the herring is smoked, the salmon is salted, the sea trout is pickled, and no objection has ever been raised to the catching and preparing of these different species. It was not without intention that the Signatories of the Act of Utrecht spoke of "catch fish" on the one hand, and of "dry on land" on the other. These terms embody two separate and absolutely distinct rights.

France might have been allowed to fish, and have been forbidden to dry. In the former case she has the enjoyment of the waters, in the latter she has the temporary occupation of the soil; the principal aim of the Treaty of Utrecht being to hand over the territory of Newfoundland to Great Britain, it was necessary to stipulate for the temporary occupation which France might have of a part of the coast. There were, therefore, two distinct privileges granted to France; and the second cannot be taken to diminish the first. "Pêcher" (to fish) constitutes the first, "sécher" (to dry) constitutes the second. But if the drying is limited, the fishery is not, by any term of the Treaty, and on this ground it is and remains general.

If it had been the intention of either of the Contracting Parties to restrict the fishery of the other to this or that kind of fish, they would have been careful to specify it; and the assertion of the Newfoundland Government, that the imperfection of science rendered it impossible to make classifications which the whole world now knows is not admissible. The ancients had distinguished fish proper from crustaceans, and called these latter "malacostraceans;" since then two English authors, Roy and Willoughby, published a work entitled, "Synopsis Methodica Animalium," treating more particularly of ichthyology. This treatise, which appeared in 1693, not many years prior to the signing of the Peace of Utrecht, must assuredly have attracted the attention of the Plenipotentiaries if they had wished to limit France's exploitation of the domain of the sea. Since that time, Artedi (1735) and Linnæus (1738) in Sweden, Cuvier and Agassiz more recently in France, have completed the study of this matter; and their works, however famous they may have been, do not appear in any way to have interested the diplomatists, since, up to and including the Treaty of 1814, no mention is made of any intention of departing from the general definition of "fish;" and one comes to the conclusion that texts, traditions, and history are agreed in according to France a general right of fishery on the coasts of the "French Shore."

France has not only the right of fishing for lobsters, but also that of preparing them on the spot for sale.

If, in 1713, autoclaves and heating-stoves were not yet invented, can it be denied that the nets of that epoch and the lines used by our fishermen of the eighteenth century have been modified since then, and that the implements used have been gradually perfected?

In any case, the British Declaration says that—

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

What is understood by "the method of carrying on the fishery" is defined by the developments following this phrase in the text of the Declaration. It is the *modus vivendi* of the French on a coast which has ceased to belong to them, which is

regulated; it is their provisional encampment, their right to cut wood necessary for their small repairs, which is confirmed; it is, in a word, the most thorough commentary on the territorial rights of the British Crown in respect of the temporary servitude agreed to by it. "The method of carrying on the fishery" signifies the international police regulations which shall govern the relations of the fishermen of the two nations, and an impartial examination precludes the discovery of the least restriction on the method of fishing of the French, or on the manner of preparing the fish, provided that the French establishments preserve, as they do to-day, the character of "temporary buildings" possessed by the scaffold.

To sum up, the French industry is to be respected in the cantonments taken up by it. The Declaration of 1783 and the Act of George III are most positive on this point, and commentaries abound to re-enforce the Treaties: Proclamation of Sir G. Hamilton, Report of the Law Officers of the Crown, correspondence of Messrs. Labouchere and Stanley, Secretaries of State for the Colonies, which I have already had occasion to quote in a note to Your Lordship, dated the 7th instant, in connection with the claim of MM. Dupuis-Robial and Besnier.

The result of the whole of these considerations, drawn from an examination of the Treaties, and the citing of traditions, is that France has the same right to fish for and prepare lobster as she has to catch and dry cod.

As to the extent of these rights of fishery, and the limits in which their exercise may be considered reasonable, my Government cannot accept the theory expounded by Your Lordship in the course of the note cited above. The Declaration of 1783 is equally formal on this point, and France must remain sole judge in this matter, as I have stated to Your Lordship in my note of the 2nd September last.

In fine, my Government is surprised to observe that fresh allusion is made to the French lobster factories in White Bay, and to the complaints which they have caused on the part of the British authorities. The reply of M. Goblet on this matter to Lord Lytton, of which Your Lordship must be aware, demonstrates the slight foundation for these complaints. The Minister of Foreign Affairs finds it difficult also to understand the accusations brought against the French fishermen who continue to work lobster factories, "established contrary to Treaty, and in spite of the assurances contained in Your Excellency's note of the 25th August, 1886." The assurances therein contained exclusively concerned an incident which called forth on the part of France, in regard to certain of her citizens, the intervention most calculated to assert in the eyes of Her Majesty's Government her wish to enforce the observation by Frenchmen, as far as regards the management of lobster factories, of the obligations imposed by the Treaties. The French naval authorities have not learned since then that any French fishermen have transgressed the orders given to them by the cruizers of their nation on that occasion, and these declarations could not in any case call in question the right of Frenchmen to work the lobster industry.

The above considerations are intended to demonstrate to Your Lordship the illegality of Mr. Shearer's establishment on the "French Shore." His proceedings injure the French fishery, and the continuance of his factory in those parts would strike a very grave blow at the rights conceded to France, such as I have described in reviewing the Articles of the Treaties signed by the two nations; and I am instructed to again press Her Majesty's Government to remove Mr. Shearer from Port Saunders without further delay.

I feel assured that Your Lordship will impress upon the British colonial authorities the necessity of acceding to the request of my Government, and I should be very glad to be informed of the result.

I have, &c.
(Signed) WADDINGTON.

No. 122.

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

My Lord, *Paris, December* 21, 1888.

I HAVE the honour to inform your Lordship that I have this day addressed a note to the French Government in the terms of your Lordship's despatch of the 17th instant, again protesting against the erection on the Newfoundland shore of any buildings not coming within the terms of the Treaty and Declaration, and against the attempt of the French Government to grant exclusive rights of fishery to their citizens in British waters.

I have, &c.
(Signed) LYTTON.

No. 123.

The Earl of Lytton to the Marquis of Salisbury.—(*Received December* 27.)

(Extract.) *Paris, December* 25, 1888.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, a report of a question put to the French Minister for Foreign Affairs in the Senate yesterday afternoon by Admiral Véron, with reference to the fisheries on the "French Shore" of Newfoundland, and of M. Goblet's reply.

Inclosure in No. 123.

Extract from the "Journal Officiel" of December 25, 1888.

NOUS arrivons, Messieurs, au Ministère des Affaires Étrangères.

La parole est à M. l'Amiral Véron, sur l'ensemble du Ministère.

M. l'Amiral Véron.—Messieurs, au mois de Janvier dernier, j'ai eu l'honneur d'entretenir le Sénat de nos grands intérêts sur les côtes de l'Ile de Terre-Neuve. A cet égard, j'ai posé une question à M. le Ministre des Affaires Étrangères relativement aux dommages qui avaient été causés à nos armateurs par une fausse interprétation, à mon avis, du Traité d'Utrecht qui nous lie avec l'Angleterre. M. le Ministre des Affaires Étrangères répondait ceci : "Le Traité d'Utrecht donne à nos armateurs un droit de pêche absolu et sans restriction à eux seuls. Nous n'entendons nullement leur contester le droit de procéder à la pêche du homard ; mais, nous, nous entendons encore le faire respecter ; nous entendons empêcher les habitants de Terre-Neuve d'empiéter sur les droits de nos nationaux. Ils ont montré dans les derniers temps peu de disposition à entrer en accord avec nous."

Le Ministre dit, vous le voyez, que les habitants de Terre-Neuve montraient peu de dispositions à entrer en accord avec nous.

Que s'était-il passé ? Le Parlement de Terre-Neuve avait refusé de ratifier l'accord qui était intervenu entre notre Gouvernement et le Gouvernement Britannique. Il en avait le droit, les Constitutions Coloniales Anglaises sont ainsi faites.

Mais il avait déjà montré du mauvais vouloir à notre égard ; premier grief. Plus tard, le Parlement de Terre-Neuve votait un Bill qui interdisait l'exportation de la boëtte, c'est-à-dire de l'appât nécessaire à nos pêcheurs faisant la pêche des bancs ; deuxième grief.

Cette année, nos pêcheurs ont eu à subir les premières conséquences de ce Bill. Vous allez voir combien il nous a été désavantageux.

Ce Bill a été voté exclusivement dans le but de ruiner notre industrie de la pêche, parce que l'appât nécessaire à la pêche est le hareng qui arrive en prime saison sur les côtes Anglaises, suivant la loi générale de l'émigration des poissons, avant d'arriver sur nos côtes.

Donc, nos pêcheurs, en arrivant à Terre-Neuve, ne trouvant pas l'appât nécessaire qui, de tout temps, leur avait été fourni par les Anglais, ont été obligés de retarder leur

entrée en campagne. Mais le Parlement comptait sans l'énergie de nos pêcheurs Bretons et Normands, qui, malgré cette interdiction, se sont répandus dans d'autres parties de l'Ile de Terre-Neuve où nous avons droit exclusif de pêche, et là, ils s'y sont approvisionnés. Mais il y a eu de grandes difficultés à surmonter et en même temps une grande gêne et un grand retard dans le commencement de leurs opérations.

Voilà le résultat obtenu par le Parlement de Terre-Neuve: une grande gêne pour nos pêcheurs et un grand retard en même temps, et je le note comme un argument pour la petite discussion dans laquelle je dois entrer.

L'année dernière, en 1887, un seul armateur avait expédié un navire pour la côte ouest de Terre-Neuve, que les Anglais appellent " French Shore." Ce bâtiment était parti pour se livrer à une nouvelle industrie en même temps qu'à la pêche de la morue; pour prendre des homards qui foisonnent dans ces mers. Cette année, en 1888, après les déclarations du Ministre des Affaires Étrangères dont je viens de vous donner lecture, cinq armements se sont faits pour la même opération, pour la pêche simultanée de la morue et des homards. Or, voici ce qui s'est passé sur le " French Shore."

Vingt et un homarderies—c'est le nom qu'on donne aux usines, aux fabriques de homards Anglaises—étaient installées dans nos meilleures baies où nous avons seuls le droit de pêcher, et là les Anglais ont fait, en moyenne, 150,000 boîtes par usine: ils ont pris plus de deux millions de homards. Le dommage qu'ils ont ainsi causée est donc considérable par cette destruction des homards, et en même temps ils ont empêché le fonctionnement de nos seines par cette étonnante quantité de casiers répandus sur tous les fonds, et invisibles. Si cet état de choses devait durer, il est certain que nos armateurs, nos pêcheurs, seraient obligés de renoncer à cette industrie, qui serait loin d'être fructueuse.

Il est donc absolument urgent de s'adresser au Gouvernement Anglais pour qu'il fasse évacuer par ses nationaux toutes les parties de la côte, sur laquelle nous avons ce droit exclusif de pêche; ces droits dont je parle c'est tout ce que nous avons conservé de notre ancienne suprématie dans le Nord-Amérique. Jamais les Anglais de la métropole ne nous ont contesté ce droit. Seuls les habitants de Terre-Neuve, qui sont formés en colonie en ce moment, nous contestent de temps en temps quelques-uns de ces droits et, en tout cas, cherchent à nous gêner le plus possible.

Je viens de vous montrer, Messieurs, deux nouvelles preuves de leur mauvais vouloir à notre égard, et, par conséquent, nous sommes encore plus à l'aise pour exiger que chacun reste chez soi.

Je viens demander à M. le Ministre des Affaires Étrangères de vouloir bien me dire si nos armateurs peuvent compter qu'une solution favorable sera donnée à leur revendication dont je suis l'interprète, ce qui leur permettrait, dès aujourd'hui, de préparer leurs armements pour la campagne prochaine. Comme je le disais tout à l'heure, je suis convaincu que si nous reconquérons nos droits et si les Anglais sont éloignés de territoires qui ne leur appartiennent pas, les armements vont prendre un très grand développement. Il s'agit de 15,000 ou 20,000 pêcheurs. (Très bien! très bien! à Droite.)

M. René Goblet (Ministre des Affaires Étrangères).—Messieurs, je m'empresse de déclarer à l'honorable Amiral Véron que le Ministre des Affaires Étrangères actuel interprète les Traités d'Utrecht et de Versailles absolument comme l'ont fait ses prédécesseurs et comme le faisait, en dernier lieu, M. Flourens, dans la séance du mois de Janvier à laquelle M. l'Amiral Véron a fait allusion.

Ces Traités donnent à la France, sur la partie nord-ouest de l'île de Terre-Neuve, depuis le Cap Saint-Jean jusqu'au Cap Race, un droit de pêche absolu et sans restriction, non seulement sur la morue, mais encore sur tous les autres poissons ou crustacés, particulièrement sur le homard.

Il est incontestable que nous avons rencontré, dans ces dernières années, de très grandes difficultés de la part de l'industrie Terre-Neuvienne et du Parlement de Terre-Neuve.

M. l'Amiral Véron rappelait tout à l'heure que, dans la séance du mois de Janvier, il s'était plaint notamment de deux faits: le premier, c'est le rejet par le Parlement de Terre-Neuve d'un accord sur les pêcheries que nous avions négocié en 1885; le second, c'est le vote du boëtte Bill, c'est-à-dire le Bill par lequel le Parlement de Terre-Neuve avait interdit de vendre à nos pêcheurs la boëtte, appât qui leur est nécessaire pour pêcher la morue.

Sur le premier point, en ce qui concerne le rejet par le Gouvernement de Terre-Neuve de l'accord sur les pêcheries, voici quelle en a été la conséquence. Nous avions, aux termes de cet arrangement, proposé de renoncer, pour les pêcheurs Français au droit de pêcher le saumon dans la partie antérieure des cours d'eau qui se jettent à la mer.

Ce droit, nous étions disposés à l'abandonner. L'arrangement ayant été repoussé nous avons repris l'exercice de notre droit, et, à l'heure qu'il est, nous protégeons nos marins dans la pêche du saumon à l'entrée des rivières, en substituant seulement aux anciens barrages fixes, qui avaient soulevé des difficultés, des rets mobiles permettant le passage des bateaux. Telle a été la conséquence du rejet par le Parlement de Terre-Neuve de l'arrangement que nous avions proposé.

En ce qui concerne le boëtte Bill, nous n'avions pas le droit de nous y opposer, mais nous avons fait mieux : grâce à l'énergie de nos marins et de nos pêcheurs, comme le rappelait tout à l'heure l'honorable Amiral Véron, et aussi à la protection de notre marine, à laquelle il faut rendre justice, nos pêcheurs ont repris, cette année, possession de la Baie de Saint-Georges, et ils ont trouvé sur la côte ouest l'appât nécessaire. La difficulté est donc levée.

Depuis que des instructions très pressantes ont été données, au commencement de cette année, par mon prédécesseur, à la suite du débat que je viens de rappeler, nous avons obtenu d'autres satisfactions. Il y avait notamment une assez grave difficulté : c'était l'existence, à l'entrée de nos rivières ou de nos havres, de grands filets ayant parfois 100 mètres de long, qu'on appelle des trappes.

Nous avons obtenu qu'un acte du Gouvernement de Terre-Neuve décidât la suppression de ces trappes à partir du 1er Janvier, 1890. On a voulu ainsi laisser à l'industrie de Terre-Neuve le temps de rentrer dans ses frais. Néanmoins je suis bien aise de le dire au Sénat, nous avons en ce moment l'espérance que nous pourrons faire abréger ce délai et que les trappes auront disparu auparavant. (Très bien ! très bien !)

Il y avait une autre source de conflits, c'était le commerce interlope d'un certain nombre de navires qu'on appelle des goélettes nomades, qui naviguent dans ces parages sans pavillon et se livrent à la pêche en échappant à toute surveillance.

Nous avions demandé que ces navires fussent soumis à certaines formalités qui permettraient de les surveiller. Nous n'avons pas pu obtenir qu'on leur appliquât la législation de la Mer du Nord, c'est-à-dire qu'on imposât à tous les bâtiments sans distinctiou de porter des marques apparentes dans leurs voiles ; mais nous avons obtenu du moins l'application du " Merchant Ships Act." Les bâtiments de plus de quinze tonneaux de jauge seront obligés de porter ces marques, et le Gouvernement Anglais nous a promis qu'en ce qui concerne ceux qui ont un tonnage inférieur, il recommanderait expressément aux autorités de Terre-Neuve d'en réclamer également l'emploi.

Voilà, Messieurs, quelques satisfactions qui ne sont pas, je crois, sans importance. (Très bien ! très bien !)

Je sais qu'il y a un point qui préoccupe tout spécialement l'honorable Amiral Véron et sur lequel il s'est expliqué tout à l'heure : c'est la question des homarderies.

J'ai dit que nous avions le droit de pêcher les homards à Terre-Neuve comme celui de pêcher la morue. Ce droit n'est pas contesté ou, du moins, s'il y a quelques discussions à cet égard, notre droit, en réalité, n'est pas contestable, et nous entendons absolument le faire respecter. (Vive approbation sur un grand nombre de bancs.)

Mais nous rencontrons sur ce " French Shore," que nous n'occupons que dans une très petite portion—et il est vraiment regrettable de voir s'élever des conflits à l'occasion de côtes qui ne sont pas exploitées dans leur plus grande étendue—nous occupons, je crois, à peine le cinquième du " French Shore " et nous y rencontrons une difficulté que voici : A une certaine époque, nos pêcheurs y ont eux-mêmes attiré les Anglais, et il se trouve à l'heure qu'il est que quand nous voulons exercer cette industrie de la pêche et de la préparation du homard sur certains points de la côte, nous trouvons en face de nous les industries Anglaises qui s'y sont établies.

Ces exploitations n'ont pas le droit de gêner la nôtre. Notre droit étant un droit exclusif, il peut bien comporter une certaine tolérance vis-à-vis des Anglais alors qu'ils n'entravent pas l'exercice de notre droit ; mais toutes les fois que nous rencontrons un obstacle qui constitue véritablement une gêne pour notre exploitation, nous avons le droit, nous avons le devoir de le faire disparaître. (Approbation.)

Nous sommes, en ce moment—car les négociations ne sont pas terminées, mais elles se suivent d'une façon continue—en pourparlers avec le Gouvernement Anglais pour faire disparaître la plupart de ces homarderies appartenant à un Sieur Shearer dont parlait tout à l'heure l'honorable Amiral Véron. Mais dès à présent notre industrie du homard s'est établie à Terre-Neuve ; elle y fonctionne, et je puis citer deux usines, celles de M. Dameron et de M. Lemoine, qui ont cette année recueilli non pas une quantité de homards aussi considérable que les vingt et une homarderies qui existaient déjà, mais qui ont pu apprêter plus de 400,000 homards ; une troisième usine du même genre, celle de M. Thubé, de Nantes, est en voie de préparation.

Voilà où nous en sommes et, je le répète, nous poursuivons avec activité et insistance

auprès du Gouvernement Anglais la disparition des homarderies étrangères qui sont une gêne pour nos pêcheurs.

J'ajoute un dernier mot.

J'ai lu avec le plus grand intérêt le Rapport qui a été adressé en fin de campagne à M. le Ministre de la Marine et que celui-ci m'a communiqué. Ce Rapport plein de renseignements est de M. le Commandant Humann, un des officiers les plus distingués de notre marine, qui vient de commander la station de Terre-Neuve; il ce termine par ces deux appréciations: l'une, c'est que le Commandant de notre station n'a eu qu'à se louer de ses rapports avec les autorités Anglaises pendant tout le temps de sa campagne; l'autre, c'est qu'il conserve une foi profonde dans la régénération de notre industrie de la grande pêche.

Vous me permettrez d'affirmer, en terminant, que le Ministère de la Marine et le Ministère des Affaires Étrangères ne négligeront rien pour contribuer dans toute la mesure de leurs forces à ce relèvement. (Très bien! très bien!)

M. Blavier.—Ce Rapport n'a pas encore été publié à "l'Officiel."

M. l'Amiral Véron.—Je demande la parole.

M. le Président.—La parole est à M. l'Amiral Véron.

M. l'Amiral Véron.—Par conséquent, M. le Ministre, nous pouvons faire savoir à nos pêcheurs que, quel que soit le nombre des bâtiments qu'ils expédient pour le "French Shore," ils sont sûrs de n'y rencontrer aucun obstacle. . . . .

M. le Ministre.—Ils seront protégés!

M. l'Amiral Véron.— . . . . parce qu'avant de faire leur expédition dans les baies qui nous appartiennent et qui sont parfaitement dénommées, si ces baies-là doivent être occupées comme elles l'étaient cette année, il faut que nos armateurs renoncent à y envoyer leurs bâtiments. Il faut, par conséquent, que nous puissions leur dire: Faites vos armements, en quelque nombre que ce soit; vous êtes sûrs, en choisissant vos baies, d'y rester les maîtres et d'y pêcher.

M. le Ministre.—J'ai eu l'honneur de vous dire que nous poursuivons des négociations avec le Gouvernement Anglais relativement aux homarderies dont vous avez parlé.

Je n'ai pas dit que ces négociations eussent abouti encore. Nous les poursuivons avec ténacité: j'espère qu'elles aboutiront à un résultat favorable.

Dès à présent, je puis donner l'assurance aux armateurs qui enverront des bâtiments à Terre-Neuve qu'ils seront protégés dans toute la mesure où nous le pourrons faire. (Très bien! très bien!)

M. l'Amiral Véron.—A propos de ces négociations que vous poursuivez avec l'Angleterre, M. le Ministre, voulez-vous me permettre, je ne dirai pas de vous donner un conseil, mais de vous donner mon opinion sur les résultats que ces négociations pourraient avoir; je veux parler de cet arrangement dont nous avons eu connaissance sous vos prédécesseurs, arrangement qui devait, en échange de certains droits que nous concéderions à Terre-Neuve, nous donner la propriété entière, par exemple, des Nouvelles-Hébrides. C'est, je crois, dans le Traité qui avait été projeté.

M. le Ministre.—Cela n'a aucun rapport, M. l'Amiral; je ne crois pas qu'il ait été question des Nouvelles-Hébrides dans les négociations.

M. l'Amiral Véron.—Cela m'étonne; il y a un accord qu'on a cherché à faire pour abandonner certains de nos droits sur la côte de Terre-Neuve et, en échange de cela, l'Angleterre consentait, disait-elle, à nous concéder l'entière propriété des Hébrides.

M. le Ministre.—La question des Nouvelles-Hébrides est réglée, vous le savez.

M. l'Amiral Véron.—Oui, mais nous partageons avec l'Angleterre la propriété de ces malheureuses îles tout à fait insalubres et qui ne serviront jamais à rien; nous partageons avec les Anglais cette propriété, tandis que les Anglais ne se sont pas gênés pour prendre les Iles Fidji, voisines des Hébrides, qui sont dans le même archipel; ils ne nous ont pas demandé la permission ni le droit d'occuper ces îles, et ils viennent nous chercher chicane parce que nous voulons nous installer aux Nouvelles-Hébrides! Nous avons fini par leur concéder cette propriété par moitié.

Dans l'accord qui devait intervenir avec Terre-Neuve, il était question . . . .

M. le Baron de Lareinty.—Qu'est-ce qu'on donnerait en échange de nos droits sur Terre-Neuve?

M. l'Amiral Véron.—La moitié de la propriété des Nouvelles-Hébrides, dont nous n'avons que l'autre moitié. C'est une des clauses de l'Arrangement qui a été publié dans le Livre Jaune qui nous a été distribué sur les négociations qui ont eu lieu depuis 1865.

M. le Ministre.—C'est là une phase très ancienne de l'affaire. La question des Hébrides est résolue.

M. l'Amiral Véron.—Mais vous travaillez dans ce moment à reprendre cet accord . . . .

M. le Ministre.—La question des Nouvelles-Hébrides n'y est pas mêlée; elle est définitivement réglée.

M. l'Amiral Véron.—Mais nous n'avons que la moitié de la propriété des Nouvelles-Hébrides, et dans l'accord que vous négociez avez l'Angleterre il est question de nous donner la toute propriété des Nouvelles-Hébrides. Je veux donc vous mettre en garde et vous dire que cette concession des Nouvelles-Hébrides ne vaut pas la millième partie des droits que nous abandonnerions à Terre-Neuve. (Très bien! très bien! à Droite.)

M. le Ministre.—Les renseignements que donne l'honorable Amiral Véron s'appliquent à une phase de l'affaire qui est antérieure. Il parle de négociations qui auraient commencé en 1865; à l'heure qu'il est, nous cherchons encore à conclure pour Terre-Neuve un arrangement sur les pêcheries. Si nous aboutissons, je serai enchanté d'avoir pu résoudre ainsi les difficultés qui nous divisent; mais la question des Nouvelles-Hébrides n'y est plus mêlée en aucune façon pour une bonne raison; c'est que tout récemment, l'année dernière, bien postérieurement aux négociations dont on parle, la question des Hébrides a été définitivement réglée. Par conséquent, elle ne peut plus entrer comme un élément dans les arrangements de l'avenir. (Très bien! très bien!)

No. 124.

M. Waddington to the Marquis of Salisbury.—(*Received December* 27.)

M. le Marquis, *Londres, le* 26 *Décembre*, 1888.

PAR votre lettre en date du 5 Novembre dernier, vous avez bien voulu me faire connaître les mesures dont le Gouvernement de la Reine avait décidé l'application à Terre-Neuve en vue de faciliter l'identification des goélettes nomades dans les eaux où les bateaux Français exercent le droit de pêche. Je me suis empressé de transmettre cette décision à mon Gouvernement, qui vient de m'adresser une lettre contenant son opinion sur ce sujet.

M. le Ministre des Affaires Etrangères, tout en reconnissant les efforts du Gouvernement Britannique pour mettre un terme aux difficultés qui ont troublé l'exercice de notre droit de pêche à Terre-Neuve, est néanmoins d'avis que les mesures adoptées par les autorités maritimes Anglaises ne fournissent pas à nos pêcheurs une garantie suffisamment efficace contre le retour des abus dont ils ont eu à souffrir.

En effet, d'après les termes de la lettre de Votre Seigneurie du 5 Novembre dernier, la décision du Gouvernement Britannique ne rend obligatoires les Règlements du "Merchant Shipping Act" que pour les navires d'un certain tonnage et n'en étend pas l'application aux petits bâtiments pontés de 30 tonnes et au-dessous.

Or, d'après l'Almanach du Gouvernement Terre Neuvien de 1888, les statistiques officielles enregistrent 1,618 bâtiments de 20 tonnes, et au-dessus, et 2,946 bateaux de 2 à 20 tonnes.

Dans ces conditions, plus le 2,000 embarcations échapperaient à un contrôle efficace et, ce qui aggrave pour nos pêcheurs le danger de cette restriction, c'est que la presque totalité des bateaux de pêche se rendant au Labrador, ceux-là même qui pillent nos établissements et provoquent constamment des conflits avec nos nationaux pendant leur relâche sur la côte de Terre-Neuve, appartiennent à la catégorie des bâtiments appelés à bénéficier de cette exception.

Le Gouvernement de la Reine, il est vrai, a bien voulu promettre qu'il recommanderait aux autorités Terre-Neuviennes de veiller à ce que ces bateaux de faible tonnage fussent, à l'avenir, munis de numéros apparents et de lettres indiquant leur port d'attache.

Mais nous avons malheureusement sujet de craindre que le Gouvernement de la Colonie ne se prête pas avec empressement à une mesure de police qu'il a toujours combattue et qui ne lui serait indiquée que sous la forme d'une recommandation.

En conséquence, mon Gouvernement a pensé que ces dispositions pourraient offrir plus d'efficacité s'il plaisait au Gouvernement de la Reine de donner à sa recommandation aux autorités de Terre-Neuve, concernant le numérotage des bateaux qui échappent aux prescriptions du "Merchant Shipping Act," la forme d'un ordre exprès, obligeant les bâtiments de cette catégorie à porter d'une façon apparente des marques extérieures destinées à faire reconnaître leur identité.

Je ne doute pas que Votre Seigneurie reconnaisse la justesse de ces observations, et j'espère qu'Elle voudra bien presser l'adoption des mesures propres à donner satisfaction au vœu exprimé par le Gouvernement de la République.

Veuillez, &c.

(Signé) WADDINGTON.

(Translation.)

My Lord, *London, December* 26, 1888.

IN your note of the 5th November last you were good enough to apprise me of the measures which Her Majesty's Government have decided to adopt in Newfoundland with the view of facilitating the identification of stray fishing-smacks in the waters where French vessels have the right to fish. I lost no time in forwarding this decision to my Government, who have now addressed a despatch to me giving their views on the subject.

The Minister for Foreign Affairs, while grateful for the efforts made by Her Majesty's Government to put an end to the difficulties which have interfered with the exercise of our fishery rights in Newfoundland, considers, nevertheless, that the measures adopted by the English naval authorities do not furnish a sufficiently effective guarantee to our fishermen against the recurrence of the abuses from which they have had to suffer.

In fact, according to your Lordship's note of the 5th November last, the decision of Her Majesty's Government only renders the provisions of the Merchant Shipping Act obligatory for vessels of a certain tonnage, and does not extend their application to small decked vessels of 30 tons and under.

But according to the Almanack of the Newfoundland Government of 1888 the official statistics give the registration of 1,618 vessels of 20 tons and above, and of 2,946 vessels of from 2 to 20 tons.

Under these circumstances, more than 2,000 vessels would escape effective control, and a circumstance which aggravates the danger of this restriction for our fishermen is that almost the whole of the fishing-vessels which go to Labrador, the very vessels which pillage our establishments, and constantly provoke quarrels with our citizens during their stay on the Newfoundland coast, belong to the category of vessels which benefit by this exception.

Her Majesty's Government, it is true, have been good enough to promise to recommend the Newfoundland authorities to take care that these vessels of light tonnage shall be furnished, in future, with conspicuous numbers and letters indicating their home port.

But we have, unfortunately, reason to fear that the Colonial Government will not welcome a measure of police which they have always opposed, and which is only to be submitted to them in the form of a recommendation.

Consequently, my Government think that these measures would be more effective if it pleased Her Majesty's Government to give their recommendation to the Newfoundland authorities respecting the numbering of vessels which escape the provisions of the Merchant Shipping Act, in the form of an express order obliging vessels of this class to carry, in a conspicuous manner, some outward marks for the purpose of identification.

I do not doubt but that Your Lordship will recognize the justness of these observations, and I trust that you will be good enough to urge the adoption of measures of a nature to satisfy the wishes expressed by the Government of the Republic.

I have, &c.

(Signed) WADDINGTON.

No. 125.

Foreign Office to Colonial Office.

Sir, *Foreign Office, January* 3, 1889.

I AM directed by the Marquis of Salisbury to transmit to you herewith copy of a note from the French Ambassador at this Court relative to the question of the identification of fishing-schooners off the coast of Newfoundland.*

M. Waddington states that, in the opinion of the French Government, the

* No. 124.

measures adopted by the British naval authorities do not furnish a sufficient guarantee against the recurrence of the abuses complained of by French fishermen; and points out that, under the provisions of the Merchant Shipping Act, more than 2,000 fishing-schooners of less than 20 tons tonnage will escape control—the class of vessel in question being precisely the one that gives rise to so many difficulties off the coast of Labrador.

His Excellency accordingly urges that, in lieu of a recommendation, express orders should be dispatched to the Government of Newfoundland with a view to insure that the smaller schooners shall be numbered in such a conspicuous manner as may facilitate their identification.

I am to request that, in laying the inclosed paper before Lord Knutsford, for his Lordship's observations, you will state that, as a matter of police regulation, as well as on other grounds, it seems very desirable, in the interests of the Colony of Newfoundland, that the class of small vessels referred to by M. Waddington should exhibit a number.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 126.

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

Sir, *Downing Street, January* 26, 1889.

I AM directed by Lord Knutsford to transmit to you, for communication to the Marquis of Salisbury, a copy of a letter from the Admiralty, inclosing Reports in connection with the proceedings of Her Majesty's ships employed for the protection of the Newfoundland fisheries during the late season.

Lord Knutsford proposes, with the concurrence of Lord Salisbury, to suggest to the Lords Commissioners of the Admiralty that the proceedings of the naval officers should be approved, and their tact and judgment highly commended.

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

Inclosure 1 in No. 126.

Admiralty to Colonial Office.

Sir, *Admiralty, November* 22, 1888.

I AM commanded by my Lords Commissioners of the Admiralty to transmit, for the information of the Secretary of State for the Colonies, Reports in connection with the Newfoundland fisheries, and the proceedings of Her Majesty's ships employed for their protection, during the season just closed.

My Lords desire me to draw the attention of Lord Knutsford to the recommendation contained in the 4th paragraph of Admiral Lyons' Report of the 29th October last, to the effect that the provisions of the Merchant Shipping Act in respect to the "marking" of coasting vessels should be strictly carried out.

In suggesting for the consideration of the Secretary of State that the proceedings of the officers employed in the fisheries should be approved, my Lords desire me to call attention to the very satisfactory relations which appear to have existed between the English and French officers during the past season, and also to the high terms in which Vice-Admiral Lyons speaks of the manner in which Captain Hamond has (for the third year) carried out the responsible duties intrusted to him.

My Lords desire me to draw particular attention to the exhaustive Report on the subject of the working of the lobster factories which has been furnished by Captain Campbell, of Her Majesty's ship "Lily" (dated the 10th October last).

I am to request that any fresh instructions which it may be decided to issue for next season, and which will involve the alteration of those now in force, may be communicated to this Department at the earliest convenient date.

My Lords have addressed a similar communication to the Foreign Office, and have

informed the Secretary of State that the inclosed Reports have been forwarded to the Colonial Office.

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

Inclosure 2 in No. 126.

Vice-Admiral Lyons to Admiralty.

Sir, "*Bellerophon*," *at Halifax, October* 29, 1888.

THE squadron employed on the coasts of Labrador and Newfoundland having rejoined my flag at the close of the fishery season, I have the honour to submit the Reports of Captain Hamond, and of the officers who have been serving under his orders; and in doing so I would offer the following remarks:—

2. Owing to the "Bait Bill" having come into operation this year, it was considered desirable that one of our cruizers should be on the west coast of Newfoundland so soon as the navigation was open. The "Lily" was dispatched on this service, and she, after having encountered considerable difficulties with the ice-fields, reached St. George's Bay on the 26th April. The aviso "Drac," direct from France, arrived the same day.

A considerable number of French fishing-vessels appeared about the same time, with the object of procuring bait for the Bank fishing.

The friction which it was feared might be brought about by the conflicting interests of the two peoples was happily averted by the judicious arrangements made by the officers commanding the "Drac" and the "Lily," Capitaine de Frégate Reculoux and Captain Campbell, between whom relations of an especially cordial nature would appear to have existed.

3. The Cod Trap Abolition Act, which was passed by the Newfoundland Legislature this year, and is to come into force in 1890, will remove a source of constant irritation to the French fishermen, whilst it will undoubtedly benefit the Colony.

4. In my submission of the 15th August last I reported that, from personal observation when at St. John's the previous month, I had found several decked coasting-vessels and fishing-schooners in the port with no name anywhere marked. I believe the Newfoundland Government has moved in the matter; it would be desirable, however, to impress upon it the expediency of the provisions of the Merchant Shipping Act being strictly carried out with a view to checking the irregularities so frequently complained of by French and English officers alike.

5. As regards a complaint made by Capitaine de Frégate Reculoux of alleged injury to French unoccupied rooms, the suggestion made by Captain Hamond, that when a French room is not to be occupied the following season the owners should be obliged to remove their stores and boats, would, I think, meet the case.

6. It will be observed from the inclosures that French fishermen have again this year been found netting salmon in the fresh waters of Ponds and Castor Rivers, thereby preventing the fish ascending for spawning purposes. On Captain Campbell's representation Lieutenant de Vaisseau Carpentier, of the "Crocodile," ordered these men to withdraw.

7. Captain Hamond having directed Captain Campbell to gain all information as regards the working of the lobster factories, an exhaustive Report has been furnished by that officer.

I continue firm in the conviction, which is fully shared by Captain Hamond, that the maintenance of the lobster-tinning industry is of the greatest possible benefit to the inhabitants of the coast, and that it does not by its competition interrupt the fishery of the French. Each complaint made has been dealt with by Captain Hamond on its individual merit.

8. The Reports which I have from time to time forwarded from Captain Hamond will have shown their Lordships the highly satisfactory manner in which he has acquitted himself of the delicate and responsible duties with which, for the third year, he had been intrusted. Honesty of purpose, sound sense, tact and temper, have characterized his proceedings, and have had happy results, not the least so in having maintained relations of a most cordial character with his French colleague, Commodore Humann, who, on his part, I am assured by Captain Hamond, has been throughout most courteous and kind. Captain Hamond speaks, and with reason, of the tact

and discretion shown by Captain Campbell, and of the zeal with which both he and Lieutenant and Commander Bearcroft, of the "Forward," have carried out their duties.

I have, &c.
(Signed) ALGERNON LYONS.

Inclosure 3 in No. 126.

Captain Hamond to Vice-Admiral Lyons.

Sir, "*Emerald*," *at Halifax, October* 26, 1888.

I HAVE the honour to forward herewith the Fishery Reports from Her Majesty's ships "Emerald," "Lily," and "Forward" for the past season. The cruizing-ground of the ships has been confined to the parts of the coast where the French have Treaty rights.

2. Captain Campbell and Lieutenant-Commander Bearcroft have carried out their duties with great zeal and to my entire satisfaction. Captain Campbell exercised especial tact and discretion in his management of affairs at St. George's Bay, where the French schooners flocked for bait at the beginning of the season. Thanks to the good understanding between him and Capitaine de Frégate Reculoux, of the "Drac," all difficulties were avoided.

3. The Bait Bill has this season caused a feeling of irritation amongst the French fishing captains, chiefly on the west coast, with the result that various complaints, generally greatly exaggerated or without foundation, have been made. Correspondence which passed between Commodore Humann and myself on these matters has already been forwarded to you.

4. I have forwarded a full Report, compiled by Captain Campbell, of all lobster factories, both English and French, established on the coast where the French have Treaty rights.

4 A. According to instructions received in your Memorandum of the 7th April, 1888, I forwarded a Report to you as to the marking of vessels belonging to Newfoundland. I understand that orders have now been given by the Newfoundland Government to the Customs authorities at the different ports to compel these decked vessels to comply with the provisions of the Merchant Shipping Acts, viz., to have the names and ports of registry painted on their sterns, and the names also on each bow. If this order is really enforced they can be easily identified, and it will serve as a check to the irregularities these vessels are sometimes guilty of.

5. Last spring the Legislature of Newfoundland passed an Act forbidding the use of cod-traps. This Act will come in force in 1890. I believe it will eventually prove of great benefit to the Colony, and assist in restoring the shore fishery. It is also in harmony with the views of the French, who have repeatedly complained of the use of these fixed nets.

6. I have forwarded a full Report of unoccupied French rooms on the east coast of Newfoundland, made by Lieutenant-Commander Bearcroft, and which information, I think, will be useful for future guidance; also correspondence between Capitaine de Frégate Reculoux and Lieutenant-Commander Bearcroft, containing complaints made by the first-named officer of alleged injury to unoccupied French rooms by guardians of such rooms. These men had always been paid for looking after the rooms. As, latterly, they have been paid nothing they have in some instances partly remunerated themselves by selling old boats. Other guardians have thrown up charge of rooms as they have not been paid for their trouble. If the French do not pay people to look after their rooms and boats, weather alone will cause their ultimate destruction. I would suggest, when a French room is not to be reoccupied in the following season, the owners should be obliged to remove their stores and boats, as otherwise complaints of this nature will constantly occur. I spoke to Commodore Humann on the subject, and I gathered that he held the same opinion.

7. As stated in my letter of the 24th instant, French fishermen have again this season netted salmon in the fresh waters of both Ponds and Castor Rivers.

8. It was expected that in consequence of the Bait Act there would be an increase in the number of French fishermen on the coast, but there has been a slight decrease Doubtless the Bait Act increases the difficulties with which the officers employed on the coast have to deal. I believe it has very adversely affected the French Bank fishery, and that, in the possible event of a new arrangement, the withdrawal of this

Act might induce the French to make much further concession than they have been prepared to on former occasions.

9. Two French vessels were seized and condemned in the Newfoundland Court for infringements of the Bait Act on the south coast. The Judgment was appealed against, and the final result is not yet known.

10. During this season, as in the last, I have met with the greatest courtesy from Commodore Humann, and a mutual good understanding has existed between the English and French officers.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 4 in No. 126.

General Remarks.

THE Bank fishery this season has not been so good as last year, but the price of cod has increased.

The cod-fishing on the north-east and west coasts has been good, and I notice an improvement in the condition of the people. On the west coast, where lobster factories exist, their prospects are certainly better, and a desire is shown to clear land and keep cows and sheep. The Newfoundland Government has notified that in future no winter relief will be given. The system was a bad one, and calculated to render the people idle and improvident. At the same time I think that help judiciously given in the way of seeds and implements would greatly assist the poorest people.

Herring resort in immense numbers to the shores, and throughout the year they are to be taken on one portion of the coast or another. They are salted and exported, but no better form of curing them has heretofore been successfully carried out. One often hears complaints on visiting a port of the scarcity of bait, which perhaps a week previously was swarming in the bay. Building ice-houses and storing bait in them would greatly help the fishing, but the ignorance of the people in these matters is the chief difficulty.

(Signed) RICHD. H. HAMOND,
Captain and Senior Officer.

Inclosure 5 in No. 126.

Captain Campbell to Captain Hamond.

Sir, "*Lily*," *at Channel, Newfoundland, October* 10, 1888.

IN forwarding the Fishery Report on the west coast of Newfoundland for the season of 1888, I have the honour to remark as follows:—

1. The take of cod has fallen off in some places, but on the whole is above the average. At Red Island the French have had the best season known for some years.

2. The take of herring has been very good throughout, the increase in the Bay of St. George's alone being 20,000 barrels on the take of 1887.

3. The French have been badly off for bait, both on the Banks and on that small portion of the west coast where they have fishery establishments.

4. There have been ten brigs and schooners, besides the barque "Puget," manned by 510 men all told, employed by Messrs. Anatole and Auguste Lemoine, Bros., and Guibert et Fils, of St. Malo.

5. The weather has been one succession of gales and fogs, especially the second cruize from the 1st September.

6. The British and French lobster factories have been dealt with in separate Reports.

7. Notwithstanding the constant protest of the French against the appointment by the Government of St. John's of Magistrates on this coast, there have been four cases this season where French captains have appealed to the very Magistrates for the apprehension of their deserters—one at Bay of Islands, and three at Bay of St. George.

8. Except those cases especially reported, there have been no complaints on either

side, and the *entente cordiale* between the officers and men of this ship and our colleagues has been most marked throughout.

9. The canvas tank has proved most useful and economical, and with a constant use of sail power has been the means of executing the service on a very small consumption of coal.

I have, &c.
(Signed) CHARLES CAMPBELL.

Inclosure 6 in No. 126.

Lieutenant Bearcroft to Captain Hamond.

Sir, "*Forward*," *St. John's, Newfoundland, October* 11, 1888.

IN forwarding my Fishery Report, I have the honour to make the following remarks :—

2. The fishery this season between Cape St. John and Cape Norman, though not good, has been generally better than last year. About Ha-Ha Bay and Cape Onion it has been better than in most other places.

3. The catch of lobster by French fishermen in White Bay is reported as poor. The circumstances attending the erection of a factory at Southern Arm has been already reported.

4. The complaints made to me by the Captain of the French man-of-war "Drac" as to the alleged destruction of French property at Cape Rouge Harbour, and the removal of boats from Kirpon and Mauve Bay, have also been the subject of special correspondence.

5. At St. Anthony and Canada Bay a strong feeling was expressed by the fishermen against the use of "bultows" for the coast fisheries, and at both places the majority were in favour of doing away with them.

6. The schooners going to and from the Labrador coast seem to crowd any ports where fish are likely to be caught, to the great detriment of the inhabitants of the Settlements.

7. Several French Bankers were met with at the different ports searching for bait, and it is rumoured that an old room in Cremallière Harbour is to be occupied next year with the object of baiting ships for the Bank fishery.

I have, &c.
(Signed) JOHN E. BEARCROFT.

Inclosure 7 in No. 126.

Captain Hamond to Vice-Admiral Lyons.

Sir, "*Emerald*," *at Halifax, October* 24, 1888.

I HAVE the honour to forward herewith Reports on both English and French lobster factories on the west coast of Newfoundland. In the early part of the past season I directed Captain Campbell, as mentioned in my letter of the 24th June, to gain all information he could on the subject, and the inclosed Reports show that he has most carefully and thoroughly done so. It will be seen from the Reports on the English factories how this industry has grown, and of what great value it is to the inhabitants of the coast, a fact that I have pointed out in former letters.

2. Captain Campbell reported to me in his letter of the 24th July, 1888, that the French lobster factory at Barred Bay was a permanent building with an iron roof. As I understood that the whole matter of lobster factories was under the consideration of the English and French Governments, I did not deem it of sufficient importance to make a special Report of it at the time, but mention the fact to you now.

3. There is one French lobster factory in Southern Arm, White Bay, east coast of Newfoundland, which was set up this year.

4. I inclose with these Reports the correspondence between Capitaine de Frégate Reculoux, of the "Drac," and Lieutenant-Commander Bearcroft, with reference to White Bay. I would point out that Captain Reculoux, in his claim to have the English lobster factory, which had just been erected in Western Arm, stopped commencing operations, states "that all the harbours in White Bay are occupied by

French fishermen." As a matter of fact, the French only occupied two, viz., the harbours of Southern Arm and Western Arm.

5. Captain Campbell, in his Report, has given his views *in extenso*. I agree with him that the French fishing is gradually declining on the coast, as the merchants will not be induced to embark in a losing concern.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 8 in No. 126.

Captain Campbell to Captain Hamond.

(Extract.) "*Lily*," *at Channel, Newfoundland, October* 10, 1888.

IN compliance with my sailing orders of the 29th August last, with reference to the lobster industry on the west coast of Newfoundland, where the French have certain Treaty privileges, I have the honour to report as follows:—

1. *Historical Retrospect.*—It appears that the first lobster was canned on this coast about thirty years ago; a party from Nova Scotia had been canning salmon from the Humber, and at the close of the salmon fishing they went to the north shore of Bay of Islands, and started the first canning of lobsters.

(*a.*) The first attempt to build a factory was, so far as I have been able to ascertain, made in St. Barbe's Bay, fifteen years ago, by a Mr. Rumkey, of Nova Scotia, who subsequently parted with it as a going concern to Messrs. Forest and Shearer, factory owners in Nova Scotia, who next, in 1881, purchased the factory at Brig Bay, built in 1880, from Mr. Forsey, capable of canning 10,000 lobsters daily, and erected one at Port Saunders in 1884.

(*b.*) The industry then seems to have attracted more Nova Scotians.

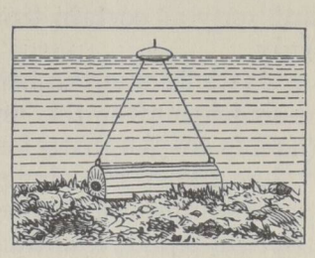
(*c.*) Messrs. Payzant and Fraser, who built a large factory on Woody Point, Bonne Bay, and later on Mr. Carter and Mr. Neville and Messrs. Stabb and Roach, who all built in Bay of Islands. Mr. J. Cairns, of Prince Edward Island, Mr. Baird, of St. John's, Newfoundland, started in and about Port-à-Port; and the local inhabitants of Bay St. George have started numerous factories, and are fishing that district.

(*d.*) The numbers rose to sixteen in 1887, and at the close of this season there are twenty-six factories at work, employing a total of about 100, from Nova Scotia and Prince Edward Island, and about 1,000 natives.

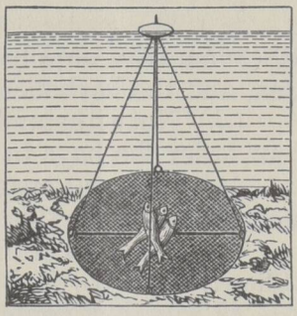
2. *Process.*—The factories are worked on the same principle throughout; their canning capacity varying with their size and the number of hands employed.

(*a.*) They usually consist of a boiling and bath room, and a packing-room, cook-house, and sleeping apartment for girls.

(*b.*) Lobsters are taken in three ways; the first and most common is by buoyed lines of cages.—Figure 1.



Secondly.—By hand trap, a circular hoop of iron with a net stretched across it, upon which are fastened three or more herrings.—Figure 2.



(*c.*) This trap is important, as it could perfectly well be used when the cages justifiably interfere with the Treaty rights of the French; and, thirdly, handed by "claw nipping" in shallow water.

(*d.*) In this way as many as 1,000 have been taken in one day by one boat.

(*e.*) Local fishermen, assisted on the rougher portions of the coast by men from Nova Scotia, work the traps, &c., along the parts which feed their particular factory, and deliver them at the pier, or to the collecting schooners, at 70 to 80 cents per 100, which may be said to be the cost of the raw material.

(*f.*) The lobsters are then handed in and boiled for half-an-hour, after which they go to a smasher, who breaks the claws and takes out the meat, which is then washed and packed in the tins by one set of girls, another set then dry the edges of the tins for soldering, which are then closed up and bathed for an hour and a-half, then punctured to let out the vapour, and again bathed for a second period of the same duration.

(*g.*) The tins are then packed in four-dozen cases, and are mostly shipped to Halifax and St. John's without being labelled, with the exception of Messrs. Payzant and Frazer's factory at Bonne Bay, which varnishes and labels on the spot.

(*h.*) The cost of building varies, but it may be roughly estimated at from 2,000 to 3,000 dollars, and the daily cost of maintenance may be roughly stated to average 6 to 8 dollars.

(*i.*) The value of a case at present is 6 dol. 25 c., and the profit from a dollar to 2 dollars a case in average years.

(*j.*) Generally the "take" is sold or mortgaged to the outfitter, before the season commences.

3. The lobster industry has become, and will become more and more, year by year, the mainstay of the inhabitants of the west coast of Newfoundland; it employs men, women, and children, winter and summer.

(*a.*) Trapping lobsters pays better than fishing for cod, is far more regular, and gives the fishermen a "night in bed." This to some extent accounts for the falling-off in the local takes of cod.

(*b.*) Nothing but a personal inspection can give any idea of the good the factories are doing along the whole of the west coast, and of the number of men, women, and children that are dependent upon them; it would send the whole coast back to ruin and starvation if this industry were suppressed, or even curtailed.

(*c.*) The profits are not so great to the owners as is supposed, but the people benefit all the same, and the Government has thus a most magnificent system of out-door relief for its poor, with all risks taken and the capital found.

4. *French Interference.*—There is only one factory on the whole coast which can possibly in any way interfere with the temporary fishing rights of the French. It is situated on "Two-Hill Point," inside Port Saunders, and it has been in the habit of purchasing lobsters from the local fishermen who set their traps in the bays and along the shore; practically from Gargamelle Cove to about a mile to the northward of Mal Bay.

(*a.*) Part of the coast thus fished is undoubtedly used by the men from the French rooms at Port-au-Choix, Barbese, and Savage Island to seine and bar herring for bait, but only at certain times and in certain places, notably Keppel Harbour, in June and July.

(*b.*) It was the bad arrangement of the manager and the local fishermen in setting their traps after the arrival of the Frenchmen which gave Captains Belin and Villala (agents for Auguste Lemoine and Guibert et Fils) an apparent ground for complaining "that the cages along the shore from Mal Bay to Point Riche prevent them from provisioning themselves with bait on the appearance of the various schools of herring, capelin, squid, &c., during the fishery season, and that when they attempt to seine for bait gave them an excuse for complaint that their nets are destroyed."

(*c.*) The justice of their demand was so far allowed this season by you, that the fishermen who supply the Port Saunders factory were limited to a very small lobster area, and the harbours and bays complained of were prohibited.

(*d.*) Notwithstanding this prohibition, I have been able to ascertain that since your order the bays in question have not been fished by the French for bait.

(*e.*) The real reasons why Captains Belin and Villala wish to prevent the fishermen who trap for this factory from setting their traps are:—

(1.) Personal animosity to Mr. Shearer, the manager, the reason for which is difficult to arrive at, but it was in connection with the purchase of bait.

(2.) If they could get this factory closed, they would be enabled to feed their own small boiling-houses at a cheap rate, through the fishermen who work on the prohibited coast, and possibly set up themselves at Port Saunders.

(*f.*) The lobster factory at Port Saunders is unfortunately situated, in so far that it is about 10 miles from the French rooms at Port-au-Choix; but there is no just

reason for closing it, and under proper restrictions, which could be regulated annually by the west-coast ship or Senior Officer, there can be no possible ground for complaint on the part of the French.

(*g*) In September this year Mr. Shearer pulled down half of his canning buildings, and transplanted them to the north of Castors River, a place not fished at present, leaving sufficient sheds at Port Saunders to carry on the industry on a reduced scale suitable to the curtailed lobster fishing-ground.

5. In compliance with your Memorandum dated the 10th June, 1888, I have carefully investigated the Black Duck Brook (No. 8 on Chart) trawl cutting case (*vide* special letter No. 2 of the 22nd June) on the 18th and 19th June. There is not, and cannot be, any just complaint against this factory; but on my last visit Mr. Halliburton told me, in conversation, that he intended to move north of Bonne Bay early next season.

(*a.*) No other factory on the west coast is near to any French fishing-station, or can in any way interfere with their Treaty rights, and none other has ever been complained of.

6. After the most careful and repeated inspection of the west coast from Cape Ray to Cape Norman, the conviction has been forced upon me that the wholesale closing of the British lobster factories, and the suppression of this great industry, because "the only two French firms, Auguste and Anatole Lemoine, and Guibert Fils, of St. Malo, employing 510 fishermen," who fish this coast, complain that they are hindered in obtaining bait at one spot (they themselves having four lobster factories working), would be as cruel as it would be unjustifiable on the part of these two firms to demand it.

7. Your thorough knowledge of this coast will, I venture to hope, enable you to bear me out in my statement that there exist at this moment fixed settlements and fixed fishery establishments all along the line of coast from Cape Ray to Cape St. John, on which the French rights extend, and not only do they exist without protest, but with even greater harmony than is usual between rival settlements of the same nationality.

(*a.*) According to the present policy and manner of working the fishery on the west coast, these settlements are permitted and recognized where they do not interrupt by their competition the fishery of the French, and should there be any complaint as to any particular settlement or locality, it is, by your instructions, reported to you, and dealt with on its individual merits.

(*b.*) This manner of treating the fishery settlements has been this season, by your orders, extended to the lobster factories, and I would advocate, with all the fervour at my command, that Her Majesty's Government sanction this means of dealing with the difficulty caused by the unreasonable demand of the French to crush a thriving industry on a starving coast, where it in no possible way interferes by competition with their fishermen.

8. I have prepared the accompanying Chart in order to show clearly the position of the factories with reference to the French rooms on the west coast.

9. *Close Season.*—I am informed that the Legislature of Newfoundland contemplate a close season from the end of July, and I would beg to point out that between the third week in July and the third week in August the lobsters go through a process of changing shells, during which time they lay by, and do not crawl into the traps, and if caught are thrown back, but after the 20th to 25th August they come on strong during September and October, which, except for the weather, are the two best months of the year.

10. If the factories are closed either at the end of July or August, it will not be worth while to open them at all. They open, as a rule, on the 8th to 12th June, and close during October, the ice period establishing a close season of its own.

Inclosure 9 in No. 126.

Memorandum.—(*Vide accompanying Chart.*)

NO. 1. Cod Roy, owned by Mr. McDougal, is the most southern factory on that part of the coast where the French have certain Treaty rights of fishing. It was closed on account of bad weather and scarcity of lobsters.

No. 2. Next in order, going north, is a factory owned by Mr. E. Leroux, trader, of Sandy Point, Bay of St. George, a Frenchman who left his country to evade

conscription, and became a native of Newfoundland; he employs about thirty hands at the highlands near Cape Anguille, and is doing fairly well.

No. 3. A few miles to the northward again Mr. C. R. Bishop, trader and Postmaster of Sandy Point, has a factory at Crabbs Brook on about the same scale.

No. 4. At Sandy Point, belongs to Mr. E. Leroux, employs about twenty hands. This factory does not open until after the herring and the French schooners have left Flat Bay.

No. 5. On the south side of Flat Bay, belongs to Mr. N. Butt, trader, a native of Sandy Point; he employs about twenty hands, and does not open until after the French leave.

No. 6. The Gravels, Bay of St. George, owned by Messrs. Abbott and Hill, natives of Newfoundland. They were obliged to close at the end of July owing to scarcity of lobsters, having little more than paid their expenses.

No. 7. Cape George. This factory also belongs to Messrs. Abbott and Hill; the fishing-ground is very open and exposed to the south-west gales, but has made a fair profit.

No. 8. Black Duck Brook, or Shoal Cove Factory, owned by Mr. James Baird, of St. John's, Newfoundland. The fishermen who supply it fish the outer coast of Long Point, Port-à-Port, and are also at the mercy of the weather. The French from Red Island, 18 miles away, complain that the traps off Shoal Cove interfered with their seining for herring, and they landed at Black Duck Brook, and cut some of the trawls. Their complaint was proved to be ridiculous, and I am informed they were punished for the outrage committed. The manager, Mr. John Halliburton, informed me he would move further north next season.

No. 9. The Gravels, Port-à-Port, is also owned by Mr. James Baird. Cans salmon and lobsters. It is situated on the inside of the Gravels, and fishes the harbour of Port-à-Port. They had a fairly good season.

No. 10. Middle Point, Port-à-Port. This factory is in ruins, and need no longer be taken into account.

No. 11. Long Point. This factory is owned by Mr. J. Cairns, of Prince Edward Island. He employs about sixty men, but does not open until after the departure of two schooners from Red Island, who leave towards the end of June.

No. 12. Broad Cove Bluff Head, also owned by Mr. J. Cairns, has done well, but not quite as well as in 1887.

No. 13. Bay of Islands. This factory is situated on the eastern extremity of Wood Island, and is owned by Mr. Carter, an enterprising resident of
They have only canned half the number of cases that they reached in 1887.

No. 14. Bay of Islands, also on Wood Island, in Thibaut Cove. A Mr. Neville is managing for a Halifax firm; this is their first year, and they have done little more than pay expenses.

No. 15. Bay of Islands, Liverpool Cove. This factory also belongs to Mr. Carter. It was opened for a short time in 1887, but did not pay, and was again tried in July this year, with no better result. I doubt its being opened again.

No. 16. Bay of Islands. Lark Harbour, owned by Mr. Forsey, from Grand Bank. It was burned down last year, but rebuilt before the commencement of this season, during which it has done fairly well.

No. 17. Bay of Islands. North side Crabbs Brook, owned by Messrs. Stabb and Roach, the former from St. John's. They are outfitted and send all their cans to Halifax. It is feared that the firm who fit them out may fail.

No. 18. Outside Bay of Islands, near North Head, known as Shoal Point, also owned by Messrs. Stabb and Roach. As is the case with almost all the lobster fishing they have the advantage of the sea fishing and quantity of lobsters, with the disadvantage of being open to all weather. They find that they are obliged to get Nova Scotian fishermen for the rougher portions. I was obliged to find fault with No. 18 on account of the accumulation of offal on the beach, and the overcrowding of the girls' shed, but I am glad to report that on my second visit I observed that both these faults had been remedied.

No. 19. Woody Point, Bonny Bay, owned by Messrs. Payzant and Fraser, of Halifax. This is one of the most complete and well-built factories on the coast. It is situated in the middle of the large fixed fishing settlement of Woody Point, and with the aid of three small hired schooners fishes the coast from Bonne Bay northwards, and what they can take inside, which gets yearly less. They are not doing so well this year, owing to traps being three years old. They take 200 tons of wood annually from natives, at about 2 dollars a cord, thus giving winter employment.

They are the only firm who varnish and label their cans on the spot. A large schooner belonging to the firm runs between Halifax and the factories.

No. 20. Sally Point lies between Bonne Bay and St. Paul's Bay. It has only been erected this year, but should do well in 1889. Owners, Messrs. Payzant and Frazer.

No. 21. St. Paul's Bay. This also belongs to Messrs. Payzant and Frazer, and has taken more lobsters than any other factory on the coast this season. When there are too many here the surplus is sent to Bonne Bay.

No. 22. Cow Head, belongs to Messrs. Taylor and Cooper, of St. John's and Halifax. They are also doing well.

No. 23. Cow Cove. I was unable to land either time I called owing to heavy sea, but factory reported to be doing well.

No. 24. Port Saunders, belongs to Messrs. Shearer and Forest, of Halifax. This is the only factory of which the French can have any reason to complain (*vide* General Remarks). They have lost money on it this year, but next season it will be worked on a reduced scale suitable to the fishery area available.

No. 25. St. Margaret's Bay. This bay has, up till now, been fished by Messrs. Shearer and Forest for their Brig Bay factory, but this year Mr. Chetwynd, of Halifax, has built a factory, and is fishing concurrently with them. There are at present plenty of lobsters.

No. 26. Brig Bay. Belongs to Messrs. Shearer and Forest, and is the best conducted and most paying factory on the coast, avering 8,000 lobsters a-day during the best part of the season. One day's catch being canned before leaving off work on the next.

No. 27. Current Island, owned by Mr. Chetwynd; has been erected this season on the mainland just inside Current Island. Fishes in Geneviève Bay; will probably do well next year. Can be visited by walking 4 miles from St. Barbe's.

No. 28. Salmon River, St. Geneviève Bay. A small factory owned by Messrs. Evans and Matthews, of Halifax. They will probably increase their scale of operations next year.

No. 29. St. Barbe's Bay, belongs to Messrs. Shearer and Forest; is the oldest factory on the coast, having been worked for fifteen years; was closed last year, but has paid fairly well this season.

Besides the above, there are factories about to start, which will probably be in working order by the beginning of next season.

(1.) By Mr. E. Leroux, along the Highlands, between Cape Anguille and Sandy Point.

(2.) Mr. Chetwynd, „ „ „

(3.) Mr. Le Grandais, „ „ „

The portions of the coast coloured "lake" in the Chart are occupied by the French permanently during the fishing season. The portions coloured Prussian blue are where the French fish during a small period of the season; all the remainder is open to British enterprise.

(Signed) CHARLES CAMPBELL, *Captain.*

Inclosure 10 in No. 126.

Lobster Factories on the West Coast.

No.	Name of Place.	Date.	Owners.	Where from.	Employ.						Catch.		Remarks.
					Girls.		Men.		Fishermen.				
					Foreign.	Native.	Foreign.	Native.	Foreign.	Native.	Cases, 1887.	Cases, 1888.	
1	Cod Roy	Passed	McDougall ..	St. John's	Nil	..	Closed.		..	..	Nil	Nil	Not sufficient lobsters to pay.
2	Highland, Bay of St. George ..	..	E. Leroux.. ..	Sandy Point ..	,,	12	Nil	6	Nil	10	Not started	950	
3	Crabbs R., ,, ,, ..	..	C. R. Bishop ..	,, ,, ..	,,	7	,,	6	,,	11	,,	800	
4	Sandy Point, ,, ,, ..	..	E. Leroux.. ..	,, ,, ..	,,	7	,,	4	,,	10	700	300	
5	,, ,, ,, ,, (South) ..	May 9	N. Butt	,, ,, (south side)	,,	9	,,	4	,,	8	500	300	
6	The Gravels, ,, ,, ..	August 5	Abbott and Hill ..	Gravels	,,	10	,,	10	,,	10	700	400	Closed from scarcity end of July.
7	Cape George, ,, ,, ..	,, 5	,, ,, ..	,, ...	,,	15	,,	6	,,	14	First year	1,000	
8	Black Duck Brook	June 20	James Baird ..	St. John's	,,	10	,,	8	,,	20	..	900	Propose to move northward.
9	Gravels, Port-à-Port	August 5	,, ,, ..	,, ...	,,	24	,,	12	,,	40	2,400	2,000	Has done well with salmon.
10	Middle Point, Port-à-Port	June 20	.. .. ..	.. .. ..	Closed and going to ruin.						..	..	Will not reopen.
11	Long Point, ,, ...	,, 20	J. Cairns	Prince Edward Island	Nil	22	Nil	10	Nil	35	900	330	Start after French schooners leave.
12	Broad Cove, Bluff Head	,, 20	,, ...	St. John's	,,	24	,,	11	,,	36	2,000	1,700	
13	Wood Island, Bay of Islands.. ..	..	Carter	,, ...	,,	10	4	4	,,	21	1,400	700	Lobsters falling off in the bays.
14	Thibaut Cove, ,, ,, ..	..	Neville	,, ...	,,	9	4	8	,,	10	Not started	500	Only started this year.
15	Liverpool Cove, ,, ,, ..	..	Carter	Grand Bank ..	,,	8	3	9	,,	9	..	..	Failed again 1888.
16	Lark Harbour, ,, ,, ..	..	Forsey	St. John's	,,	7	2	5	,,	12	700	600	Burnt down 1887; rebuilt by June 1888.
17	Crabbs Point, ,, ,, ..	..	Stabb and Roach ..	,, ...	,,	13	5	8	,,	17	1,025	1,000	Weather very rough.
18	Shoal Point, ,, ,, ..	..	,, ,, ..	,, ...	,,	15	3	6	8	4	Not started	1,000	
19	Woody Point, Bonne Bay	..	Payzant and Frazer ..	Halifax	,,	16	6	6	Nil	40	2,800	2,000	A very complete and well-managed factory.
20	Sally Point	..	,, ,, ..	,, ...	Not started this year.				..	..	..	..	Will open in June 1889.
21	St. Paul's Bay	..	,, ,, ..	,, ...	Nil	15	4	14	Nil	21	..	3,000	A very good catch this season.
22	Cow Head	..	Taylor and Cooper ..	Halifax and St. John's ..	,,	12	3	11	,,	17	2,000	1,600	Weather very rough here.
23	Cow Cove	..	,, ,, ..	,,	,,	13	4	9	,,	15	1,600	1,400	
24	Port Saunders	..	Shearer and Forest ..	Halifax	3	7	3	8	,,	23	2,300	900	Catch greatly diminished on account of prohibition.
25	St. Margaret's Bay	..	Chetwynd	,, ...	2	4	2	5	,,	13	Not started	600	
26	Brig Bay	..	Shearer and Forest ..	,, ...	4	10	10	2	4	13	2,500	2,800	The most paying and best managed.
27	Current Island	..	Chetwynd	,, ...	Nil	8	4	6	Nil	17	Not built	1,000	Will probably be enlarged.
28	Salmon River, Geneviève Bay.. ..	..	Evans and Matthews .	,, ...	,,	4	2	3	,,	12	,,	400	Ditto.
29	St. Barbe's Bay	..	Shearer and Forest ..	,, ...	..	11	3	7	8	6	Closed	1,200	Was closed last year, but has paid this, and will open in June.
	Total	..	..	..	9	302	62	188	20	444	21,525	27,880	

Total number employed :—Foreign, 91 ; native, 934.

(Signed) CHARLES CAMPBELL, *Captain.*

62°

60°

50°

48°

FORTEAU

SAVAGE BAY

FLOWERS COVE

ST BARBES

CURRENT I.CO

ST GENEVIEVE

29

28

27

26

25

French Schooners from Port Au Choix and St John I. fish during Summer.

A few French fish here in July & August

BRIG BAY

ST MARGARET

FEROLLE

ST JOHN Is
(2 Rooms)
(110 Men)

PORT AU CHOIX
(4 French Rooms)
(340 Men)

SAVAGE I.

GARGAMELLE

24

PORT SAUNDERS

KEPPEL Is

MAL BAY

French from Port Au Choix fish the mouth of this River for Salmon

PONS RIVER

COW HEAD

COW COVE

22

23

21

ST PAULS BAY

20

SALLY POINT

BONNE BAY

19

Woody Point

18

SHOAL POINT

CRABBS POINT

LIVERPOOL COVE

15

17

LARK Hr

WOOD Is

16

13

14

THIBAUT COVE

BAY OF ISLANDS

2 Schooners fish on this patch in Spring

8

PORT AU PORT

12

10

9

THE GRAVELS

RED ISLAND
(1 French Room)
(60 Men)

6

7

4

FLAT BAY

5

BAY OF ST GEORGE

Flat Bay is occupied by French during May. About 130 Bankers came for Bait in 1888.

3

CRAB

2

CODROY Is

1

CAPE RAYE

PLAN

OF THE

WEST COAST OF NEWFOUNDLAND,

SHOWING

BRITISH LOBSTER FACTORIES.

FRENCH ROOMS ... ... LAKE.

TEMPORARY FISHING GROUND ... BLUE.

BLACK LINE OPEN TO BRITISH.

made by Charles Campbell
Captain H. M. S. Lily

(1400. 6/90. 1196) F. O. 269.

Harrison & Sons. Lith. St Martins Lane W.C.

Inclosure 11 in No. 126.

Chart.

Inclosure 12 in No. 126.

Captain Campbell to Captain Hamond.

(Extract.) "*Lily*," *at Channel, Newfoundland, October* 10, 1888.

IN compliance with my sailing orders of the 29th August, with reference to the lobster factories established by the French on the west coast of Newfoundland, I have the honour to report as follows:—

Five years ago a small boiling-shed was set up on the right-hand side going out of Port-au-Choix, by Guibert et Fils, of St. Pierre and St. Malo; tins were imported from France, and an attempt was made to copy the lobster canning at that time in full swing at St. Barbe's and Brig Bay.*

One, two, or three boats, as they could be spared from the cod fishery, were employed to catch lobsters, and the cases were taken to France on the return of the brigs and schooners.

Not to be outdone, Auguste Lemoine started a similar establishment on their side of Port-au-Choix Harbour, on about the same scale, capable of canning 300 cases a-year at their best.

They fish along the coast from Point Riche to Old Port-au-Choix.

The following year Anatole Lemoine, who fishes St. John's Islands, erected a small boiling-house on the left bank going into Sesostris Bay, and started canning there, and Captain Dameron, of the barque "Puget," as his agent, built a roofed shed at the head of Old Port-au-Choix.

This roof, being contrary to Treaty, was removed by order of the French "Chef de Division Navale," and only the skeleton now remains, but Captain Dameron removed with his roof to Barred Bay, St. John's Island, where his barque, the "Puget," was and is still moored, and the only building which can be termed a lobster factory was erected.

The following year bricks and mortar were brought from France, and a permanent store added to the factory.

The "Puget" and crew from this date devoted their time to the lobster industry, assisted by some of the local fishermen and a few foreign girls, who pack the cans.

The Barred Bay factory is the only French factory on this coast doing real lobster business, and this year it has reached 1,600 cases.

Taking into consideration the increased expenses of maintaining the "Puget" and crew, bringing out stores, &c., the profit for 1888 may have reached 400*l*., but certainly not much more.

It is built contrary to Treaty rights, as reported in my special letter of the 24th July.

On the 4th September, when bidding me good-bye at Port Saunders, Commander Reculoux, of the aviso transport "Drac," informed me that he was the bearer of orders to Captain Dameron to remove the corrugated iron roof and permanent building, but a fortnight after the French ships of war had sailed from St. Pierre for France, and a few days before Captain Dameron's departure, I made a special visit to Barred Bay, and found that there had been no alteration made, neither did there appear to be any intention of carrying out the orders I had been assured were given.

I venture to hope I may be permitted to point out, as is clearly proved by the accompanying statistical Tables, showing British take as 27,880 cases, as against French 2,500, that whereas the suppression of the French lobster factories would scarcely affect the Brothers Lemoine or Guibert Fils, let alone France, the suppression of the British factories would renew the fearful misery so often and so strongly represented by the British naval officers who have had charge of the fishery on this coast, which misery is now so happily averted by the apparently ever-increasing swarms of lobsters which infest the shore.

It would, therefore, be a heavy sacrifice on our part to remove the lobster factories along the west coast, in order to prevent these two firms from canning 2,500 cases of lobsters per annum, and I doubt if they will do that for long.

* By English factories.—Richd. H. Hamond.

If I might venture to suggest a line of policy with reference to the French lobster factories, it would be to recognize them under certain conditions and laws for their guidance, and obtain an equivalent concession in return. I can scarcely think they would do more harm to our interests than a French firm setting up business in London would to its ordinary rivals in trade.

Then let the Captains of Her Majesty's cruizers deal with individual cases with reference to British factories as they occur, forwarding Reports as heretofore, and await the reduction or abolition of the bounty, which is inevitable as soon as the French nation become aware of that which is already known to their naval officers, viz., that the fishermen bred on the banks and shores of Newfoundland are next to useless in a modern iron-clad.

I have not heard of any intention on the part of the French to erect new buildings or start more factories on this coast, and I feel confident that the poor success of those existing will not encourage a fresh outlay of capital.

Inclosure 13 in No. 126.

TABLE of French Lobster Factories working in 1888 on the West Coast of Newfoundland.

No.	Name of Place.	Date of Visit.	Owners.	From.	Managers.	Number employed.	Catch, 1887.	Catch, 1888.
							Cases.	Cases.
1	Port-au-Choix ..	Frequently..	Auguste Lemoine..	St. Malo ..	Captain Belin ..	5 to 8	320	300
2	Port-au-Choix ..	,, ..	Guibert et Fils ..	,, ..	Captain Villala ..	4 to 7	290	250
3	St. John Harbour..	,, ..	Anatole Lemoine ..	,, ..	Captain Landgren..	4 to 7	300	300
4	Barred Bay, St. John Island	,, ..	Anatole Lemoine ..	,, ..	Captain Dameron..	60	1,500	1,600
						73	2,410	2,450

Remarks.—Very difficult to get the exact truth about the catch, but these figures may be taken as fairly accurate.

(Signed) CHARLES CAMPBELL, *Captain.*

Inclosure 14 in No. 126.

Lieutenant-Commander Bearcroft to Captain Hamond.

Sir, "*Forward*," *Howe Harbour, Hare Bay, July* 2, 1888.

I HAVE the honour to inclose a letter addressed to me by Capitaine de Frégate Reculoux, Commandant of the aviso-transport "Drac," and copy of my reply thereto.

2. With regard to this letter, dated the 25th June, 1888, I proceeded to Hauling Arm, White Bay, on the 28th June, where I met the "Drac," and received the letter mentioned.

3. Having satisfied myself that the working of the lobster factory referred to in M. Reculoux's letter would interrupt, by competition, the fisheries of the French, I gave Mr. John Murphy, the manager, a notice (copy inclosed) that his fishing must be discontinued.

4. On the 30th June I proceeded to Southern Arm, to which place the "Drac" also went, and, in company with Captain Reculoux, visited the buildings erected there by the French, and found them to consist of two light wooden sheds, one covered with canvas, where boiling and canning of lobsters was being carried on. There were, besides, a few log huts for dwelling purposes. All the buildings are of the same kind as those used by French fishermen at other places on the coast.

5. My reply to M. Reculoux's letter fully explains the result of my inquiries at the time, and I purpose visiting Conche again as soon as convenient, with a view of prosecuting them further.

I have, &c.

(Signed) JOHN E. BEARCROFT.

Inclosure 15 in No. 126.

Captain Reculoux to Lieutenant-Commander Bearcroft.

M. le Commandant, "*Drac*," *le* 25 *Juin*, 1888.

J'AI l'honneur de vous informer qu'un habitant de Saint-Jean construit, en ce moment, une factorerie de homards dans le havre de Hauling qui est occupé, ainsi que tous les havres de la Baie Blanche, par des pêcheurs Français.

Cette factorerie, élevée contrairement à toutes les prescriptions de Traités, Déclarations, et Proclamations du Gouvernement Britannique, sur la partie de la côte de Terre-Neuve réservée aux Français, causerait, à ces derniers, de grandes difficultés et de sérieux dommages dans l'exercice de leurs droits de pêche.

Je viens donc vous prier de vouloir bien donner des ordres pour empêcher l'ouverture et le fonctionnement de cette factorerie.

J'ai en votre absence prévenu le propriétaire de cet établissement qu'il n'avait pas le droit de pêche pendant cette saison et que je ferais appel à votre autorité pour l'obliger à respecter un droit qui est revêtu de la signature de nos deux Gouvernements.

Je pensais vous trouver au mouillage du havre de Hauling. Je suis obligé de me rendre à la Baie du Croc, mais je reviendrai dans ce havre, après une absence de quatre jours seulement, et j'éprouverai une vive satisfaction si je peux vous y rencontrer.

Veuillez, &c.
(Signé) A. RECULOUX.

Observations.—Le propriétaire de la factorerie qui s'élève dans ce havre m'a dit que les habitants pêcheraient pour lui, que lui ne pêcherait pas. La même raison a été invoquée par le propriétaire d'une factorerie de la côte ouest. Elle ne peut être admise et c'est ainsi qu'elle a été traitée entre les deux Chefs de nos divisions navales.

Les habitants n'ont pas plus le droit de gêner les pêcheurs Français dans leurs pêches, sur cette partie de la côte de Terre-Neuve, que les étrangers.

A. R.

(Translation.)

Sir, "*Drac*," *June* 25, 1888.

I HAVE the honour to inform you that a native of St. John's is, at the present moment, erecting a lobster factory in Hauling Harbour, which is, like all harbours in White Bay, occupied by French fishermen.

This factory, erected as it is in contravention to all Treaty Regulations, Declarations, and Proclamations of the British Government, on that part of the coast of Newfoundland which is reserved for the use of Frenchmen, would cause the latter great difficulties and serious losses in the exercise of their fishery rights.

Hence, I beg that you will issue orders to prevent the opening and working of this factory.

I have, in your absence, informed the proprietor of this establishment that he had no right to fish during this season, and that I should appeal to your authority in order to make him respect a right which was guaranteed under the signature of both our Governments.

I expected to find you in the roadstead of Hauling Harbour. I am obliged to go to Croc Bay, but I shall return to this port after an absence of only four days, and I should feel much gratified if I could meet you here.

I am, &c.
(Signed) A. RECULOUX.

Remarks.—The proprietor of the factory established in this harbour told me that natives would fish for him, but that he himself would not fish. The same reason has been pleaded by the proprietor of a factory on the west coast. This contention is inadmissible, and it has been treated as such by both the Commanders of our respective naval squadrons.

The natives have no more right than foreigners to interfere with French fishermen in their fisheries on this part of the coast of Newfoundland.

Inclosure 16 in No. 126.

Lieutenant-Commander Bearcroft to Captain Reculoux.

Sir, *Hauling Arm, White Bay, June* 29, 1888.

I HAVE the honour to acknowledge the receipt of your letter, dated the 25th June, 1888, having reference to the erection of a lobster factory in Hauling Arm, White Bay.

I have given directions to the manager that fishing for lobsters and working the factory is not to be carried on, and he has informed me that he intends to remove from this part of the coast as soon as possible. I have the honour to inclose a copy of a notice given to him.

With, &c.
(Signed) JOHN E. BEARCROFT.

Inclosure 17 in No. 126.

Lieutenant-Commander Bearcroft to Mr. J. Murphy.

WHEREAS the right of fishing enjoyed by French subjects will be interrupted and interfered with by the fishing for lobsters and working of factories on the east side of White Bay, I hereby give you notice that fishing for lobsters and working the factory under your management is to be discontinued.

Given under my hand on board Her Majesty's ship "Forward," at Hauling Arm, White Bay, this 29th day of June, 1888.

(Signed) JOHN E. BEARCROFT.

Inclosure 18 in No. 126.

Captain Hamond to Vice-Admiral Lyons.

Sir, "*Emerald,*" *at Halifax, October* 25, 1888.

I HAVE the honour to forward correspondence between Captain Campbell, of Her Majesty's ship "Lily," and Lieutenant de Vaisseau Carpentier, of the "Crocodile." I regret that the latter officer did not personally inquire into these complaints, as I have no doubt he would have found, as Captain Campbell did, that they were greatly exaggerated statements, and in great part false. On my arrival at Hawke Bay on the 31st July, I issued a written order to the inhabitants of Gargamelle Cove, forbidding them to set lobster trawls there, as this place is near Port-au-Choix, where the French are established.

You will observe that again this year French fishermen were found fishing for salmon in the fresh water of Ponds River, and also in the mouth of a lake above Castors River, and although Lieutenant de Vaisseau Carpentier forbade them to do so, yet by that date the run of salmon was probably over, and the damage done in preventing them ascending to their spawning-beds.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 19 in No. 126.

Commander Campbell to Lieutenant Carpentier.

Sir, "*Lily,*" *Port Saunders, July* 9, 1888.

I HAVE the honour to acknowledge the receipt of your letter of the 6th instant.

I much regret that you omitted to furnish me with the necessary data to enable me to discover the nets and trawls complained of.

I have myself diligently searched Keppel Harbour, and I may safely state that there is nothing there of any kind, either belonging to Mr. Shearer or any one else,

that could possibly interfere with the fishing rights of your countrymen, if they fished there.

I have, &c.
(Signed) CHARLES CAMPBELL.

Inclosure 20 in No. 126.

Commander Campbell to Lieutenant Carpentier.

Sir, "*Lily*," *at Port-au-Choix, July* 10, 1888.

I HAVE the honour to bring to your notice that, on inspection of Ponds River, Mal Bay, this morning, I found a French fisherman with two salmon-nets set inside the river, in the deep channel, each of them reaching half-way across the river.

2. I informed him that he had no right to set them, and told him I would inform you that he was fishing illegally, and that I would ask you to have his nets removed.

Hoping this will not inconvenience you in any way, I have, &c.
(Signed) CHARLES CAMPBELL.

Inclosure 21 in No. 126.

Lieutenant Carpentier to Commander Campbell.

M. le Commandant, *Le "Crocodile," Port-au-Choix, le* 10 *Juillet,* 1888.

J'AI l'honneur de vous adresser la copie d'une nouvelle plainte qui m'a été faite par nos pêcheurs, qui sont arrêtés dans leurs opérations par les filets à saumons et les casiers de l'usine Shearer, qui encombrent toute la côte depuis Mal Bay jusqu'à la Pointe Riche.

Notamment à Gargamelle, un Sieur Atkins, fournisseur de Shearer, empêché par la présence de ses engins de seiner dans la crique, qui est le meilleur endroit d'approvisionnement pour la boïtte; les pertes occasionnées par cette homme à l'époque du capelan ont été considérables.

Je vous prie de nouveau respectueusement, Commandant, de vouloir bien prendre les mesures que vous jugerez convenables pour faire cesser le plus tôt possible cet état de choses contraires aux Traités, et que je vous ai signalé une première fois le 6 Juillet dans la Baie de Hawke.

Je me vois, du reste, obligé d'en référer à mon Chef de Division, en lui faisant connaître que si les obstacles que les riverains opposent à notre pêche restent les mêmes encore quelques jours, au moment où l'hareng arrive, les intérêts des maisons Françaises concessionnaires des havres du "French Shore" seront gravement compromis.

Je suis, &c.
Le Lieutenant de Vaisseau,
Commandant le "Crocodile,"
(Signé) CARPENTIER.

(Translation.)

Sir, "*Crocodile,*" *Port-au-Choix, July* 10, 1888.

I HAVE the honour to transmit to you copy of a fresh complaint which has been lodged with me by our fishermen, who are stopped in their operations by the salmon-nets and the lobster-pots of Shearer's factory, obstructing the whole coast from Mal Bay to Point Riche.

It is principally at Gargamelle that a Mr. Atkins, purveyor to Shearer, prevents, by the presence of his traps, the casting of seines in the creek, which is the best spot for the supply of bait; the losses occasioned by this person at the time of capelin fishing were considerable.

I again respectfully request you to take the measures which you may consider proper to put a stop, as soon as possible, to this state of things, which is contrary to Treaties, and of which I informed you for the first time on the 6th July in Hawke Bay.

Moreover, I shall have to make a report to my Chief of the Station, informing him that, if the obstacles which the inhabitants on shore put in the way of our fishery remain as they are for a few more days, when the herring arrives, the interests of the French firms who have been granted fishing concessions in the harbours of the "French Shore" will be seriously affected.

I am, &c.
(Signed) CARPENTIER,
Lieutenant-Commander, and Commander of the "Crocodile."

Inclosure 22 in No. 126.

Lieutenant Carpentier to Commander Campbell.

M. le Commandant, *Le "Crocodile," Port-au-Choix, le* 10 *Juillet*, 1888.

AU moment même où je vous envoie cette plainte je reçois une autre réclamation des pêcheurs de l'Ile Saint-Jean, qui sont arrêtés dans leurs opérations par cinq goélettes Terre-Neuviennes installées dans l'anse de la Tourelle.

Je vous en envoi copie en vous priant respectueusement de prendre les mesures que vous jugerez convenables pour faire cesser cet abus.

Je suis, &c.
Le Lieutenant de Vaisseau,
Commandant le "Crocodile,"
(Signé) CARPENTIER.

(Translation.)

Sir, "*Crocodile*," *Port-au-Choix, July* 10, 1888.

AT the very moment when I am forwarding to you this complaint I receive another claim from the fishermen of St. John's Island, who are stopped in their operations by five Newfoundland schooners stationed in Tourelle Cove.

I inclose a copy of it, and ask you respectfully to take measures which you may think proper for putting an end to this abuse.

I am, &c.
(Signed) CARPENTIER,
Lieutenant-Commander, and Commander of the "Crocodile."

Inclosure 23 in No. 126.

Lieutenant Carpentier to Commander Campbell.

M. le Commandant, *Le "Crocodile," Ile des Sauvages, le* 10 *Juillet*, 1888.

J'AI l'honneur de vous accuser réception de vos lettres datées de Port Saunders le 9 Juillet et de Port au Choix le 10 Juillet, et je m'empresse de vous répondre.

J'avais envoyé le 6 Juillet à bord du "Lily," dans la Baie de Hawke, l'officier qui avait lui-même le matin constaté la présence des engins de Shearer dont se plaignent nos pêcheurs, afin de vous donner sur leur situation tous les renseignements possibles; malheureusement il n'a pu vous rencontrer.

Je l'avais chargé de vous indiquer que les casiers à homards étaient actuellement mouillés sans bouées et dragues tous les matins dans les lieux interdits à la homarderie de Port Saunders.

J'envoie à M. Belin, concessionnaire de Ponds River à Mal Bay, l'ordre formel de se conformer strictement aux instructions qu'il a déjà reçues, c'est-à-dire, de ne pas barrer de ses filets plus des deux tiers de la rivière, et de pêcher dans la limite de salure des eaux.

Je pense, Commandant, que cette mesure répond aux modifications que vous désirez voir apporter à l'exploitation de la saumonerie de Mal Bay.

Je suis, &c.
Le Lieutenant de Vaisseau,
Commandant le "Crocodile,"
(Signé) CARPENTIER.

(Translation.)

Sir, "*Crocodile,*" *at Savage Islands, July* 10, 1888.

I HAVE the honour to acknowledge the receipt of your letters dated Port Saunders, 9th July, and Port-au-Choix, 10th July, respectively, and I hasten to reply to them.

I had on the 6th July sent on board the "Lily," in Hawke Bay, the officer who himself had seen Mr. Shearer's traps, of which our fishermen complain, in order to give you all possible information as to their position; unfortunately he was unable to find you.

I had instructed him to inform you that the lobster-pots were now moored every morning, without buoys or "dragues," on the spots forbidden to the Port Saunders factory.

I have given distinct orders to M. Belin, who has the concession of Ponds River at Mal Bay, to conform strictly to the instructions which he has already received, that is to say, not to block with his nets more than two-thirds of the river, and to fish within the salt-water line.

I believe that this measure will meet your wishes as to the desired change in the working of the Mal Bay salmon fishery.

I have, &c.
(Signed) CARPENTIER,
Lieutenant-Commander, and Commander of the "Crocodile."

Inclosure 24 in No. 126.

M. Landgren to Lieutenant Carpentier.

M. le Commandant, *Ile Saint-Jean, le* 24 *Juin,* 1888.

J'AI l'honneur de vous informer que depuis plusieurs jours cinq goélettes Anglaises sont installées à pêcher dans l'anse de la Tourelle; ces goélettes nous font un tort préjudiciable, et de plus elles vont la nuit visiter nos harouelles, y prendre notre morue et faire, selon leur habitude, couper nos lignes et les voler.

Je vous prie, M. le Commandant, de faire droit à ma requête, en les faisant partir du dit havre.

J'ai l'honneur, &c.
Le Capitaine du "Qui qu'en Grogne,"
(Signé) E. LANDGREN.

(Translation.)

Sir, *St. John's Island, June* 24, 1888.

I HAVE the honour to acquaint you that for several days past five English schooners have been engaged in the fishery of Tourelle Cove; these schooners do us considerable damage, and, what is more, they get at our deep-sea lines by night, take our cod, cut the lines, as is their habit, and steal them.

I beg that you will accede to my request, and make these vessels leave the harbour.

I have, &c.
(Signed) E. LANDGREN,
Captain of the "Qui qu'en Grogne."

Inclosure 25 in No. 126.

MM. Belin and Villala to Lieutenant Carpentier.

M. le Commandant, *Port-au-Choix, le* 10 *Juillet,* 1888.

NOUS avons l'honneur de vous signaler que depuis le 22 Juillet, jour de votre départ de Port Saunders, le Sieur Shearer n'a cessé de poser ses casiers et ses rets à saumon autour de l'Ile Keppel, anse de Gargamelle, en un mot, partout où ça lui est défendu.

Si cet état de choses dure plus longtemps, il nous aura été cette année absolument impossible de profiter de nos dégrats de l'Ile Keppel et de l'anse à la Pomone; sans compter les dégâts occasionnés dans nos filets, qui ont été massacrés par les casiers,

toutes les fois que nous avons voulu seiner en ces endroits, qui cependant ont été interdits à Mr. Shearer.

Nous sommes avec respect, Commandant, vos très obéissants serviteurs, ne doutant pas que vous ferez droit à nos plaintes réitérées,

Le Capitaine Prud'homme de Port-au-Choix,
Gérant de la Maison Auguste Lemoine,
(Signé) E. BELIN.

Le Capitaine du "Sans-Souci,"
Gérant de la Maison Guibert et Fils,
(Signé) E. VILLALA.

(Translation.)

Sir, *Port-au-Choix, July* 10, 1888.

WE have the honour to inform you that since the 22nd July, the day of your departure from Port Saunders, Mr. Shearer has not ceased to set his traps and his salmon-nets round Keppel Island, Gargamelle Cove, and, in one word, wherever he is forbidden to do so.

If this state of things continues, we shall be unable this year to fish our waters in the neighbourhood of Keppel Island and Pomone Cove; not to speak of the damage done to our nets, which have been destroyed ("massacrés") each time we tried to spread our seines on these spots, which have been forbidden to Mr. Shearer.

We are, Sir, with respect, your most obedient servants, not doubting that you will do justice to our repeated complaints,

(Signed) E. BELIN,
Capitaine Prud'homme of Port-au-Choix, Agent for Auguste Lemoine.

(Signed) E. VILLALA,
Captain of the "Sans-Souci," Agent for Guibert and Son.

Inclosure 26 in No. 126.

Commander Campbell to Lieutenant Carpentier.

Sir, *"Lily," at St. John's Island, July* 11, 1888.

I HAVE the honour to acknowledge the receipt of your letters, and inclosures, of the 10th instant.

1. With regard to the officer you sent on the 6th July, I have made inquiries, and find that he did not in any way mention the fact that he had been sent to give special information as to the trawls complained of. When we are better acquainted I will ask you to honour me by dealing with me personally with regard to international questions.

I think it would be better for the interests of the Governments we represent that we should discuss matters between ourselves, as our officers have no knowledge of our instructions.

2. With regard to the second complaint, that the salmon nets and cages of Mr. Shearer encumber the coast from Mal Bay to Point Riche, I have the honour to inform you that I have searched the coast between the places named, and I am certain that the fishermen who fish lobsters for the purpose of selling them in the highest market, namely, Mr. Shearer's factory, have no cages on that coast.

3. With regard to the fishing in Gargamelle Cove to the westward of South-West Cove, the fisherman Atkins has a written permission from Captain Hamond, the Senior British Officer on this station, to fish in Gargamelle Cove, which you will, I hope, understand I cannot interfere with, and this case having been decided by our superior officers, I quite agree with you as to your referring the matter to your "Chef de Division;" I will do the same with mine. In the meantime, immediately I return to Port Saunders, I will take the most stringent steps to re-examine the prohibited coast and see that the agreement made by our respective Senior Officers is strictly carried out. I have already taken up three salmon-nets belonging to a fisherman named Eastman, on the west shore of Keppel Island, and sent him to Port-au-Choix.

4. With regard to the five schooners in Turret Bay, I have the honour to inform you that immediately on receipt of your letter inclosing the complaint of Captain E. Landgren, I proceeded to Well Bay and landed to carry out your wishes. I am pleased to be able to inform you that the schooners complained of have left the vicinity of St. John Island, and M. Landgren himself told me that they had done no damage to French property of any kind.

I venture to hope you will be equally pleased, with myself, at so satisfactory a termination of the affair.

I have, &c.
(Signed) CHARLES CAMPBELL.

Inclosure 27 in No. 126.

Commander Campbell to Lieutenant Carpentier.

Sir, "*Lily*," *at St. Margaret's Bay, July* 12, 1888.

I HAVE the honour to inform you that, on my paying a visit of inspection to Castor River this day, I found four French fishermen netting salmon in the lake above the river, at least half-a-mile above tidal water, and that the net they were using was also illegal, the size of the mesh being more than 2 inches too small.

They have caught ten cases, and had taken four this morning, and are, I am informed, fishing for Captain Dameron, of the barque "Puget," at Barred Bay, St. John Island.

I beg of you to take such steps as you may deem necessary to cause these fishermen to desist from fishing in this river.

I have, &c.
(Signed) CHARLES CAMPBELL.

Inclosure 28 in No. 126.

Lieutenant Carpentier to Commander Campbell.

M. le Commandant, *Le "Crocodile," Sainte-Barbe, le* 18 *Juillet,* 1888.

J'AI l'honneur de vous accuser réception de votre lettre du 11 Juillet.

J'étais déjà complètement d'avis, avant que vous n'ayez bien voulu me faire connaître votre opinion, que je trouve du reste excellente, que les intérêts nationaux doivent être discutés entre nous seuls qui avons reçu les instructions nécessaires.

Jamais un de mes officiers du reste ne vous a été envoyé pour traiter avec vous de questions semblables. M. l'Enseigne de Vaisseau qui a été le 6 Juillet dans la Baie de Hawke à bord du "Lily" vous porter ma plainte contre les filets et les casiers des pêcheurs de Port Saunders, était simplement chargé de vous remettre cette plainte écrite et, dans le cas seulement où vous l'auriez interrogé, de vous indiquer les places exactes où se trouvaient ces engins, et qu'il eut été vraiment difficile d'indiquer exactement par écrit à quelques mètres près.

Ces renseignements n'eussent pas été superflus puisque vous n'avez pu rien trouver malgré tout le soin que j'en suis sûr vous avez mis à faire cesser un état de choses de plus en plus préjudiciable à nos nationaux.

Quant à l'autorisation donnée par M. le Commandant Hamond, votre "Senior Officer," au Sieur Atkins, de pêcher dans Gargamelle Creek, elle est en contradiction absolue avec les instructions que j'ai reçues, qui sont le résultat de l'accord intervenu à Port Saunders entre nos chefs respectifs.

Néanmoins, suivant votre désir, je vais en référer à mon Chef de Division, en réservant toutefois la question de l'indemnité qui pourra être accrue par les retards apportés ainsi à la suppression des obstacles qui enlèvent à nos pêcheurs une des meilleures places d'approvisionnement de la boïtte.

Je vous remercie d'avoir fait évacuer les goélettes qui gênaient les concessionnaires de l'Ile Saint-Jean dans l'anse de la Tourelle. J'ai moi-même été à Mal Bay, et je me suis assuré qu'on n'y pêchait plus qu'avec un seul filet placé à la pointe sud de l'embouchure de Ponds River, n'obstruant même pas la moitié du lit de la rivière.

J'espère, M. le Commandant, que ces conditions vous paraîtront légales.

En retournant à Port-au-Choix je visiterai la Baie des Castors, et je ferai apporter dans cette saumonerie les mêmes modifications.

Je suis, &c.
Le Lieutenant de Vaisseau,
Commandant le "Crocodile,"
(Signé) CARPENTIER.

(Translation.)

Sir, "*Crocodile*," *at St. Barbe's, July* 18, 1888.

I HAVE the honour to acknowledge the receipt of your letter of the 11th instant.

Even before you were good enough to favour me with your opinion, which, by the way, I consider quite right, I had come to the conclusion that the international interests should be discussed personally between ourselves, who have received the necessary instructions. I have never, in fact, sent any of my officers to discuss such questions with you. The officer who came to see you on board the "Lily" on the 6th July in Hawke's Bay about my complaints against the nets and traps of the Port Saunders fishermen was only instructed to deliver to you this written complaint; and only in case you questioned him was he to point out the exact spot where those engines were placed, which it would have been difficult to explain in writing with any accuracy to within several metres.

This information would not have been superfluous, since you have been unable to discover anything, in spite of the care with which I am sure you tried to put an end to a state of things so seriously affecting our countrymen.

As regards the permission given by Captain Hamond, your Senior Officer, to Mr. Atkins, to fish in Gargamelle Creek, it is in direct contradiction to the instructions I have received, which are the result of the agreement come to between our respective chiefs at Port Saunders.

Nevertheless, in accordance with your request, I shall refer the matter to the chief of my station, whilst reserving the question of compensation which may become due owing to the delay in the removal of obstacles which deprive our fishermen of one of the best places for providing themselves with bait.

I thank you for having removed the schooners which interfered with the fishermen of St. John's Island and Tourelle Cove. I have myself been to Mal Bay, and have assured myself that the fishery is now carried on with one net only, set at the south end of the mouth of Ponds River, obstructing not even one-half of the river-bed.

I trust that you will consider this lawful.

In returning to Port-au-Choix, I shall visit Castors Bay and introduce similar changes in the salmon fishery there.

I have, &c.
(Signed) CARPENTIER,
Lieutenant-Commander, and Commander of the "Crocodile."

Inclosure 29 in No. 126.

Lieutenant Carpentier to Commander Campbell.

M. le Commandant, *Le "Crocodile," Baie des Castors, le* 22 *Juillet*, 1888.

EN réponse à votre lettre du 12 Juillet, j'ai la satisfaction de vous annoncer que, conformément à vos désirs, les pêcheurs Français ont cessé leur pêche du saumon dans la Rivière des Castors.

Les irrégularités que vous avez constatées dans la visite que vous y avez faite le 12 avaient cessé dès le même jour, et la pêche ne se faisait plus que dans la baie même.

Aujourd'hui, 22 Juillet, tous les filets ont été supprimés. Les infractions signalées avaient été commises par les hommes du "Puget" sans que M. Dameron en ait eu connaissance; il a été fort chagrin, et fort irrité contre ses hommes.

J'ose espérer, M. le Commandant, que la terminaison de cette affaire est à votre entière satisfaction.

Je suis, &c.
Le Lieutenant de Vaisseau,
Commandant le "Crocodile,"
(Signé) CARPENTIER.

(Translation.)

Sir, "*Crocodile*," *at Castors Bay, July* 22, 1888.

IN reply to your letter of the 12th instant, I am glad to be able to inform you that, in accordance with your request, the French fishermen have ceased their salmon-fishing in Castors River.

The irregular proceedings you had observed on the occasion of your visit of the 12th ceased that very day, and the fishery was pursued only in the bay itself.

To-day, the 22nd July, all the nets have been suppressed. The irregular proceedings complained of emanated from the men of the "Puget," without the knowledge of M. Dameron; he was very sorry, and much annoyed with these men.

I trust that the termination of this incident is to your satisfaction.

I have, &c.

(Signed) CARPENTIER,

Lieutenant-Commander, and Commander of the "Crocodile."

Inclosure 30 in No. 126.

Commander Campbell to Captain Hamond.

Sir, "*Lily*," *at Hawke's Bay, July* 24, 1888.

I HAVE the honour to forward correspondence that has taken place between Lieutenant Carpentier, of the French gun-boat "Crocodile," and myself.

2. On the 6th July the "Crocodile" steamed into Hawke's Bay, and delivered a letter, but she did not anchor, and her Commander did not call.

3. I weighed and proceeded to Port Saunders, and made a close investigation of Keppel Harbour, and I found that two salmon-nets had been set, and some cages, but they were all removed before my visit. I also found that Estmont had two salmon-nets down on the outer edge of Keppel Island, and I ordered him to take them up, which he did.

4. I then wrote a letter, copy inclosed, and went to Port-au-Choix; the "Crocodile" came from St. John's Island and anchored off Savage Island, and forwarded me the complaints inclosed from Captains Belin and Villala, and also the complaint from Captain Landgren, but still Lieutenant Carpentier did not come.

I landed and saw Captains Belin and Villala, and was shown over their lobster factories, and I then had Mr. Shearer and the fisherman Atkins on board. The latter showed me your written order, and I then wrote to Lieutenant Carpentier. At daylight I weighed and proceeded to St. John's Island to investigate Turret Cove complaint, and found that it was greatly exaggerated, and in part false, as no damage whatever had been done.

I then proceeded on my round and anchored in St. Margaret's Bay.

5. The following morning, accompanied by Lieutenant Robertson, I landed and walked to Castors River, where I surprised four French fishermen netting salmon with an illegal net above the river at the entrance to the fresh-water lake. I told them they were doing wrong.

They were netting for Captain Dameron, of the barque "Puget," and Barred Bay lobster factory.

I then wrote again to Lieutenant Carpentier.

6. After visiting all the ports, lobster factories, &c., up to Forteau, I returned to St. Barbe's and delivered these letters, to which the inclosed letters are the final replies.

I see no reason to write again.

7. I have the honour to report that the French lobster factories at Sesostris Bay, Port-au-Choix, and St. John Harbour are roofed sheds, but the factory of Captain Dameron at Barred Bay is unquestionably a permanent building, as also the store which is attached to it, and which is roofed with corrugated iron.

I have taken no action in this matter pending your instructions.

I have, &c.

(Signed) CHARLES CAMPBELL.

Inclosure 31 in No. 126.

Lieutenant Carpentier to Commander Campbell.

M. le Commandant, *Le "Crocodile," Port Saunders, le* 6 *Juillet,* 1888.

J'AI l'honneur de vous informer que j'ai constaté ce matin dans le havre de Keppel la présence de deux filets à saumon et de plusieurs chapelets de casiers à homards destinés à approvisionner la homarderie de Mr. Shearer. Ce havre se trouvant en dehors des limites assignées à Mr. Shearer je vous prie respecteusement de vouloir bien faire supprimer ces engins que je vous signale, qui sont un obstacle à

l'industrie de nos pêcheurs, continuellement entravée par les agissements de cet industriel.

Les plaintes des capitaines François Belin et Villala, qui sont les plus lésés, ont déjà été remises à M. le Commandant de "l'Emerald" par le Chef de la Division Navale Française de Terre-Neuve le 18 Juin.

Je suis, &c.
Le Lieutenant de Vaisseau,
Commandant le "Crocodile."
(Signé) A. CARPENTIER.

(Translation.)

Sir, "*Crocodile*," *at Port Saunders, July* 6, 1888.

I HAVE the honour to inform you that I noticed this morning in Keppel Harbour two salmon nets and several rows of lobster pots working for the factory of Mr. Shearer. As this harbour is outside the limits assigned to Mr. Shearer, I respectfully request that you will kindly suppress these engines which I now point out to you. They are an obstacle in the way of the industry of our fishermen, which is constantly embarrassed by the proceedings of this factory owner.

The complaints of Captains Belin and Villala, who have suffered most, have already, on the 18th June, been laid before the Commander of the "Emerald" by the Chief of the French Naval Station.

I have, &c.
(Signed) A. CARPENTIER,
Lieutenant-Commander, and Commander of the "Crocodile."

Inclosure 32 in No. 126.

Commander Campbell to Captain Hamond.

Sir, "*Lily*," *at Hawke's Bay, July* 28, 1888.

I HAVE the honour to acknowledge the receipt of your Memorandum, dated the 19th July, 1888, inclosing a complaint made through the telegraph by Lieutenant Carpentier, commanding the gun-boat "Crocodile," and in which you direct me to make a full inquiry into the matter.

With reference to this telegram I have the honour to report that, in compliance with your general and special instructions, the instructions to the Senior Officer (copy supplied to me), and the various letters and papers contained in Fishery Box supplied to second ship, immediately on receiving Lieutenant Carpentier's complaint I caused Mr. Shearer and the fisherman Atkins to appear before me, and made a full inquiry into the matter.

2. I may here observe that, as will be seen by Lieutenant Carpentier's letter of the 10th July and my reply, he anchored 3 miles from me, and again sent me an officer, and without giving me an opportunity of conversing with him, or time to investigate the matter and answer him, he sailed the following morning at daylight for Bonne Bay, from whence he dispatched the telegram you inclose to Captain Humann.

3. I have no hesitation in saying that the telegram in question was sent by Lieutenant Carpentier without his having investigated personally the serious charge made by Captains Belin and Villala, which, after personal conversation with these agents, and a thorough examination of the ground, I am prepared to swear are exaggerated, inaccurate as to the general statement, and generally untenable.

4. The result of my careful and repeated inspection of the prohibited portion of the coast is that Messrs. Shearer and Forest have done their utmost to carry out your order of the 16th June, and the just complaint of the French Sub-Lieutenant with reference to two salmon-nets in Keppel Harbour was at once attended to, even before I interfered, and I had so informed Lieutenant Carpentier before he sailed for Bonne Bay; and further, a fisherman named Estmont, who had salmon-nets set on the shore of Keppel Island, was stopped under your orders by me without any complaint being made by the French.

5. Since then I am convinced that there have been no nets or traps on prohibited ground, and it is merely the extreme desire on the part of the Captains Belin and Villala to secure Gargamelle Cove, now fished by Atkins, for their own lobster-cages

PLAN

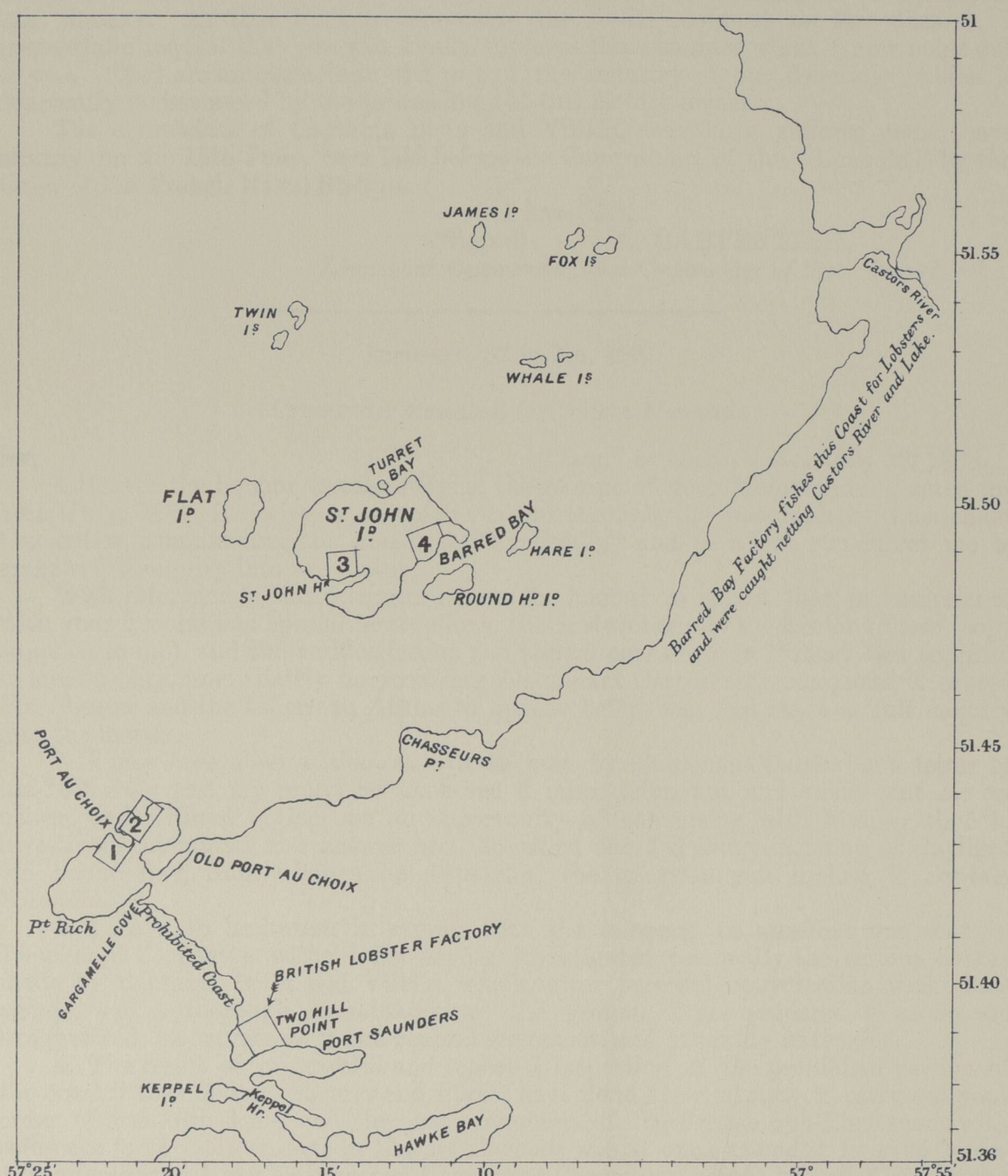
SHOWING

FRENCH LOBSTER FACTORIES

ON THE

WEST COAST OF NEWFOUNDLAND.

SEASON OF 1888.



made by Charles Campbell
Captain H. M.S. Lily.

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that has been the cause of this further untenable complaint on their part, and of the telegram in question.

6. I have the evidence of the complainants that the French Sub-Lieutenant who made the visit and obtained these complaints asked for them.

7. There are only three representatives of the two French firms who work the west coast on which the French have temporary fishing rights. He (the French Sub-Lieutenant) was successful with all three.

8. Captain Landgren told me himself that he would not have sent in his complaint of the presence of five Newfoundland schooners at Turret Bay, dated twenty days before being sent in, unless he had been asked for it.

9. On meeting the French Commanders at Port-au-Choix on the 24th there were no complaints, the decision as to Gargamelle Cove being left to our superior officers, and the French fishermen were freely taking herring for bait in Old Port-au-Choix Harbour.

10. The officers and men of the French ships were entertained on board Her Majesty's ship "Lily," and we parted with mutual assurances of friendship and regret.

I have, &c.
(Signed) CHARLES CAMPBELL.

Inclosure 33 in No. 126.

Map.

No. 127.

Colonial Office to Foreign Office. - (*Received February* 20.)

Sir, *Downing Street, February* 18, 1889.

I AM directed by Lord Knutsford to acknowledge the receipt of your letter of the 3rd ultimo, inclosing a copy of a further note from the French Ambassador at this Court relating to the question of identification of fishing-schooners off the coast of Newfoundland.

I am desired to inclose, for the information of the Marquis of Salisbury, a copy of a despatch which Lord Knutsford has addressed to the Governor of Newfoundland on this subject, together with a copy of a letter from the Board of Trade referred to therein.

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

Inclosure 1 in No. 127.

Lord Knutsford to Sir T. O'Brien.

Sir, *Downing Street, February* 15, 1889.

WITH reference to my despatch addressed to your predecessor of the 29th September last, relating to the marking of fishing-vessels so as to insure their identification in case of necessity, I have the honour to transmit to you the inclosed copies of a correspondence which has passed between the Marquis of Salisbury and the French Ambassador at this Court, together with a copy of a letter from the Foreign Office on the subject.

In my despatch above referred to I requested that the attention of the Colonial Government might be drawn to the advisability of compelling the marking of small undecked vessels and boats engaged in the fisheries. You will observe on referring to the inclosures to that despatch that Vice-Admiral Lyons mentions the neglect of this precaution as being the cause of constantly recurring complaints from English and French naval officers alike, and frequent representations and complaints on the subject have been made to Her Majesty's Government by the Government of France.

There can be no doubt that proper means of identifying vessels would be a great safeguard against irregular proceedings on the part of the fishermen, and would

considerably lessen the chances of collision between the British and French fishermen on the coast.

Her Majesty's Government attach great importance to this matter, and they would strongly urge upon your Government the necessity for the adoption of Regulations, or if necessary legislation, for compelling the proper marking of vessels and boats of the class referred to in the correspondence.

To assist your Ministers in dealing with this matter, I inclose a copy of a letter from the Board of Trade, with its inclosures, giving information in regard to the enactments and Regulations governing this matter in the United Kingdom.

I should be glad to learn at an early date that this question will be dealt with by your Ministers without delay.

I have, &c.
(Signed) KNUTSFORD.

Inclosure 2 in No. 127.

Board of Trade to Colonial Office.

Sir, *Board of Trade, London, February* 1, 1889.

WITH reference to your inquiries in respect of the marks carried by sea-fishing boats, I am directed by the Board of Trade to request that you will state to Lord Knutsford that the enactments by which this matter is governed throughout the United Kingdom are sections 22-24 of "The Sea Fisheries Act, 1868" (31 & 32 Vict., cap. 45), and section 8 of "The Sea Fisheries Act, 1883" (46 & 47 Vict., cap. 22), and the relative portions of the International Conventions scheduled to those Acts.

The requirements of the two Acts are on this head almost identical, and the Regulations in force are Regulations which have from time to time been made under the earlier Act. Two copies of these Regulations are herewith inclosed.

On reference to Regulations 7-12 of 1869, it will be perceived that fishing-vessels of, speaking generally, all classes are required to carry painted numbers as well as certain other distinguishing marks of a conspicuous character. So far as England is concerned, however, Regulation 1 of 1880 exempts open boats which fish in territorial waters so long as they do not leave those waters.

I have, &c.
(Signed) GEORGE J. SWANSTON.

No. 128.

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

My Lord, *Paris, February* 19, 1889.

WITH reference to my despatch of the 21st December last, I have the honour to transmit to your Lordship herewith copy of a note I have received from M. Goblet, in reply to the representations which I addressed to the French Government in the terms of your Lordship's despatch of the 17th December, protesting against the erection on the Newfoundland shore of other buildings than those specified by Treaty and Declaration, and against the attempt on the part of the French Government to grant exclusive rights of fishing to their citizens in British waters.

I have, &c.
(Signed) LYTTON.

Inclosure in No. 128.

M. Goblet to the Earl of Lytton.

M. l'Ambassadeur, *Paris, le* 16 *Février*, 1889.

PAR sa lettre en date du 21 Décembre dernier, votre Excellence a bien voulu me saisir des observations auxquelles avait donné lieu, de la part du Principal Secrétaire d'État de Sa Majesté, la communication que je lui avais adressée à la date du 30 Octobre dernier,

relativement à la Concession à une Compagnie Française d'une usine à homards dans la Baie Blanche. Ces observations portent à la fois sur le caractère permanente que présenterait les établissements élevés par nos nationaux, sur la durée de la Concession qui leur a été accordée, et sur le principe même de notre droit de pêcher le homard.

En ce qui concerne le premier point, je ne saurais rien ajouter aux éclaircissements qui ont été précédemment fournis à votre Excellence. Ils devaient, en effet, dans ma pensée, suffire à convaincre le Gouvernement Britannique que les constructions de M. Thubé-Lourmand ne pouvaient être considérées comme s'écartant du type du chauffaud réglementaire. Il a pu, en effet, s'assurer par les documents mis à sa disposition qu'il s'agissait de simples barraques, apportées de France, démontées, et qui n'ont pas duré, en tant qu'abri, au delà de la campagne de pêche. Nous sommes donc en droit d'affirmer, une fois de plus, qu'à cet égard nous sommes demeurés dans la lettre stricte des Traités.

Sur le fait même de la Concession, dont la durée constituerait, aux yeux du Gouvernement de la Reine, une atteinte aux droits de souveraineté de la Couronne Britannique, je me contenterai de faire remarquer à votre Excellence que la Concession ou l'attribution privative accordée à M. Thubé-Lourmand n'est autre chose que le droit d'opérer par préférence ou à l'exclusion des autres maisons Françaises dans la baie qui lui a été assignée ; mais il est bien entendu que ce droit doit s'exercer uniquement pendant la période et dans les conditions fixées par les Traités. Depuis quatre-vingt-six ans, c'est-à-dire, depuis la promulgation de l'Arrêté du 25 Pluviôse, an III, le Département de la Marine a toujours procédé de cette façon. Les places sont tirées au sort et concédées pour cinq années. Cette règle, indispensable à la fois pour assurer le bon ordre et pour garantir aux exploitants une certaine sécurité quant à la continuité de leurs opérations, n'avait jamais jusqu'à ce jour soulevé d'objections de la part du Gouvernement Britannique, qui, en présence de ces éclaircissements, reconnaîtra encore aujourd'hui, j'en suis persuadé, que nous ne saurions accepter la discussion sur une mesure d'ordre intérieur, qui est de notre compétence exclusive.

Quant à la question de principe soulevée par les objections que rencontre de la part du Gouvernement Britannique le droit pour les Français d'exploiter le homard, il nous est d'autant plus difficile de suivre le Cabinet de Londres sur le terrain où il paraît vouloir se placer, que, dans l'opinion du Gouvernement de la République, aucun doute ne saurait subsister sur notre droit privilégié de préparer le homard aussi bien que la morue comme marchandise d'exportation. Les Traités entendus de bonne foi et suivant leur esprit, nous garantissent, en effet, sur le " French Shore," un droit de pêche sans restrictions, ainsi que l'usage de la côte pour la préparation des produits de cette pêche. En outre, on ne pourrait concevoir pour les résidents Anglais la faculté de se livrer à la même industrie dans la zone déterminée par les arrangements internationaux, qu'à la condition d'admettre, d'une part, qu'ils peuvent, là où ils se trouvent, nous empêcher de pêcher même la morue, ce qui reviendrait à nier l'existence même des Traités ; et, d'autre part, qu'il leur est permis de s'établir sur la côte réservee, ce qui est explicitement interdit par la déclaration du Roi Georges ; que l'on s'attache à l'esprit des Traités vu qu'on en consulte la lettre, il paraît impossible de sortir de cette solution qui établit le caractère absolu de notre droit de pêche, dans les conditions de durée et d'installation fixées par les Traités, conditions sur lesquelles nous avons jamais entendu élever de contestations.

Agréez, &c.
(Signé) RENÉ GOBLET.

(Translation.)

M. l'Ambassadeur, *Paris, February* 16, 1889.

IN your note of the 21st December last, Your Excellency was good enough to inform me of the observations made by Her Majesty's Principal Secretary of State on the communication which I addressed to him on the 30th October last respecting the Concession granted to a French Company for a lobster factory in White Bay. These observations deal with the alleged permanent character of the establishments of our citizens, the duration of the concession granted to them, and the principle itself of our right to fish for lobster.

As to the first point, I can add nothing to the explanations already furnished to Your Excellency. These ought, as a matter of fact, in my opinion, to be sufficient to convince the British Government that the buildings of M. Thubé-Lourmand cannot be considered to depart from the regulation type of drying establishments. Her Majesty's Government, in fact, have been enabled to assure themselves, from the documents placed at their disposal, that there has been no question of anything but huts, brought from France in pieces, and not lasting as shelters beyond the fishing season. We are

therefore right in asserting once more that, in regard to this point, we have remained within the strict letter of the Treaties.

As to the concession itself, the duration of which constitutes in the eyes of Her Majesty's Government an infringement of the rights of sovereignty of the British Crown, I shall confine myself to pointing out to Your Excellency that the concession or exclusive privilege granted to M. Thubé-Lourmand is nothing more than the right of working in preference to, or to the exclusion of other French firms in the bay assigned to him; but it is an understood thing that this right is to be enjoyed solely during the period and under the conditions fixed by the Treaties. During eighty-six years, that is to say, since the promulgation of the Decree of 25 Pluviôse, year III, the Department of Marine has always acted in this manner. The positions are drawn by lot, and given for five years. This rule, indispensable both for insuring good order and for guaranteeing to the recipients some security as to the continuity of their operations, has never called forth any objection on the part of the British Government, who, in view of these explanations, will acknowledge in this case too, I am convinced, that we cannot consent to any discussion on a measure of internal order which we alone are competent to make.

As to the question of principle raised by the objections of the British Government to the right of Frenchmen to fish for lobsters, it is all the more difficult for us to follow the London Cabinet on the ground on which they apparently wish to take up their position, that, in the opinion of the Government of the Republic, no doubt can exist as to our privilege of preparing lobsters as well as cod for export. The Treaties interpreted in good faith and according to their spirit guarantee to us, in fact, on the "French Shore," an unrestricted right of fishing as well as the use of the coast for the preparation of the produce of such fishing. Besides, it is impossible to conceive that British residents should be at liberty to pursue the same calling in the sphere defined by the International Agreements unless it is admitted on the one hand that they can, wherever they may be, prevent us from fishing for cod, which would amount to a denial of the very existence of the Treaties; and, on the other hand, that they are at liberty to establish themselves on the reserved coast, a thing which is explicitly prohibited by the declaration of King George. If the spirit as well as the letter of the Treaties is adhered to, it seems impossible to escape from this solution, which establishes the absolute character of our right of fishing under the conditions as to duration and settlement fixed by the Treaties, conditions against which we have never thought of raising objections.

I have, &c.
(Signed) RENÉ GOBLET.

No. 129.

Colonial Office to Foreign Office.—(*Received March* 16.)

Sir, *Downing Street, March* 14, 1889.

I AM directed by Lord Knutsford to acknowledge the receipt of a copy of a despatch from Her Majesty's Ambassador at Paris,* with a note from the French Government in reply to the protest of Her Majesty's Government on the subject of French lobster factories and French lobster fishing on that part of the coast of Newfoundland to which French Treaty rights extend.

The circumstances of the French intrusion at White Bay were communicated to the Secretary of State by a telegram from the Governor of Newfoundland, dated the 3rd July, 1888. Mr. Elliot was instructed by the Marquis of Salisbury to make a representation to the French Government, which he did on the 8th July following. On the 18th July a despatch was received in this Office from the Governor of Newfoundland, with full particulars of the proceedings of the French at White Bay, and with a statement of facts. Copies of this despatch and inclosures were communicated to the Foreign Office on the 23rd July, with a suggestion that a further representation might be made to the French Government, and that their attention be called to the claim of Messrs. Murphy and Andrews to compensation. Lord Salisbury appears to have mentioned the case on the same day (possibly before the Colonial Office letter was received) to the French

* No. 128.

Ambassador, who replied that no information had reached him; and on the 28th July this Office was informed that, in view of the representation already made, it was not proposed to make any further representation to the French Government pending their reply. The answer of the French Government was communicated to this Office on the 20th November, and Lord Salisbury's rejoinder (which was dated the 17th December, and addressed to Lord Lytton) was sent to this Department on the 29th December. The present note from M. Goblet is the further reply of the French Government.

So far as the right of the French to erect lobster factories is concerned, Lord Knutsford desires me to state, for the information of Lord Salisbury, that he is of opinion that the arguments of the French Government cannot be sustained.

The photograph which forms an inclosure to M. Goblet's note to Lord Lytton of the 30th October last clearly does not represent such a construction as is allowed by Treaty.

Lord Knutsford can only suggest that the arguments already advanced by Lord Salisbury on this subject should be repeated, but his Lordship thinks that it may be desirable that the papers sent over by the Governor in the despatch already adverted to should be made the subject of a further representation to the French Government; and, if Lord Salisbury should concur, that the claim of Messrs. Murphy and Andrews should be pressed.

With reference to the phrase used by M. Goblet in his present note, with regard to the exclusive concession purported to be granted to M. Thubé Lourmand, "que nous (the French Government) ne saurions accepter la discussion sur une mesure d'ordre intérieur qui est de notre compétence exclusive," Lord Knutsford thinks that it must be admitted that the French are within their rights in making such arrangements as they may think fit for regulating the mode in which French subjects shall exercise their Treaty rights, but that if by the mention of "ordre intérieur," they mean to assert a right to establish Police Regulations for keeping order on shore, this is clearly a further assumption of rights not conferred by Treaty.

Exception should be taken, in Lord Knutsford's opinion, to the allusion to "côte réservée" which occurs towards the end of M. Goblet's note, as these words imply that the French have reserved to themselves this part of the coast, instead of, as the fact is, that their rights are due to the concessions made by England in the Treaty of Utrecht.

I am, &c.

(Signed) JOHN BRAMSTON.

No. 130.

M. Waddington to the Marquis of Salisbury.—(*Received March* 18.)

M. le Marquis, *Londres, le* 15 *Mars*, 1889.

J'AI eu l'honneur, par ma lettre du 15 Décembre dernier, de rappeler à Votre Seigneurie les motifs de tout ordre précédemment exposés dans une lettre de cette Ambassade, en date du 2 Septembre dernier, qui rendent indispensable aux yeux de mon Gouvernement que l'usine établie sur le "French Shore" à Terre-Neuve, par le Sieur Shearer, pour la préparation du homard, soit définitivement fermée. J'ai, d'autre part, indiqué quelles raisons et quels textes justifiaient la capture et la préparation du homard par les pêcheurs Français sur la partie des côtes où les Traités nous assurent un droit de pêche à l'abri de toute gêne, de toute concurrence.

Mon Gouvernement attacherait beaucoup de prix à connaître aussitôt que possible les résolutions du Cabinet Britannique, en ce qui concerne l'usine Shearer, dont le maintien ne saurait, dans notre opinion, être considéré que comme contraire aux engagements liant nos deux pays. Il n'échappera pas à Votre Seigneurie que, depuis la promulgation du "Bait Act," la question a pris pour les pêcheurs Français un intérêt spécial qui me met dans la nécessité d'insister une fois de plus pour une prompte solution. Nos pêcheurs s'occupent de la capture du homard non seulement comme étant en lui-même un produit qu'ils peuvent exploiter, mais comme étant un appât; et ils en ont plus que jamais besoin, à ce titre, depuis que l'Acte précité leur a fermé les baies d'où ils retiraient habituellement la boëtte. A ce même point de vue de l'appât, l'usine Shearer constitue encore une gêne pour nos pêcheurs, qui se trouvent dans l'impossibilité de pêcher les quantités de hareng et de capelan qui peuvent se présenter dans les eaux dont il s'agit, arrêtés qu'ils sont par les casiers du Sieur Shearer. Ces casiers occupent les places qui

nous sont réservées, gênent nos pêcheurs pour la capture de l'appât, entravent, à cet endroit, la pêche de la morue, leur causent, s'ils la tentent, des dommages du genre de ceux qu'a subis le Capitaine Belin, commandant du "Duc," dont les filets ont été déchirés à concurrence de 3,000 fr. De quelque manière qu'on envisage la question, qu'on se place, soit au point de vue de la concurrence que nous fait le Sieur Shearer, soit au point de vue de la gêne qu'ils nous cause, sa situation est illégale, contraire aux Traités, et je ne puis douter que, telles étant les circonstances, le Gouvernement de la Reine ne prenne de promptes mesures pour rendre à nos nationaux la justice qui leur est due. Je serais heureux d'en recevoir l'assurance de Votre Seigneurie.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation.)

My Lord, *London, March* 15, 1889.

I HAD the honour, in my note of 15th December last, to recapitulate the various reasons already given in the note from this Embassy of 2nd September last, which made it indispensable in the eyes of my Government that the lobster factory established on the "French Shore" in Newfoundland by Mr. Shearer should be definitely closed. I have already indicated the reasons and documents justifying the catching and preparing of lobsters by French fishermen on that part of the coasts where the Treaties assign to us a right of fishing free from all molestation and all competition.

My Government would be very grateful to learn, as soon as possible, the decision come to by the British Cabinet in regard to the Shearer factory, the maintenance of which, in our opinion, could be considered as nothing less than a contravention of the engagements binding the two countries. It will not have escaped Your Lordship's observation that since the promulgation of the "Bait Act," the question has become one of special interest for French fishermen, and this places me in the necessity of again pressing for a prompt decision. Our fishermen catch lobsters as being by nature not only fish they may lawfully catch, but as being bait; and they have all the more need of them under this latter head, now that the above-mentioned Act has closed those bays to them where they used to procure bait. As regards this same question of bait, the Shearer factory constitutes a further hindrance to our fishermen, who find it impossible to catch the quantities of herring and of capelin which are to be found in the waters in question, since they are stopped by the lobster pots of Mr. Shearer. These lobster pots occupy the position reserved for our use, impede our fishermen in the catching of bait, hinder them in their cod fishery on this spot, and occasion them, if they attempt it, losses of the kind experienced by Captain Belin, Commander of the "Duc," whose nets were destroyed to the value of 3,000 fr. In whatever way the question is looked at, whether from the point of view of the competition carried on with us by Mr. Shearer, or from that of the hindrance he causes us, the state of affairs is illegal and contrary to the Treaties, and I have no doubt but that, under these circumstances, Her Majesty's Government will take prompt steps for granting to our citizens the justice due to them. I should be glad to receive Your Lordship's assurance on this point.

I have, &c.
(Signed) WADDINGTON.

No. 131.

Foreign Office to Colonial Office.

(A.)
(Extract.) *Foreign Office, March* 23, 1889.

LORD SALISBURY has had under consideration that portion of your letter of the 14th instant which concerns the claim for compensation put forward by Messrs. Murphy and Andrews on account of the interference by the French war-ship "Drac," in June last, with the arrangements which they had made for the establishment of a lobster factory at Hauling Point, White Bay, Newfoundland.

I am now directed by his Lordship to request that you will call Lord Knutsford's attention to the letter which was addressed to the Colonial Office on this subject, by his Lordship's direction, on the 16th July last, and which suggested that the Governor of

Newfoundland should be called upon to report what title Messrs. Murphy and Andrews had to the land on which they commenced to erect their factory.

Lord Salisbury is of opinion that this point should first be cleared up before further steps are taken in the matter.

No. 132.

Foreign Office to Colonial Office.

(B.)

Sir, *Foreign Office, March* 23, 1889.

M. JUSSERAND called on the 20th instant at this Department to request that the French Government might be informed of the result of the representations made by Her Majesty's Government to that of Newfoundland as to the necessity of marking small fishing-vessels. He added that his Government are also desirous of learning whether Her Majesty's Government have been able to obtain an amendment of the Colonial Acts, so as to provide for the immediate suppression of cod-traps in Newfoundland waters.

I am directed by the Marquis of Salisbury to request that, in informing Lord Knutsford to the above effect, you will move his Lordship to enable Lord Salisbury to reply to M. Jusserand's inquiries.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 133.

Lord Knutsford to Governor Sir T. O'Brien.

Sir, *Downing Street, March* 28, 1889.

I HAVE the honour to transmit to you, for your information and for that of your Government, copies of a correspondence relating to the questions which have arisen connected with the establishment on that part of the coast of Newfoundland to which the French rights of fishery extend of British and French factories.

This correspondence relates especially (first) to the lobster factory established by Mr. Shearer at Port Saunders, and (secondly) to the proceedings of the French at Hauling Point, White Bay, which formed the subject of the complaint of Messrs. Andrews and Murphy, communicated to me by Sir H. Blake in his telegram of the 3rd July last and in his despatch of the 10th of that month.

With regard to Mr. Shearer's factory, it will be observed that a correspondence passed between Captain Humann, commanding the French Naval Division, and Captain Hamond, of Her Majesty's ship "Emerald," in June 1888, in which the former alleged that annoyance was caused to French fishermen and that damage was done to their nets by the lobster-traps set in the adjacent waters, and that in order to prevent such interference directions were given by Captain Hamond to Mr. Shearer forbidding him to set any lobster-trawls in waters adjoining certain parts of the shore.

Subsequent to this, viz., on the 2nd September, 1888, a note was addressed by the French Ambassador at this Court to the Marquis of Salisbury expressing the strong objections entertained by the French Government to the interference caused to their fishermen by Mr. Shearer's establishment, and demanding its suppression. This note was replied to by the Marquis of Salisbury on the 23rd November last. The French Ambassador was informed that reports had been received from British naval officers on this subject which showed that proper and sufficient steps were taken by Captain Hamond to satisfy the obligation imposed by the emgagements between this country and France to prevent Mr. Shearer from interfering in any way with the reasonable enjoyment by French citizens of their rights of fishery.

M. Waddington replied to the Marquis of Salisbury in a note dated the 15th December renewing the protest of the French Government against the establishment of Mr. Shearer's lobster factory, and contending that the right given by the Treaty of Utrecht to the subjects of France to catch fish and to dry them includes the right to catch and prepare lobsters.

The reply to this further representation of M. Waddington is contained in Lord Salisbury's note of the 28th instant.

As the copies of the correspondence above referred to are annexed, it seems

unnecessary to recapitulate in this despatch the arguments advanced on the part of the French Government in support of their demand for the suppression of Mr. Shearer's factory and lobster fishing, or to explain more fully than is done in Lord Salisbury's two notes of the 23rd November and 28th instant the views held by Her Majesty's Government on this subject.

It is clear, however, that the taking of lobsters by means of traps where such traps absolutely prevent the French from hauling their seines for bait or other fish should be prevented as far as possible, and instructions have been given to the British naval officers to warn Mr. Shearer thas his lobster-traps must be removed whenever French fishermen are actually desirous of fishing in the waters which are occupied by the traps, but that the traps can be reset after the waters have been left by the French. If this course is taken it is believed that all just ground of complaint on the part of French fishermen of the interruption of their fishery by the use of these traps will be removed, but it is not of course intended that French fishermen should be allowed to supplant Mr. Shearer's lobster-traps by any such traps of their own.

The naval officers have also been instructed to warn fishermen on the coast that cod-traps interfering this season with the actual use of any waters by the French must be removed whilst the French are actually occupying, or desirous of occupying, such waters.

With regard to the proceedings of the French at Hauling Point, White Bay, the correspondence mentioned in the Schedule accompanying this despatch will put yourself and your Government in possession of the views held respectively by the British and French Governments as regards the claim of the French to the right to establish such factories. It will be seen that, on the receipt of Sir H. Blake's telegram, a representation was at once made to the French Government, and that subsequently a further representation was made to them on the 21st December through Her Majesty's Ambassador at Paris, and it will also be seen that Her Majesty's Government deny the right of the French to erect on the Newfoundland shore any buildings other than "scaffolds" and "stages made of boards," and "huts necessary and usual for drying fish."

It will be observed that the correspondence on this part of the subject is not yet fully completed, and that, as regards the claim made by Messrs. Andrews and Murphy to compensation, a reply is desired to the despatch addressed to Sir H. Blake on the 23rd July last, as to the title to the land on which the factory of Messrs. Andrews and Murphy was erected.

I have, &c.
(Signed) KNUTSFORD.

No. 134.

Lord Knutsford to Governor Sir T. O'Brien.

(Extract.) *Downing Street, March* 28, 1889.

IN another despatch of this day's date I have communicated to you the correspondence which will place yourself and your Government in possession of the views of Her Majesty's Government in regard to the establishment of British and French lobster factories on the coasts of Newfoundland to which the French Treaty rights extend.

Your Ministers will readily understand that Her Majesty's Government are placed in a position of some difficulty owing to the present state of this question.

On the one hand, Her Majesty's Government can hardly insist on the removal of the French factories whilst the British factories remain, and, on the other, it can scarcely be expected by the French that British factories should be removed and French ones be allowed to remain.

Her Majesty's Government rather incline to the opinion that the best solution of the difficulty might be to endeavour to come to an arrangement with the French Government that the factories of both countries should be allowed in places and under conditions jointly approved by the British and French Naval Commanders-in-chief on the station. Her Majesty's Government would be glad to receive the views of your Government on this subject, or any suggestions which they may have to offer for a solution of the question.

In any case, Her Majesty's Government are of opinion that a cause of much difference between the two Governments might be removed if Mr. Shearer's factory at

Port Saunders were transferred to some other site where it could not interfere with French fishing.

A correspondence relating to the interference caused to the fishery of the French by the use of cod-traps is still being carried on with the French Government, but copies of it, when it is further completed, will be communicated to you.

No. 135.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, March* 28, 1889.

I HAVE had under my consideration, in consultation with Her Majesty's Secretary of State for the Colonies, your Excellency's notes of the 15th December last and the 15th instant, renewing the protest of the French Government against the establishment of Mr. Shearer's lobster factory on the west coast of Newfoundland, and contending that the right given by the Treaty of Utrecht to the subjects of France to catch fish and to dry them includes the right to catch and prepare lobsters.

The views of Her Majesty's Government upon the question of the French lobster factories in Newfoundland were fully set forth in a note addressed by Lord Lytton to the French Government on the 21st December last, which crossed your Excellency's note of the 15th December, and I have now the honour to inform you that, with every desire to accord full weight to the further representations put forward in your communication, Her Majesty's Government are unable to depart from the conclusions at which they have arrived in this matter.

In the first place, the question whether crustacea are fish within the provisions and intentions of the Treaties affecting the French rights of fishery on the coast of Newfoundland is one upon which the two Governments are divided in opinion; Her Majesty's Government have never admitted the contention of the French Government on this point, for the Treaties expressly apply to such fish as are capable of being dried on stages and scaffolds.

But even if it were admitted, for the sake of argument, that French subjects are entitled by Treaty to fish for lobsters in Newfoundland waters, the claim now put forward to establish on shore factories for canning lobsters is one which, in the view of Her Majesty's Government, is clearly excluded by the terms of the Treaties.

The right given as to the buildings, by those Treaties, is limited to "stages made of boards, and huts necessary and used for drying of fish."

The Declaration of 1783 stipulates that the plan on which the fishing shall be carried on shall not be deviated from by either party, "the French fishermen building only their scaffolds." But the catching and tinning of lobsters is a new industry which has sprung up in recent years, and requires not "stages usual for drying fish," but factories. It involves operations never before practised, and Her Majesty's Government must renew their protest against the establishment of such factories and the pursuit of such an industry by French fishermen on British territory, under a claim of Treaty right.

But your Excellency may rest assured that care will be taken to secure that neither Mr. Shearer nor any other British subject shall, in the words of the Declaration of 1783, "troubler en aucune manière, par leur concurrence, la pêche des Français pendant l'exercice temporaire qui leur est accordé sur les côtes de l'Ile de Terre-Neuve."

As a matter of fact, there have of late been few, if any, practical difficulties between French and British fishermen on the Newfoundland coasts and waters, and, in the opinion of Her Majesty's Government, it would be expedient to seek some solution which would render the further discussion of the question unnecessary.

I beg to add that I shall have the honour of addressing a further communication to your Excellency in reply to the representation on the general subject of Newfoundland fisheries contained in your note of the 7th December last.

I have, &c.

(Signed) SALISBURY.

No. 136.

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

Sir, *Downing Street, April* 3, 1889.

I AM directed by Lord Knutsford to acknowledge the receipt of your letter (B) of the 23rd ultimo on the subject of an inquiry made by M. Jusserand on behalf of the French Government as to the present position of the questions connected with the marking of small fishing-vessels, and to the suppression of cod-traps in the waters of Newfoundland.

With regard to the marking of fishing-vessels, I am desired to request that you will refer the Marquis of Salisbury to the despatch which was addressed to the Governor of Newfoundland on the 15th February last, of which a copy was communicated to the Foreign Office in the letter from this Department of the 18th of that month.*

As no reply had been received to that despatch, Lord Knutsford, on the receipt of your letter under acknowledgment, telegraphed to the Governor of Newfoundland, inquiring whether his Ministers proposed to take any steps in the matter during the present Session of the Legislative Assembly. From the inclosed telegram which has been received in reply, Lord Salisbury will observe that there are difficulties in the way of carrying any measure at present through the Colonial Legislature.

As regards the question of the suppression of cod-traps, Lord Salisbury is aware that the Act of the Legislature of Newfoundland abolishing cod-traps (cap. 8 of 1888) will take effect from the 9th May of next year. The reasons for delaying the operation of the Act for two years from the date of its passing are given in Sir H. Blake's despatch of the 6th July, 1888,† and the purport of the explanation given by the Governor was communicated to M. Waddington in a note dated the 28th of that month.

Lord Salisbury will probably agree with Lord Knutsford in the opinion that the reasons given for the short delay in bringing the Cod-trap Abolition Act into operation justify that delay, and the validity of those reasons can hardly fail to be recognized by the French Government, to whom the poverty of the fishing population on the coasts of Newfoundland is undoubtedly well known.

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

Inclosure in No. 136.

Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received April* 1, 1889.)

NOTWITHSTANDING very strong representations from me, Ministers decline to introduce Act for marking fishing-boats; unanimously of opinion impossible [to] pass through Legislative Assembly owing to public opinion excited.

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* No. 127. † No. 108.

No. 137.

Foreign Office to Colonial Office.

(Extract.) *Foreign Office, April* 15, 1889.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 3rd instant, inclosing a telegram from the Governor of Newfoundland, in which he states that, notwithstanding very strong representations from him, his Ministers decline to introduce an Act for marking small fishing-boats, and that they do so because they are unanimously of opinion that it is impossible to pass it through the Legislative Assembly. I am to request that you will point out to the Secretary of State for the Colonies that this measure has been repeatedly urged by the French Government as the only means of enabling the authorities of the Colony to detect and adequately punish offenders against its Laws upon points in which France is interested under existing Treaties. The request of the French Government, that an obligation should be imposed which can inflict no inconvenience, which is common in other countries, and of which the only aim is to facilitate the detection of offences against the law, is evidently reasonable, and it is a matter of very great regret that the Ministers of Newfoundland have not been able, or have not thought themselves able, to propose it for the acceptance of the Legislature.

No. 138.

Foreign Office to Colonial Office.

Sir, *Foreign Office, April* 22, 1889.

WITH reference to my letter of the 15th instant, relative to the question of the proper marking of fishing-boats in the Colony of Newfoundland, I am directed by the Marquis of Salisbury to transmit to you copy of the Convention concluded in 1882, between Great Britain, Germany, Belgium, Denmark, France, and Holland, for regulating the police of the North Sea fisheries. I am to request that you will call Secretary Lord Knutsford's attention to Articles V to XI of this Convention, which provide for the marking of all vessels fishing within the limits specified in Article IV. It appears to Lord Salisbury that there is no reasonable ground on which the Government of Newfoundland can object to introduce in that Colony Regulations similar to those which the Governments interested in the North Sea fisheries have agreed upon as best calculated to insure proper police, and to prevent the occurrence of disputes among rival fishermen.

I am further to request that you will point out to Lord Knutsford the statement made in Captain Hamond's Report to Vice-Admiral Lyons, dated the 25th October, 1887, and forwarded by the Admiralty on the 13th January, 1888, to the following effect:—

"I would point out again the absolute necessity of the Newfoundland schooners being properly marked with numbers on their sides and sails, their names being also painted on their sterns, and the vessels registered. . . . As matters stand now, those schooners which fit out for their summer voyage for fish are under no control whatever. With proper means for identifying vessels, I believe the greater part of the wrecking of the 'Belem' would not have occurred."

I am, &c.
(Signed) P. CURRIE.

No. 139.

Colonial Office to Foreign Office.—(*Received May* 1.)

(Extract.) *Downing Street, April* 30, 1889.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor of Newfoundland, inclosing various

documents relating to the questions connected with the establishment of British lobster factories on the coast of Newfoundland, and to the rights of French fishermen under the Treaties and engagements between Great Britain and France.

Some of the papers now forwarded by the Governor relate to the title to the land on which the lobster factory of Messrs. Murphy and Andrews was erected in White Bay. These papers supply the information asked for in your letters noted in the margin.*

As regards the action of Captain Bearcroft in warning off Messrs. Murphy and Andrews, Lord Knutsford desires me to observe that it can only be left to the British naval officers on the station to determine what is and what is not an interference with French fishing. In this case Captain Bearcroft appears to have considered that Messrs. Murphy's factory constituted such an interference.

I am to inclose, for Lord Salisbury's consideration, the draft of a despatch which Lord Knutsford proposes, with his Lordship's concurrence, to address to the Governor of Newfoundland on some of the points to which his despatch and the accompanying papers relate.†

Inclosure in No. 139.

Governor Sir T. O'Brien to Lord Knutsford.

Government House, St. John's, Newfoundland,
(Extract.) *March* 16, 1889.

WITH reference to the telegram sent to you on the 14th instant, copy of which goes by this mail, I have the honour to report that it was the result of an interview with a deputation from the Legislative Council that waited on me with the Address alluded to below (Inclosure C), when those gentlemen urgently pressed for information as to whether they would be liable to be disturbed, during the coming lobster fishery, by the French; such information being essential prior to their incurring the heavy outlay required for the prosecution of this industry.

Since the departure of the last mail, a fortnight ago, the agitation in regard to this question has continued, as will be seen by the accompanying documents:—

(A.) Copy of a notice before the House of Assembly by Mr. Carty, Member for St. George, and a supporter of the present Government, which motion has been from time to time postponed, the question being therefore still in suspense.

(B.) Copy of a Petition to the Governor in Council, now before that body, from Dr. Howley, Prefect Apostolic of West Newfoundland, and others, going over the oft-repeated grounds of the grievances of the inhabitants on the shores subject to French Treaty rights.

(C.) An Address to the Governor from the Legislative Council on the subject of the removal last year of Mr. Murphy's lobster factory in White Bay.

(D.) My reply thereto.

(E.) A similar Address from the House of Assembly on the same subject.

(F.) My answer to the same.

(G.) Mr. Monroe's speech in the Legislative Council.

If, my Lord, I might be allowed to carry my observations further, I would deprecate the evident attempt on the part of the French (*vide* proceedings of Assembly received by last mail, giving Admiral Véron's motion on the subject) to use the Bait Bill as an excuse for straining their Treaty rights; for, to my mind, however opinions may differ as to the Bill in its present shape, the Statute in question was solely an act of self-preservation forced on Newfoundland by the bounties offered by France, not on fish imported into that country, but on that exported from thence to compete with us in the foreign markets; an act that could hardly be considered to be of advantage to France, seeing that a large sum goes out of the pocket of the French taxpayer to cheapen the food of strangers, while destroying the staple industry of the Colony of a friendly Power; a question totally apart from Treaty rights and the "French Shore" question on the one hand, and our new industry of lobster canning and its factories on the other.

The time, as above stated, for preparing for the lobster fisheries has arrived, and, as your Lordship will observe, the people naturally wish to know if this industry, which affects the lives of thousands of British subjects, and the investment of a large sum of British capital, is to be stopped or not. I therefore venture to hope that your Lordship

* Nos. 104 and 131. † See No. 141.

will be enabled, at all events for the present season, to assure them that, pending a definite solution, the *status quo* will be maintained, or that at all events those factories which, as M. Goblet stated in his speech, had been existing for years past should not be interfered with, but be protected by the Home Government.

As regards the actual question of Mr. Murphy's factory, I beg to inform your Lordship that it would appear that Messrs. Murphy and Andrews were squatters on the land in question (*vide* Inclosure H), and I append another letter,

(I.) From Messrs. McNeily, to render the correspondence complete.

(A.)

House of Assembly, March 11, 1889.

Notice of Motion.

Mr. Carty,—To move the House into Committee of the whole to consider the question of the rights and privileges of the people resident on the west and north-east coasts of this island, and also the question of the privileges of the French upon the said coasts, and the proper action to take thereon.

(B.)

Memorial of the Inhabitants of the West Coast of Newfoundland to his Excellency the Governor in Council.

May it please your Excellency,

WE, the undersigned inhabitants of that portion of the island which has been called the "French Shore," beg humbly to approach your Excellency on a matter of the greatest importance to us.

We have read with some alarm in the public papers a discussion which has lately taken place in the French Senate on the subject of the rights of that nation on this coast. In reply to an interpellation of M. l'Amiral Véron, M. Goblet, Minister for Foreign Affairs, replied that it was the intention of the French Government to prevent the establishment of lobster factories on this shore, and to suppress those already in existence.

We therefore beg to make an earnest appeal for protection in our occupation and industries, and a respectful but firm protest against this threatened action of the French, which we consider to be a most exaggerated interpretation of their rights, and which, if put into execution, would be the source of ruin to us lawful inhabitants of this shore.

We deem it unnecessary to remind your Excellency of the conditions of these Treaties by which the French are allowed to fish here; we shall merely quote such portions of the Treaties as are necessary to put our case clearly before your Excellency and to make our arguments intelligible.

In the Treaty of Utrecht, 1713, Article XIII, it is stipulated as follows:—

"The Island of Newfoundland shall from this time forward belong of right wholly to Great Britain." "It shall be allowed to the subjects of France to catch fish and dry on land on that part only of the island which stretches from Cape Bonavista to Point Riche," &c.

This Treaty was ratified, with some changes of the points of limitation, by the Treaty of Paris, 1763, and that of Versailles, 1783.

The dominion of the island is distinctly declared to belong to Great Britain. Now, unless these words are to be rendered altogether nugatory, a mere sentence without any meaning, it must be understood to declare that British subjects have a right to occupy the land, to erect establishments thereon, in a word, to exercise all the rights of citizens, excepting only as such can be shown, on *bonâ fide* evidence, to interfere with those rights of fishing conceded to the French.

As a matter of fact this clause has thus been interpreted by the British on the one hand, who have permitted a large population now exceeding 12,000 to settle upon the coast;

by the Newfoundland Government, which has extended to them all the rights of citizens, such as the franchise, postal communication, judicial and police superintendence, fiscal and Customs exactions, &c.; and finally, by the French, who have permitted those operations to proceed without making any practical protest against them.

The recent passing of the Bait Act having been a source of inconvenience to the French has urged them to make the aforesaid threats of retaliation by interfering with the established industries of British subjects on this coast.

But it cannot for a moment be maintained that the passing of the Bait Bill has given to the French one tittle of right on this shore beyond what they had already possessed; it may, however, be urged that it has forced them to exercise some rights which they formerly possessed but left in abeyance.

We maintain that before the passing of the Bait Act the French had the right to cause to be removed British establishments only in cases where it could be proved on *bonâ fide* evidence that the said British establishments actually interfered with the prosecution of the fishery by the French. They, on the other hand, maintain that they have an absolute right to have those establishments removed without showing any reason therefor.

This contention they ground upon the words of the Declaration of His Majesty George III attached to the Treaty of Versailles, 1783. We here quote the words of the Declaration: "His Britannic Majesty will take most positive measures for preventing his subjects from interrupting in any manner by their competition the fishery of the French, and he will, for this purpose, cause the fixed settlements which shall be formed there to be removed."

In reply to this we beg to state:—

1. That these words are not in the Treaty. They are not embodied in the International Act binding the two nations,* but are an afterthought, a purely personal declaration of good-will and good faith on the part of His Britannic Majesty towards His Most Christian Majesty Louis XIV, King of France, who, on his part, made a counter-declaration to the King of England. It was a gratuitous and mutual interchange of diplomatic courtesies, binding the individuals themselves in honour to carry out the Treaties honestly and efficiently by such means as they deemed necessary, but by no means obliging the successors or the nation to such action, which events have proved to be altogether unnecessary.

2. We beg your Excellency to observe that His Britannic Majesty does not say that he will absolutely cause to be removed those settlements, but only on condition that such action should be found necessary "for preventing the British fishermen from interfering with or interrupting the French." Therefore we argue that these words can only apply, if at all, to those cases in which the French can show that the said establishments really interfere with their fisheries.

Hence, as M. Goblet declares that, previous to the passing of the Bait Act, these our establishments were "tolerated" by the French Government because they did not interfere with the French fishery, he must now show, before proceeding to their suppression or removal, that the passing of the Bait Bill has so altered the circumstances of the case that those establishments, which did not formerly interfere with their fisheries, do so interfere now since the passing of that Act. This interference could only arise from three causes:—

1. Because the French, by the Bait Act, have been driven to come to take bait on this shore in places where lobster factories are erected, and find such factories an obstacle to the taking of the bait; or

2. That the Bait Act has caused them to open or establish new fishing rooms on this coast in places now occupied by lobster factories; or

3. That they require all the bait that can be got, and hence must prevent the factories from taking it.

Now, the first of these conditions is not verified, because the factories are erected and the lobster-pots set in places which are not used for taking bait, and if any of our lobster factories can be shown really to interfere with French fishing, we are prepared to remove them from such places.

In reply to the second supposition, we say it is a well-known fact that the French are not about to open up any new fishing establishments, but, on the controry, are gradually curtailing those already in existence; and

Thirdly, the bait used generally for bait in the lobster-pots is cods' heads, which, of course, are not wanted by the French. Again, as a rule, the lobster-traps are not set till

* Though afterwards embodied in an Act of Parliament.

after the French have taken all the bait they require, and the quantity of herring used for lobster bait is quite insignificant, and no way affects the French baiters. As a matter of fact, after the French had taken sufficient bait last spring in St. George's Bay and departed to the Bank, the people of the bay took some 20,000 barrels.

In view of all these facts, then, we humbly submit that the suppression of our lobster factories (unless in cases of clearly proved obstruction to French fishing) is altogether outside the just rights of the French nation, and we earnestly call for protection of the same.

But if it is the case with regard to our fishing industries, what must be said of French interference with our mining and other land operations?

It is within our knowledge that, on representations being made by French authorities, mining and other operations on land have been ordered to be suspended, after the expenditure of large sums of money upon the same, and that, too, even after the concession of mining licences by the Newfoundland Government, and on parts of the coast never used nor intended by the French for fishing purposes. This, we beg to submit, is a most preposterous assumption of right on the part of France, and we earnestly ask for protection and facilities in this matter.

This unwarranted pretension of France has been the cause of keeping this portion of the country in a backward state, and causing our rich mineral and carboniferous deposits to lie undeveloped.

Even at the present moment wealthy capitalists are ready to undertake mining operations here, but are deterred from investing capital unless secured in the right to carry on their works without interruption and with free access to the coast.

Again, on all our grants of land conditions are laid down rendering them utterly useless, to wit, that we shall not erect any permanent buildings, and that we shall be prepared to yield up our lands at a moment's notice. Is is impossible to hope that agriculture or any other industry can flourish under such conditions.

We therefore, in conclusion, earnestly request—

1. Protection for our lobster factories and all other fishing industries which do not interfere with French fishing rights.

2. Free access to the coast for the purpose of mining, ship-building, and all other operations.

3. Grants of land unhampered by the obnoxious conditions mentioned above.

And we will ever remain good and law-abiding subjects, &c.

(Signed on behalf of the people of St. George's Bay),

(Signed) M. F. HOWLEY, D.D., *Prefect Apostolic.*
CHARLES JEFFERY, *S.P.G.*
E. R. BISHOP.
HECTOR McDONALD.
JOHN THOMAS.
A. O'REILLY.
JOHN CASHIN.
ERNEST GARNIEN.
B. R. SOMERVILLE, M.D.

(C.)

Address to Governor Sir T. O'Brien from the Legislative Council.

To his Excellency Lieutenant-Colonel Sir J. Terence N. O'Brien, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Governor and Commander-in-chief in and over the Island of Newfoundland and its Dependencies.

May it please your Excellency,

THE Legislative Council respectfully request that your Excellency will cause to be laid on the table of this House all papers which may be in possession of the Government relating to the removal of a lobster factory from White Bay during the year 1888 at the instance of the French.

(Signed) E. D. SHEA, *President.*

Council Chamber, March 11, 1889.

(D.)

Reply of Governor Sir T. O'Brien to the Legislative Council.

THE Governor begs to acknowledge the Address of the honourable gentlemen of the Legislative Council, requesting that he will furnish that body with "all papers which may be in possession of the Government relating to the removal of a lobster factory from White Bay during the year 1888 at the instance of the French."

He has much pleasure in informing the Council that this matter has not been lost sight of, but that, as it seems to be considered to form part, not only of the general question of lobster factories, but of the French Treaty rights, a subject now prominently under the consideration of the respective Home Governments, the Governor regrets that he is not in a position to furnish you at present with such portion of the correspondence as he possesses, it being incomplete and mostly of a confidential nature.

He has not failed to impress on the Secretary of State the anxiety felt by the inhabitants of Newfoundland for an early solution of this difficulty.

Government House, March 14, 1889.

(E.)

Address to Governor Sir T. O'Brien from the House of Assembly.

To his Excellency Sir J. Terence O'Brien, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Governor and Commander-in-chief in and over the Island of Newfoundland and its Dependencies.

May it please your Excellency,

THE House of Assembly, in Legislative Session convened, respectfully request that your Excellency will be pleased to furnish the House with copies of all correspondence received and sent by your Excellency relative to the alleged removal of a lobster factory by a French war-ship at Hauling Point, White Bay, whether between your Excellency and the Imperial Government, or between your Excellency and the owners of the said factory, their agents or counsel.

(Signed) ALEX. J. W. McNEILY, *Speaker.*

House of Assembly, March 1, 1889.

(F.)

Reply of Governor Sir T. O'Brien to the House of Assembly.

THE Governor begs to acknowledge the Address of the House of Assembly, dated the 1st March, and received by him yesterday, requesting that they be supplied with copies of all correspondence that has taken place relative to the alleged removal of a lobster factory at Hauling Point, White Bay, by a French war-ship.

He has to inform the gentlemen of the House of Assembly that, as the correspondence is incomplete, and mostly of a confidential nature, he regrets he is not in a position to furnish the information sought. He, however, trusts that, as this forms part of the whole question of the so-called "French Shore," which would appear to be now prominently under the consideration of the two Home Governments, ere long definite information on this point will be at your disposal.

He may, however, observe that from the correspondence received up to now it would seem that the question and your interests have not been lost sight of by the Colonial or Foreign Office, and that it is still under reference.

The Governor would also beg to point out that there would appear to be an error in the Address under reply, for he believes that the owner was a Mr. Murphy. If so, he finds that this gentleman was desired to remove his factory, not by a French war-ship, but

by Lieutenant Bearcroft, Commander of Her Majesty's gun-boat "Forward," which vessel was last year one of those sent by the Home Government to protect your fisheries.

The Governor has not failed to impress on the Secretary of State the great anxiety felt by the inhabitants of Newfoundland for an early solution of this difficulty.

Government House, March 12, 1889.

(G.)

Speech of Mr. Monroe in the Legislative Council, March 7, 1889.

Honourable Mr. Monroe said he was prompted to ask the question in the hope of hearing from the Colonial Secretary some declaration that would give assurance to the House and the public that the matter alluded to in his notice of motion had been urged upon the attention of the Imperial Government from our *locus standi*. That the unjustifiable interference with our lobster factories by the French last year, and its threatened renewal this season, had formed the basis of strong remonstrance, with the views of having all uncertainty upon the matter removed, and the minds of those interested set at rest prior to the commencement of this year's fishery operations. There is no hesitation or doubt about the position we colonists hold with regard to our territorial right upon the coast where the French have rights of fishery, and that position has been invariably upheld by successive generations of British statesmen and jurists. Therefore it was desirable that the unwarrantable action of the French should be protested against by the British Government, so that British subjects who already have factories upon the coast in question, and those who may contemplate erecting new factories and embarking their capital in the lobster fishery this season may have some reasonable guarantee that their means and property will be protected. Apart from the question of right, it must be manifest that a condition of uncertainty and insecurity that would forbid the employment of capital upon the coast will entail a great injury upon the trade and hardship upon the coast dwellers where lobster factories are, or would be, established, by depriving them of earning for the support of their families a large amount of money that would otherwise be circulated among them. Hence it will be seen that if some definite authoritative information could be given upon the point raised by his question a great advantage would accrue to the people and to intending prosecutors of the lobster fishery, either in the way of encouragement to proceed or by enabling them in time to avoid risking their means in operations surrounded with insecurity. He was quite aware that the correspondence upon the subject is between the Imperial Government and his Excellency the Governor; nevertheless, he considered that there should be some strong expression of opinion, either by the Government or Legislature, if such have not been already made, against the arbitrary action of the French last year, and its threatened repetition this season.

(H.)

Messrs. McNeily and McNeily to Mr. Withers.

[*Murphy and Andrews' Claim.—French Encroachment in White Bay.*]

Dear Sir, *St. John's, Newfoundland, August* 21, 1888.

WE have yours of yesterday's date, which only came to hand this morning. We have made all necessary inquiries into the title of our clients, and we find that their title to the land and premises upon which their lobster factory was erected, though they do not claim by any grant from the Crown (which would be hampered by the usual unwarranted restrictions), is based upon—

1. A right of possession in themselves, as British subjects, to that portion of British territory at Bear Cove, in Hauling Arm, White Bay, in the Island of Newfoundland, upon which they elected to make their buildings.

2. Upon an agreement with Job Pool for lease or sale of the premises. Pool has been in possession of the premises for six or seven years at least. We cannot find at

present how far beyond that period his title extends, but there has been during that time, and previously, erected upon the premises a dwelling-house, store, stage, and flake. Under the agreement referred to, our clients had the option of paying an annual rent or of purchasing the whole interest of Pool, but up to the time of the French interference they had not exercised their election, but were in lawful possession.

We are, &c.

(Signed) McNEILY AND McNEILY.

(I.)

Messrs. McNeily and McNeily to Mr. Withers.

[Re *Lobster Fishery at Hauling Point, White Bay.—Claim of Murphy and Andrews.*]

Sir, *St. John's, Newfoundland, August* 4, 1888.

IN this matter, during the absence of our client, Mr. Andrews, at St. John's, a notice, copy of which we append, was served upon his partner, Mr. Murphy. In consequence of this notice, and in obedience to an order the legality of which our clients do not recognize, they have removed all their plant and material from Hauling Point, and have sustained great loss thereby.

Their whole season's fishery has been ruined, and they have to submit that, in these circumstances, their acquiescence in an unwarranted command should entitle them to full compensation for the damage which has occurred to them.

Be good enough to lay this matter before his Excellency the Governor in Council. We have respectfully to request that this notice and all our correspondence should be laid before the Imperial authorities, and that the case of our clients should be taken into favourable consideration by those upon whom it devolves to carry out the true intent and meaning of the compacts between the High Contracting Parties.

It would be a matter of interest for us to know if the action of Commander Bearcroft is sustained by Her Majesty's Government, or if, on the other hand, he had been simply exercising an individual discretion, and assuming on his own behalf to interpret the spirit of the Treaties.

We have, &c.

(Signed) McNEILY AND McNEILY.

(J.)

Notice.

By John Edward Bearcroft, Esq., Lieutenant and Commander of Her Majesty's gun-boat "Forward":

To Mr. John Murphy,

WHEREAS the rights of fishing enjoyed by French subjects will be interrupted and interfered with by the fishing for lobsters and working of factories on the east side of White Bay, I hereby give you notice that the fishing for lobsters and working the factory under your management is to be discontinued.

Given under my hand, on board Her Majesty's ship "Forward," at Hauling Arm, White Bay, this 29th day of June, 1888.

(Signed) JOHN E. BEARCROFT.

No. 140.

Colonial Office to Foreign Office.—(Received May 9.)

(Extract.) *Downing Street, May* 8, 1889.

I AM directed by Lord Knutsford to acknowledge the receipt of your letter of the 15th ultimo, relating to the question of marking small fishing-boats employed in the fisheries on the coasts of Newfoundland.

Lord Knutsford agrees with the Marquis of Salisbury that the request of the French Government that all such boats should be marked so as to facilitate the detection of offences against the law is reasonable, but there are circumstances which render the present moment a somewhat inopportune one for addressing a communication to the Colonial Government in the sense suggested in your letter.

It must be remembered that the Newfoundland Government has already given instructions for the observance of the law with respect to the marking of the larger class of vessels under the Merchant Shipping Act, and the Colony has recently obtained legislative authority for the suppression of cod-traps shortly after the commencement of the fishery season of next year. For these steps, both taken in the interests of the French, no advantage whatever has been obtained in return.

I am further to request that you will inform Lord Salisbury that a general election is to take place in Newfoundland in the course of this year, and there appears to be no probability that the Local Government will be able to make any progress with this question until after the election.

No. 141.

Lord Knutsford to Governor Sir T. O'Brien.

Sir, *Downing Street, May* 10, 1889.

I HAVE the honour to acknowledge the receipt of your despatch of the 16th March, inclosing Addresses presented to you by the Legislative Council and Assembly of Newfoundland, in which the presentation of papers relating to the removal last year of Messrs. Murphy and Andrews' lobster factory at White Bay was asked for, and forwarding other documents, including a Memorial from inhabitants of the west coast of Newfoundland, relating to the lobster factories established on the coast, and to the French rights of fishery under the Treaties and engagements between this country and France.

I approve of the replies which you returned to the Legislative Council and Assembly respectively.

The Memorial from the inhabitants of the west coast, after giving the views of the memorialists as to the meaning and interpretation of the Treaties and engagements referred to, prays for—

1. Protection for British lobster factories and all other fishing industries which do not interfere with French fishing rights.

2. Free access to the coast for the purpose of mining, ship-building, and other purposes.

3. Grants of land unhampered by certain conditions referred to.

With regard to the first point, the papers recently sent to you, including the Marquis of Salisbury's communications to M. Waddington, which relate to the interference with Messrs. Murphy and Andrews' factory at White Bay, and which explain the views of Her Majesty's Government as to the rights of British subjects, will have placed you in possession of all the information that can, up to the present time, be communicated to you on the subject.

It is impossible for Her Majesty's Government to give any distinct assurance as to the maintenance of the British lobster factories on the coast, while the questions connected with them are in dispute with the Government of France, and they cannot ignore the passage in the Declaration of 1783 relating to fixed settlements, to which the memorialists attach a very different meaning to that entertained by the French Government.

Her Majesty's Government, however, still trust that it may be found possible to

arrive at some understanding with the French Government on the subject of these lobster factories.

As regards (2) free access to the coast for mining operations, &c., this matter was, to a great extent, dealt with in the Arrangement of 1885, which, much to the regret of Her Majesty's Government, was rejected by the Newfoundland Legislature.

Until some fresh arrangement shall have been come to with the French in the matter of the fisheries, such free access as is desired for the purposes mentioned cannot be given by Her Majesty's Government.

With respect to (3) the question of the issue of grants of land unhampered by the conditions subjecting such grants to a reservation in favour of French rights, Her Majesty's Government regret that they are unable, in the present position of the Fishery question, to meet the wishes of the memorialists.

You are at liberty to communicate to the memorialists the substance of the above remarks upon their Memorial.

I may assure you, in conclusion, that any favourable opportunity which may present itself for arriving at a settlement with the Government of France of the general question of the fisheries will not be neglected by Her Majesty's Government. You are, however, aware that many of the questions outstanding would have been settled had the Arrangement of 1885 been confirmed by the Colonial Legislature.

The papers inclosed in your despatch, which relate to the title to the land on which the lobster factory of Messrs. Murphy and Andrews was erected at White Bay, supply the information desired by Lord Salisbury in connection with this case, and have been communicated to the Foreign Office.

I have, &c.
(Signed) KNUTSFORD.

No. 142.

Foreign Office to Colonial Office.

Sir, *Foreign Office, May* 10, 1889.

WITH reference to your letter of the 30th ultimo on the subject of the lobster fishery on the west coast of Newfoundland, I am directed by the Marquis of Salisbury to state that he has given his most careful attention to those portions of the Governor's despatch inclosed in your letter which relate to the state of feeling in the Colony in regard to this question.

It would appear from the Governor's Report that the agitation on the subject continues, and tends, as the fishing season approaches, to increase both in the Legislature and in the community at large, and Sir T. O'Brien urges strongly that some definite information should be given to the public as to the position and rights of the inhabitants, and that he should be at least authorized to give an assurance that, pending a definite solution, the *status quo* will be maintained, or that at all events those lobster factories erected by British subjects which have been existing for years past should not be interfered with.

Lord Knutsford is well aware of the difficulties which beset the question, and which render it almost impracticable under present circumstances to satisfy the request of the Governor.

There may be said to be three different contentions in regard to this matter.

The French Government hold that the Treaties secure to them the fullest rights of fishery and preserving of fish along this portion of the coast, including the catching and canning of lobsters, to the exclusion of British fishermen, whose operations, if permitted at all, are to cease at once upon notice from the French. They equally contend that British subjects are debarred from erecting factories or settlements of any kind along the shore, and the only limitation which they admit of their own rights, as above stated, is that the establishments erected by French citizens for the preserving of fish shall not be permanent buildings.

Her Majesty's Government have not attempted to claim that, under the terms of the Declaration of Versailles of 1783, British subjects have the right of erecting lobster-canning factories immediately on the Treaty Shore, but they contend that the French themselves have no right to erect such establishments, nor do they admit that the catching

of lobsters is included within the fishery rights secured to the French by Treaty. They maintain, moreover, that British subjects have the right both of catching lobsters and of other fishery along and off the Treaty Shore, except in cases where it can be proved that their operations actually interfere with French fishing.

Finally, the Colonial Legislature and the inhabitants on the coast not only claim the rights of fishery for themselves and the limitation of French rights as contended for by Her Majesty's Government and set forth above, but they regard it as an intolerable grievance, and as contrary to the intention of the Treaties, that any restriction should be placed upon the establishment of factories on the shore, except the sole condition that they are not actively to interfere with the fisheries and temporary fish-curing establishments of the French. They point to the fact that these lobster fisheries and lobster-canning establishments have existed up to 1886 without remonstrance on the part of the French as conclusive proof that they do not constitute such an interference.

The views, therefore, of Her Majesty's Government are not of a nature to be entirely satisfactory to the Colony, but still less does there seem to be any probability of their inducing the French Government to accept them, or of their obtaining the assent of that Government to any arrangement which will not be resented by the Colony as a sacrifice of its interests.

The question involves arguments of much nicety as to the exact verbal construction of the Treaties, and as to the intentions of the statesmen who negotiated those instruments more than a century ago. Such arguments, however sound they may be, are not generally of a nature to preclude at least a plausible reply, or to carry absolute and immediate conviction to the opposite party interested.

The question seems, therefore, to Lord Salisbury to be one of which it would be proper and useful to obtain a decision by impartial arbitration. Such a decision, to whichever side it might incline, would, in his opinion, be less disadvantageous than the present condition of uncertainty, in which all the parties interested consider that they have legitimate grounds of complaint, and no certain basis is afforded for ulterior negotiations towards a permanent settlement.

His Lordship would consequently propose to Secretary Lord Knutsford that the two parties should be approached with a view to the settlement of the question by reference to arbitration, and that the issues to be so referred should be :—

1. Whether the taking and preserving of lobsters can be properly considered as included in the terms of the Treaties which give to the French the liberty of fishing and drying fish on certain specified parts of the coast.

2. Whether lobster-traps set by British subjects along the coast can be said to interfere with French fishing operations in such a manner and to such extent as to constitute an infraction of the Treaties.

Lord Salisbury would be glad to have Lord Knutsford's opinion as early as possible, both upon the main question of arbitration and also on the terms and the limitations of the reference and the choice of an Arbiter. The latter points will, of course, be subject to reconsideration in the course of discussion with the French Government and the Colony, but it would be desirable to have a distinct understanding as to the arrangements which it should be sought to obtain.

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

No. 143.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, May* 14, 1889.

I COMMUNICATED at once to Her Majesty's Secretary of State for the Colonies the inquiries which were made by M. Jusserand at this Office on the 20th ultimo as to the present position of the question of marking small fishing-vessels in the Colony of Newfoundland.

I regret to inform your Excellency that there are at present serious difficulties in the way of carrying any measure of the desired character through the Colonial Legislature.

The local Customs authorities have, however, received instructions carefully to enforce the provisions of the existing Law, which requires that all decked vessels of over 15 tons burden shall be registered and properly marked; and it is the opinion of Her Majesty's naval officers that this rule, if strictly observed, is sufficient for the object in view.

As regards the question of the suppression of cod-traps, on which M. Jusserand also desired to be informed, your Excellency is aware that, in view of the large amount of capital invested in them, and the loss which would be inflicted by their immediate suppression, the Legislature of Newfoundland have decided that the prohibition shall only take effect after the expiration of two years from the passing of the Act for their abolition, viz., from the 9th May, 1888.

Her Majesty's Government are of opinion, after full consideration, that the reasons given for this short delay in bringing the Act into operation are sufficient to justify it; and they believe that the force of those reasons will be recognized by the French Government, to whom the poverty of the fishing population on the coasts of Newfoundland is undoubtedly well known.

I beg to add, however, that, pending the entire suppression of the cod-traps, instructions have been given to the British naval authorities of a special nature, with the object of preventing any undue interference by reason of these traps with the fishery of French citizens during the present season.

I have, &c.
(Signed) SALISBURY.

No. 144.

Colonial Office to Foreign Office.—(Received May 28.)

(Extract.) *Downing Street, May* 28, 1889.

I AM directed by Lord Knutsford to acknowledge the receipt of your letter of the 10th instant, relating to the difficulties which have arisen with the French Government in connection with the lobster fisheries on parts of the coasts of Newfoundland, and explaining the reasons which, in the opinion of the Marquis of Salisbury, render it advisable that certain issues connected with the lobster fisheries question should be submitted to arbitration.

Lord Knutsford desires me to request that you will inform Lord Salisbury that his Lordship is disposed to concur generally in the views expressed in your letter, and if the French Government are ready to submit the points referred to to arbitration. he will be prepared to press that course upon the Colonial Government. Lord Knutsford, however, thinks it advisable that the views of the French Government should be first ascertained before the Colonial Government is approached on the subject. A reason for adopting this course is to be found in the fact that a solution of the difficulty in respect of the lobster factories has been suggested to the Governor in a despatch to him dated the 28th March last, and to which no reply has yet been received from the Colony.

No. 145.

Lord Knutsford to Governor Sir T. O'Brien.

Sir, *Downing Street, May* 28, 1889.

HER Majesty's Government have given their careful consideration to the case of Messrs. Murphy and Andrews, which formed the subject of Sir H. Blake's despatch of the 10th July last,* particularly in regard to the claim advanced by those gentlemen for compensation on account of the notice given to them last season to remove their lobster factory from Hauling Point, White Bay.

The facts of the case appear to be as follows:—

The original complaint contained in the despatch above referred to was that Messrs. Murphy and Andrews, having arrived at Hauling Point on the 10th June last, with the plant and supplies necessary for the establishment of a lobster-canning business in White Bay, and proceeded to erect their buildings, and had nearly completed their arrangements, when they were disturbed in their possession four days later, by the arrival on the spot of a large number of Frenchmen, and were compelled to remove by warning received from the Commander of the French war-ship "Drac," which shortly afterwards arrived in the bay.

For this Messrs. Murphy and Andrews claimed compensation, amounting to 2,180 dol. 63 c. But of this sum no less than 1,500 dollars was a claim of consequential damages for estimated loss of profit on the probable result of the season's fishery. As Her Majesty's Government would certainly refuse to admit such a claim if brought against themselves, it would be difficult for them to press it against the Government of another country.

Under instructions from the Secretary of State for Foreign Affairs, Her Majesty's Chargé d'Affaires at Paris remonstrated against the proceedings of the Commander of the "Drac," but without making any claim for damages.

M. Goblet, in answer, defended those proceedings as being no more than a proper protection of the rights secured for French citizens by Treaty, and in support of this defence he produced a copy of a notice issued on the 29th June, 1888, by Commander Bearcroft, of Her Majesty's ship "Forward," to Mr. Murphy, ordering him to discontinue the fishing for lobsters and the working of the factory under his management as interrupting and interfering with the right of fishing enjoyed by French citizens on the east side of White Bay.

In a Report subsequently communicated to me by the Board of Admiralty, Commander Bearcroft explained that, in consequence of a letter received from the Commander of the "Drac," he had proceeded to Hauling Arm, White Bay, and had given the notice after having satisfied himself that the working of Messrs. Murphy and Andrews' lobster factory would interrupt, by competition, the fisheries of the French.

Her Majesty's Government are of opinion that the fact of the proceeding complained of having been thus indorsed by a naval officer in Her Majesty's service would make it impossible for them to urge a claim for damages against the French Government with any prospect of success.

It further appears from papers inclosed in your despatch noted in the margin that Messrs. Murphy and Andrews had no valid title to the land on which they were proceeding to erect their establishment, nor had they taken any steps to obtain such title from the Crown.

As against any action of the Imperial or Colonial authorities for their removal from the land, they would seem to have no ground of complaint.

It is obvious that considerable discretion must necessarily be allowed to Her Majesty's naval officers in Newfoundland waters in deciding whether the fishing or other operations of British subjects interfere with the rights secured by Treaty to French citizens; and leaving on one side the question whether the erection of British lobster factories on that portion of the coast of Newfoundland where the French possess Treaty rights is or is not in itself a contravention of the Declaration of Versailles of 1783, it is apparent that Commander Bearcroft was convinced that Messrs. Murphy and Andrews' proceedings did constitute such an interference.

Her Majesty's Government do not deny that there is a certain element of hardship in the case, inasmuch as the French appear to have at once taken advantage of the removal of Messrs. Murphy and Andrews to set up lobster factories of their own, the legality of which is contested by Her Majesty's Government; but, taking all the circumstances into consideration, Her Majesty's Government do not consider that in the present condition of

* Inclosure 1 in No. 107.

the controversy on this point there would be any advantage in attempting to found upon this case a claim for compensation against the French Government.

You will be so good as to communicate this despatch to your Ministers, and to inform Messrs. Murphy and Andrews of the decision which Her Majesty's Government have arrived at in this matter.

I have, &c.
(Signed) KNUTSFORD.

No. 146.

Lord Knutsford to Governor Sir T. O'Brien.

Sir, *Downing Street, May* 31, 1889.

I HAVE the honour to acknowledge the receipt of your telegram of the 1st April.

2. The course taken by your Ministers in declining to introduce a measure for marking vessels, which cannot cause any inconvenience, which is common in other countries, and the only aim of which is to facilitate detection in cases of breaches of the law or of existing Treaties, is very unsatisfactory and disappointing to Her Majesty's Government.

3. I transmit to you, for communication to your Government, a copy of the Convention concluded in 1882 between Great Britain, Germany, Belgium, Denmark, France, and Holland for regulating the police of the North Sea fisheries, and I request that you will call the attention of your Government to Articles V to XI of this Convention, which provide for the marking of all vessels fishing within the limits specified in Article IV.

4. Her Majesty's Government is of opinion that there is no reasonable ground on which the Government of Newfoundland can object to the introduction into that Colony of Regulations similar to those which the Governments interested in the North Sea fisheries have agreed upon as best calculated to insure proper police and to prevent the occurrence of disputes among rival fishermen.

5. They request the attention of your Ministers to the following passages in the letter from Captain Hamond to Vice-Admiral Lyons, dated the 25th October, 1887 :*—

"I would point out again the absolute necessity of the Newfoundland schooners being properly marked with numbers on their sides and sails, their names being also painted on their sterns, and the vessels registered.

* * * * * *

"As matters stand now, those schooners which fit out for their summer voyage for fish are under no control whatever.

"With proper means for identifying vessels, I believe the greater part of the wrecking of the 'Belem' would not have occurred."

6. Her Majesty's Government trust that this matter will, without delay, receive the serious consideration of your Ministers, with a view to further legislation on the subject, and that in the meantime continued vigilance may be exercised in regard to the strict enforcement of the existing law.

I have, &c.
(Signed) KNUTSFORD.

No. 147.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, June* 22, 1889.

ON the 1st ultimo M. Jusserand made at this Office an intimation, on the part of the French Government, to the effect that St. Margaret's Bay and Brig Bay, on that part

* Inclosure in No. 83.

of the coast of Newfoundland where the French possess fishery rights, had been allotted for the forthcoming season as fishing-grounds to the vessels belonging to the French house of Thubé Lourmand.

This intimation was duly communicated to Her Majesty's Secretary of State for the Colonies; and I have now the honour to acquaint your Excellency that it is found, on examination of the information in possession of Her Majesty's Government, that British lobster fisheries have for some time been established in the two bays in question.

Instructions will be sent to the British naval officers on the coast to take care that in these bays the admitted rights of fishery granted to French citizens under the Treaties shall not be interfered with by British fishermen.

Your Excellency will, however, remember that I stated, in my note of the 28th March last, that Her Majesty's Government are unable to admit that the right to catch and can lobsters comes within the purview of the Treaties; and I think it right to say that, pending any arrangement for the solution of the question which has arisen on this point, Her Majesty's Government cannot undertake to issue instructions to their naval officers on the Newfoundland Station which would have the effect of facilitating the pursuit of this industry by French citizens, to the prejudice of that carried on by British subjects.

Her Majesty's Government trust that there is no foundation for a report which has reached the British naval officers on the Newfoundland Station to the effect that there is an intention of establishing a large French lobster factory at St. Margaret's Bay.

Her Majesty's Government must earnestly protest against the establishment of fresh lobster factories by French citizens, especially while questions relating to such establishments are in discussion between the two Governments.

I have, &c.
(Signed) SALISBURY.

No. 148.

M. Waddington to the Marquis of Salisbury.—(Received June 24.)

M. le Marquis, *Londres, le* 22 *Juin*, 1889.

PAR Sa lettre du 14 du mois dernier Votre Seigneurie a bien voulu me faire connaître les dernières dispositions prises en vue de faciliter l'identification des goélettes nomades et d'assurer la suppression des trappes à morues. Vous me faites connaître pour quels motifs il n'a pas été possible de faire disparaître immédiatement ces engins, mais en me rappelant qu'ils seront supprimés à partir du 9 Mai prochain, vous voulez bien m'informer que des instructions ont été envoyées aux autorités compétentes afin d'empêcher que l'usage des trappes pendant la présente saison ne s'exerce au préjudice de nos pêcheurs.

Tout en regrettant qu'il n'ait pas paru possible au Gouvernement de la Reine de procéder sur le champ à la suppression d'engins aussi nuisibles que les trappes à morues, j'ai l'honneur de prendre acte des assurances que Votre Seigneurie a bien voulu me donner tant pour ce qui concerne leur disparition à la date précitée que pour leur emploi pendant la présente saison.

Pour ce qui regarde les goélettes nomades il semble, d'après les renseignements recueillis par nos autorités, que le Gouvernement Local se soit borné jusqu'à présent à insérer dans la "Royal Gazette" un Avis au public rappelant les dispositions de la section 34 du "Merchant Shipping Act," qui s'applique uniquement aux navires Anglais immatriculés; or, les goélettes nomades qui ne sont pas immatriculées échappent aux prescriptions ainsi rappelées, et peu importe alors leur tonnage. Ainsi que le sait Votre Seigneurie, mon Gouvernement estime qu'il serait de l'intérêt commun que toutes les goélettes, sans exception, fussent astreintes à porter un signe distinctif. Si toutefois l'objet de nos désirs ne peut être atteint quant à présent dans son intégrité, du moins crois-je pouvoir compter sur des mesures plus efficaces que celles que je viens de rappeler. Je compte à cet égard sur les promesses que Votre Seigneurie a bien voulu me faire et que contient Sa dépêche précitée, supposant, d'ailleurs, qu'à la date où les renseignements que je viens de rappeler ont été envoyés à mon Gouvernement, les instructions dont parle Votre Seigneurie n'avaient pas encore pu parvenir aux autorités compétentes.

Veuillez, &c.
(Signé) WADDINGTON

(Translation.)

My Lord, *London, June* 22, 1889.

IN your letter of the 14th ultimo Your Lordship was good enough to acquaint me with the latest measures adopted with the view of facilitating the identification of stray fishing-smacks, and of insuring the abolition of cod-traps. You inform me of the reasons which render the immediate removal of these engines impossible, but, while pointing out that they will be abolished after the 9th May next, you are good enough to state that instructions have been sent to the proper authorities to prevent traps being used during the present season in a manner detrimental to our fishermen.

Whilst regretting that Her Majesty's Government have not seen their way to an immediate abolition of such injurious engines as cod-traps, I have the honour to take act of the assurances which Your Lordship has been good enough to give me, not only as regards their abolition at the date above mentioned, but also as regards their use during the present season.

As regards stray fishing-smacks, it appears, from the information of our authorities, that the Local Government have confined themselves hitherto to inserting in the "Royal Gazette" a Notice to the public reciting the provisions of section 34 of the "Merchant Shipping Act," which applies solely to registered English vessels; but stray fishing-smacks which are not registered escape the provisions thus cited, and their tonnage is therefore a matter of no importance. As Your Lordship is aware, my Government are of opinion that it would be to the common interest that all fishing-smacks, without exception, should be compelled to carry a distinctive mark. If, however, our wishes cannot at present be fulfilled in their entirety, still I think that I may count on more efficacious measures than those I have mentioned above. I rely in this connection on the promises which Your Lordship was good enough to give me, and which are contained in your above-mentioned note, on the supposition, moreover, that, at the date on which the information mentioned by me was sent to my Government, the instructions referred to by Your Lordship had not had time to reach the competent authorities.

I have, &c.
(Signed) WADDINGTON.

No. 149.

M. Waddington to the Marquis of Salisbury.—(*Received June* 26.)

M. le Marquis, *Londres, le* 22 *Juin,* 1889.

VOTRE Seigneurie a bien voulu, par Sa lettre du 28 Mars dernier, me faire connaître les vues du Gouvernement de Sa Majesté la Reine relativement aux usines de préparation de conserves de homards établies par le Sieur Shearer sur la côte ouest de Terre-Neuve, et par Sa lettre du 15 Avril* répondre aux réclamations formulées par mon Gouvernement au nom du Capitaine Belin, dont les filets avaient été déchirés par les casiers du même Shearer. Je me permettrai de répondre à la fois à ces deux communications, qui sont connexes.

Dans la dernière de ces communications, Votre Seigneurie croit devoir contester la nature et l'origine de l'avarie pour laquelle nous demandons une réparation. D'après les renseignements fournis au Gouvernement de la Reine, les filets employés par le Sieur Belin auraient été reconnus si pourris qu'ils étaient impropres à l'usage de la pêche et que si ce capitaine les a effectivement fait servir dans le but qu'il allègue, ce ne peut avoir été qu'en vue de se procurer un prétexte à une réclamation; en conséquence, s'il y a eu dommage, il n'aurait pas seulement été accidentel mais il serait résulté du fait personnel de M. Belin.

En second lieu et d'une manière plus générale, dans Sa lettre du 28 Mai, Votre Seigneurie m'a fait connaître que le Gouvernement de la Reine ne saurait admettre que les privilèges qui nous sont garantis par les Traités sur la côte de Terre-Neuve fussent en aucune façon violés par le Sieur Shearer, et elle déclare ne pouvoir consentir à fermer les établissements de cet industriel.

Enfin, Votre Seigneurie ne croit pas devoir nous reconnaître le droit de pêcher le homard et d'en préparer des conserves sur la côte au moyen du genre d'installation dont nous avons fait usage dans ces dernières années.

* Not printed.

Bien que dans les diverses lettres que j'ai eu l'honneur de vous adresser dans le courant de l'année dernière au sujet de la pêche du homard et de la question Shearer, j'aie déjà fait connaître la manière de voir de mon Gouvernement et exposé les arguments sur lesquels elle s'appuie, je vous demanderai la permission de résumer ici les raisonnements qui justifient à mon avis d'une manière absolue nos revendications.

Sur le premier point, tout de fait, voici les renseignements complémentaires que le Commandant de notre station navale vient de fournir à mon Gouvernement. Dans l'opinion de cet officier supérieur, la réclamation du Capitaine Belin est parfaitement justifiée et s'appuie sur un dommage réel que lui a causé Shearer. Ce dernier, malgré des avertissements réitérés, encombrait de ses casiers l'anse de Gargamelle et les abords de l'Ile Keppel, où le capelan s'est présenté en abondance dans le courant du mois de Juin. La senne de Belin a été défoncée en débordant sur des casiers de fond Anglais qui étaient mouillés sur grappins et lestés de pierres; la déchirure présentait plusieurs mètres carrés de surface. Ce filet a été montré au Capitaine Hamond, à bord du " La Clocheterie." Ce dernier a déclaré, il est vrai, que le ret était pourri, et a réussi, en effet, à briser, sous un effort de traction, quelques mailles voisines de la brèche, mais sur l'observation du Commandant Humann que cette partie de la senne était déjà affaiblie par le raguage et le poids des casiers, et ne pouvait pas être prise comme terme de comparaison, l'expérience fut recommencée sur d'autres tronçons qui résistèrent. En fait, ce filet servait couramment à pêcher le capelan et Belin n'en avait pas d'autres sur place.

Il a été mis hors de service par les engins de Shearer, et Belin a subi un double dommage, en perdant sa senne d'abord, et ensuite en demeurant plusieurs jours dans l'impossibilité de pêcher sa boëtte.

Il paraît de toute évidence que la destruction d'un instrument de travail constitue au premier chef une "gêne" dans le sens des Traités. Une indemnité est donc due au Sieur Belin; j'en maintiens par suite la demande conformément aux instructions que j'ai reçues et je ne puis que repousser énergiquement l'accusation d'après laquelle un filet hors d'usage aurait été mouillé pour donner prétexte à plainte.

Quant à la légitimité de l'existence et du fonctionnement des établissements de Shearer, je ne puis que réitérer les arguments à mon avis irréfutables que j'ai déjà soumis à Votre Seigneurie. Le Gouvernement de la Reine n'ignore pas que le principe du Traité d'Utrecht était le partage de la côte de Terre-Neuve entre Anglais et Français pour l'exercice de la pêche; qu'en 1783 une partie de la dite côte, celle comprise entre les Caps Bonavista et Saint-Jean, se trouvant en fait exploitée par les deux nations, on conclut, pour compléter la séparation et assurer l'accord, une Convention complémentaire qui attribue cette partie aux Anglais, et en échange, donne aux Français la partie comprise entre la Pointe Riche et le Cap Raye; qu'une déclaration du Roi Georges formant annexe à cet Acte, porte l'engagement que tous les établissements sédentaires formés sur le " French Shore " seraient retirés; que d'autre part, cette même déclaration énonce que Sa Majesté Britannique prendra les mesures les plus positives pour prévenir que ses sujets ne troublent, en aucune manière par leur concurrence, la pêche des Français et ne les molestent aucunement durant leurs pêches; qu'enfin elle ajoute, en ce qui concerne la conduite des pêcheurs des deux nations sur le " French Shore," qu'on ne contreviendra ni d'une part ni de l'autre aux usages antérieurs. Or, n'est-il point exact que les usines Shearer sont construites sur le " French Shore " c'est-à-dire là où il ne peut y avoir aucun établissement appartenant à des Anglais? N'est-il pas vrai aussi que le Sieur Shearer s'abrite derrière les franchises du "French Shore" pour se refuser à exécuter la réglementation Anglaise sur la conservation des fonds de pêche, couvre de ses casiers à homard une région étendue où nos pêcheurs ne peuvent plus suivre les migrations du capelan et de la morue sans s'exposer à détruire les instruments de travail? Cela étant, comment pourrait-on considérer que le Sieur Shearer se conforme aux Traités et ne viole pas nos droits?

Sur le troisième point, c'est-à-dire, en ce qui concerne notre droit de pêcher et de préparer le homard aussi bien que la morue, les communications de Votre Seigneurie ne paraissent point à mon sens détruire les raisons que nous avons déjà fait valoir. L'argumentation du Gouvernement de la Reine peut être résumée ainsi: Les crustacés ne sont pas des poissons dans le sens où l'ont entendu les Signataires du Traité d'Utrecht, et ce Traité lui-même en n'autorisant l'installation que des échaffauds et des cabanes usités pour la pêche de la morue se trouve sans application à l'égard des produits que l'on conserve par d'autres moyens que la sécherie. Mais interpréter ainsi le Traité de 1713 c'est assurément s'écarter de l'esprit de cet Acte International. Or, quand on lit l'Article XIII du Traité d'Utrecht, l'idée unique que l'on perçoit, c'est que la souveraineté de Terre-Neuve passe à la Couronne d'Angleterre, mais que pour l'exploitation des eaux, le littoral est partagé entre les deux nations, la partie au nord du Cap Bonavista et de la Pointe

Riche étant attribuée aux pêcheurs Français, et la partie au sud des mêmes promontoires formant le lot des pêcheurs Anglais.

Les mots "échaffauds," "cabanes," "sécher" employés dans l'Article, ne sont évidemment que des énonciations, des exemples tirés du fait présent; le principe de la Convention est dans l'interdiction imposée aux Français de prétendre quoi que ce soit, et en quelque temps que ce soit sur la dite île et les îles adjacentes, en tout ou en partie, d'y fortifier aucun lieu ni d'y établir aucune habitation en façon quelconque; en un mot, de prendre pied dans le pays ni d'y rien fonder de permanent qui puisse devenir une menace pour la souveraineté Anglaise. Voir une intention étroite dans les mots sécher, poisson, échaffauds, &c., qui se trouvent dans le membre de phrase suivant, c'est prêter aux négociateurs de l'époque des vues qu'ils ne pouvaient pas avoir, et dénaturer sûrement leurs préoccupations. Par conséquent, les hangars mobiles où nos capitaines font bouillir et mettent en boîtes les homards, hangars qui en fin de saison disparaissent bien plus complètement encore que les chauffauds ne sont pas plus dressés en violation des Traités que ne le sont ces chauffauds eux-mêmes. Leur caractère est la précarité, l'existence temporaire, l'affectation exclusive à la préparation des produits de pêche. Tout cela est l'exécution même des Traités. Il n'est pas inutile de rappeler qu'avant 1713, la côte de Terre-Neuve était chaque année le théâtre de luttes à main armée entre les équipages Français et Anglais, et, que c'est pour faire cesser cet état de choses, tout en laissant à la France le droit de pêche dans les parages de l'île, que l'on partagea la mer riveraine entre les deux nations, de manière à ce que chacune d'elles eût sa côte propre où ses sujets se trouveraient seuls. Personne n'eut l'idée à cette époque, d'établir en dehors de ce partage géographique, un second partage de caractère ichthyologique, en attribuant aux Français, sur le "French Shore," le monopole de la pêche des animaux à peau lisse ou à écailles, et en laissant aux Anglais la capture des animaux à coquille ou à carapace. Ce n'est pas l'accord qu'ils auraient assuré par ce moyen, mais au contraire, le désordre.

On ne le voit que trop aujourd'hui par les difficultés auxquelles donnent lieu les prétentions qu'il est de notre devoir de combattre. Ainsi que j'ai eu l'honneur de vous l'exposer dans mes précédentes lettres, et j'insiste de nouveau sur ce point, il n'est pas possible que sur les mêmes lieux, les deux pêches de la morue et de l'appât par les Français, du homard par les Anglais, s'exercent parallèlement. Il faut que l'on cède la place à l'autre; un fond garni de casiers à homards ne peut pas être exploité par la senne et une région qui pourvoit une homarderie est par cela même enlevée à la pêche ordinaire. C'est de cette incompatibilité qu'est né l'incident Belin-Shearer. Il faut, de deux choses l'une: ou bien admettre que notre droit privilégié de pêche s'étende suivant l'esprit du Traité d'Utrecht à toutes les espèces marines, ou bien reconnaître que le droit des sujets Anglais de pêcher et de préparer le homard renverse toutes les dispositions, et du Traité et de la Déclaration du Roi Georges, et supprime pratiquement tous nos droits.

Pour ces motifs, sur lesquels je me permets d'appeler de nouveau toute l'attention du Gouvernement de la Reine, le Cabinet de Paris croit devoir maintenir sa demande d'indemnité en faveur du Capitaine Belin et la suppression de l'usine Shearer établie en contravention des Traités. Nous ne pouvons que maintenir de même notre droit de pêcher et de préparer le homard sur le "French Shore" parce qu'il résulte de l'esprit du Traité d'Utrecht, ainsi que je crois l'avoir clairement rappelé plus haut.

Veuillez, &c.

(Signé) WADDINGTON.

(Translation.)

My Lord, *London, June* 22, 1889.

IN Your note of the 28th March last Your Lordship informed me of the views of Her Majesty's Government with regard to the lobster factories established by Mr. Shearer on the west coast of Newfoundland, and in your note of the 15th April Your Lordship replied to the claims put forward by my Government on behalf of Captain Belin, whose nets had been torn by the lobster pots of this very Mr. Shearer. I beg to reply to these two communications at the same time, as they are intimately connected.

In the latter of these communications Your Lordship contests the nature and origin of the damage for which we demand reparation. According to the information furnished to Her Majesty's Government, the nets used by M. Belin are alleged to have been so rotten that they were unfit for fishing purposes, and that if that gentleman employed them with the alleged object, it can only have been in order to have a pretext for a demand for compensation. If, therefore, any damage has been done, it is alleged, not only must it have been accidental, but it must have been the natural consequence of M. Belin's own action.

Secondly, in your note of the 28th March Your Lordship informed me that Her Majesty's Government could not admit that the privileges granted to us by the

Treaties on the Newfoundland coast had in any way been violated by Mr. Shearer, and Your Lordship declared that you could not consent to the closing of that gentleman's establishment.

Lastly, Your Lordship declines to recognize our right to fish for lobsters and to preserve them on the coast in establishments of the kind used by us for the last few years.

Although, in the several notes which I have had the honour to address to you in the course of last year on the subject of the lobster fishery and of Mr. Shearer's case, I have already stated the views of my Government and explained the reasons on which they are based, I beg leave now to recapitulate the arguments which, in my opinion, entirely justify our claims.

With regard to the first question, which is one of fact, the following additional information has been furnished to my Government by the Commander of our naval station. In the opinion of this officer of high rank, Captain Belin's claim is perfectly justified, and based on real damage caused by Mr. Shearer. The latter, in spite of repeated warnings, blocked with his lobster pots Gargamelle Cove and the approaches to Keppel Island, where capelin were abundant in the month of June. M. Belin's seine was torn on coming into contact with the English ground lobster pots, which were held by grapnels and weighted with stones; the portion torn was several square metres large. This net was shown on board the "Clocheterie" to Captain Hamond. The latter, it is true, declared that the net was rotten, and, indeed, succeeded, with some effort, in tearing several meshes close to the hole, but, on the remark of Captain Humann, that this part of the seine was already weakened by the friction and the weight of the lobster pots, and could not be taken as a fair standard, the experiment was renewed on other portions, which resisted. In fact, this net had been usually employed for the fishing of capelin, and Captain Belin had no other on the spot.

It was rendered unfit for use by Shearer's engines, and Belin had a double loss; first of all in the destruction of his seine, and secondly in being unable for several days to fish for bait.

It seems quite clear that the destruction of fishing implements constitutes *primâ facie* an "interruption" in the sense of the Treaties. An indemnity is, therefore, due to Captain Belin, and I must persist in the demand for such an indemnity, in accordance with the instructions which I have received. I cannot but energetically repudiate the charge that a net unfit for use had been employed as a pretext for putting forward a claim.

As to the right of Mr. Shearer to erect and work his factories, I can only repeat the arguments, in my opinion unanswerable, which I have already submitted to Your Lordship. Her Majesty's Government are aware that the principle of the Treaty of Utrecht was the partition of the Newfoundland coast between English and French for purposes of fishing; that in 1783, as it was found that a part of the said coast, namely, that extending from Cape Bonavista to Cape St. John, was being worked by both nations, a supplementary Convention, to complete the separation and assure harmony of working, was concluded, by which this part is given to the English, whilst, in exchange, the French received the part lying between Point Riche and Cape Ray; that a Declaration of King George annexed to this Convention engages that all fixed establishments on the "French Shore" should be withdrawn; that, on the other hand, the same Declaration states that His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner by their competition the fishery of the French, and molesting them in any manner in their fishing operations; that, lastly, it adds, with regard to the action of the fishermen of both nations on the "French Shore," that previously existing customs shall not be infringed by either side. Now, is it not true that the Shearer factories are erected on the "French Shore," that is, on a spot where there should be no establishment belonging to an Englishman? Is it not equally true that Mr. Shearer shelters himself behind the privileges of the "French Shore" in order to refuse to conform to the English Regulations as to the preservation of fishing grounds, and covers with his lobster pots an extended ground whereon fishermen can no longer follow the migrations of the capelin and the cod without exposing themselves to the risk of having their fishing implements destroyed? This being the case, how can it be said that Mr. Shearer conforms to the Treaties, and does not violate our rights?

As regards the third point, that is to say, our right to fish for, and preserve, lobsters as well as cod, Your Lordship's communications do not appear to me to answer the arguments which I have already put forward. The reasoning of Her Majesty's Government might be summed up as follows: Crustaceans are not fish in

the sense understood by the Signatories of the Treaty of Utrecht, and as this Treaty itself authorizes the establishment of such scaffolds and huts only as are used for cod-fishing, it does not apply to produce which is preserved by processes other than drying. But to interpret in this manner the Treaty of 1713 is surely to depart from the spirit of this International Act. In reading Article XIII of the Treaty of Utrecht, the one prominent idea is that the sovereignty of Newfoundland passes to the English Crown, but that, as regards the working of the fisheries, the coast is divided between the two nations, the part north of Cape Bonavista and of Point Riche being given to the French fishermen, and the part south of those promontories to the English.

The words "scaffolds," "huts," "drying," used in the Article are only words drawn from the then existing state of affairs; the principle of the Convention lies in the prohibition imposed on the French not to lay claim at any time to any right to the said island and adjacent islands, or any part thereof, or to fortify any place, or to erect any dwelling-places there whatever; in a word, not to acquire a footing in the country, nor to make any permanent establishment which might threaten the English sovereignty. To see a narrow intention in the words "dry," "fish," "scaffolds," which occur in the paragraph following this, is to credit the negotiators of the time with views which they could not have had, and to distort absolutely what must have been in their mind. The movable sheds, therefore, in which our captains boil and can the lobsters, sheds which at the end of the season disappear much more completely than the drying establishments, are no more erected in defiance of Treaty stipulations than the drying establishments themselves. Their nature is precarious, their existence temporary, their object exclusively the preservation of the produce of the fisheries. All this is only the carrying out of the Treaties. It will be remembered that before 1713 the Newfoundland coast was every year the scene of armed struggles between the French and English crews, and that it was in order to put an end to this state of things, whilst leaving France the right to fish in the waters of the island, that the coastal waters were divided between the two nations, so that each had its proper coast where its subjects would be undisturbed. Nobody at that time had any idea of establishing, in addition to this geographical partition, a second division of an ichthyological character, in assigning to the French, on the "French Shore," the monopoly of fishing for smooth-skinned or scaly animals, and leaving to the English the right to catch shell-fish and crustaceans. This would have brought about not harmony, but, on the contrary, disorder.

This is but too evident from the difficulties arising out of the pretensions which it is our duty to oppose. As I have had the honour to explain in my previous letters (and I again call attention to this point), it is impossible that the fishing for cod and bait by the French, and for lobsters by the English, should be carried on concurrently on the same spot. One must give way to the other; a fishing ground covered with lobster pots cannot be used for net fishing, and ground which supplies a lobster factory is by that fact alone rendered useless for ordinary fishing. It is out of this incompatibility that the Belin-Shearer incident has arisen. One of two things: either it must be admitted that our rights of fishing extend, in accordance with the spirit of the Treaty of Utrecht, to all marine species, or it must be recognized that the right of British subjects to fish for and preserve lobsters overrules all the provisions of the Treaty, as well as of the Declaration of King George, and practically nullifies all our rights.

For these reasons, to which I beg leave again to call the careful attention of Her Majesty's Government, the Paris Cabinet must maintain their demand for an indemnity in favour of Captain Belin, and for the suppression of the Shearer factory established in violation of the Treaties. We cannot but maintain also our right to fish for, and preserve, lobsters on the "French Shore," because it is in accordance with the spirit of the Treaty of Utrecht, as I believe I have clearly shown above.

I have, &c.

(Signed) WADDINGTON.

No. 150.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, July* 9, 1889.

IN the note which I had the honour of addressing to your Excellency on the 28th March last, relative to the question of the lobster fishery in the waters of Newfoundland, I stated that I proposed to address to you a further communication in reply to the observations contained in your note of the 7th December on the general subject of the Newfoundland fisheries.

The note in question treats of the claim of Messrs. Dupuis-Robial and Besnier for compensation on account of the diminution of their catch of fish, which they attribute directly to the use of cod-traps by British fishermen.

In my note of the 24th August, 1887, relative to this claim, I had stated that the right of fishery conferred on the French citizens by the Treaty of Utrecht did not take away, but only restricted during a certain portion of the year and on certain parts of the coast, the British right of fishery inherent in the sovereignty of the island. And in my subsequent note of the 28th July last I observed that the right of British subjects to fish concurrently with French citizens has never been surrendered, though the British fishermen are prohibited by the second paragraph of the Declaration of Versailles from interrupting in any manner by their competition the fishery of the French during the temporary exercise of it which is granted to them.

In your note of the 7th December your Excellency meets these arguments by asserting that the French had always had the exclusive right of fishery in virtue of their sovereignty over Newfoundland. That when that sovereignty was transferred to England by the Treaty of Utrecht, the right of fishery reserved to subjects of the King of France on a portion of the coast necessarily remained an exclusive right in the absence of any express provision to the contrary. Further, that in the negotiations at Versailles in 1782-83 the English negotiators, by an appeal to the moderation of the Court of Versailles, succeeded in obtaining, not any admission of a concurrent right of fishery, but an abandonment by France of fishing rights on part of the coasts on which British subjects had encroached, in exchange for exactly similar rights on an equivalent portion of the coast elsewhere. That in the negotiations for the Peace of Amiens of 1802 the Cabinet of Paris had thought it would be desirable to establish the French right to exclusive fishery by a modification of Article XIII of the Treaty of Utrecht, but that Mr. Fox did not consider such an amendment opportune, and urged that it would be sufficient to return purely and simply to the text of 1783, as the British Government had never questioned the French right to exclusive fishery.

This train of reasoning presents a historical view of the subject which is entirely at variance with the information in the possession of Her Majesty's Government. I have thought it would contribute to the elucidation of the subject that the several points which I have briefly recapitulated above should be examined in detail by the light of the authentic records at the disposal of this Department and the Colonial Office, and the result of this examination has been embodied in a Memorandum of which I inclose copies, and to which I request your Excellency's attention.

You will find what appears to Her Majesty's Government to be indisputable evidence that the sovereignty of Newfoundland has from the earliest times belonged to the British Crown, and that the interests of France were limited to the possession of Placentia, and to temporary occupancy by conquest or settlement of certain portions of the adjacent coast. All these interests were abandoned by the Treaty of Utrecht, which stipulated that no claim of right should ever henceforward be advanced on behalf of France, and that it should be allowed to her subjects to catch fish and dry them only on land on a certain specified portion of the coast. The concurrent right of British subjects to fish off this part of the coast was undoubtedly asserted and put in practice subsequent to the Treaty, and not later than 1766, and a short time afterwards it began to give rise to repeated complaints from the French Government, not on the ground that it was in itself contrary to the Treaty, but because of the manner in which it was exercised, which was said in many cases practically to derogate from and annul the liberty of fishery accorded to the French. The arrangements made at Versailles in 1783 were not obtained by appeals to the moderation of the French Government with the view of obtaining concurrent rights of fishery for British subjects, but were the outcome of negotiations in which the French Plenipotentiary endeavoured, but unsuccessfully, to obtain the explicit concession of an exclusive right of fishery for the French.

It is no doubt by an accidental error merely that Mr. Fox, who was Secretary of State during the latter portion of these negotiations, is mentioned by your Excellency as having given certain assurances during the later negotiations for the Treaty of Amiens in 1802, when he was not a member of the Government. But I have been unable to discover, either in the instructions of Lord Hawkesbury in this latter period, or in the Reports of Lord Cornwallis, who was the British Plenipotentiary, any indication that either of them gave any assurance whatever that the British Government had never questioned the exclusive character of the right of fishery accorded to the French under the Treaty of Utrecht. Such a statement on their part would indeed have been in absolute contradiction to the facts.

The question therefore hinges mainly on the interpretation to be given to the arrange-

ments made at Versailles in 1783, and on this point I must be permitted to invite special attention to paragraphs 29–38 of the Memorandum which I have the honour to inclose, and to refer your Excellency to Lord Palmerston's note to Count Sebastiani of the 10th July, 1838, of which your Excellency has only quoted a small, and that, as it seems to me, the least significant, portion.

For you will find, on reference to the original, that certain words have been omitted, in making the extract, which materially alter the sense, and that the privilege which, as Lord Palmerston states, "has, in practice, been treated by the British Government as an exclusive right during the period of the fishing season, and within the prescribed limits," is described by him as "a privilege which consists in the periodical use of a part of the shore of Newfoundland for the purpose of drying their fish;" while in the very next sentence Lord Palmerston goes on to say that "the British Government has never understood the Declaration to have had for its object to deprive British subjects of the right to participate with the French in taking fish at sea off that shore, provided they did so without interrupting the French cod fishery." A perusal of this passage of the preceding paragraph, and of those which succeed it, showing the grounds on which Lord Palmerston based his conclusion, will, I think, convince your Excellency that the arguments advanced in my previous communications are in consonance with the views which have always been expressed by Her Majesty's Government.

To turn to the more immediate object of this correspondence, the question of the injury said to be caused to the French fishery by the use of cod-traps by British fishermen, I have already had the honour of informing your Excellency that, pending the enforcement of the Act which has been passed by the Colonial Legislature for the entire suppression of these traps, special instructions have been issued to the British naval authorities which Her Majesty's Government trust will be effectual in preventing any undue interference by such engines with the fishery of French citizens. In this and in all other respects it is the earnest wish of Her Majesty's Government to do all in their power to insure the enjoyment by the French fishermen of the rights given to them under the Treaty and Declaration of 1783.

But I can only repeat that the claims preferred on account of Messrs. Dupuis-Robial and Besnier do not appear to Her Majesty's Government to be such as they can consent to entertain. These claims rest virtually on the fact that the amount of fish caught by the complainants was considerably below the average of former seasons, that they believe from hearsay evidence that British fishermen who used cod-traps in the vicinity were more successful, and that they attribute their own want of success to this cause, as they do not know to what else it could be attributable. It is admitted by some of the deponents that they did not even apply to the British naval officers for the removal of any of the traps, as they did not think it would be of any use; by others that they did so apply, and that the traps were removed, though they assert that these were afterwards replaced, when apparently they took no further steps.

Her Majesty's Government have every wish that the assurances contained in the Declaration of 1783 should be punctually and completely fulfilled, but they cannot admit that there is anything in those assurances, however liberally they may be construed, which should involve liability for such a claim.

I have, &c.
(Signed) SALISBURY.

Inclosure in No. 150.

Memorandum.

THE French Ambassador, in his note dated the 7th December, 1888, reaffirms the French contention as to the exclusive character of the right of fishery enjoyed by French citizens on part of the Newfoundland coast, and again urges the claim for compensation preferred by Messrs. Dupuis-Robial and Besnier on account of the damage said to have been sustained by them through the use of cod-traps.

2. M. Waddington expresses surprise that Her Majesty's Government have now for the first time asserted the essential right of British fishermen to fish by the side of French subjects, and have alleged that this right has never been surrendered, and the French Ambassador assumes that this doctrine is based upon the silence of Article XIII of the Treaty of Utrecht. His Excellency also states that "le Traité (of Utrecht) laissait subsister pleinement quant à la pêche l'état de choses antérieur à 1713, c'est-à-dire, l'état en vigueur alors que les Français exerçaient la souveraineté territoriale. La France conservait le droit exclusif de pêche puisqu'elle l'avait toujours eu," and he further alleges that his "Gouvernement était donc fondé à croire . . . . . que le droit de la

France sur la côte de l'Ile de Terre-Neuve réservée à ses pêcheurs n'est autre chose qu'une partie de son ancienne souveraineté sur l'île qu'elle a retenue en cédant le sol à l'Angleterre, mais qu'elle n'a jamais ni infirmé ni aliéné."

I.—*State of Affairs prior to the Treaty of Utrecht.*

3. M. Waddington asserts that France retained ("conservait") the exclusive right of fishing, since she had always had it ("l'avait toujours eu"). But this cannot be a correct statement, for it appears that in the reign of King Charles I, and during the Commonwealth, if not to a later date also, the French were required to pay to England a tribute or tax of 5 per cent. for the privilege of fishing at Newfoundland, and of drying fish on the shore of the island.

4. He also asserts that the French right of fishing is part of the ancient sovereignty of France over the island, which she retained when ceding the soil to England, but which she has never weakened or alienated. It is evident that this statement also is inaccurate, for the history of Newfoundland during the seventeenth century will be seen to be a record of repeated acts of dominion over the island exercised by England, who could not have accepted such a cession without thereby disavowing all her past acts.

5. It may be observed in passing (1) that if the present claim of exclusive fishing on the ground of ancient French sovereignty be disposed of, any argument for their exclusive fishing can only be based upon the terms of the Treaty; and (2) that the terms of that Treaty must be interpreted with reference to the existence of British sovereignty.

6. Her Majesty's Government are not aware that France ever possessed any recognized sovereignty over Newfoundland, and, as far as can be ascertained, this novel claim on the part of France is not only untenable in itself, but if inverted would be an accurate statement of the British rights. In order to dispose of this claim, it will be convenient to examine the state of things that actually existed prior to the Treaty of Utrecht.

7. Without going back to the title which England acquired to Newfoundland by right of prior discovery made by John Cabot in 1497, it may be observed that on the 5th August, 1583, Sir Humphrey Gilbert, acting under a Commission from the Queen of England, formally took possession of Newfoundland, on behalf of his Sovereign, in the presence of various persons, subjects of other nations, who happened to be there in pursuit of the fishery, and from whom he exacted tribute in acknowledgment of the Queen's rights.

See "Newfoundland," by Hatton and Harvey, 1883, p. 17.

8. During the interval from 1583 to 1713 England exercised continued acts of dominion over Newfoundland; grants of land were made by the Crown to individuals; settlement was encouraged; Courts of Justice were held (the first as early as 1615); Commissions were issued, and Regulations made for the government of the island, and of the fishermen resorting to it, as well as of the settlers established there; and eventually, in 1698, an Act of Parliament was passed (10 & 11 Wm. III, cap. 25) applying to the whole island, and the seas, rivers, and dominions thereunto belonging, and islands adjacent; such Act being principally an enactment by the Imperial Legislature of the Rules, Regulations, and Constitutions that had prevailed for some time.

"Fishery Question," by Ch. Isham, 1887, p. 95. Hatton and Harvey, p. 27. Reeves' "History of Newfoundland, 1793," p. 31.

9. The first section of this Act enacted that "no alien or stranger whatsoever (not residing within the Kingdom of England, the Dominion of Wales, or town of Berwick-on-Tweed) should at any time thereafter take any bait or use any sort of trade or fishing whatsoever in Newfoundland, or in any of the islands or places above mentioned.

10. The British sovereignty, formally established in 1583, and duly and effectively exercised afterwards, was also, it appears, recognized by France. Hatton and Harvey, in their "History of Newfoundland," p. 38, state that in 1635 the French obtained permission from the English to dry fish on the shores of Newfoundland on payment of a duty of 5 per cent. of the produce, and that in 1675 Charles II was induced to relinquish the duty of 5 per cent., which had been paid as an acknowledgment of British sovereignty.

Hatton and Harvey, p. 38.

11. Anspach, in his "History of Newfoundland" (second edition, 1827, p. 112) says: "According to l'Abbé Raynel, France, after the Agreement made with King Charles I in 1634, sent annually her fishermen to Newfoundland, where they fished only on the northern part which they called Le Petit Nord, and on the southern point, where they had formed a kind of town upon the Bay of Placentia, which united all the conveniences that could be desired for a successful fishery." He adds at p. 93: "In the year 1675 the French King prevailed upon Charles II to give up the duty of 5 per cent."

12. It is also stated at paragraph 1666 of the published Calendar of State Papers, Colonial, America, and West Indies, 1661-68, that "from the first discovery of Newfoundland in 1496 till the Treaty of 1632 the French were not permitted to fish at Newfound-

land or in any place on the main in America, but after that Treaty the French trading to Canada and Acadia presumed to make dry fish on Newfoundland; for prevention whereof Sir David Kirke was sent there Governor, in whose time every French ship trading or making dry fish there was forced to pay 5 or 10 per cent.; and in time of the late rebellion they were compelled to do the like."

13. Further, it is certain that in 1637, by letters patent dated 13th November of that year, "the whole continent, island, and region" of Newfoundland was granted in fee to the Marquis of Hamilton, the Earl of Pembroke, the Earl of Holland, and Sir David Kirke, and "that all other Kings, Princes, and Potentates, their heirs, allies, and subjects, may know our (the King's) just and undoubted right and interest in and to the said continent, island, and region of Newfoundland, and in and to all and every the islands, seas, and places to the same belonging," it was declared that there are to be levied from all strangers that make use of any part of the shore for drying fish "five fishes out of every hundred fish in the seas, rivers, or places aforesaid to be had or taken." The grantees were enjoined to see to the collection of this tribute, from which British subjects were exempt, being expressly given "free and ample liberty of fishing."

14. There is, in the published Calendar of State Papers, Domestic, under date the 16th May, 1639, a letter from Secretary Coke to Secretary Windebank, stating that the French Ambassador (M. Pomponne de Bellièvre, Seigneur de Grignon) had complained of an imposition laid on strangers by Sir David Kirke for fishing at Newfoundland. "A firm but fair answer is be given, and the impositions laid by the French on the English merchants considered in justification."

15. The following is an extract from this letter of the French Ambassador, dated the 9th (19th) May, 1639:—

"L'on m'a aussi donné avis que les nommer (*sic*) Kerg avoient une patente du Roy de la G. B. pour lever quelque chose sur la pesche des morües, ce qu'ils se proposent de prendre non seulement sur les sujets du Roy de la G. B., mais generalement sur tous ceux qui iront pour faire cette pesche, ce qui seroit contraire à tout droit et à la liberté avec laquelle on en a usé jusques icy, ce qui fait que je m'imagine que le Roy de la G. B. ne l'entend pas ainsy et que personne autre que ses sujets ne se resoudra à le souffrir."

To which letter the following answer was returned, dated Newcastle, 26th (16th) May, 1639:—

J'ay communiqué la vostre au Roy mon maistre, et vous en rends cette gracieuse responce sur chaque point." Then, after referring to various other matters, the following reply is made to the French Ambassador's representations on the Fisheries question, quoted above:—

"Cuant a vostre derniere plainte, faite contre Kerg, pour lever quelque chose sur les estrangers pour la pesche en Terre Neufve; S. M. ne sçait pas, en particulier, ce qui s'y est passé; c'est pourquoy elle vous en remet à son Conseil d'Estat demeurants à Londres pour y faire vostre remonstrance et recevoir la responce. Se promettant quant & quant de vous une bonne responce sur la plainte que mon collegue vous aura representée, de la nouvelle levée faite en France sur nos marchans, en contravention des Traités, & qui semble porter une intention absolue de rompre ceste bonne intelligence que S. M. garde toujours soigneusement, & pour la conservation de laquelle ses Ministres travaillent incessamment."

16. There is no doubt that subsequently, in 1662 (published Calendar of State Papers, Colonial, 1661-68, paragraphs 1729-32), shortly after the restoration of the Monarchy in England, the French, taking advantage of the English Government being fully occupied at home, proceeded, although the two countries were at peace, to fortify themselves at Placentia, to drive out the English settlers, and to issue Commissions to Governors purporting to exercise sovereignty over the whole of Newfoundland.

17. In 1666 and 1667 the French, who were then at war with England, strengthened their hold upon Placentia and the neighbouring coasts (Calendar of State Papers, paragraphs 1729-30; and it is stated by Hatton and Harvey, p. 39, that at one time they had established their dominion over a territory of 200 miles in extent. But this episode of the conflict was annulled, so far as any sovereign rights were involved, by Article XII of the Treaty of Peace concluded between Great Britain and France at Breda on the 21st July, 1667, in which the Most Christian King engaged to restore to the King of Great Britain all the islands, countries, fortresses, and Colonies which might have been conquered by the arms of the Most Christian King before or after the signing of that Treaty.

18. As proof of the continued and uninterrupted assertion of English dominion, it may be pointed out that King Charles II, on the 12th January, 1661, issued letters patent reciting the letters patent of 1637, and granting additional powers for regulating the Newfoundland fishery; and that on the 10th March, 1670, he made an Order in

Council containing additional Regulations for the government of the fishery in Newfoundland, of which the 1st Article authorizes English subjects to fish in all waters, and to dry their fish on shore in any part of Newfoundland, as fully and freely as any of the subjects "of His Majesty's Royal predecessors," and of which the 2nd Article declares "That no alien or stranger be permitted to take bait, or fish in any of the rivers, lakes, creeks, harbours, or roads in Newfoundland between Cape Race or Cape Bona Vista, or in any of the islands thereunto adjoining."

19. The French had, it will be seen, forcibly possessed themselves of parts of the English Island of Newfoundland in time of peace, which they continued to hold, but without permission from England.

In any case, such possession was not considered as implying an admission of French sovereignty over any portion of the island, for, on the outbreak of hostilities after the accession of William III, the King, in his declaration of war, 7th May, 1689, stated:—

"It is not long since the French took licences from the English Governor of Newfoundland to fish in the seas upon that coast, and paid a tribute for such licences as an acknowledgment of the sole right of the Crown of England to that island; and yet of late the encroachments of the French upon our said island, and our subjects' trade and fishery, have been more like the invasions of an enemy than becoming friends, who enjoyed the advantages of that trade only by permission."

20. It is believed that after the Treaty of Ryswick, by which that war was terminated in 1697, but in which Newfoundland is not named, while it specifically deals with places in Hudson's Bay which were to be left in possession of the French, the French retained possession of Placentia and any other places occupied by French subjects; but that no acknowledgment of French sovereignty can be inferred from such circumstance is abundantly proved by the fact that the English Parliament in the following year, 1698, passed the Act, which has been before referred to (paragraph 8), applying to the whole of Newfoundland, and forbidding aliens to fish or trade. It is difficult to imagine any more formal assertion of the sovereignty of the English Crown.

II.—*Language of the Treaty of Utrecht.*

21. The documents cited above effectively dispose of any supposed admission of French dominion prior to the Treaty of Utrecht. The language employed in that Treaty will be found to be such as to confirm the absence of any such previous admission, and, even if any admission of the kind had been made, to render it absolutely nugatory.

22. It will be found that in the Preliminary Treaty signed at London on the 8th October, 1711, the VIIth Article runs thus: "L'Ile de Terre-Neuve, la Baie et le Détroit de Hudson seront rendus à l'Angleterre," thus placing Newfoundland on the same footing as places where British sovereignty had unquestionably existed, but which, having been captured by the French, and subsequently recaptured by the English, had again been placed in possession of the French by the Treaty of Ryswick.

De Koch's "Histoire Abrégée des Traités de Paix," by F. Schoell. Paris, 1817.

23. The language of the Treaty of Utrecht follows the same classification as the Preliminary Treaty. The Xth Article of the Treaty simply provides for the restoration to England, to be possessed in full right for ever, of the Bay and Straits of Hudson, with all lands, &c., belonging thereunto, "which are at present possessed by the subjects of France." While in the XIIth Article, however, it is stipulated that the French King shall deliver solemn and authentic instruments, from which it shall appear "that certain islands and places which had previously been French," together with the "'dominion,' propriety, and possession" thereof, "and all right whatsoever by Treaties or by any other way obtained by the Crown of France or its subjects, are yielded and made over to the Queen of Great Britain, and in such ample manner and form that the French shall thereafter be excluded from all kind of fishing on the coast of Nova Scotia." Thus, British territory previously seized by France, and left to her by Treaty, is "restored;" while territory, of which the previous dominion of France was not disputed, is ceded by the words, "yielded and made over," and the cession is to be evidenced by solemn and authentic instruments.

Chalmers' Treaties, vol. i, p. 378.

24. But the XIIIth Article, which treats of Newfoundland, follows rather the model of the Xth than of the XIIth Article. There is no question of instruments of transfer, and no mention is made of the dominion of France in regard to Newfoundland; but only that Newfoundland, with the islands adjacent, "shall from this time forward belong of right wholly to Britain" ("appartiendra désormais et absolument à la Grande-Bretagne"), and to that end Placentia and whatever other places are in possession of the French "shall be yielded and given up" ("et à cette fin le Roi Très Chrétien fera remettre à ceux qui se trouverent à ce commis en ce pays là dans l'espace de sept mois à compter du jour de l'échange des ratifications de ce Traité ou plus tôt si faire ce peut, la ville et le fort de

Plaisance, et autres lieux que les Français pourraient encore posséder dans la dite île") ; and the French King, his successors and subjects, shall not "lay claim to any right to the said island or islands, or to any part of it or them" ("sans que le dit Roy Très Chrétien, ses héritiers et successeurs, ou quelques-uns de ses sujets, puissent désormais prétendre quoyque ce soit et en tel temps que ce soit, sur la dite Isle et les Isles adjacentes en tout ou en partie"). This is the language of withdrawing a claim, not of ceding the dominion of a territory ; the renunciation of all rights is absolute, and even more emphatic in the French ratification than in the English version of the Treaty ; and it may further be noted that this Article proves that the French at that time only claimed to be in possession of Placentia and other unnamed places, not of the whole island, of which M. Waddington now claims that they had the sovereignty.

25. Her Majesty's Government consider that the XIIIth Article must be read as an admission of the title previously existing in England, including control of the fishery in territorial waters ; so that when the Article proceeds to deal with fishery by the French, it employs apt words of concession by the Sovereign Power ; "*it shall be allowed* to the subjects of France to catch fish, and to dry them on land, in that part only and in no other besides that," &c. This is the language of concession on the part of England, not of reservation on the part of France ; and it seems clear that, under the Treaty, French fishermen only obtained the privilege of fishing side by side with British subjects, whose right was derived not from Treaty, but from the British sovereignty, which had then existed for exactly 130 years.

26. This is the natural and common-sense construction of the Article, while the French contention can only be accepted on the supposition that the framers of the Treaty, who used precise and accurate language for the cession effected by the XIIth Article, used vague and indefinite language for the cession effected by the XIIIth. But it seems incredible that writers who so carefully excluded the French from the fisheries of Nova Scotia should not have thought it necessary to be equally careful (if that had been their meaning) to exclude the English from fishing on part of the coasts of Newfoundland, especially as they had previously declared the whole island to belong of right to England, a declaration which, according to public law, would necessarily include the territorial waters of the whole.

27. Again, during the negotiations at Utrecht, Spain laid claim to fish as of right in the waters of Newfoundland, and the Treaty between England and Spain contains an express renunciation of such claim. If the French had really had or retained any sovereignty in those waters, the renunciation by Spain would more properly have been given to France instead of to England ; and its presence in the English Treaty furnishes additional evidence against the present claim of France.

28. But it is in reality unnecessary to go further than the text of the Article itself. It assured to Great Britain the complete dominion of Newfoundland, with the adjacent islands, and it would have been absurd to state that the subjects of the Power possessing the sovereignty of the island should have the right to fish in its territorial waters. If any such stipulation had been necessary in regard to fishery, it would have been equally necessary to insert every other elementary right which sovereignty carries with it. Moreover, the Article contained a most absolute renunciation for the future of all rights on the part of France. And, accordingly, in the Treaty of Paris of 1763 (Article V) the French fishery is spoken of not as a *right* but as a *liberty* : "Les sujets de la France auront la liberté de la pêche et de la sécherie, sur une partie des côtes de l'Ile de Terre-Neuve, telle qu'elle est spécifiée par l'Article XIII du Traité d'Utrecht, lequel Article est renouvelé et confirmé par le présent Traité, à l'exception de ce qui concerne l'Ile du Cap Breton, &c."

III.—*State of Affairs subsequent to the Treaty of Utrecht.*

29. As a matter of fact, there can be no doubt whatever that the concurrent right of fishery by British and French subjects was exercised in the interval between the Treaty of Utrecht and the negotiations of Versailles, inasmuch as, from 1769 onwards, the method of its exercise gave rise to frequent complaints on the part of the French Government. They urged that by permanent fishing establishments formed by British subjects along the shore the French were practically ousted from the enjoyment of the liberty conceded to them. It appears on reference to the discussions which took place on this subject in 1776 (at a time when the British Government were particularly anxious not to give France any unnecessary cause of offence), that after M. de Guines, the French Ambassador in London, had made a proposal for exclusive rights of fishery which the British Government had felt compelled to reject, Lord Stormont, then British Ambassador at Paris, was instructed to treat the matter with the Comte de Vergennes. The latter, in the conversations which

followed, frankly admitted that the Treaty of Utrecht gave to Great Britain the full sovereignty over the island: he said that to contend that the Treaty gave to France an exclusive right of fishery would be to put on it a strained construction; but he laid down the principle that Treaty stipulations should be liberally interpreted, and that the rights of fishery conceded to the French on certain portions of the shore should not be annulled in practice by prior occupation on the part of British fishermen.

30. The English Ambassador, on his side, explained that it was impossible for his Government to order the removal of the sedentary British establishments (to which, however, they were in principle as much opposed as the French), because these had existed prior to the Treaty of Utrecht, as appeared by a Charter granted by the English Crown in 1610. He pointed out that the French system of bounties, which gave their fishermen a favoured position as compared with the British, lay at the root of most of the trouble that had arisen. At the same time, he communicated a copy of fresh Royal instructions to the Governor of the Colony "to use his utmost vigilance and authority to prevent our subjects from taking any exclusive possession whatever, as private property, of any lands, rivers, or islands in the northern parts of Newfoundland between Bonavista and Point Riche, or from making any settlements or forming any establishments there, which may in any degree have the consequence to prejudice the fisheries of the subjects of France, ... or to render ineffectual the instructions that ships of both nations should choose their stations as they respectively arrive."

These instructions were accepted by the Comte de Vergennes as satisfactory.

IV.—*Negotiations of Versailles*, 1782.

31. It would seem, further, that the reference by M. Waddington to the negotiations of 1782 is inaccurate. His Excellency states: "Les négociateurs Anglais . . . . . firent appel aux sentiments de modération de la Cour de Versailles, et sans obtenir rien qui ressemblât à un droit concurrent, obtinrent que la France renoncerait à la partie des côtes envahies et accepterait en dédommagement une étendue équivalente de territoire riverain à exploiter," &c.

32. This statement of the case is not in any way borne out by the text of the communications which passed. The first formal proposal came from M. de Vergennes in a note dated the 6th October, 1782, and runs as follows:—

"La concurrence entre les pêcheurs Français et Anglais aiant été une source intarissable 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 Saint-Jean, à condition que ses sujets pêcheront seuls à l'exclusion des Anglais, depuis le Cap Saint-Jean en passant par le nord et le Cap Ray, &c."

33. The English Government, in a note dated the 24th October, declined to concede this exclusive right.

34. They objected to an Article in the Preliminaries of Peace which, without actually mentioning an exclusive right of fishery, was explained as intended to establish that right, and they only agreed to the insertion of an Article in the following words:—

Article V. "Les Pescheurs François jouiront de la pesche qui leur est assignée par l'Article précédent, comme ils ont droit d'en jouir en vertu du Traité d'Utrecht."

35. At the same time, however, Mr. Fitzherbert, the British Plenipotentiary, delivered to the French Government a note in the terms of the eventual Declaration of the 3rd September, 1783, promising that His Britannic Majesty would take the most positive measures "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'Ile de Terre-Neuve."

36. The words "par leur concurrence" were subsequently added to this Declaration, at the instance of M. de Vergennes, in the course of the negotiations for the Definitive Treaty of Peace.

37. On the 18th June, 1783, the British Ambassador sent home the draft of the French Counter-Declaration, which contained these words: "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 aujourd'hui, et par la Déclaration remise également ce jourd'hui par l'Ambassadeur et Plénipotentiaire de Sa Majesté Britannique, et Sa Majesté déclare qu'elle est pleinement satisfaite à cet égard."

38. The Duke of Manchester was thereupon instructed, if he could not obtain the

omission of the word "exclusive" to make another Declaration upon the French Counter-Declaration, protesting that the King of England did not mean to grant *exclusive* fishery any otherwise than by ordering his subjects not to *molest by concurrence*, &c.

39. The Duke reported that the French Minister had been persuaded to omit the word "exclusive" in the Counter-Declaration, which would render another Declaration from the British Plenipotentiary unnecessary.

V.—*Negotiations of* 1801-02.

40. M. Waddington alludes to a proposal made by the Cabinet of Paris in 1802, that the exclusive rights of France should be established by a modification of Article XIII of the Treaty of Utrecht, and states that "Le Ministre Fox avoua qu'il ne reconnaissait pas l'opportunité de recourir à cet amendement, et qu'il suffisait de revenir purement et simplement au texte de 1783, qui confirmait dans toute leur force les droits d'Utrecht, le Gouvernement Britannique n'ayant jamais mis en doute le droit d'exclusivité de pêche en notre faveur."

41. There must obviously be some mistake about this, for Mr. Fox was not at the time in office. Mr. Addington was Prime Minister, and Lord Hawkesbury was Foreign Secretary. The Preliminaries of Peace were agreed upon in London between Lord Hawkesbury and M. Otto, and the negotiations for the Definitive Treaty were conducted at first at Paris, and subsequently at Amiens, between Lord Cornwallis and M. Joseph Buonaparte.

42. On the 26th November, 1801, Lord Cornwallis reported that on the XIIIth Article of the Preliminaries of Peace, "M. Buonaparte observed that they wished for some adjustment about the fisheries, to which I replied that I was not sufficiently conversant in that business to enter into particulars, and could only at present say that it was a matter in which the British Government must act with the utmost caution, as any improvident cession in that Article would create a most violent clamour, and be attended with very disagreeable consequences."

43. In the instructions sent to Lord Cornwallis in reply, Lord Hawkesbury observed: "With regard to what Joseph Buonaparte stated to your Lordship on the subject of the fisheries on the Banks of Newfoundland and in the Gulf of St. Lawrence, I have to inform you that, from the representations of the different bodies interested in those fisheries, it appears to be scarcely possible to make any new concessions to France in this respect which could be considered as real benefits to that Power, and which would not be injurious to the interests of His Majesty's subjects who are engaged in this branch of commerce; and, indeed, Article XIII provides merely for the re-establishment of the fisheries on the footing on which they were previously to the commencement of the war, and appears to have no reference to any further arrangement than to such as, without altering the relative situation of the two parties, might contribute to the maintenance of peace in the fisheries as they now exist."

The "Cornwallis Correspondence," vol. iii, p. 454.

44. A proposal made subsequently by the French Plenipotentiary at Amiens for the cession of a portion of Newfoundland in full sovereignty to France was positively refused by the British Government; and on the 13th February, 1802, Lord Cornwallis states in a private letter to Lord Hawkesbury: "The French Plenipotentiary seems determined to press for some further indulgences at Newfoundland, but I am too well apprised of the importance of those fisheries to make the smallest concessions without His Majesty's commands, and I have taken pains to discourage M. J. Buonaparte from entertaining any hopes that our Government can give way on that point."

VI.—*Subsequent Discussions.*

45. Lord Palmerston's note of the 10th July, 1838, to Comte Sebastiani, which is quoted in M. Waddington's note, distinctly denies the right of the French to an exclusive fishery under any Treaty engagement or documentary undertaking. His language is very clear on this point, and he shows that the Proclamations issued warning British subjects to leave the coast were so issued, not to prevent British fishermen from fishing, but in consequence of interruptions having been caused to French fishermen, and to prevent such interruptions.

46. The views expressed in Lord Salisbury's note to M. Waddington of the 24th August, 1887, are in accord with the general principles laid down in that note, and with the position constantly maintained by Her Majesty's Government, that the French have not an exclusive right of fishery under the Treaty engagements, and that the British have never given up their right to a concurrent fishery, although in exercising this right they are not to interrupt the French fishermen.

47. It is difficult to understand how it can be supposed that such a contention has now been advanced for the first time, whereas it has formed the basis of all action and argument on the part of Her Majesty's Government for the last 120 years. The first Law Officers' opinion, of the 30th May, 1835, quoted in M. Waddington's note, was, as his Excellency observes, modified on further consideration and on their being supplied with more detailed information. It was, in fact, given on a partial and defective statement of the case. The second Report, of the 13th April, 1837, which his Excellency also quotes, stated distinctly that, "if there were really good room within the limits of the district in question for the fishermen of both nations to fish without interfering with each other, then we do not think that this country would be bound to prevent her subjects from fishing there." It went on to say that "it appears from the Report of Admiral Sir H. P. Halkett that this is hardly practicable."

48. The same consideration is made the ground of the argument used in Mr. Labouchere's despatch of the 16th January, 1857, that whether the rights of the French were in strict logic exclusive or not, they were so in practice. But this would be a question of fact, and it must be remembered that Mr. Labouchere's despatch was written with the object of recommending to the acceptance of the Colony the Convention of 1857 for the settlement of the question. It was impossible for him to adopt the view now advanced in M. Waddington's note, that the Ist Article of the Convention was no more than a formal recognition of the ancient French rights. He did not deny—what was, in fact, unquestionable—that the Convention was an alteration of existing arrangements; but he sought to prove that the interests of the Colony would not in reality suffer by it. It was not, therefore, his purpose to define the strict rights of the British fishermen, so much as their practical position at the time: the tenour of his argument was that that position would not be injuriously affected by the Convention, and the language of his despatch is certainly not in all respects precise.

49. Such as the argument was, it undoubtedly did not recommend itself to the Colonial Legislature, which unanimously and unhesitatingly rejected the Arrangement. Whether that decision was wise or unwise is a question foreign to the present argument. But the mere fact that British fishermen have now for many years past fished in the waters on the west and north-east coasts of Newfoundlaud, without giving cause for complaint on the part of French fishermen, except in occasional instances, is to Her Majesty's Government evidence that there is room for the fishermen of both countries if proper precautions are taken. The arrangement has no doubt its inconveniences, but that it is possible is proved by the fact that it exists, and that, on the whole, the disputes which arise between the fishermen of the two countries are not considerable nor numerous.

Foreign Office, July 9, 1889.

Annex.

Viscount Palmerston to Count Sebastiani.

(Extract.) *Foreign Office, July* 10, 1838.

I NOW proceed to answer that part of your Excellency's note which relates to the conflicting opinions that are entertained as to the true interpretation of the Declaration annexed to the Treaty of the 3rd September, 1783, and in which your Excellency urges the British Government to disavow the claim of British subjects to a right of fishery upon the coast in question concurrent with the right of the subjects of France.

And in the first place I beg to observe that it does not appear to the British Government that either your Excellency's representation or that of your predecessor has shown that any specific grievance has been sustained by French subjects in consequence of the doubts which are said to be entertained upon this question, so as to prove that there is any pressing necessity for the call which the French Government makes in this respect upon that of Great Britain.

But the British Government is nevertheless willing to enter into an amicable examination of the matter, with a view to set those doubts at rest, although it is my duty to say that the British Government are not prepared, according to the view which they at present take of the matter, to concede the point in question.

The right of fishing on the coast of Newfoundland was assigned to French subjects by the King of Great Britain in the Treaty of Peace in 1783, to be enjoyed by them, "as they had the right to enjoy that which was assigned to them by the Treaty of Utrecht."

But the right assigned to French subjects by the Treaty of Utrecht was "to catch fish and to dry them on land," within the district described in the said Treaty, subject to the condition not to "erect any buildings" upon the island "besides stages made of boards, and huts necessary and usual for drying of fish," and not to "resort to the said island beyond the time necessary for fishing or drying of fish."

A Declaration annexed to the Treaty of 1783, by which the right assigned to French subjects was renewed, contains an engagement that "in order that the fishermen of the two nations may not give a cause for daily quarrels, His Britannic Majesty would take the most positive measures for preventing his subjects from interrupting in any manner by their competition the fishery of the French during

the temporary exercise of it which was granted to them;" and that His Majesty would "for this purpose cause the fixed settlements which should be found there to be removed."

A Counter-Declaration stated that the King of France was satisfied with the arrangement concluded in the above terms.

The Treaty of Peace of 1814 declares that the French right "of fishery at Newfoundland is replaced upon the footing upon which it stood in 1792."

In order, therefore, to come to a right understanding of the question, it will be necessary to consider it with reference to historical facts, as well as with reference to the letter of the Declaration of 1783; and to ascertain what was the precise footing upon which the French fishery actually stood in 1792.

Now it is evident that specific evidence would be necessary in order to show that the construction which the French Government now desire to put upon the Declaration of 1783 is the interpretation which was given to that Declaration at the period when the Declaration was framed, and when the real intention of the parties must have been best known. It would be requisite for this purpose to prove that, upon the conclusion of the Treaty of 1783, French subjects actually entered upon the enjoyment of an exclusive right to catch fish in the waters off the coast in question; and that they were in the acknowledged enjoyment of the exercise of that right at the commencement of the war in 1792. But no evidence to such effect has yet been produced. It is not, indeed, asserted by your Excellency, nor was it contended by Prince Talleyrand in his note of 1831, to which your Excellency specially refers, that French subjects were, at the breaking out of the war in 1792, in the enjoyment of such an exclusive right. And, moreover, it does not appear that such right was claimed by France or admitted by England at the termination of the war in 1801 or at the Peace of 1814.

It is true that the privilege secured to the fishermen of France by the Treaty and Declaration of 1783, a privilege which consists in the periodical use of a part of the shore of Newfoundland for the purpose of drying their fish, has, in practice, been treated by the British Government as an exclusive right during the period of the fishing season, and within the prescribed limits; because, from the nature of the case, it would scarcely be possible for British fishermen to dry their fish upon the same part of the shore with the French fishermen, without interfering with the temporary establishments of the French for the same purpose, and without interrupting their operations. But the British Government has never understood the Declaration to have had for its object to deprive British subjects of the right to participate with the French in taking fish at sea off that shore, provided they did so without interrupting the French cod fishery. And although, in accordance with the true spirit of the Treaty and Declaration of 1783, prohibitory Proclamations have from time to time been issued, on occasions when it has been found that British subjects, while fishing within the limits in question, have caused interruption to the French fishery, yet in none of the public documents of the British Government—neither in the Act of Parliament of 1788, passed for the express purpose of carrying the Treaty of 1783 into effect, nor in any subsequent Act of Parliament relating to the Newfoundland fishery, nor in any of the instructions issued by the Admiralty or by the Colonial Office, nor in any Proclamation which has come under my view, issued by the Governor of Newfoundland or by the British Admiral upon the station—does it appear that the right of French subjects to an exclusive fishery, either of codfish or of fish generally, is specifically recognized.

In addition to the facts above stated, I will observe to your Excellency, in conclusion, that if the right conceded to the French by the Declaration of 1783 had been intended to be exclusive within the prescribed district, the terms used for defining such right would assuredly have been more ample and specific than they are found to be in that document. For in no other similar instrument which has ever come under the knowledge of the British Government is so important a concession as an exclusive privilege of this description announced in terms so loose and indefinite.

Exclusive rights are privileges which, from the very nature of things, are likely to be injurious to parties who are thereby debarred from some exercise of industry in which they would otherwise engage. Such rights are therefore certain to be at some time or other disputed, if there is any maintainable ground for contesting them; and for these reasons, when negotiators have intended to grant exclusive rights, it has been their invariable practice to convey such rights in direct, unqualified, and comprehensive terms, so as to prevent the possibility of future dispute or doubt.

In the present case, however, such forms of expression are entirely wanting, and the claim put forward on the part of France is founded simply upon inference, and upon an assumed interpretation of words.

No. 150*.

Lord Knutsford to Governor Sir T. O'Brien.

Sir, *Downing Street, July* 18, 1889.

WITH reference to my despatch of the 31st May last,* relating to the marking of fishing-vessels employed on the coasts of Newfoundland, I have the honour to request that you will supply me with copies of any instructions given by your Government to the local Customs authorities as to the enforcement of the provisions of the Merchant Shipping Act which relate to this matter, and that you will furnish me with a report as to the extent to which those instructions have been carried out.

I have, &c.

(Signed) KNUTSFORD.

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* No 146.

No. 151.

The Marquis of Salisbury to the Earl of Lytton.

My Lord, *Foreign Office, August* 13, 1889.

THE French Ambassador at this Court called upon me yesterday, and, in the course of conversation, expressed the general willingness of the French Government to agree that certain issues connected with the lobster fisheries on parts of the coasts of Newfoundland should be submitted to arbitration on a specially limited reference.

I informed M. Waddington, in reply, that I would send him a note containing the reference which Her Majesty's Government would suggest; and that as soon as it had been ascertained that such reference was generally acceptable to the French Government, the Colony of Newfoundland would be asked to give an assurance that they would abide by the result of the arbitration.

I added that, in the absence of such an assurance, Her Majesty's Government would, of course, not press the French Government to proceed any further in the matter.

I am, &c.
(Signed) SALISBURY.

No. 152.

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

Sir, *Downing Street, August* 16, 1889.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, printed copy of a letter from the Admiralty, inclosing Reports from naval officers engaged in the protection of the Newfoundland fisheries.

Lord Knutsford desires me to request that you will call Lord Salisbury's especial attention to the action taken by Captain Antoine, of the French vessel "Bisson," in raising the lobster-traps of British subjects. This action, in itself illegal, appears to be aggravated by the fact that British men-of-war were in the immediate neighbourhood, to whom application might have been made by the French Captain.

Lord Salisbury will probably agree with Lord Knutsford in the opinion that a protest should be addressed to the French Government against this proceeding on the part of Captain Antoine.

No further action appears to be required on these papers at present.

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

Inclosure 1 in No. 152.

Admiralty to Colonial Office.

Sir, *Admiralty, July* 18, 1889.

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State, copy of a letter from the Commander-in-chief on the North American Station, dated the 27th ultimo, forwarding copies of correspondence which has passed between the Captain of Her Majesty's ship "Emerald" and the French Commodore on the coast of Newfoundland, relative to lobster fishing and factories there.

2. I am also to inclose copy of a letter from the Captain of the "Emerald," dated the 28th ultimo, on the same subject.

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

Inclosure 2 in No. 152.

Captain Walker to Vice-Admiral Watson.

Sir, "*Emerald,*" *at Sydney, June* 28, 1889.

I HAVE the honour to inclose a notice which was served on Mr. Shearer by the French Commodore when he visited the English factory at Brig Bay.

He verbally informed me that Captain Philippe, who is in charge of the fishing interests of the French house of Lourmand, had a Concession from the French Government of the right to fish on the portion of the coast comprising St. Geneviève, Brig, and St. Margaret's Bays.

The factory established at John Meagher's Cove is only a branch of the one which had been previously established at St. John's Islands.

I now send a tracing showing the proposed lines of demarcation suggested by Commodore Maréchal for the different factories, the effect of which would so materially lessen the daily take of, at least, two of the principal English factories, viz., Port Saunders and Brig Bay, that it would probably necessitate their closing, or any rate working at a loss.

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

Inclosure 3 in No. 152.

Captain Maréchal to the Chief of the English Lobster Factories at Brig Bay.

Monsieur, "*La Clocheterie,*" *Sainte-Marguerite, le* 1er *Juin,* 1889.

LES pêcheurs de votre usine occupent avec leurs casiers la plus grande partie des fonds de pêche de ces environs réservés par les Traités aux pêcheurs Français, ne laissant à ceux seuls qui ont le droit de pêche sur cette côte que les emplacements dont vous n'avez pas voulu, c'est-à-dire, les moins bons probablement.

Il est de mon devoir de protester contre un pareil accaparement qui renverse toutes les notions du droit et de la justice. Je vous prie, Monsieur, de vouloir bien cesser de gêner la pêche de M. le Capitaine Philippe, établi à Brig Baie, et de lui laisser la libre exploitation des fonds de pêche environnants, pour lesquels il a obtenu du Gouvernement Français un droit de pêche temporaire conforme aux stipulations des Traités existants entre la Grande-Bretagne et la France.

Recevez, &c.
(Signé) R. MARECHAL.

(Translation.)

Sir, "*La Clocheterie,*" *St. Margaret's, June* 1, 1889.

THE fishermen of your factory occupy, with their lobster pots, the greater part of the fishing grounds in this neighbourhood reserved by the Treaties for the use of the French fishermen, leaving to the latter, who alone have the right to fish on this coast, those grounds only which you do not want, probably the least good.

It is my duty to protest against such a monopoly, which runs counter to all notions of right and of justice. I request, Sir, that you will have the goodness to cease troubling ("gêner") the fishery of Captain Philippe, established at Brig Bay, and to allow him the free working of the surrounding fishing grounds, for which he has obtained from the French Government a temporary fishery concession, in accordance with the provisions of the Treaties between Great Britain and France.

I have, &c.
(Signed) R. MARÉCHAL.

Inclosure 4 in No. 152.

Vice-Admiral Watson to Admiralty.

Sir, "*Bellerophon,*" *at Halifax, June* 27, 1889.

I HAVE the honour to forward herewith correspondence on the above-mentioned subject between Captain Sir Baldwin Walker and the French Commodore.

The French Commodore is now in this port, and from conversations with him I am assured of the cordial relations existing between him and the English Senior Officer; yet he bitterly complains of Mr. Shearer and other owners and managers of lobster factories, whose arrogance and general incivility, he said, makes it difficult to deal with them in the spirit he should desire.

(Signed) G. W. WATSON.

Inclosure 5 in No. 152.

Captain Sir B. Walker to Vice-Admiral Watson.

Sir, "*Emerald*," *at Sydney, June* 22, 1889.

IN compliance with Senior Officer's instructions, Newfoundland Division, I have the honour to inclose correspondence with reference to interference with the property of British subjects by the French cruizer "Bisson," and to report the details of the circumstances.

On entering Port Saunders at 4 P.M. on the 15th June, I observed a boat from the cruizer "Bisson" raising lobster-traps of British subjects on the shores of Keppel Island. On this ship being seen they immediately landed them, and the boat returned to their ship. Captain Antoine came on board to explain, and I remonstrated very strongly against such interference, he giving verbally the excuse he does in his letter.

In the evening I sent a letter of protest to him, and, as in his answer he appeared to think that his action was justified by the circumstances, I wrote my second letter.

On the afternoon of the 12th instant I paid a visit to the French Commodore, and informed him that I intended going to Birchy Cove to meet the mail, and offered to take the "Bisson's" from that place, or to give any directions that he might wish, and I explained that the "Lily" would meet me at Port Saunders to get her mail.

This he declined at first, but afterwards accepted in a note which he left when returning my call. The Captain of the "Bisson" called shortly afterwards and thanked me for my offer, and gave me a letter to the Postmaster at Birchy Cove requesting him to deliver the mail for the "Bisson" to the "Emerald." This service I was unable to perform, as on the arrival of the "Volunteer" I found that the "Bisson" had met the steamer and had been given her mail.

I think, therefore, that the conclusion Captain Antoine came to that, because I did not arrive on Friday, I might have gone north without calling, was certainly not one that he had any grounds for, particularly as he was aware that I intended to meet the "Lily" on Saturday.

Furthermore, if he had made any inquiries, he would have been informed, as Commander Russell, in accordance with his orders, had been most careful to leave word that he should return on Friday or Saturday at the latest. At the time of the occurrence the "Lily" was lying at Port-au-Choix, and arrived at Port Saunders at 6·50 P.M. the same day.

The circumstances under which Captain Antoine considers his actions to be justified, viz., that the lobster-traps were on ground that was forbidden by Captain Hamond's order last year, which had not been rescinded, and having warned the fishermen to raise their traps, as they might interfere with the French fishermen in their operations, were of a speculative character, and have not up to the present been borne out by facts, as since the order was given last year the French have not occupied the waters in question.

I have, &c.

(Signed) B. W. WALKER.

Inclosure 6 in No. 152.

Captain Sir B. Walker to Captain Antoine.

Sir, "*Emerald*," *at Port Saunders, June* 15, 1889.

I HAVE the honour to inform you that I observed, on entering this harbour, a boat from the vessel you have the honour to command raising lobster-traps of British subjects. I much regret that it is my duty to protest most strongly against any such action.

I am aware that the traps were on grounds which were forbidden by Captain Hamond's order last year to our fishermen, and quite accept the explanation you were good enough to verbally give me, but do not consider the matter was sufficiently urgent to justify such interference, there being two British vessels at the time on this portion of the coast.

I would add that the English cruizers invariably leave word on their departure from a port of their next destination in order that, should a case arise, the French cruizer can put herself in communication with one of Her Majesty's.

I deeply regret to have to send this protest, which is only done from a sense of duty,

which I hope you will quite understand, and that it will in no way affect the cordial relations that exist between us.

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

Inclosure 7 in No. 152.

Captain Antoine to Captain Sir B. Walker.

M. le Capitaine, *Port-Saunders, le 16 Juin*, 1889.

J'AI l'honneur de vous accuser réception de votre lettre du 15 Juin dans laquelle vous protestez très énergiquement contre la levée des casiers à homards appartenant à un sujet Britannique que j'ai fait opérer sur la côte nord de l'Ile Keppel le 15 Juin.

Vous entriez en rade au moment où l'embarcation que j'avais envoyée pour remplir cette mission, après avoir suspendu son opération dès que "l'Emerald" avait éte reconnu, mettait sur la grève les casiers qu'elle avait levés. J'ai eu l'honneur de vous dire dans la conversation que j'ai eue avec vous à ce sujet aussitôt après votre arrivée dans quelles circonstances j'avais ordonné la levée de ces engins de pêche.

Entrant en rade le 14 à 7 heures du soir, j'ai aperçu des bouées de casiers dans les parages où vous avez pu les voir vous-même, car mon embarcation n'a sorti de l'eau que quinze casiers et je crois qu'il en reste beaucoup d'autres à la même place.

Aussitôt après avoir laissé tombre l'ancre, j'ai envoyé un officier à la factorerie de Mr. Shearer avec mission de lui rappeler qu'il contrevenait aux ordres donnés par les officiers de Sa Majesté Britannique, en vue d'assurer dans ces parages à nos pêcheurs la libre pratique de leurs opérations, et de l'inviter à retirer les casiers dont j'avais vu les bouées le long de la côte nord de l'Ile Keppel.

Je croyais qu'ils lui appartenait. Ils n'étaient pas à lui, ainsi que déclara son "manager," mais à un Sieur James Rhyn, qui était présent, et auquel l'officier du "Bisson" fit part de l'objet de sa mission. Il déclara qu'il ne livrerait par ses casiers le soir même, mais qu'il ferait cette opération le lendemain matin.

Le jour suivant, 15 Juin, le même officier a fait dans la matinée le tour de l'Ile Keppel, et visité le havre du même nom. Il m'a rendu compte à son retour que les casiers James Rhyn n'avaient pas été levés, et qu'il en avait quelques autres le long de la côte sud de l'île et sur la côte sud de la Pointe de Saunders à l'entrée du havre de Keppel.

J'ai considéré qu'en ne remplissant pas l'engagement qu'il avait pris sur ma réquisition de lever ses casiers, le Sieur Rhyn avait manqué à la considération à laquelle a droit le Commandant d'un navire de guerre Français, agissant pour la protection d'intérêts que garantissaient, d'ailleurs, d'une facon spéciale dans ces parages, les ordres antérieurs de "Captain" et "Senior Officer" des forces Britanniques à Terre-Neuve, et j'ai agi en conséquence.

Tels sont les faits, M. le Capitaine; je me borne à les exposer, et à les soumettre à votre appréciation éclairée.

Je reconnais pleinement qu'en la présence d'un croiseur Anglais, je dois éviter d'intervenir directement, pour en modifier le cours ou les interrompre, dans les opérations des sujets Britanniques. Mais, en son absence, ou s'il n'est pas très voisin, ne peut-il pas se présenter tel cas, qui nécessite une intervention immédiate sous peine de laisser méconnaître le caractère dont m'investissent mon grade et ma mission ?

Je considère que cette intervention a pour conséquence obligée une information de ma part au croiseur Anglais voisin, si la communication est possible, ou, dans le cas contraire, à la première rencontre avec lui.

Après vous avoir signalé les casiers à homards mouillés par des pêcheurs Anglais sur les fonds interdits pour eux par votre prédécesseur autour de l'île et à l'entrée du havre de Keppel, j'ai l'honneur de vous demander leur retrait. C'est en vain que leurs propriétaires allèguent que ces engins sont placés là où les Français ne pêchent pas.

La réserve de harengs pour boëtte, que ceux-ci conservent dans des filets fermés au fond du havre de Keppel, a été pêchée par eux dans les eaux dont la libre exploitation leur est garantie spécialement.

Ils peuvent y revenir, à tout instant, à la recherche ou la poursuite du poisson, et leur pêche pourra être empêchée, ou au moins gênée, s'ils trouvent les bords de la mer garnis de casiers.

Vous n'accepterez certainement pas, M. le Capitaine, que nos pêcheurs qui viendront à l'île ou au havre Keppel, avec la confiance que les ordres donnés par des officiers de Sa

Majesté Britannique leur en garantissent la libre exploitation, trouvent ces parages obstrués, même partiellement, pour leurs opérations.

Je suis, &c.
(Signé) M. ANTOINE.

(Translation.)

Sir, *Port Saunders, June* 16, 1889.

I HAVE the honour to acknowledge the receipt of your letter of the 15th instant, in which you protest most energetically against the raising of lobster traps belonging to a British subject which I ordered on the north coast of Keppel Island on the 15th June.

You entered the roads at the moment when the crew which I had sent to carry out this work, having suspended their operations as soon as the "Emerald" had been sighted, deposited on the shore the traps which they had raised. In the conversation which I held with you immediately after your arrival, I had the honour to inform you of the circumstances under which I had ordered the removal of these fishing implements.

Entering the roads on the 14th at 7 o'clock P.M., I perceived buoys of lobster traps in these waters, where you may have seen them yourself; for the crew I sent has raised only fifteen traps, and I believe that there are many more remaining on the same spot.

As soon as I had dropped my anchor, I dispatched an officer to Mr. Shearer's factory, with instructions to remind him that he was acting counter to the orders given by Her Britannic Majesty's officers with a view to insure free scope for the operations of our fishermen in these waters, and to remove the traps of which I had seen the buoys along the north coast of Keppel Island.

I believed that they belonged to him. But according to the statement of his manager, they were not his, but belonged to a Mr. James Rhyn, who was present, and to whom the officer of the "Bisson" explained the object of his mission. He declared that although he could not withdraw his traps that same evening, he would do so next morning.

On the following day, the 15th June, the same officer made the round of Keppel Island in the morning, and visited the harbour of the same name. He reported to me on his return that the traps of Mr. James Rhyn had not been removed, and that there were several more along the south coast of the island, and on the south coast of Point Saunders, at the entrance of Keppel Harbour.

I considered that in not fulfilling the engagement taken at my request for the removal of the traps, Mr. Rhyn showed a want of that respect to which the Commander of a French man-of-war is entitled when acting in the defence of interests which, indeed, were specially protected by the previous orders of a Captain and Senior Officer of Her Britannic Majesty's naval forces in Newfoundland, and I acted accordingly.

These, Sir, are the facts; I confine myself to stating them, and submitting them to your enlightened consideration.

I fully recognize that in the presence of an English cruizer I should not directly interfere with the fishing operations of British subjects, so as to alter their course, or interrupt them. But in her absence, or if she is not in the immediate neighbourhood, may not a case arise which calls for immediate intervention, so as to obviate any misunderstanding as to the character with which I am invested by virtue of my rank and mission?

I consider that such an intervention imposes on me the duty of informing the nearest English cruizer, if communication be possible, or, if not, as soon as I fall in with her.

Having called your attention to the lobster pots moored by English fishermen round Keppel Island and at the entrance of Keppel Harbour, on a spot interdicted to them by your predecessor, I have the honour to request their removal. It is useless for their proprietors to allege that these traps are placed where the French do not fish.

The reserve of herrings, to be used as bait, which the French have barred in closed nets in Keppel Harbour, has been caught by them in waters the free use of which has been specially guaranteed to them.

They may return to the spot at any moment, on the quest or on the track of the fish, and their fishing may be prevented, or at least hindered, by finding the sea shore lined with traps.

You would not, I am sure, allow that our fishermen, coming to Keppel Island or Harbour in the belief that the orders given by Her Majesty's officers insure their unrestricted fishing, should find these waters barred, even partially, against their operations.

I have, &c.
(Signed) M. ANTOINE.

Inclosure 8 in No. 152.

Captain Sir B. Walker to Captain Antoine.

(Extract.) "*Emerald*," *at Port Saunders, June* 17, 1889.

I HAVE the honour to acknowledge the receipt of your letter of the 16th instant, and thank you for the explanations of the circumstances under which you considered yourself justified in raising the lobster-traps of British subjects.

I cannot but think that, had inquiries been made at the English factory, you would have been informed that the "Lily" would return to Port Saunders on Saturday evening at the latest. At the time of the occurrence she was lying at Port-au-Choix, a distance of 13½ miles by sea and 4½ miles by land from this port.

You were also aware that I intended to visit Port Saunders.

In the conversation we had on the subject you were good enough to explain that, as you did not find me here, you thought I might have altered my intentions and gone north; but, even supposing such to have been the case, I consider the proximity of the "Lily" would have enabled a communication to be made to her almost immediately.

I would also call your attention to the fact that since the order was given by Captain Hamond no French fishermen have fished on the shores of Keppel Island; and although I am aware that your fishermen have seined herrings during the month of May in Keppel Harbour, and that they have herrings barred there at the present time, no lobster-traps have been set in that harbour, nor have any complaints been made.

I wish also to add that Commander Russell, when he visited Port-au-Choix, had no complaints made to him by the French Captains of any interruptions to the operations of their fishermen at Port Saunders or the adjacent coasts.

I therefore think that the fears you entertain as to the interruptions that might possibly occur to your fishermen were not of the urgent character to necessitate such action.

I deeply regret that the men to whom your directions were conveyed by an officer did not attend to them, but I cannot, under the circumstances, recognize the right of any but British officers taking active measures against the property of British subjects.

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

Inclosure 9 in No. 152.

Captain Sir B. Walker to Vice-Admiral Watson.

Sir, "*Emerald*," *at Sydney, June* 22, 1889.

I HAVE the honour to report the setting up of two French lobster factories on the north-west portion of the west coast. They are situated one at Brig Bay, the other at John Meagher's Cove, Castors River. The Brig Bay factory is the same that was established at White Arm, Hauling Point, last year, but owing to the disappointment experienced in the take of lobsters there, has this season been transferred to Brig Bay.

This factory is on a large scale, and is capable of canning 7,000 lobsters daily. It employs forty-eight men and (at present) three native girls, but the employment of native labour is, I believe, not allowed, and will probably be ordered to be discontinued on its coming to the knowledge of the French officers.

The lobster catching is conducted by twenty men and ten boats, working 1,500 traps, but the number is being increased, and assisted by a steam-launch, which collects the lobsters at stated times and conveys them to the factory. Their take, up to the present, has averaged about 3,500 daily, and they have packed 350 cases containing each 48 one-lb. tins.

The French commenced fishing on the 17th May, three days before Mr. Shearer's men were able to, as his bait had not arrived; they were thus able to choose the ground for

their lobster-traps. So far the fishermen of the two nations have worked harmoniously, but how long this will last it is impossible to foretell.

The factory at John Meagher's Cove is on a much smaller scale, and is worked by the same French captain that has a factory on St. John's Island. It is, I believe, only capable of canning about 1,000 daily, and the surplus is conveyed to the parent establishment and canned there. Their catch so far has averaged about 1,700 daily, taken by twelve men in six boats working about 800 traps.

Both of these French factories have established themselves in bays already occupied by English ones.

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

Inclosure 10 in No. 152.

Captain Sir B. Walker to Vice-Admiral Watson.

(Extract.) "*Emerald*," *at Sydney, June* 22, 1889.

AS important correspondence has taken place between the French Commodore and myself with reference to English lobster factories established at Port Saunders, St. Margaret's Bay, Brig Bay, and John Meagher's Cove, and also Mr. Cairns' factory at Port-à-Port, I have the honour to forward it at once, as I understood from the French Commodore that negotiations are taking place between the two Governments.

On leaving Bay St. George the French Commodore visited the English factories in question, and it was evident from the attitude assumed by him toward them, especially to those to the northward of Port Saunders, that the lobster industry was to be claimed as a right granted by Treaty. On all occasions of the French officers visiting the factories, the managers were informed that their lobster-traps must be raised, and that after the French fishermen had placed theirs the remaining ground might be occupied by the English, and in one instance the manager was told that if the traps were not raised he (the French Commodore) would have them removed.

I also gathered, when visiting the different fishing grounds, that on plea of interruption to the French fishing, on the English traps being raised (as at Port Saunders last year) they would be immediately supplanted by those of the French, and thus leave me face to face with an accomplished fact.

The attitude of the French, together with the general feeling of insecurity that existed among the natives, who saw their means of livelihood threatened, rendered the situation very critical, as any overt act on the part of the French might have resulted in grave disturbances, and the danger of losing control of the native fishermen was too great to allow of my waiting on events.

Under these circumstances I came to the conclusion that the question had better be raised at once, as being more likely to lead to a satisfactory compromise than any other solution of the difficulty.

The tactics being pursued towards the Brig Bay factory are very similar to those adopted in the case of Port Saunders, that is by endeavouring to restrict the ground of the lobster fishing, and so preventing the continuance of the working of the factory.

In the Commodore's letter, in which the keeping apart of the fishermen of the two nations is made a point of, I asked him, when talking over the matters, to show me the lines of demarcation that he proposed—those in the case of Brig Bay were such that I rejected them and told him that I could not consider such a decision, but held that each case must be dealt with on its merits.

I would, therefore, most respectfully submit that, if the question of compromise on this matter is being considered by the Government, the lobster fishing varies in value considerably on different parts of the coast, some portions being of no value at all; and had I accepted the boundaries proposed in the case of the Brig Bay factory, it would have had the effect of reducing the daily take of lobsters from 7,500 to something under 2,000.

Gargamelle Cove, which has also always been a point of contention, is so on account of its value as a lobster fishing-ground, the average take being about 800 a-day between two men. This, and its close proximity to Port-au-Choix, would make it a valuable addition to the French factories established there.

As the greater part of the waters which were prohibited at Port Saunders have never been occupied at all, and are, as a matter of fact, quite unfitted for seining for bait in most instances, I have modified the orders, and to insure there being no grounds for

complaints, and also to obtain information necessary on the subject, I have detailed Lieutenant Weigall, with the steam-cutter and gig (in case the steam-boat breaks down) and eight men on this service.

The question of the lobster industry has now reached such an acute stage that it cannot continue in its present position without considerable danger. The effect of such action as that taken by the Captain of the " Bisson " at Port Saunders might lead to disturbances, the result of which it is difficult to foresee.

Inclosure 11 in No. 152.

Captain Maréchal to Captain Sir B. Walker.

M. le Commandant, *Havre de York, le 9 Juin*, 1889.

L'INSPECTION que je viens de passer des postes occupés temporairement par nos pêcheurs sur la côte ouest de Terre-Neuve m'a montré combien ceux-ci étaient gênés dans l'exercice de leur industrie par les opérations de pêche des nombreuses usines à homards qui se sont installées au milieu d'eux.

La situation seule de ces établissements sur des points du littoral réservés à nos pêcheurs suffit à faire de leur exploitation une cause permanente de trouble, que les stipulations des Traités ainsi que les engagements pris par Sa Majesté le Roi d'Angleterre dans sa Déclaration du 3 Septembre, 1783, avaient justement pour but d'éviter.

D'autre part je me permettrai, M. le Commandant, d'appeler votre attention sur l'accroissement continuel du nombre de ces factoreries ; chaque année en voit apparaître de nouvelles, toujours placées au milieu des centres de pêche choisis par les Français qui ne jouissent plus désormais du complet et tranquille exercice de leur industrie.

C'est ainsi que l'usine de Mr. Chattman à Sainte-Marguerite, à peine ébauchée l'année dernière, fonctionne règulièrement aujourd'hui et contribue avec l'usine de Mr. Shearer de Brig Baie à gêner les opérations du Capitaine Philippe, établi dans ce même havre.

Une autre usine Anglaise est en construction à Port-à-Port, dans le sud-est de l'Ile-au-Renard ; elle ajoutera un nouveau trouble aux opérations de nos pêcheurs de Port-à-Port, déjà gênés par l'usine de M. Cairns à la Grande-Anse.

Enfin, cet hiver une nouvelle factorerie appartenant encore à Mr. Shearer a été fondée dans l'Anse à John Marsh sur un point où jamais nos pêcheurs n'avaient été troublés jusqu'ici.

Le Gouvernement de Sa Majesté la Reine d'Angleterre n'a pas hésité à reconnaître cette situation de fait ainsi que l'étendue des obligations que lui imposent les Traités, en ce qui concerne la libre jouissance des droits assurés à nos pêcheurs, et dans une lettre adressée à M. Waddington le 28 Mars, 1889, Lord Salisbury a fait les déclarations suivantes : —

"Your Excellency may rest assured that care will be taken to secure that neither Mr. Shearer nor any other British subject shall, in the words of the Declaration of 1783, ' troubler en aucune manière par leur concurrence la pêche des Français pendant l'exercice temporaire qui leur est accordée sur les côtes de l'Ile de Terre-Neuve . . . .' "

Je serai heureux, M. le Commandant, que vous voulussiez bien me faire connaître les mesures qu'il est dans votre intention de prendre pour répondre aux vues du Gouvernement Anglais, en même temps qu'à nos légitimes revendications, en ce qui concerne les usines de

Mr. Shearer { à Brig Baie.
à l'Anse à John Marsh et à Port-à-Port.
Mr. Cairns, à la Grande Anse de Port-à-Port.
Mr. Chattman, à Sainte-Marguerite.

Il ne me paraît pas douteux d'ailleurs que le maintien de ces établissements risque de donner lieu à des complications que vous n'avez sans doute pas moins à cœur que moi-même d'éviter. Je dois avoir d'autant plus de confiance dans l'efficacité des dispositions que vous adopterez vis-à-vis de vos nationaux, que les pêcheurs Français n'exercent pour le moment leur industrie que sur un espace représentant à peine le quart de toute la côte ouest qui leur est réservée (40 milles au nord, 40 milles au sud) et que vous n'ignorez pas, M. le Commandant, le soin scrupuleux avec lequel les Commandants des croiseurs Français à Terre-Neuve se sont invariablement attachés d'une part à faire respecter par nos nationaux les obligations qui nous sont imposées par les Traités sur le littoral réservé, et, d'autre part, à concilier autant que possible l'application de nos droits avec les ménagements

qu'a pu parfois nous paraître justifier la situation des résidents de la côte ouest, si peu régulière qu'elle fût d'ailleurs à nos yeux.

Agréez, &c.
(Signé) A. MARÉCHAL.

(Translation.)

Sir, *York Harbour, June* 9, 1889.

THE inspection which I have just made of the places temporarily occupied by our fishermen on the west coast of Newfoundland has shown me how much they are hindered in the pursuit of their industry by the fishing operations of the numerous lobster factories established in their midst.

The position alone of these establishments, situated as they are on points of the shore which are reserved to our fishermen, is such that their working is a source of permanent trouble, which the Treaty stipulations and the engagement taken by His Majesty the King of England in his Declaration of the 3rd September, 1783, were destined, rightly, to avoid.

Besides this, I beg leave, Sir, to call your attention to the ever increasing number of these factories; each year sees new ones spring up, always in the midst of the fishing centres chosen by the French, who no longer enjoy the free and unmolested pursuit of their industry.

Thus Mr. Chattman's factory at St. Margaret's, started only last year, is now in regular working order, and, together with Mr. Shearer's factory at Brig Bay, impedes the operations of Captain Philippe, established in this same harbour.

Another English factory is being erected at Port-à-Port, in the south-east of Fox Island; this will add a further source of trouble to the operations of our fishermen at Port-à-Port, already impeded by the factory of Mr. Cairns at Broad Cove.

Lastly, a new factory, also belonging to Mr. Shearer, has this winter been founded at John Marsh Cove, on a spot where hitherto our fishermen have never been interfered with.

Her Majesty's Government have not hesitated to recognize this question of fact, as well as the obligations imposed upon them by the Treaties with regard to the free enjoyment of the rights granted to our fishermen, and in a letter to M. Waddington of the 28th March, 1889, Lord Salisbury made the following declaration:—

"Your Excellency may rest assured that care will be taken to secure that neither Mr. Shearer nor any other British subject shall, in the words of the Declaration of 1783, 'troubler en aucune manière par leur concurrence la pêche des Français pendant l'exercice temporaire qui leur est accordée sur les côtes de l'Ile de Terre-Neuve . . .'"

I should be obliged if you would inform me of the measures which it may be your intention to take in order to carry out the views of Her Majesty's Government, and, at the same time, to meet our just claims respecting the factories of

Mr. Shearer { at Brig Bay. / at John Marsh Cove and at Port-à-Port.
Mr. Cairns, at Broad Cove, Port-à-Port.
Mr. Chattman, at St. Margaret's.

There seems, morover, to be no doubt that the maintenance of these establishments constitutes a risk of complications such as you have probably as much as myself at heart to avoid. I place all the more confidence in the efficacy and thorough character of the measures which you will take with regard to your countrymen, that the French fishermen pursue their industry for the moment only on a space hardly amounting to a fourth part of all the west coast line reserved to them (40 miles north and 40 miles south), and that you know the scrupulous care with which the Commanders of the French cruizers in Newfoundland waters have always endeavoured, on the one hand, to see that the Treaty stipulations are observed by our fishermen on the reserved shore, and, on the other hand, to reconcile, as far as possible, the due exercise of our rights with the consideration which we have ever thought it right to show to the position of the inhabitants of the west coast, however irregular it may have appeared to us.

I have, &c.
(Signed) A. MARÉCHAL.

Inclosure 12 in No. 152.

Captain Sir B. Walker to Captain Maréchal.

Sir, "*Emerald*," *at Bay of Islands, June* 10, 1889.

I BEG to acknowledge the receipt of your letter of the 9th instant, calling my attention to the hampering of your fishermen in their operations by the English lobster factories established on that portion of the shore where the French have certain Treaty rights, and asking what steps I intend taking to secure to your countrymen their legitimate claims.

Although I am not aware of the French mode of fishing having been interfered with in any way, yet I have much pleasure in informing you that, to prevent any just cause of complaint, I gave instructions to Mr. Shearer when at Port Saunders, and similar instructions have been sent to the managers of other factories, to the effect that should their lobster-traps interfere with the French mode of fishing by seines they must be immediately raised whilst the French fishermen are actually desirous of occupying the waters in which the traps are set; I shall be careful to have these orders strictly enforced, and thus, I hope, quite obviate all chance of complications which we are both so desirous of avoiding.

With reference to the interference with the operations of the factory established this year by Captain Philippe in Brig Bay, by the factories of Messrs. Shearer (at Brig Bay) and Chetwynd (at St. Margaret's Bay), I would call your attention to the fact that Captain Philippe's factory is for the industry of catching and canning lobsters; under these circumstances I do not consider it necessary to take any further measures, as on the merits of the case I think the legitimate claims of the French fishermen are quite met by the orders already given.

As the factory of Mr. Cairns at Long Point, Port-à-Port, does not open until after the departure of the French vessels from the island, I do not apprehend in this case there can be any interference with your fishermen.

I am not aware of any lobster factory having been established on the south-east of Fox Island, but as I shall shortly visit Port-à-Port, I will take care that the Treaty obligations are observed.

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

Inclosure 13 in No. 152.

Captain Maréchal to Captain Sir B. Walker.

M. le Commandant, *Havre de York, le* 11 *Juin*, 1889.

J'AI l'honneur de vous accuser réception de votre lettre du 10 Juin, qui n'est elle-même qu'une réponse à celle que je vous ai adressée le jour précédent, et de vous remercier des instructions que vous avez bien voulu donner à Mr. Shearer et aux propriétaires de factoreries Anglaises pour que leurs casiers à homards soient immédiatement levés au moment où les pêcheurs Français désireraient pêcher à la seine là où ces casiers seraient mouillés.

Permettez-moi, cependant, M. le Commandant, de vous faire observer que la mesure que vous avez prise ne me paraît répondre, ni à nos justes revendications, ni aux vues du Gouvernement Anglais exprimée dans la lettre adressée le 28 Mars, 1889, par son Excellence Lord Salisbury à notre Ambassadeur à Londres.

Son caractère pratique est d'ailleurs illusoire, et l'interprétation qui ne manquera pas d'en être faite par vos nationaux, dans l'intérêt de leur envahissement de nos fonds de pêche, peut, dans une certaine mesure, aller à l'encontre de notre désir mutuel de concorde.

En effet, lorsque nos pêcheurs pêchent à la seine ils parcourent toutes les côtes avoisinant leurs places de pêche à la recherche du poisson; et dès qu'ils l'ont aperçu, le poursuivent jusqu'au rivage pour le seiner. Si pendant cette opération ils rencontrent des casiers Anglais en travers de leurs filets, il leur sera impossible d'appeler à eux le propriétaire Anglais, qui se trouvera, dans la plupart des cas, éloigné de plusieurs milles, pour qu'il les enlève. Leur poisson s'échappera, et si à ce moment ils perdent tout leur sang-froid et détruisent les casiers Anglais sur cette partie de la côte qu'ils avaient le droit de considérer comme libre, il me paraît incontestable que la responsabilité de la provocation ne viendra pas de leur côté.

D'autre part, vous n'ignorez pas, M. le Commandant, que nos pêcheurs ne pêchent pas seulement à le seine ; ils emploient aussi la ligne de main, l'harouelle, les filets dormants, et les casiers à homards.

Il est de mon devoir d'accorder une égale protection à tous ces genres de pêche dont l'exercice est conforme aux droits que les Traités nous donnent de pêcher, d'exploiter la mer qui borde les côtes qui nous sont réservées, sans restriction aucune quant à l'espèce de poisson pêchée.

Le droit que nous avons en outre de débarquer à terre pour préparer notre poisson est d'une toute autre nature et ne peut être confondu avec le premier.

Or, il résulte des termes de votre lettre que, répondant à une de mes plaintes, celle qui concerne la gêne causée aux opérations de pêche du Captaine Philippe par la homarderie de Brig Baie, vous estimez que puisque ce capitaine pêche le homard la mesure générale que vous avez prise au sujet des seines Françaises est suffisante.

Les plaintes de tous nos pêcheurs sont donc destinées à recevoir un semblable accueil, qui contraste singulièrement avec la protection accordée d'autre part aux pêcheurs de homards Anglais.

L'esprit des pêcheurs des deux nations ne manquera pas d'en être frappé—il l'est déjà. Dans la tournée que je viens de faire, j'ai été à même d'éprouver l'arrogance que les agents de Mr. Shearer se croient en droit d'employer avec les Français, et le cynisme avec lequel, se dégageant des engagements pris par le Gouvernement Anglais, ils comptent n'agir qu'à leur guise.

J'ai eu l'honneur de vous faire part verbalement de ces indices fâcheux pour la tranquillité future des pêcheurs de la côte, et je ne saurai trop insister, M. le Commandant, sur la vive crainte que j'ai que les ordres que vous avez donnés ne soient interprétés, de telle façon que vos pêcheurs de homards ne se croient en droit de méconnaître les droits de nos pêcheurs de homards et que ceux-ci gênés, molestés, repoussés, sans acune mesure, ne perdent à leur tour la notion des ménagements qu'ils ont toujours été habitués à observer.

J'appelle donc toute votre bienveillante attention, M. le Commandant, sur une pareille situation et laissant de côté les discussions de principes qu'il ne nous appartient pas d'entreprendre, je vous demande de vouloir bien examiner la question à un point de vue essentiellement pratique qui réserve toutes les décisions de l'avenir.

En fait, l'introduction de la pêche du homard sur la côte réservée aux Français a été un premier changement introduit au *modus vivendi* qui durait depuis de longues années et qui avait jusqu'ici permis aux résidents de vivre en bonne intelligence avec nos pêcheurs. Ce premier accroc au *modus vivendi* a été porté par vos nationaux.

La pêche de la morue permettant difficilement à nos armateurs de recouvrer les frais de leurs armaments, ils ont suivi l'exemple qui leur avait été donné et ajouté la pêche du homard à celle de la morue. Malgré ce double changement, grâce à la bonne volonté mise de part et d'autre—bonne volonté aidée par les efforts des bâtiments de guerre des deux pays, la paix a continué à régner, chacun ayant trouvé son intérêt à cette extension de ses opérations de pêche.

Depuis, des spéculateurs venus de la Nouvelle-Écosse ont apporté un trouble profond à cette situation ; ils ont introduit sur cette côte des pêcheurs étrangers à Terre-Neuve, étrangers aussi, je dois ajouter, à toutes les stipulations des Traités, sourds à toutes les objurgations, et n'admettant en un mot aucune peine à leurs opérations. Pour couvrir leurs spéculations, ils ont adjoint à leurs pêcheurs un certain nombre de résidents qu'ils ont fait venir de toutes les parties de la côte, accumulant ainsi et comme de parti pris, dans les centres mêmes où nos pêcheurs exercent leur industrie, un grand nombre de résidents autrefois répandus sur un espace bien plus étendu. Leur pêche ainsi comprise est devenue une sorte d'opération commerciale qui change profondément les mœurs auxquelles on était habitué sur ces côtes.

En résumé, le *modus vivendi* adopté jusqu'ici comme terme moyen, compatible avec les droits de chacune des parties, a lui-même été violé du fait des agissements des pêcheurs Anglais.

La pêche des Français est à ce point troublée contrairement aux stipulations des Traités, que la continuation d'un pareil envahissement des fonds qui nous sont réservés serait de nature à altérer les bonnes relations entre pêcheurs que nous avons à cœur de conserver.

Je ne puis donc considérer la mesure que vous avez bien voulu prendre, M. le Commandant, comme le terme au delà duquel vous ne pouvez aller. Il me semble en effet que le rôle que nous avons à jouer sur cette côte consiste, non seulement à régler les différends qui peuvent s'élever entre les pêcheurs, mais aussi et surtout à les prévenir.

Quelle que soit l'époque à laquelle la situation a été envisagée, le principe de la

séparation des fonds de pêche attribués aux pêcheurs des deux nations a toujours paru être la condition pratique *sine quâ non* de la paix sur cette côte. L'oubli actuel de ce principe tutélaire commence déjà à faire renaître des inquiétudes des sentiments de méfiance qui pourraient n'être que le prélude de conflit dont la loyale application du *modus vivendi* adopté avant la pêche du homard nous avait toujours préservés.

J'ai eu l'honneur de vous indiquer verbalement les terrains de pêche que je considère comme indispensables au libre exercice des droits de nos pêcheurs pour cette année. Les conséquences du "Bait Act" ne permettent malheureusement pas d'escompter un avenir plus long.

Je ne me dissimule pas que ce partage des fonds de pêche est en contradiction formelle avec l'étendue de nos droits, mais il est devenu une nécessité du moment ; je ne l'indique et ne l'accepte d'avance que dans ces conditions, sous cette réserve et parce qu'il permet à nos deux Gouvernements de poursuivre avec impartialité les négociations que toutes ces graves questions entraînent.

Il m'est d'ailleurs impossible de ne pas appeler l'attention de mon Gouvernement sur les procédés de tolérance à l'aide desquels il est permis à des industriels de fonder en un seul hiver, pendant l'absence de nos pêcheurs, des factoreries de homards dont les pêcheurs viennent au printemps suivant envahir les fonds de pêche qui nous sont réservés, que nous exploitions, et y faire acte de premier occupant au mépris de tous nos droits. Ces procédés sont en contradiction flagrante avec les sentiments de haute justice qui ont toujours guidé le Governement de la Grande-Bretagne dans ses négociations avec la France au sujet des pêcheries de Terre-Neuve.

J'ajouterai, M. le Commandant, que, ainsi que j'ai eu l'honneur de vous le dire dans ma précédente lettre, la cessation des opérations des usines de—

Mr. Shearer { à Brig Baie, à l'Anse à John Marsh, à Port Saunders,
M. Cairns, à la Grande Anse de Port-à-Port,
M. Chattmann, à Sainte-Marguerite,

me paraît la seule solution capable de ramener des espérances de paix et de justice sur la côte de Terre-Neuve où nos pêcheurs exercent leur industrie.

Agréez, &c.
(Signé) A. MARÉCHAL.

(Translation.)

Sir, *York Harbour, June* 11, 1889.

I HAVE the honour to acknowledge the receipt of your letter of the 10th June, which answered the one I addressed to you the preceding day, and to thank you for the instructions which you have been good enough to give to Mr. Shearer and to the owners of English factories to raise their lobster traps whenever the French fishermen wish to fish with seines where such traps are moored.

Allow me, however, to observe that the measure you have taken does not appear to me to meet our just claims, nor to be in accordance with the views of the English Government, as expressed in the letter addressed on the 28th March last by his Excellency Lord Salisbury to our Ambassador in London.

Moreover, the measure is practically illusory, and the interpretation which your countrymen will not hesitate to place upon it, in the interest of their encroachments on our fishing grounds, may, to a certain degree, run counter to our mutual desire for harmony and concord.

In fact, when our fishermen fish with seines, they traverse all the coast in the neighbourhood of the fishing ground in quest of fish ; and as soon as they find it, they pursue the fish up to the shore in order to catch it with the seine. If in this operation their nets come in contact with English traps, they will be unable to summon the English proprietor, who, in most cases, will be several miles distant, to remove them. Their fish will escape, and if at this moment they lose all patience and destroy the English traps on that part of the coast which they have a right to consider free, it seems to me incontestable that the responsibility for the provocation does not lie with them.

On the other hand, you are aware that our fishermen do not fish with seines only ; they also employ fixed and hand lines, stake nets, and lobster traps.

It is my duty to afford equal protection to all these modes of fishing, the use of which is in accordance with the rights, given to us by the Treaties, to fish in the

waters on the coast reserved for our use, without any restriction as to the kind of fish to be caught.

The right which we have, besides this, to land and to cure our fish is of a different nature, and must not be confounded with the former.

It appears from your letter that, in reply to one of my complaints, the one concerning the hindrance caused by the Brig Bay lobster factory to the fishing operations of Captain Philippe, you consider that as this gentleman fishes for lobsters, the general measure which you have taken with regard to French seine fishing is sufficient.

The complaints of all our fishermen are therefore destined to meet with a similar reception, which contrasts singularly with the protection afforded on the other hand to the English lobster fisheries.

The fishermen of the two nations will be struck by the difference—they are already struck by it. In the course of the inspection I have just made, I have been able to observe the insolence which Mr. Shearer's agents think themselves entitled to show towards the French, and the cynicism with which, in violation of the engagements taken by the English Government, they imagine they can act according to their own pleasure.

I have had the honour to inform you verbally of these signs of a threatening disturbance of the tranquillity among the fishermen on the coast, and I cannot insist too strongly on the grave apprehension I feel, that the orders you have given may be interpreted in such a way that your lobster fishers will consider themselves entitled to dispute the rights of our lobster fishers, and that the latter, obstructed, molested, and driven off, without any redress, will lose all idea of consideration, such as they have always been accustomed to show.

I therefore call your attention to this state of affairs, and, leaving aside all discussion of principles, which we are not authorized to enter upon, I would ask you to consider the matter from an essentially practical point of view, reserving all decision for the future.

In fact, the introduction of the lobster fishery on the coast reserved for the use of the French has been a first change introduced into the *modus vivendi*, which has lasted for many years, and which has up to now enabled the inhabitants to live in good understanding with our fishermen. This first breach in the *modus vivendi* has been made by your countrymen.

As the cod fishery enabled the ship-owners only with difficulty to recover the cost of their expeditions, they followed the example given to them, and added the lobster fishery to the cod fishery. In spite of this double change, peace has continued to reign, thanks to the good-will shown on either side, aided by the men-of-war of the two countries, each party finding their own interest in this extension of the fishing operations.

Since then, speculators coming from Nova Scotia have introduced much trouble into this state of things; they brought new fishermen, strangers to Newfoundland, strangers also, I must add, to all Treaty stipulations, deaf to all entreaties, and, in one word, admitting no restrictions to their fishing operations. In order to cover their speculations, they joined to their fishermen a certain number of the inhabitants whom they brought together from all parts of the coast, thus intentionally accumulating on the very spot where our fishermen carry on their industry a great number of inhabitants previously dispersed over a much wider area. These fisheries, thus understood, have become a kind of commercial transaction, entirely changing the habits hitherto observed on these coasts.

In short, the *modus vivendi* hitherto accepted as a middle course, compatible with the rights of either party, has itself been violated by the proceedings of the English fishermen.

The French fisheries are so much impeded, contrary to the Treaty stipulations, that the continuation of such an invasion of the fishing grounds reserved for our use would seriously affect the good relations between the fishermen, which we are anxious to preserve.

I cannot, therefore, consider the measure which you have taken as a limit beyond which you will not go. It seems to me, in fact, that the part we have to play on this coast consists not only in settling any differences that may arise between the fishermen, but also, and above all, in preventing them.

At whatever period the situation has been considered, the principle of the division of the fishing grounds assigned to the fishermen of the two nations has always appeared, practically, as the condition *sine quâ non* of peace on this coast. The

present abandonment of this sovereign principle already begins to reawaken sentiments of defiance, which may be the prelude to a conflict we have hitherto been spared owing to the loyal application of the *modus vivendi* adopted before the introduction of the lobster fishery.

I had the honour to indicate to you verbally the fishing grounds which I consider indispensable to our fishermen in the free exercise of their rights for this year. The consequences of the "Bait Act" unhappily do not permit to look so far ahead into the future.

I do not hide from myself that this division of fishing grounds is in absolute contradiction to the extent of our rights, but it has for the moment become a necessity; I propose and accept it in advance only on these conditions, and with this reservation, and because it enables our respective Governments to continue impartially the negotiations to which all these grave questions give rise.

It is, moreover, impossible for me not to draw the attention of my Government to the favour shown to an industry by permitting it to erect during one winter, and during the absence of our fishermen, lobster factories, whose fishermen in the following spring invade the fishing grounds reserved for our use, where we have been accustomed to fish, and acquire the right of first occupation in defiance of our privileges. These proceedings are in flagrant contradiction to the high principles of justice which have always guided the British Government in their negotiations with France on the subject of the Newfoundland fisheries.

I must add that, as I have already had the honour to state in my previous letter, the only solution tending to revive hopes for peace and justice on the Newfoundland coast where our fishermen pursue their industry appears to me the closing of the factories of—

Mr. Shearer { at Brig Bay, at John Marsh Cove, at Port Saunders,
Mr. Cairns, at the Broad Cove, Port-à-Port,
Mr. Chattmann, at St. Margaret's.

I have, &c.
(Signed) A. MARÉCHAL.

Inclosure 14 in No. 152.

Captain Sir B. Walker to Captain Maréchal.

Sir, "*Emerald*," *at York Harbour, June* 12, 1889.

I BEG to acknowledge the receipt of your letter of the 11th instant, and much regret that you do not consider the steps I have taken to enforce the legitimate claims of the French fishermen as satisfactory.

I have the honour to point out that the words "with seines," to which you take exception, were used as it is that particular mode of fishing which has given rise on previous occasions to the complaints by the French fishermen of interruption to their operations; and although I am aware that, when your fishermen fish with seines, they go over all the shores adjoining their fishing ground in quest of the fish, yet it is not all parts of the shore that admit of these operations being carried out. The practical result of which is that the grounds available for this purpose are circumscribed, and not, as you suggest, of such an extent that seining is likely to take place at all parts of the coast.

With reference to the Port Saunders factory, allow me to remind you that it is already restricted in its operations, the orders given by Captain Hamond, late Senior Officer in Newfoundland, being still in force, and since only a very small portion of the vacated waters have been occupied by French fishermen, on its merits, I consider no further restrictions to be necessary.

With reference to Gargamelle Cove, on which subject you did me the honour to verbally address me, only two natives have permission to catch lobsters, and they have sometimes sold them to Mr. Shearer, and at other times to the French lobster factories at Port-au-Choix, but they will be regulated in their operations as necessary.

At John Meagher's Cove, Commander Russell, of the "Lily," has instructions to take any steps necessary to prevent any untoward action on the part of the native fishermen, owing to their lobster trawls being crossed by those of the French fishermen; also to see that the French fishermen are not interfered with in their mode of fishing. On this subject I had the honour to address you verbally.

In reply to your complaint as to the hindrance caused to Captain Philippe's factory by those at Brig Bay and St. Margaret's Bay, I do not consider, after the careful inquiry on the spot and knowledge of the ground occupied by our fishermen, that the fishermen employed by Captain Philippe are in any way impeded by those of the two English factories. I would add that the English factory at Brig Bay has been established since 1880.

As to Mr. Cairns' factory at Port-à-Port, I have already had the honour to inform you that it does not commence until after the French vessels have left Red Island ; this, in connection with the fact that the factory at Black Duck Brook is not opened, will, I hope, do away with any cause of complaint.

I hold, therefore, that each case as it arises must be dealt with on its merits, and it will be my earnest endeavour, and that of the officers serving under me, to meet these difficulties in a conciliatory spirit.

The speculators hardly merit all the blame you attach to them ; these persons whom you state caused all this great trouble found the necessary capital which opened up an industry commenced fifteen years ago, and which now employs most of the natives and their families—offspring of persons encouraged to settle on the Treaty shore by the French fishermen for their own convenience.

These factories have been the means of raising the people above the awful destitution that previously prevailed, and if the lobster industry were suddenly curtailed to the extent it would be by adopting the methods you propose, these natives, driven to desperation, with starvation at their door, would certainly cause those conflicts which your proposition professes to prevent. The fishermen who catch the lobsters are almost entirely natives, the number of people employed who do not reside here is very small, and all return to their homes at the end of the lobster season.

Furthermore, my instructions do not allow of any such measures as you wish taken with reference to the English factories in question, nor do they allow of the removal of English lobster-traps in order that they may be supplanted by those of the French.

I have, &c.

(Signed) B. W. WALKER.

Inclosure 15 in No. 152.

Captain Maréchal to Captain Sir B. Walker.

M. le Commandant, *Havre de York, le 12 Juin*, 1889.

JE ne voudrais abuser ni de votre temps ne de la cordialité des relations que nous entretenons, mais qu'il me soit permis de vous adresser encore quelques mots pour défendre les Français contre les reproches que votre lettre semble vouloir leur adresser.

Personne plus que les Français n'ont, je crois, pris à cœur la situation des résidents de la côte de Terre-Neuve. Les excellentes relations qui ont toujours existé entre nos pêcheurs et les gardiens de leurs habitations, et le *modus vivendi* accepté de part et d'autre depuis de longues années en sont des preuves irrécusables. Je pourrais même mettre en ligne mon expérience personnelle de la côte, et affirmer que j'ai vu de pauvres malheureux pêcheurs Anglais venir s'établir dans certains havres, sans que les Français aient trouvé pour combattre cette illégalité d'autres paroles que des paroles de commisération.

Si le nombre des résidents est aussi considérable aujourd'hui, il est de notoriété publique que les guerres qui ont pendant certaines périodes éloigné nos pêcheurs de cette côte, ont permis à un grand nombre d'habitants de venir s'y implanter, sans qu'ils aient été aucunement attirés par nous.

Notre intention n'est donc nullement de les traiter aujourd'hui avec moins de ménagements.

C'est contre l'accumulation de ces résidents dans les centres exploités par nos pêcheurs que je m'élève avant tout. C'est cette accumulation qui n'est pas normale, qui renverse le *modus vivendi* adopté, et qui lèse gravement les intérêts de nos hommes dont la situation, permettez-moi de vous le dire, est non moins intéressante que celle des résidents, puisqu'ils quittent leurs foyers et leurs familles pour venir ici gagner péniblement leur subsistance et celle de tous les leurs.

Agréez, &c.

(Signé) A. MARÉCHAL.

(Translation.)

Sir, *York Harbour, June* 12, 1889.

I DO not wish to trespass upon your time, nor to presume upon the cordiality of our relations, but I beg leave to say a few words in defence of the French against the reproaches which your letter seems to make.

No one, I think, more than the French has at heart the position of the inhabitants of the Newfoundland coast. The excellent relations which have always existed between our fishermen and the caretakers of their houses, and the *modus vivendi* for many years accepted by both sides, prove this conclusively. I could even point to my personal experience on the coast, and affirm that I have seen poor, miserable British fishermen establish themselves in certain harbours, without the French having used other but words of pity in the face of these illegal proceedings.

If the number of inhabitants is so great at this moment, it is notoriously due to the fact that the wars, which during certain periods removed our fishermen from this coast, have allowed a great number of inhabitants to obtain a footing there, without having in any way been called in by us.

It is therefore by no means our intention to treat them to-day with less consideration.

It is against the growing numbers of these inhabitants in the fishing centres of our fishermen that I above all protest. It is this accumulation which is abnormal, which upsets the *modus vivendi* hitherto accepted, and which seriously threatens the interests of our men, whose position, allow me to point out, is no less deserving of considerationthan that of the inhabitants, since they leave their homes and families in order to come here and gain a laborious livelihood for themselves and their families.

I have, &c.
(Signed) A. MARÉCHAL.

Inclosure 16 in No. 152.

Captain Walker to Captain Maréchal.

Sir, "*Emerald*," *at York Harbour, June* 12, 1889.

I HAVE the honour to acknowledge the receipt of your letter, and would at the same time thank you for the kind interest which you are good enough to express in the condition of the inhabitants of the Treaty shore.

Our cordial relations, coupled with these sentiments, will, I am sure, materially lessen the difficulties now under consideration.

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

No. 152*.

Governor Sir T. O'Brien to Lord Knutsford.—(Received at the Foreign Office, August 23.)

Government House, St. John's, Newfoundland,
(Extract.) *August* 3, 1889.

IN compliance with your Lordship's despatch of the 18th ultimo, I have the honour to forward a letter from the Assistant Collector of Customs at this port, as well as copies of Notices that have been published relative to the proper marking of all Newfoundland vessels under the Merchant Shipping Act; the last having been issued by my special order.

I now purpose having the Notices above alluded to republished with a further clause drawing attention to 17 & 18 Vict., cap. 104, sec. 19, rendering the registration of British ships, with certain exceptions, compulsory; which I hope will meet the case as far as is now possible.

In submitting your Lordship's despatch of the 31st May last* for the most serious consideration of the Executive Council, I did so in the strongest possible manner; and though I know it is too late now to expect action this year, I, at the last sitting of that body, inquired what course they proposed to adopt, when the Attorney-General

* No. 146.

said that the Ministry was preparing a reply, and repeated that as legislation would be required, and the Assembly is dissolved, nothing could be done until the new House meets in February next.

In any case your Lordship may rest assured that, as far as I am personally concerned, my fullest, most constant and earnest endeavours have been, and will be, given to insure the attainment of the object desired by Her Majesty's Government, which I see must be an essential preliminary to any satisfactory arrangement being come to with the French. At the same time, it is needless for me to observe that under a responsible Government the powers of the Governor are very limited indeed in such matters.

Inclosure 1 in No. 152*.

Mr. Noonan to the Colonial Secretary.

Sir, *Customs, Newfoundland, St. John's, August* 2, 1889.

I HAVE the honour to state, for the information of his Excellency the Governor, in reply to a letter addressed to you under date the 1st August instant, inclosing copy of despatch from the Secretary of State for the Colonies on the subject of the enforcement of the provisions of the Merchant Shipping Act respecting the marking of vessels—

2. That copies of inclosed Circulars have been forwarded to the Customs officials in the different outports of the island, as also to owners of vessels residing in St. John's, Harbour Grace, and Carbonear.

3. That the attention of Surveyors of Shipping has been called to that part of their instructions having reference to the matter referred to in said Circulars.

4. That during the past month the Custom-house boat at this port has been employed in boarding schooners on their arrival with the view of seeing that the law has been complied with.

5. Referring to the concluding part of his Lordship's despatch, I beg to say that this Department has received no reports which would lead to the conclusion that the instructions had not been, as far as possible, carried out.

I have, &c.

(Signed) JAS. L. NOONAN,
Assistant Collector.

Inclosure 2 in No. 152*.

Public Notice.

THE following section from the Merchant Shipping Act is published for general information and guidance:—

"Section 34. Every British ship registered after the passing of this Act shall, before registry, and every British ship registered before the passing of this Act shall, on or before the 1st day of January, 1874, be permanently and conspicuously marked to the satisfaction of the Board of Trade as follows:

"Her name shall be marked on each of her bows, and her name and the name of her port of registry shall be marked on her stern, on a dark ground, in white or yellow letters, or on a light ground in black letters, such letters to be of a length not less than 4 inches and of proportionate breadth.

"Her official number and the number denoting her registered tonnage shall be cut in on her main beam.

"A scale of feet denoting her draught of water shall be marked on each side of her stem and of her stern post in Roman capital letters or in figures not less than 6 inches in length, the lower line of such letters or figures to coincide with the draught line denoted thereby. Such letters or figures shall be marked by being cut in and painted white or yellow on a dark ground, or in such other way as the Board of Trade may from time to time approve.

"The Board of Trade may, however, exempt any class of ships from the requirements of this section, or any of them.

"If the scale of feet showing the ship's draught of water is in any respect inaccurate,

so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding 100*l.*

"The marks required by this section shall be permanently continued, and no alteration shall be made therein, except in the event of any of the particulars thereby denoted being altered in the manner provided by the Merchant Shipping Acts, 1854 to 1873.

"Any owner or master of a British ship, who neglects to cause his ship to be marked as aforesaid, or to keep her so marked, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate any of the said marks, except in the event aforesaid, or except for the purpose of escaping capture by an enemy, shall, for each offence, incur a penalty not exceeding 100*l.*, and any officer of Customs, on receipt of a certificate from a Surveyor or Inspector of the Board of Trade that a ship is insufficiently or inaccurately marked, may detain the same until the insufficiency or inaccuracy has been remedied."

(Signed) M. FENELON, *Colonial Secretary.*

Secretary's Office, February 19, 1889.

Inclosure 3 in No. 152*.

Notice.

THE attention of owners and masters of vessels is called to the following extracts from "The Merchant Shipping Act, 1873," and all officers of Customs are to see the same strictly enforced:—

"Every British ship registered after the passing of this Act shall, before registry, and every British ship registered before the passing of this Act shall, on or before the 1st day of January, 1874, be permanently and conspicuously marked to the satisfaction of the Board of Trade as follows:—

"Her name shall be marked on each of her bows, and her name and the name of her port of registry shall be marked on her stern, on dark ground in white or yellow letters, or on a light ground in black letters, such letters to be of a length not less than 4 inches and of proportionate breadth.

"Any owner or master of a British ship who neglects to cause his ship to be marked as aforesaid, or to keep her so marked, ... shall for each offence incur a penalty not exceeding 100*l.*"

(Signed) ROBERT THORBURN,
Acting Registrar of Shipping.

Registrar of Shipping Office, Custom-House, St. John's, Newfoundland, October 16, 1888.

No. 153.

The Marquis of Salisbury to the Earl of Lytton.

My Lord, *Foreign Office, September* 2, 1889.

I TRANSMIT to your Excellency herewith copies of correspondence which has passed between Captain Sir Baldwin Walker, of Her Majesty's ship "Emerald," and Captain Antoine, of the French vessel of war "Bisson," relative to the action of the latter in removing lobster-traps belonging to British subjects on the shores of Keppel Island during the temporary absence of the British cruizers from the spot."*

Sir B. Walker thought it his duty to protest against the action of the French Commander, and it appears to Her Majesty's Government that his complaint was well founded.

It is argued by Captain Antoine that the traps in question were set upon ground which had been forbidden to British subjects by the British Commander last year; but it appears that in the present season the French fishermen have not occupied the spot, nor has any complaint been made that their operations were interfered with by the traps in question.

There were, therefore, no circumstances of an urgent character to call for immediate

* No. 152.

or exceptional steps, and even if such had been the case, Captain Antoine might have ascertained on inquiry that one of Her Majesty's vessels was in the neighbourhood, and expected shortly to arrive.

I should wish you to call the attention of the French Government to the matter, pointing out the illegality of such interference with British subjects by a French naval officer. You may, however, add that, while thinking it right to draw attention to the incident, Her Majesty's Government gladly acknowledge the excellent relations existing between the British and French naval officers, and hope that no fresh difficulty will occur of this nature.

I am, &c.
(Signed) SALISBURY.

No. 154.

Mr. Elliot to the Marquis of Salisbury.—(Received September 14.)

My Lord, *Paris, September* 13, 1889.

I HAVE the honour to transmit herewith to your Lordship a copy of a note which, in obedience to the instructions contained in your Lordship's despatch of the 2nd instant, I have addressed to the French Minister for Foreign Affairs on the subject of the removal of lobster-traps belonging to British subjects on the shores of Keppel Island, by the Commander of the French war-vessel "Bisson."

I have, &c.
(Signed) F. ELLIOT.

Inclosure in No. 154.

Mr. Elliot to M. Spuller.

M. le Ministre, *Paris, September* 13, 1889.

HER Majesty's Government have received copies of correspondence which has passed between Captain Sir Baldwin Walker, of Her Majesty's ship "Emerald," and Captain Antoine, of the French vessel of war "Bisson," relative to the action of the latter in removing lobster-traps belonging to British subjects on the shore of Keppel Island during the temporary absence of the British cruizers from the spot on the 15th June last.

It will be seen from this correspondence, of which copies are doubtless in the possession of the Government of the Republic, that Sir B. Walker thought it his duty to protest against the action of the French Commander, and it appears to Her Majesty's Government that his complaint was well founded.

It is argued by Captain Antoine that the traps in question were set upon grounds which had been forbidden to British subjects by the British Commander last year; but it appears that in the present season the French fishermen have not occupied the spot, nor has any complaint been made that their operations were interfered with by the traps in question.

There were therefore no circumstances of an urgent character to call for immediate or exceptional steps, and even if such had been the case Captain Antoine might have ascertained, on inquiry, that one of Her Majesty's vessels was in the neighbourhood, and expected shortly to arrive on the spot.

I am instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to call the attention of the Government of the Republic to this matter, and to point out the illegality of such interference with British subjects by a French naval officer. I am, however, to add that, while thinking it right to draw attention to the incident, Her Majesty's Government gladly acknowledge the excellent relations existing between the British and French naval officers in Newfoundland waters, and hope that no fresh difficulty will occur of this nature.

I have, &c.
(Signed) F. ELLIOT.

No. 155.

Colonial Office to Foreign Office.—(Received October 11.)

Sir, *Downing Street, October 11, 1889.*

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a letter from the Admiralty, inclosing a letter, with several inclosures, from Captain Sir Baldwin Walker, of Her Majesty's ship "Emerald," respecting the raising of lobster-traps by boats belonging to the French Government vessel "Drac," in St. Margaret's Bay, Newfoundland.

This case resembles the previous case of the removal of traps off Keppel Island, which formed the subject of your letter of the 1st instant, and Lord Knutsford thinks that it calls for a further remonstrance on the part of Her Majesty's Government. The traps appear not only to have been removed when a British man-of-war was in the neighbourhood, but were removed to make way for French traps, and, when raised, were placed on the shore below high-water mark, in consequence of which many of them were injured or destroyed.

Lord Knutsford fears that such acts, if continued by officers of the French Government, may lead to serious complications, and he would suggest, for Lord Salisbury's consideration, whether this might not be pointed out to the French Government.

It would seem also deserving of consideration whether some intimation should not be conveyed to the French Government that a claim to compensation will be made on account of these lobster-traps as soon as the full particulars of the damage done have been ascertained.

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

Inclosure 1 in No. 155.

Admiralty to Colonial Office.

Sir, *Admiralty, September 19, 1889.*

I AM commanded by my Lords Commissioners of the Admiralty to transmit, for the information of the Secretary of State for the Colonies, a letter dated the 3rd September, with its eight inclosures, from Captain Sir Baldwin Walker, of Her Majesty's ship "Emerald," respecting the raising of lobster-traps by the "Drac's" boats in St. Margaret's Bay.

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

Inclosure 2 in No. 155.

Captain Sir B. Walker to Vice-Admiral Watson.

Sir, *"Emerald," at St. John's, September 3, 1889.*

I HAVE the honour to forward the correspondence which has taken place owing to the action of the French aviso "Drac" in St. Margaret's Bay, when the lobster-traps of the men employed by Mr. Shearer's factory in Brig Bay were lifted by the "Drac's" boat, and placed on the beach without taking into consideration the state of the tide, the fishermen of the French factory immediately placing their traps on the ground which had been occupied by the English.

2. The justification of this action on the part of the French is rested on the French Commodore's assumption that I had accepted the line of demarcation which he proposed to me on two occasions, on each of which I informed him in so many words that I did not recognize the French right under the Treaty to the lobster, but that I was anxious in their regular mode of fishing to do all in my power to prevent interference. I also, when he showed me the lines he proposed, especially with reference to St. Margaret's Bay, remarked that if I were to accept them there would be nothing left for us, and I again informed him that I could not recognize their right to the lobster.

3. In further conversation he impressed on me that the traps interfered with the taking of bait about Port Saunders, and that at John Meagher's Cove he was particularly

desirous that the Castors Rivers should be clear, and it was on taking leave after the above conversation that I impressed on him that I would promise nothing, but that I was going north, and would inquire into the matter.

4. So as to admit of no mistake as to my meaning, I said in my letter, which was sent after the conversation above referred to, that each case as it arises must be dealt with on its merits.

5. On my going north I gave certain limits at Port Saunders and John Meagher's Cove, as in both places the legitimate French fishing operations might have been interfered with had lobster-traps been set on the forbidden ground, and these restrictions were duly communicated to the French cruizer; but at St. Margaret's Bay there is no fishing, except at New Ferolle, the lobster industry being the only employment, and, therefore, no demarcation was necessary.

6. The fishing in New Ferolle is carried on by French vessels, who fish "en dégrat," and would be settled by the English cruizer on the coast as the necessity arose.

7. The French vessels which come to New Ferolle, owing to the badness of the season, gave up the fishing quite early, before any question arose.

8. Under the above circumstances I am at a loss to understand how Commodore Maréchal could have, for one instant, supposed that I had even contemplated accepting his proposals, especially as Captain Antoine had asked Captain Russell with respect to St. Margaret's Bay, and was informed that no demarcation existed.

9. I would further add that, in my conversation with Captain Reculoux, the acceptation of any demarcation at all is endeavoured to be turned into an acknowledgment by me of the lobster-catching on the part of the French.

10. The men employed by the French factory at Brig Bay commenced lobster-catching three days before the English, and were thus enabled to take their choice of ground without interference. Just previous to the arrival of the "Drac" the number of men at St. Margaret's Bay was supplemented by some men with their traps being transferred from the grounds occupied about Old Ferolle and Brig Bay to St. Margaret's, and as the English employed about the same grounds were obtaining fair catches, it is difficult to arrive at the benefit which would accrue from this transfer.

11. In that portion of the Commodore's letter of the 29th July in which he remarks that "as far as the case in question is concerned, it in no way affects the normal residents on this shore, but it does strangers to Newfoundland, &c.," I would point out that, although the traps lifted in all but one case belonged to Nova Scotian men, yet the indirect result of the loss in catch would affect the normal residents employed both directly and indirectly.

12. The statement that the operation of landing the traps of Mr. Shearer was carried out with care and order does not agree with the Report made by Commander Russell, nor with the inquiries I personally made at St. Margaret's Bay shortly after the incident; that they were intact at the time of landing may have been the case, but that they were placed without regard to the state of the tide is, I think, indisputable; also that the operation of landing the traps was not completed till late on the evening of the 20th; and that a breeze strong enough to prevent the "Lily" going to the anchorage in St. Margaret's Bay was blowing at 5 P.M. on the 21st, thus disposing of the accuracy of the statement that the storm occurred after two days.

With reference to the complaint against the steam-ship "Neptune," the interference was prospective, and not actual, as, after investigation, I am informed that there were no French fishing or desirous of doing so at the actual time when the occurrence referred to took place.

Complaints are constantly made by the French officers against the employés of Mr. Shearer's factories. I am of opinion, after very careful inquiry, that in many instances it is the result of misunderstanding. In one case especially, that Commander Russell and myself investigated, we came to this conclusion. That they do not pay the same deference to the French officers that these officers receive from their own fishermen is undoubted, but I believe that the same respect is shown to them as to the English officers, the manners of the employés being at all times off-hand.

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

Inclosure 3 in No. 155.

Captain Reculoux to Captain Sir B. Walker.

Division Navale de Terre-Neuve,
"Drac," le 24 Juillet, 1889.

M. le Commodore,

J'Ai l'honneur de vous informer que, le 18 Juillet, à 6 heures du matin, j'ai mouillé dans la Baie de Sainte-Marguerite, où les pêcheurs Anglais et Français se livrent à la pêche du homard.

Aussitôt au mouillage, j'ai visité le terrain de pêche de la partie de cette baie réservée aux Français, pour m'assurer qu'il n'était plus occupé par les casiers de la factory Anglaise de Brig Bay ; le Commodore Maréchal après entente avec vous, ayant prévenu, le 11 Juillet, le gérant de cet établissement, Mr. Shearer, d'avoir, en raison de la nouvelle disposition prise, à retirer ses casiers de ce terrain.

Mr. Shearer n'avait tenu aucun compte de l'avertissement que lui avait été donné et les nombreux casiers de sa factory occupaient encore les places attribuées aux pêcheurs Français ne permettant pas à ces derniers d'y mettre les leurs. J'ai, en conséquence, écrit immédiatement à Mr. Shearer, pour le prier de nouveau de retirer ses casiers et le prévenir que, en l'absence de tout croiseur Anglais, je serais obligé de le faire relever moi-même s'il persistait, au dela du 24, à les laisser en place.

Je me suis, en outre, rendu à la factory Anglaise, où il m'a été dit que Mr. Shearer et son représentant étaient absents. Les employés de cette factory qui m'ont donné ce renseignement ont ajouté que le " Lily " devait venir le lendemain à Brig Bay, c'est-à-dire, le 19 Juillet.

J'ai alors pris la résolution d'attendre jusqu'au 20 Juillet l'arrivée de cette canonnière, et c'est en ne le voyant pas paraître ce jour que je me suis déterminé à supprimer l'obstacle qui troublait nos pêcheurs et les empêchait d'exercer leur industrie.

Les casiers ont été relevés avec le plus grand ménagement, sous la surveillance des officiers du " Drac " et remis à terre à leurs propriétaires ou aux employés de la factory Shearer.

Je suis parti de la Baie de Sainte-Marguerite le 21 Juillet pour me rendre à l'Ile Saint-Jean, où le " Lily " a mouillé quelques instants après le " Drac."

J'ai aussitôt rendu compte, par lettre, au Commandant du " Lily " de l'incident qui venait de se produire à Sainte-Marguerite.

Le Commandeur Gerald W. Russell a répondu à ma lettre—

1. En protestant contre mon intervention pour faire lever les casiers à homards de la factory Shearer.

2. En m'annonçant qu'il allait informer les pêcheurs de cette factory qu'ils avaient la liberté de continuer leur industrie, comme d'habitude, jusqu'au moment où ils recevraient un ordre contraire d'un des officiers des navires de Sa Majesté Britannique.

Ces deux observations m'ont surpris parce qu'elles sont en désaccord avec les sentiments d'équité que j'ai toujours pratiqués, sur cette côte, envers les pêcheurs des deux nations.

Elles me conduisent, M. le Commodore, à avoir l'honneur de vous dire—

1. Que je suis conforme, en relevant les casiers de la factory Shearer, aux usages traditionnels de la pêche sur cette partie de la côte de Terre-Neuve réservée aux Français.

J'ai toujours, en l'absence des croiseurs de Sa Majesté Britannique, supprimé l'obstacle qui empêchait les Français d'exercer librement le droit de pêche qui leur est garanti par les Traités, et jamais aucune protestation ne m'avait encore été faite par les Commandants de ces croiseurs.

2. Que je proteste énergiquement contre l'autorisation donnée aux pêcheurs de la factory Shearer de replacer leurs casiers sur un terrain qui, par de nouvelles Conventions semblables à celles qui sont appliquées et que vous faites respecter dans la Baie d'Ingarnachoix et à l'Anse de Castors, est exclusivement attribué aux pêcheurs Français.

J'ai l'honneur de vous prier, M. le Commodore, de vouloir bien m'informer de votre décision relative à cet incident, afin que je puisse en rendre compte à mon Chef de Division Navale dans le plus bref délai.

J'ai, &c.
(Signé) A. RECULOUX.

(Translation.)

Newfoundland Naval Squadron, "Drac," July 24, 1889.

Sir,

I HAVE the honour to inform you that on the 10th July, at 6 o'clock in the morning, I anchored in St. Margaret's Bay, where the English and French fishermen pursue the lobster fisheries.

Immediately after coming to anchor, I visited the fishing grounds of that part of the bay reserved for the use of the French, in order to assure myself that they were no longer occupied by the traps of the English factory at Brig Bay, Commodore Maréchal having, in understanding with yourself, warned Mr. Shearer, the manager of that establishment, on the 11th July, that he must withdraw his lobster traps from the place, in accordance with the new Regulation made.

Mr. Shearer had taken no notice whatever of the warning given to him, and the numerous lobster traps of his factory still occupied the spots allotted to the French fishermen, not permitting the latter to place their own there. I, in consequence, wrote at once to Mr. Shearer, requesting him again to remove his traps, and warning him that, in the absence of all English cruizers, I should be obliged to have them raised myself if he persisted in leaving them in these places after the 24th.

I, moreover, went to the British factory, where I was told that Mr. Shearer and his representative were away. The men of the factory, who gave me this information, added that the "Lily" was due at Brig Bay the following day, that is to say, the 19th July.

I then resolved to wait till the 20th July for the arrival of that gun-boat, and it was only when I did not see her arrive that day that I determined to remove the obstacle which impeded our fishermen, and prevented them from carrying on their industry.

The traps have been raised with the greatest care, under the supervision of the officers of the "Drac," and handed over, on shore, to their proprietors, or the people belonging to Mr. Shearer's factory.

I left St. Margaret's Bay on the 21st July, to proceed to St. John's Island, where the "Lily" anchored a few moments after the "Drac."

I at once informed the Commander of the "Lily" of the incident which had just occurred in St. Margaret's Bay.

Commander Russell replied to my letter—

1. By protesting against my intervention in raising the lobster traps of the Shearer factory.

2. By acquainting me that he would inform the fishermen of that factory that they were at liberty to continue their operations as usual until they received an order to the contrary from one of the officers of Her Britannic Majesty's ships.

These two observations astonished me, as they are in contradiction to the ideas of equity which I have always acted on towards the fishermen of both nations on this coast.

They induce me to submit to you—

1. That in raising the traps of the Shearer factory I acted in accordance with the traditional usages of the fisheries on that part of the Newfoundland coast which is reserved for the use of the French. I have always, in the absence of British cruizers, removed any obstacle which prevented the French to freely exercise their right to fish guaranteed to them by the Treaties, and no protest has ever been made to me by the Commanders of such cruizers.

2. That I protest formally against the authority given to the fishermen of the Shearer factory to reset the traps on a spot which, by virtue of recent Conventions, similar to those which apply and which you enforce at Ingarnachoix Bay and Castors River, is exclusively assigned to the French fishermen.

I have the honour to request you to be so good as to inform me of your decision on this point, in order that I may report it, with as little delay as possible, to the Chief of our Naval Station.

I have, &c.
(Signed) A. RECULOUX.

Inclosure 4 in No. 155.

Captain Sir B. Walker to Captain Reculoux.

Sir, "*Emerald*," *at Port Saunders, July* 25, 1889.

I HAVE the honour to acknowledge the receipt of your letter of the 24th July, informing me of your action in St. Margaret's Bay, and desire to thank you for the explanations you are good enough to give relative thereto.

With reference to your first observations on the letter of protest addressed to you by Commander Russell, I would inform you that that officer was only acting in accordance with his instructions in offering the protest he did, and this, I believe, has

been done whenever such interference has come to the knowledge of the Senior Officer. I would also point out that the industry for which you claim the right, viz., that of catching and canning lobsters, is not one accorded by Treaty, and the English lobster-traps were not therefore interrupting the French in the legitimate exercise of their fishing operations.

As regards the second, in which you strongly protest against the authority given to the fishermen to "replace their traps on the grounds which, by the new agreement, similar to those which apply to and which you have enforced in Ingarnachoix Bay and Castors River, is exclusively granted to the French fishermen," I have the honour to point out that no such line of demarcation with reference to St. Margaret's Bay has ever been accepted by me. In answer to the letter of Commodore Maréchal of the 11th June, in which he refers to a *modus vivendi* he verbally suggested to me, my reply of the 12th June was as follows: "That each case as it arises must be dealt with on its merits, and that it will be my earnest endeavour, and that of the officers serving under me, to meet these difficulties in a conciliatory spirit;" and in the same letter I added that "my instructions do not allow of the removal of English lobster-traps in order that they may be supplanted by those of the French."

I regret that Commodore Maréchal should have so misunderstood the purport of my correspondence with him as to imagine that I had accepted, either verbally or in writing, the *modus vivendi* he proposed, and at the same time I wish to call attention to the fact that any restrictions or modifications of previous arrangements of the grounds occupied by English lobster-traps, as in the case of Port Saunders and John Meagher's Cove, have been communicated in writing to the officer in command of the French cruizer, in order that no misapprehensions on the subject should exist as to what portions of the coast were prohibited.

Under the circumstances of the unfortunate misunderstanding which has caused this regrettable incident, you will, I am sure, do all in your power to rectify the consequences of your action. I would therefore ask you to give orders to the fishermen employed by the French factories not to interfere with the English traps.

I may add that, although I am desirous of doing all in my power to prevent any interruption to the legitimate claims of the French fishermen, at the same time I cannot entertain the proposal to raise English lobster-traps in order that they may be supplanted by those of the French. I have therefore given permission for the resetting of the traps lifted by your orders, on the ground previously occupied by them, but they have sustained such considerable damage owing to their having been placed on the shore below high-water mark, and the strong north-east wind which prevailed on the 21st instant, that many of them will not be ready for use for some days.

The traps lifted are now being reset on the outer edge of the bank in unoccupied water, and there is no reason why the fishermen of the two nations should not carry on their occupation in harmony with one another for the remainder of the present season. I feel sure if you will kindly use your influence in this direction there will be no further trouble.

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

Inclosure 5 in No. 155.

Captain Sir B. Walker to Captain Maréchal.

Sir, "*Emerald*," *at Port Saunders, July* 25, 1889.

I HAVE the honour to inform you that in a letter addressed to me by M. le Capitaine de Frégate Reculoux, with reference to a previous correspondence that had taken place between him and Commander Russell as to the lifting of English lobster-traps in St. Margaret's Bay by the "Drac," I was surprised to see stated in the letters both to myself and Commander Russell that the *modus vivendi* which you verbally proposed, and which you also alluded to in your letter of the 11th June, had been accepted by me.

I much regret that I did not state my views sufficiently clearly to you, but my letter of the 12th June was sent after our conversations on this subject had taken place.

In the letter referred to I stated that my instructions did not admit of the supplanting of English lobster-traps by those of the French. On the morning of the 12th, and previous to sending my letter, I called on you and asked you to be good enough to show me the

lines of demarcation as proposed by you, but this can hardly be construed into the acceptance of such an important concession of British rights.

I would point out the fact that any restrictions or modifications of previous arrangements of the grounds occupied by English lobster-traps, as in the case of Port Saunders and John Meagher's Cove, have always been conveyed in writing, in your absence, to the Commander of the French cruizer, in order that no misapprehension on the subject as to what portions of the coast were prohibited should exist; I therefore cannot see that I have in any way given grounds for the supposition that I acceded to your proposal with reference to St. Margaret's Bay.

I again repeat that I am desirous of doing all in my power to prevent any interference with the legitimate claims of the French fishing operations, as conceded by Treaty; at the same time I cannot entertain the proposal to raise English lobster-traps in order that they may be supplanted by those of the French.

In my endeavour to meet your views as far as possible, as shown by the restrictions placed on the factories at Port Saunders and John Meagher's Cove, so as to prevent there being any just cause of complaint, this action of mine apparently is construed into an acceptance of the whole *modus vivendi*.

In the case of John Meagher's Cove, the line you proposed was adopted, as you represented to me that you were especially desirous that the Castors River should be clear of traps, in order to prevent any interference with the French fishing. At Port Saunders the restrictions were made to insure the seining for bait being carried on without interruption, and a boat was stationed there in order to enforce all lobster traps-being lifted immediately the French were desirous of occupying the waters.

Captain Antoine verbally asked Commander Russell about the division of St. Margaret's Bay, as proposed by you, and was informed that no instructions to that effect had been given to him by his Senior Officer. This was after the arrangements at Port Saunders and John Meagher's Cove had been communicated to Captain Antoine in writing, thus clearly showing that had the *modus vivendi* proposed by you with reference to St. Margaret's Bay been accepted, a communication in writing would have been sent to the Captain of the French cruizer, in your absence, informing him of the division of grounds in question.

The English traps that have been lifted are being reset in unoccupied waters, and there is no reason why the men of the two nations should not continue their industry without any dispute arising.

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

Inclosure 6 in No. 155.

Captain Maréchal to Captain Sir B. Walker.

Croiseur "La Clocheterie," Baie de l'Ariège,
le 29 Juillet, 1889.

M. le Commandant,

J'AI l'honneur de vous accuser réception de la lettre que vous m'avez adressée de Port Saunders le 25 Juillet.

Le Commandant du "Drac" et du "Bisson" m'ont donné connaissance de la correspondance qu'ils ont échangée avec vous et avec le Commandant du "Lily," au sujet des divers incidents de pêche qui ont eu lieu depuis la date de notre dernière rencontre, le 12 Juin, au havre de York, et je profite de cette occasion pour vous en entretenir à mon tour.

Je m'empresse de reconnaître que vous n'avez pris aucun engagement vis-à-vis de moi; qu'à notre dernière entrevue vous avez même insisté verbalement sur ce que vous ne promettiez rien en ce qui concernait la délimitation de fonds de pêche que je vous proposais comme une transaction équitable écartant tout conflit et permettant à nos Gouvernements respectifs de rechercher impartialement la solution des difficultés existants à Terre-Neuve au sujet de pêcheries.

Vous ajoutiez que vous remontiez dans le nord et que vous verriez.

Depuis, vous m'avez informé par écrit que vous engagiez vos pêcheurs à observer les délimitations à Port Saunders et à l'Anse de John Meagher's Cove, et j'en avais conclu bien à tort, je le vois, qu'il devait en être de même pour Sainte-Marguerite.

Je n'avais pas pris garde à votre silence au sujet de cette baie et lorsque, le 11 Juillet, j'ai été saisi de la plainte du Capitaine Philippe, auquel les pêcheurs de

Mr. Shearer ne laissent dans cette baie qu'une place ridiculement petite, je n'ai pas hésité à invoquer de bonne foi ce que j'appelais votre Convention, et à prier Mr. Shearer de faire retirer les casiers qu'il avait dans les anses ouest, sud, et sud-est de Sainte-Marguerite. Je confesse, M. le Commandant, que mon désir de concilier tous les intérêts m'a fait prendre pour une réalité ce qui n'était qu'une espérance, mais il serait juste de reconnaître d'autre part que le peu de cas fait par Mr. Shearer des réclamations des croiseurs Français a rendu mon erreur bien inoffensive.

Je vous remercie de la nouvelle affirmation que vous voulez bien me faire de votre désir d'user de tout votre pouvoir pour empêcher que les pêcheurs Français soient gênés dans le légitime exercice du droit de pêche qui leur est concédé par les Traités, et j'espère en conséquence que vous voudrez bien prendre en considération la protestation suivante que j'ai le vif regret d'avoir à vous adresser.

Je ne puis accepter comme définitif la mesure qui vient d'être prise à l'égard de nos pêcheurs de Sainte-Marguerite. J'affirme qu'elle leur impose un trouble considérable dans l'exercice de leur industrie et qu'en conséquence elle viole manifestement leur droit et est en contradiction formelle avec les promesses contenues dans la déclaration faite le 28 Mars dernier par son Excellence Lord Salisbury à notre Ambassadeur à Londres. Je vous demande, M. le Commandant, de vouloir bien user de votre autorité pour obliger Mr. Shearer à laisser à nos pêcheurs la libre exploitation des anses ouest, sud, et sud-est de cette baie, qui leur sont absolument nécessaire. J'insiste sur la modération de ma demande comparée à l'étendue des droits qui nous sont garantis par les Traités.

J'insiste enfin sur les mesures conciliantes que je vous avais proposées au début de la campagne, et qui offrent un contraste frappant avec celle qui jette le trouble parmi les pêcheurs Français de Sainte-Marguerite en lésant tous leurs intérêts.

J'avais eu l'honneur de vous déclarer verbalement au début de la campagne que je poussais la modération au point de ne réclamer pour nos pêcheurs que les espaces qui leur étaient strictement indispensables cette année, et cela, afin de permettre aux résidents Anglais de profiter le mieux possible des espaces inoccupés.

Vous m'avez informé, M. le Commandant, que les casiers levés sur mon ordre, par le Commandant du " Drac," allaient être replacés dans des endroits inoccupés. Vous me permettrez de vous prier de constater qu'au contraire ces endroits sont parfaitement occupés par nos pêcheurs, et d'insister sur ce que les casiers Anglais ne troublassent la pêche des Français, à laquelle ils causeront un préjudice considérable. Il est clair, autant que ce qui passe sous l'eau peut tomber sous les sens de ceux qui vivent à la surface, que les engins de pêche concurrents étant aussi rapprochés, le poisson qui sera pris dans les casiers Anglais aurait été en leur absence dans les casiers Français.

Il m'est impossible de ne pas vous faire un acquis en outre qu'il est difficile de concevoir que le droit de juger de la gêne qu'éprouvent nos pêcheurs et de l'espace qui leur est nécessaire sont exercé par leur concurrents, dont les opérations sur les fonds de pêche occupés par les Français sont d'ailleurs illégales. J'estime que la manière dont les pêcheurs Anglais veulent imposer leur concurrence à Sainte-Marguerite trouble les opérations de nos pêcheurs et lèse gravement leurs intérêts.

Je considère qu'aujourd'hui encore la séparation des fonds de pêche dans la Baie Sainte-Marguerite telle que je vous la demandais dejà le 11 Juin est la seule solution acceptable et conforme au désir de paix et de concorde qui anime le Gouvernement Français.

L'action du " Drac " à Sainte-Marguerite n'a été qu'une simple mesure de police de pêche destiné à supprimer l'obstacle qui gênait la pêche des Français. L'exercice de cette police n'est pas nouveau à Terre-Neuve et ne saurait avoir le caractère grave que vous semblez lui attribuer. Je serais désolé de voir le débat s'engager sur un autre terrain que l'esprit de conciliation qui anime les officiers servant sous mes ordres leur fait toujours éviter.

Je ne crois pas que les croiseurs Français aient demandé le relèvement de casiers Anglais pour avoir la satisfaction d'y substituer des casiers Français. Nos réclamations s'inspirent d'un ordre d'idées plus général.

Mr. Shearer, en s'établissant pour pêcher sur les fonds de pêche qui nous sont réservés par les Traités savait en venant s'installer quels étaient les risques qu'il courrait et connaissait la servitude dont tout le terrain de pêche qu'il exploite est affecté, Quelle que soit le temps depuis lequel il jouit de son exploitation, les engagements solennels des Traités existants entre les Gouvernments de la Grande-Bretagne et de la France lui enlèvent toute possibilité de prétendre à un droit de premier occupant. Ni le temps ni la volonté d'une seule des parties qui ont signé le Contrat ne peuvent lui donner ce droit. La justice exige qu'il se retire purement et simplement, la modération et la conciliation qu'il se retire seulement au fur et à mesure de l'occupation effective des fonds de pêche

par les Français dont ni le nombre des pêcheurs ni le nombre des engins de pêche n'a été limité par les Traités.

Je tiens à bien spécifier que pour le cas particulier qui nous occupe il ne s'agit nullement de résidents établis normalement sur la côte, mais bien d'étrangers à Terre-Neuve et de résidents accumulés par des spéculateurs pendant la saison de pêche sur les points où les Français ont le droit d'exercer leur industrie. Et j'ajouterai que la pêche ainsi conduite ravage les fonds attribués aux Français et par cela seul lèse gravement leurs intérêts ainsi que ceux des résidents eux-mêmes d'ailleurs.

Pour clôre cette protestation j'affirme que l'opération de la mise à terre des casiers de Mr. Shearer a été faite avec soin et ordre sous la surveillance de deux officiers et d'un aspirant du "Drac." Les casiers ont été placés intacts sur la grève devant les agents de Mr. Shearer, qui sont seuls responsables des avaries que le coup de vent survenu deux jours après a pu leur infliger.

Je profite de cette occasion pour attirer votre attention, M. le Commandant, sur l'infraction commise par le vapeur le "Neptune" de Saint-Jean de Terre-Neuve, venu à Port Saunders pour y chercher du bois pour ses établissements de pêche de Labrador. Ce bâtiment, secondé par un ou plusieurs pêcheurs Anglais, parmi lesquels se trouvait le Sieur Atkins, établi à Gargamelle, a opéré le 10 Juin avec un personnel très nombreux une véritable rapte de boëtte sur les platiers de Gargamelle réservés à la pêche des Français. Nos banquiers de Nouveau Port-au-Choix ont ce jour même manqué de boëtte et s'en sont vivement plaints.

Je ne voudrais pas trop insister sur un pareil fait, qu'il était difficile de prévoir et de prévenir, mais il indique combien ma réclamation au sujet de l'Anse Gargamelle était fondée et jusqu'à quel point on se croit autorisé aujourd'hui à méconnaître les stipulations de Traités. Il est vraiment désirable que des mesures équitables soient adoptées pour rappeler au respect des engagements pris tous ceux qui sont si tentés de les oublier.

Agréez, &c.

(Signé) A. MARÉCHAL.

(Translation.)

Cruizer "La Clocheterie," Ariège Bay,

Sir, *July* 29, 1889.

I HAVE the honour to acknowledge the receipt of the letter you addressed to me from Port Saunders on the 25th July.

The Commanders of the "Drac" and of the "Bisson" have acquainted me with the correspondence they exchanged with you and the Commander of the "Lily" on the subject of various fishery incidents which have occurred since the date of our last meeting, on the 12th June, in York Harbour, and I take this opportunity of now myself addressing you on this subject.

I hasten to acknowledge that you entered into no engagement with me; that at our last interview you even laid stress verbally on the fact that you gave no promises with respect to the delimitation of fishery grounds which I proposed to you as being an equitable compromise, which would avert any dispute, and allow our respective Governments to seek impartially a solution of the difficulties existing in Newfoundland on the subject of the fisheries.

You added that you were going northwards and would think it over.

You have since informed me, in writing, that you were advising your fishermen to keep within the boundaries at Port Saunders and John Meagher's Cove, and from that I concluded, wrongly as I now see, that the same would apply to St. Margaret's.

I had not remarked your silence on the subject of this bay, and on the 11th July, when I had before me the complaint of Captain Philippe, to whom Mr. Shearer's fishermen have left only an absurdly small space in this bay, I did not hesitate to appeal in all good faith to what I termed your Convention, and to request Mr. Shearer to withdraw the traps which he had in the west, south, and south-east coves of St. Margaret's. I confess that my desire to reconcile all interests induced me to assume as a reality what was only an expectation, but it would be only just, on the other hand, to acknowledge that the little notice taken by Mr. Shearer of the demands of the French cruizers rendered my error very harmless.

I thank you for the fresh assurance you are good enough to give me of your desire to do all in your power to prevent the French fishermen from being disturbed in the legitimate exercise of the fishery rights given to them by the Treaties, and I hope, consequently, that you will have the goodness to take into consideration the following protest, which I regret keenly to have to address to you.

I am unable to accept as definitive the measure which has just been adopted in respect to our fishermen of St. Margaret's. I assert that it disturbs them considerably in the exercise of their industry, and that, consequently, it manifestly violates their rights, and is in formal contradiction to the promises contained in the declaration made on the 28th March last by his Excellency Lord Salisbury to our Ambassador in London. I request that you will kindly exert your authority to oblige Mr. Shearer to leave to our fishermen the free use of the west, south, and south-east coves of that bay, which are absolutely necessary to them. I lay stress on the moderation of my request, compared with the extent of the rights guaranteed to us by the Treaties.

Finally, I call your attention to the conciliatory measures which I proposed to you at the beginning of the season, and which are in striking contrast to those which disturb the French fishermen of St. Margaret's by injuring their interests.

I had the honour to declare to you verbally at the beginning of the season that I stretched moderation to the extent of only claiming for our fishermen spaces which were strictly indispensable for them this year, with the view of allowing the English residents to profit as much as possible by the spaces which were unoccupied.

You have informed me that the traps removed by my orders by the Commander of the "Drac" were about to be replaced in certain unoccupied spaces. Allow me to beg of you to satisfy yourself that these spaces are, on the contrary, occupied by our fishermen, and to insist that the French fisheries may not be disturbed by the English traps, which will cause them a considerable loss. It is clear, so far as what passes under the water can be judged of by those who are above it, that when the rival fishing appliances are so near to each other the fish taken in the English traps would, in their absence, have been in the French traps.

I cannot help pointing out, moreover, that it is difficult to conceive that the right of judging of the amount of annoyance inflicted on our fishermen, and of the extent of ground they require, should be exercised by their rivals, whose operations in the fishing grounds occupied by the French are, moreover, illegal. I consider that the way in which the English fishermen try to assert their competition at St. Margaret's disturbs the operations of our fishermen, and seriously injures their interests.

I am still of opinion that even now a separation of the fishing grounds in the Bay of St. Margaret's, such as I proposed on the 11th June, is the only solution acceptable, and in conformity with the desire for peace and concord which animates the French Government.

The action of the "Drac," at St. Margaret's, was only a simple police measure, taken with the view of removing the obstacle which was disturbing the French fishery. The action of such police is nothing new in Newfoundland, and could not bear the serious character which you seem to attribute to it. I should be distressed to see the dispute assuming another phase, which the conciliatory feeling among the officers serving under me has always made them avoid.

I do not believe that the French cruizers can have requested the removal of English traps in order to have the satisfaction of substituting French traps. Our demands are inspired by more general considerations.

In establishing himself to fish on the grounds reserved for our use by the Treaties, Mr. Shearer knew the risks he was running, and was acquainted with the conditions which govern all the ground he fishes. No matter how long he has used the fishing grounds, the solemn engagements of the Treaties existing between the Governments of Great Britain and France deprive him of all possibility of claiming a right of first occupant. Neither the lapse of time, nor the will of one of the parties to the signature of the contract, can give him this right. Justice exacts his withdrawal, pure and simple; moderation and conciliation require his withdrawal only in proportion as the fishing grounds are effectually occupied by the French, for whom the Treaties have not limited either the number of fishermen or the number of appliances.

I wish carefully to specify that, in this particular case, there is no question of residents habitually established on the shore, but of strangers to Newfoundland, and of residents brought together by speculators during the fishing season at points where the French have rights of industry. And I will add that the fishing thus carried on despoils the grounds allotted to the French, and thus alone seriously injures their interests, as well as those of the residents themselves.

To conclude this protest, I must state that the landing of Mr. Shearer's traps was done carefully and orderly under the supervision of two officers and a midshipman of the "Drac." The traps were placed intact on the shore before Mr. Shearer's agents, who alone are responsible for the damage done to them by the gale two days later.

I take this opportunity of drawing your attention to the irregularity committed by the steamer "Neptune," from St. John's, Newfoundland, which came to Port Saunders in search of wood for its fishing establishments at Labrador. This vessel, aided by one or more English fishermen, among whom was Mr. Atkins, established at Gargamelle, committed, with the help of numerous people, a perfect theft ("rapte") of bait on the fishing grounds at Gargamelle, reserved for the use of the French. Our men established on the bank at Port-au-Choix had no bait that day, and complained bitterly.

I would not lay too great a stress on such a proceeding, which it is difficult to foresee and guard against; but it shows how well-founded was my complaint as to Gargamelle Cove, and how far people imagine at the present moment they may go in defiance of Treaty stipulations. It is really desirable that equitable measures should be adopted to recall to a proper sense of the respect due to Treaty engagements all those who are so much tempted to forget them.

I have, &c.
(Signed) A. MARÉCHAL.

Inclosure 7 in No. 155.

Captain Sir B. Walker to Captain Maréchal.

Sir, "*Emerald*," *at St. Margeret's Bay, August* 4, 1889.

I HAVE the honour to acknowledge the receipt of your letter of the 29th July, containing your protest, and in which you also state that you cannot accept as definite the measure which has been taken with regard to your fishermen in St. Margaret's Bay.

Allow me to point out that these fishermen, who you affirm are considerably disturbed in the exercise of their industry, are prosecuting an industry the right to which Her Majesty's Government do not admit comes within the purview of the Treaties, and these fishermen are in consequence not entitled to the privileges accorded to the legitimate mode of fishing.

From the above you will be aware that the English traps in question were justified in occupying the ground they did, and nothing that has transpired has invalidated this right. As I have already informed you, my instructions do not admit, under these circumstances, of the raising of the English lobster-traps in order that they may be replaced by those of the French, and I regret that I am unable to accede to your wishes on this subject, and I hope that the remainder of the season may pass without further question arising.

After the English lobster-traps had been raised by the "Drac," I gave permission for their being reset in waters then unoccupied, and I took means to insure that this order was obeyed; the grounds were also constantly visited to insure no crossing on the part of the English, thus giving practical effect to our mutual desires to reconcile all interests.

I take the opportunity of thanking you for your remarks as to the action of the "Drac," and though I do not wish to attribute to it any grave character, you are doubtless aware that these actions on the part of the French cruizers have always called forth a protest on the part of the English officers, even when exercised on behalf of the legitimate mode of fishing; but when the property of British subjects is interfered with for the benefit of an industry not recognized by Her Majesty's Government as privileged by Treaty, it can no longer be considered a simple measure of police of the fishing.

I feel sure the French cruizers are only acting from the highest motives. Captain Reculoux, in a long experience, has too often shown his moderation on previous occasions for me to attribute his conduct to any other reason than the requirements of duty.

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

Inclosure 8 in No. 155.

Commander Russell to Captain Sir B. Walker.

Sir, "*Lily*," *at Port Saunders, July* 24, 1889.

I HAVE the honour to inform you that, on the evening of the 20th July, Mr. Shearer came on board the "Lily" at Port Saunders and delivered to me a letter which he had received from Captain Reculoux, of the "Drac."

2. In consequence of this Her Majesty's ship "Lily" weighed at 4·30 the following morning to endeavour to communicate with the "Drac," which ship, on our passing Flat Island, was observed going into Well Bay, St. John Island. The "Lily," therefore, also proceeded into that anchorage.

3. I immediately called on Captain Reculoux, who then informed me that he had raised a number of lobster-traps on the west side of St. Margaret's Bay. I verbally informed him that I should protest against this; and, as he told me he had left a letter informing me of the circumstances, together with a complaint addressed to him by the "Capitaine Prud'homme" of the French factory at Brig Bay, at that place, I asked him if he would be good enough to furnish me with copies.

4. On his returning my visit he brought two letters. I then, after translating his letter, wrote the answer, and got under way.

5. On the officer who took it returning, he brought with him another letter, but as the "Lily" was already under way, and I had already, both verbally and in an official letter, informed Captain Reculoux of my intentions, I did not send any reply.

6. On reaching St. Margaret's Bay the weather was so thick and unsettled that I determined to proceed to Brig Bay, where the ship anchored for the night. On the following morning weighed and proceeded to St. Margaret's Bay, where I directed Lieutenant Robertson to visit Godfrey's Cove (South-East Cove), whilst I myself visited the lobster ground along the west side of South Cove (Keep Harbour). I found that the trawls had been lifted on Saturday, the 20th July, and had been placed below high-water mark. The wind on the 21st, having blown strongly into the bay, had sent in some sea, which had caused damage to many of the traps. The snoods and trawls had been in many cases cut, and a large number of killicks (anchors made of wood and stone), which are used as moorings, had been lost.

7. I was accompanied by Mr. Shearer, and gave him the inclosed Memorandum, and informed the fishermen that they might reset their trawls when ready, but that they were on no account to cross or otherwise interfere with the French trawls.

8. I then proceeded to Forteau Bay, where I met you, and had the honour to report verbally what had passed, and to submit to you copies of the correspondence between Captain Reculoux and myself.

9. On the 24th, in obedience to your orders, I again visited St. Margaret's Bay, and found that the fishermen were resetting their trawls as soon as they were able to get them ready.

10. They reported that they would have them all out again by the end of next week, except about seventy to seventy-five which had been too severely injured to be worth repairing.

Those in Godfrey Cove would be reset by the 27th July if the weather was fine.

These traps are comparatively uninjured, as they were in a sheltered position, and would all be able to be reset.

11. The trawls are now being set in deeper water on the edge of the bank, on the west side, and about Race Island.

The fishermen inform me that they would in any case have moved their trawls to these positions about the middle of August.

12. The trawls in New Ferolle were not interfered with, and a trawl off Black Point, as well as some about Godfrey's Cove, were left down.

I have, &c.

(Signed) G. W. RUSSELL.

Inclosure 9 in No. 155.

Captain Reculoux to Commander Russell.

M. le Commandant, *Baie Sainte-Marguerite, le* 20 *Juillet,* 1889.

AFIN d'amoindrir les causes de conflit entre les Français, qui viennent à Terre-Neuve pour exercer le droit de pêche concédé par un Traité revêtu de la signature de Sa Majesté Britannique, et les sujets Anglais qui viennent, contre l'esprit de ce Traité, s'établir sur cette côte pour y pêcher indûment en troublant nos nationaux et en leur causant une gêne très onéreuse, nos deux Commodores se sont entendus pour établir une espèce de *modus vivendi* qui permettrait d'attendre que les questions soumises à nos Gouvernements soient définitivement réglées.

Dans cet ordre d'idées, en ce qui concerne la Baie de Sainte-Marguerite, une ligne de

démarcation, partant de la pointe de la Presqu'île aux Chiens et allant à la pointe est de l'anse du sud-est, séparait les pêcheurs des deux nations.

Les pêcheurs des factories Anglaises Shearer et Chetwynd, établies dans ces parages, pouvaient placer leurs casiers à homards dans l'est de cette ligne. L'ouest de la baie était réservée exclusivement aux pêcheurs Français établis à Brig Bay.

A son dernier passage sur cette côte (11 Juillet) le Commodore Français a prévenu Mr. Shearer de cette disposition temporaire et lui a dit de retirer ceux de ses casiers placés en dehors du terrain de pêche qui lui était attribué.

Quand je suis arrivé à Sainte-Marguerite, le 18 Juillet, je pensais que je trouverais tout en ordre et que je ne recevrais aucune plainte de nos pêcheurs.

J'ai été vivement déçu en visitant la partie de la baie réservée à la pêcherie Francaise de Brig Bay, et en recevant la plainte trop fondée du Capitaine Philippe, qui dirige cet établissement.

Un nombre considérable de casiers à homards occupe ces lieux de pêche. Nos pêcheurs y ont placé tout ce qu'ils ont pu des leurs, mais ceux de la factory Shearer sont beaucoup plus nombreux. Ce voisinage immédiat cause une grande gêne à nos pêcheurs, et entraîne un désordre qui peut déterminer de regrettables conflits.

Dans ces conditions, en l'absence de croiseurs Anglais, j'ai écrit à Mr. Shearer pour le prier d'enlever ses casiers et je l'ai prévenu que s'ils n'étaient pas relevés dans les vingt-quatre heures, je serais obligé de les faire relever moi-même.

En outre, je suis allé à Brig Bay, et je me suis présenté à la factory Anglaise où, dans des formes polies et courtoises, j'ai demandé à parler à Mr. Shearer.

J'ai été reçu avec un notable sans-gêne par des employés, qui m'ont dit que Mr. Shearer et son représentant étaient absents.

La longue pratique que j'ai de la côte de Terre-Neuve m'a permis de remarquer que c'est dans les habitudes des gérants de ces établissements de n'être jamais présents, quand nous nous présentons, et de se départir, envers nous, de la politesse respectueuse que nous recommandons si sévèrement à nos pêcheurs envers les officiers de la marine Anglaise.

Quoiqu'il en soit, ayant entendu dire, à Brig Bay, que vous deviez venir dans ce havre le Vendredi, 19 Juillet, j'ai attendu votre arrivée jusqu'au 20 de ce mois, me réservant d'avoir recours à votre autorité pour faire droit à la juste réclamation de nos pêcheurs dans cette circonstance.

C'est en ne vous voyant pas paraître et pressé par le temps que j'ai dû agir moi-même pour faire disparaître l'obstacle qui gêne et empêche même les pêcheurs Français de se livrer à leur travail.

Les casiers ont été relevés, avec le plus grand ménagement, sous la surveillance des officiers du "Drac," et remis à terre, avec le poisson qu'ils contenaient, entre les mains de leurs propriétaires ou des employés de la factory Shearer.

Je vous prie de vouloir bien faire le nécessaire pour qu'ils ne soient pas remis en place sur ce lieu de pêche attribué à la pêcherie Française de Brig Bay.

J'ai, &c.

(Signé) A. RECULOUX.

(Translation.)

Sir, *St. Margaret's Bay, July* 20, 1890.

IN order to diminish the causes of a conflict between the French coming to Newfoundland to exercise their fishery rights conceded by a Treaty which bears the signature of His Britannic Majesty, and the British subjects who, against the spirit of this Treaty, establish themselves on this coast, carrying on illegal fishing operations by impeding our countrymen and causing them a serious hindrance, our two naval Commanders have agreed to a kind of *modus vivendi* pending a definite settlement of the questions submitted to our Governments.

With this view, a line of demarcation was drawn in St. Margaret's Bay to divide the fisheries of the two nations, starting from the extreme point of Dog Island, and running to the east point of South-east Cove.

The fishermen of the English factories of Mr. Shearer and Mr. Chetwynd, established in these waters, could set their lobster traps east of this line. The western part of the bay was exclusively reserved for the use of the French fishermen established at Brig Bay.

On the occasion of his last visit to this coast, the French Commodore notified this temporary arrangement to Mr. Shearer, and told him to remove such of his traps as were set outside the limits of the fishing grounds assigned to him.

When I arrived in St. Margaret's Bay I thought I should find everything in order, and that I should receive no complaints from our fishermen. In this I was much disappointed.

On visiting the part of the bay reserved for the use of the French fishermen of Brig Bay I received the complaint, but too well founded, of Captain Philippe, who is at the head of that establishment.

A considerable number of lobster traps occupy these fishing grounds. Our fishermen set as many of theirs as they could, but those of Mr. Shearer's factory are much more numerous. Their close proximity is a great hindrance to our fishermen, and leads to a kind of disorder which may end in deplorable collisions.

In these circumstances, and in the absence of all English cruizers, I wrote to Mr. Shearer asking him to remove his traps, and warning him that if they were not raised within twenty-four hours I should be compelled to have them raised myself.

Moreover, I proceeded to Brig Bay and called at the English factory, where, in polite and courteous terms, I asked to see Mr. Shearer.

I was received with a remarkable want of attention by the factory people, who told me that both Mr. Shearer and his agent were absent.

My long experience of the Newfoundland coast has enabled me to observe that the managers of these establishments are in the habit of never being present when we arrive, and to neglect towards us that respectful courtesy which we so strongly recommend our fishermen to adopt towards the officers of the British navy.

However that may be, having heard at Brig Bay that you were expected to arrive in this harbour on Friday, the 19th July, I waited for your coming till the 20th of this month, thinking that I would have recourse to your authority in order to meet the well-founded complaints of our fishermen in this matter.

It was only on not seeing you arrive, and because pressed for time, that I was obliged to take action myself in order to remove the obstacle which hinders the French, and even prevents them from pursuing their industry.

The traps were raised with the greatest care under the supervision of the officers of the "Drac," and, together with the fish contained in them, placed on shore and handed over to their owners, or to the employés of Mr. Shearer's factory.

I would request that you will kindly take the necessary steps to insure that they are not reset on this spot, which is assigned to the French fishery of Brig Bay.

I have, &c.

(Signed) A. RECULOUX.

Inclosure 10 in No. 155.

Captain Reculoux to Mr. Shearer.

(Translation.)

Sir, *St. Margaret's Bay, July* 18, 1889.

THE French Commodore informed you on the 11th July that you should remove your lobster-traps from South Cove and South-East Cove of St. Margaret's, where these engines interfered with the French fishermen.

I have just ascertained that all these traps are still in their place, and I inform you that, in the absence of any of Her Britannic Majesty's cruizers who could enforce the fishery rights on this part of the coast of Newfoundland which are conceded to us by Treaty, I shall be obliged to raise your traps, if you do not yourself do so within twenty-four hours.

I have, &c.

(Signed) A. RECULOUX.

Inclosure 11 in No. 155.

M. Philippe to Captain Reculoux.

M. le Commandant, *A Brig Bay, le* 18 *Juillet*, 1889.

JE viens à nouveau protester énergiquement contre les pêcheurs de homards Anglais établis sur toute ma Concession, mais principalement dans toute la Baie Sainte-Marguerite, où j'ai douze pêcheurs établis.

Cette baie est complètement au pouvoir des pêcheurs Anglais, qui occupent les meilleures places et y ont immergé environ 3,000 casiers; ce qui cause les plus

grands dommages à ma pêche et détruira dans très peu de temps la richesse de la dite baie.

J'ai été gêné dans mon exploitation dès le début de la pêche ; mais aujourd'hui plus que jamais, augmentant le nombre de mes casiers journellement, je me trouve dans l'impossibilité de les placer sur de bons fonds, ceux-ci étant occupés par les pêcheurs Anglais

Tous mes pêcheurs de la Baie Sainte-Marguerite se plaignent du voisinage des pêcheurs Anglais qui nuisent considérablement à leur pêche, ne pouvant placer leurs casiers où bon leur semble, la baie étant envahie par les casiers Anglais.

Dans de pareilles conditions, M. le Commandant, je ne pourrai faire qu'une très médiocre pêche, lorsque j'eus pu faire d'excellentes affaires si j'eus été libre dans mon exploitation.

J'appelle donc très respectueusement mais très fermement, M. le Commandant, votre bienveillante attention sur la situation qui m'est faite dans mes opérations de pêche au sujet du tort considérable que me font les pêcheurs Anglais, et vous prie d'intervenir de tout votre pouvoir en éloignant au plus tôt tous ces pêcheurs Anglais de ma Concession, où j'ai seul le droit de libre exercice de pêche.

En terminant, j'ai l'honneur de vous faire remarquer que j'ai encore plusieurs pêcheurs à établir dans Sainte-Marguerite ainsi que des casiers à y placer aussitôt que vous aurez eu l'obligeance de me faire évacuer les places qui me sont nécessaires.

Recevez, &c.
(Signé) F. PHILIPPE.

(Translation.)

Sir, *Brig Bay, July* 18, 1889.

I MUST once more most formally protest against the British fishermen on my concession, but especially in the whole of St. Margaret's Bay, where twelve of my fishermen are established.

This bay is completely in the hands of the English fishermen who occupy the best places, and have moored there about 3,000 lobster traps, which cause the greatest damage to my fishery, and will in a short time destroy the fish supply of the said bay.

I have been impeded in my operations from the beginning of the fishery ; but now, daily increasing the number of my traps, I find it more than ever impossible to set them on the good spots, these being occupied by the English fishermen.

All my men of St. Margaret's Bay complain of the proximity of the English fishermen, who do considerable harm to their fishing. They cannot set their traps where they would like, because the bay is overrun by the English traps.

In these circumstances, Sir, I can do but little fishing, whilst I could have made a good business if I had been free in my operations.

I therefore respectfully, but firmly, call your kind attention to the state of my fishing operations, and to the considerable harm done to me by the English fishermen, and I ask you to interfere with all your authority, in order to remove as soon as possible all these English fishermen from my concession, where I alone have the free right to fish.

In conclusion, I have the honour to observe that I have several more fishermen to establish at St. Margaret's, as well as traps to set there, as soon as you will have had the goodness to have the spots cleared which I require.

I have, &c.
(Signed) F. PHILIPPE.

Inclosure 12 in No. 155.

Commander Russell to Captain Reculoux.

Sir, "*Lily*," *at Good Bay, St. John Island, July* 21, 1889.

I HAVE the honour to acknowledge the receipt of your letter of this day's date.

2. I regret that you were not correctly informed at the British factory of my probable position at the time of your visit, as I left particular directions with the manager on the subject.

3. I still more regret that you should have been received there with any want of courtesy, and I shall remonstrate on the subject, and insist that the French officers are to be received with all the attention due to them.

4. With reference to the division of St. Margaret's Bay between our respective fellow-countrymen, I have the honour to inform you that my last letter from Sir Baldwin Walker did not contain any instructions on that subject.

5. This letter was dated at St. John's on the 5th July.

6. I am daily expecting his arrival at Port Saunders, when I shall immediately refer your letter, together with that of the Capitaine Prud'homme Philippe which is inclosed, to him.

7. In the meantime, it becomes my duty to remonstrate most strongly against any interference with the property of British subjects, except by Her Majesty's ships or by other British authority.

8. I shall proceed to St. Margaret's Bay to-day and inform the British fishermen that they are at liberty to pursue their industry as usual until they receive contrary orders from one of Her Majesty's ships.

I have, &c.
(Signed) G. W. RUSSELL.

Inclosure 13 in No. 155.

Captain Reculoux to Commander Russell.

(Translation.)

Sir, *Harbour of St. John Island, July* 21, 1889.

I HAVE the honour to acknowledge the receipt of your letter of this day, replying to the complaint which I addressed to you relative to the occupation by the traps of Mr. Shearer of the fishing ground reserved to the French fishermen of the factory at Brig Bay, in St. Margaret's Bay.

In my letter I had the honour to tell you that I had not raised the traps of Mr. Shearer till after I had assured myself that there was no cruizer of Her Britannic Majesty in my neighbourhood.

I have always acted thus during the six years which I have passed on the coast of Newfoundland, and I have never received any remonstrance ("observation") from the English Naval Division.

I also request that, while awaiting the return of the English Commodore, Mr. Shearer do not replace his traps in the place which they occupied, and which is that intended for the fishermen of Brig Bay.

This division exists already at Port Saunders, and at Castors Cove; it is therefore more than probable that it also exists at St. Margaret's Bay, as well in the mind of Commodore Walker as in that of Commodore Maréchal.

I am, &c.
(Signed) A. RECULOUX.

Inclosure 14 in No. 155.

Commander Russell to Mr. Shearer.

Sir, "*Lily*," *at Brig Bay, July* 21, 1889.

WITH reference to the letter which you received from Captain Reculoux, of the "Drac," I beg to inform you that I have been in correspondence with that officer on the subject.

2. I have informed him that I shall authorize the traps of your factory being set as heretofore in South and South-East Coves, St. Margaret's Bay, pending further instructions from my Senior Officer, who is expected daily on this part of the coast.

3. You are to caution your men to behave with prudence in their dealings with the French fishermen, and that their trawls are on no account to be crossed or otherwise interfered with.

I have, &c.
(Signed) G. W. RUSSELL.

Inclosure 15 in No. 155.

Commander Russell to Captain Sir B. Walker.

Sir, "*Lily*," *at St. Margaret's Bay, August* 4, 1889.

WITH reference to the injury sustained by the lobster-traps of the British factory at Brig Bay, which were raised by the boats of the French cruizer "Drac," I have the honour to inform you that these traps were raised on Saturday, the 20th July, a work, which I am informed, occupied the French boats from an early hour till late in the evening.

2. On my passing St. Margaret's Bay on the afternoon of Sunday, the 21st, there was a fresh breeze blowing from the north-east, with some sea, and on that account, and for the reason that the weather was thick and the holding ground in the bay indifferent, I anchored for the night in Brig Bay.

3. On visiting St. Margaret's Bay next morning, the 22nd July, the traps were still lying where they had been placed by the French boats' crews.

4. In most cases they had been placed below high-water mark, and at the time of my visit many were "awash," and some even covered by the sea. They had been much thrown about by the sea which was driven into the bay the preceding evening, with the result that most had some of the lathes broken, and many were so injured in the bows and sills as not to be worth repairing.

5. The trawls of the following five men were interfered with as follows :—

Name.	Number of Traps.	Number raised.	Killicks missing.	Remarks.
Chas. Hartling	150	150	8	Trawls and snoods cut.
Jos. Hartling	150	110	6	Trawls and snoods uninjured.
Leond. Hartling	150	150	8	Trawls and snoods cut.
Sam. Hartling..	150	32	1	Trawls and snood uninjured.
Jno. Clifford	150	72	3	One trawl complete lost, others cut.

6. About seventy traps I believe are not repairable.

I have, &c.
(Signed) G. W. RUSSELL.

Inclosure 16 in No. 155.

Commander Russell to Captain Sir B. Walker.

Sir, "*Lily*," *at St. John's, August* 16, 1889.

WITH reference to your Memorandum of this day's date, I have the honour to inform you that, in addition to the traps (seventy in number) belonging to the fishermen in Reefs Harbour, St. Margaret's Bay, which have already been reported as injured, I have since been informed that seventeen of those of the men in South-East (Godfrey's) Cove were found to be not repairable, making a total of about eighty-seven which are unfit for future use.

2. The traps were raised by the boats of the "Drac" on Saturday, the 20th July, and I visited the bay on the morning of the 22nd July, when the traps were still lying where they had been placed by the French seamen.

3. I asked each fisherman individually whether they had moved their traps, &c., between the time of their being raised and my first visit.

4. They assured me that they had not done so, and I feel perfectly confident that they spoke the truth, as, had they been placed above high-water mark by the French, it would have been to their own disadvantage to move them down to the position

where I saw them, as they were only anxious to get them ready for use again as soon as possible.

5. In addition, it is contrary to all custom of this coast to do any work on the Sunday, and I myself saw two of the Reefs Harbour men in Brig Bay on that day.

6. One of the fishermen, Charles Hartling, on his traps being raised, requested the French officer who was superintending to have his traps moved above high-water mark, pointing out that, should the wind come round to the eastward, great damage would result to them. No attention was paid to this, and they were left where first placed.

7. As already reported, a fresh north-east wind blew right into the bay on Sunday evening, and much damage was caused.

I have, &c.
(Signed) G. W. RUSSELL.

No. 156.

Colonial Office to Foreign Office.—(*Received October* 30.)

(A.)
Sir, *Downing Street, October* 30, 1889.

WITH reference to the letter from this Department of the 28th May last, relating to the suggestion made by the Marquis of Salisbury that certain issues connected with the Newfoundland lobster fisheries question should be submitted to arbitration, I am directed by Lord Knutsford to transmit to you, to be laid before his Lordship, copies of a telegram and of a despatch from the Governor of Newfoundland, giving the reply of his Government to the proposal made in Lord Knutsford's despatch of the 28th March last,* to the effect that an endeavour might be made to come to an arrangement with the Government of France that the lobster factories of both countries should be allowed in places and under conditions jointly approved by the British and French Naval Commanders-in-chief on the station.

It will be seen from these papers that the Government of Newfoundland, or the reasons stated in the Minute of Council of the 24th June last, do not agree to the above proposal. It remains, therefore, for consideration whether the suggestion as to arbitration on certain points connected with the Fisheries question should now be formally proceeded with or not; and on this point Lord Knutsford desires me to offer the following observations:—

Taking into consideration the circumstance that the fishery season is now over, and that, so far as Her Majesty's Government are aware, no very grave difficulties between the fishermen of the two countries have arisen on the coasts of the Colony, and looking to the fact that a general election is now proceeding in Newfoundland, Lord Knutsford is disposed to think that it may be advisable to postpone, for the present, making any formal proposal to the French Government on the subject of arbitration until after Her Majesty's Government shall have had an opportunity of discussing the Fishery question with the Premier of the Colonial Government which may be in power after the general election.

Should Lord Salisbury concur in this view Lord Knutsford will, at the proper time, invite the Premier of the Colonial Government to visit this country to discuss the pending questions with his Lordship.

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

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* No. 133.

Inclosure 1 in No. 156.

Lord Knutsford to Governor Sir T. O'Brien.

(Telegraphic.) *Downing Street, June* 18, 1889.

HER Majesty's Government anxious for reply to proposals contained in my despatch 28th March, arrangement respecting factories with French Government subject to conditions approved by naval officers.

Inclosure 2 in No. 156.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) *Newfoundland, June* 19, 1889.

NOTWITHSTANDING used utmost endeavours, Local Government, in view of Address by Assembly forwarded by last mail, could not accept proposal contained in despatch 28th March. Letter follows to explain by first mail.

Inclosure 3 in No. 156.

Governor Sir T. O'Brien to Lord Knutsford.

Government House, St. John's, Newfoundland,

(Extract.) *June* 20, 1889.

ON receipt of your Lordship's despatches of the 28th March last, I lost no time in bringing the question of lobster factories before my Government, and was in hopes that Mr. Shearer might be induced to change the position of his establishment, and thus remove one of the causes of complaint on the part of the French; unfortunately, it would appear that, though the Government sees no objection to his factory being removed elsewhere, the Attorney-General is of opinion that such removal could not be enforced by us, though it might be by one of Her Majesty's vessels, and it was my intention to confer with Sir Baldwin Walker on this subject on the arrival of Her Majesty's ship "Emerald," expected in a few days.

2. On receipt yesterday of your Lordship's telegram I, however, immediately took steps to submit your Lordship's queries to my Ministers, and at the close of the sitting forwarded to your Lordship a message, embodying the views of the Executive Council, as set forth in the following draft by the Attorney-General:—

"My Government, in view of joint Address of both branches of Legislature, lately forwarded, cannot accept arrangement suggested in despatch of the 28th March. Letter will follow by mail on this subject."

No. 157.

Colonial Office to Foreign Office.—(*Received October* 30.)

(B.)

Sir, *Downing Street, October* 30, 1889.

WITH reference to my letter (A) of even date, herewith, inclosing a telegram and despatch from the Governor of Newfoundland relating to the Newfoundland Lobster Fishery question, which is in dispute between the British and French Governments, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor of Newfoundland, inclosing a joint Address to the Queen from the Legislative Council and Assembly of Newfoundland relating to this subject.

It will be observed that this Address, after alluding to the case of the removal last year of Messrs. Andrews and Murphy's lobster factory at White Bay, and referring to various clauses of the Treaties and engagements between this country and France bearing upon the rights given to French fishermen, proceeds as follows:—

"Having regard to all the facts referred to, and the necessary deductions resulting therefrom, we are led to the expression of opinion that in this matter, that is to say, in the assertion and protection of the rights of your Majesty's subjects in Newfoundland, as against the aggressive and unwarranted claims of French subjects, and for the avoidance of discord, tumult, and disturbance between the subjects of the two Great Powers, it is necessary that some firm and vigorous action should be taken by the Colony, with the countenance, co-operation, and active assistance of your Majesty's Government.

"We humbly submit that such action should have special reference to the following points:—

"1. To the protection of British fishermen in the prosecution of their lawful avocations as regards the lobster fishery.

"2. To the resistance to the claims of the French, now first asserted, in respect of this new industry.

"3. To the removal of all lobster factories, or buildings in connection with the lobster fishery, erected by French subjects upon Newfoundland territory.

"4. To the assertion and protection of the right of British subjects to the user of British territory in Newfoundland for agricultural, lumbering, or mining purposes, without the interruption, molestation, or interference of the French under any pretended Treaty claims."

Lord Knutsford would propose to answer this Address by informing the Council and Assembly, with regard to point 1, that the instructions given to the naval officers are framed with the view of the proper protection of British fishermen in the prosecution of their lawful fishery, but that the question whether the establishment of lobster factories on shore is consistent with the engagements with France is now the subject of discussion between the two countries, and no further instructions can at present be given on this subject; that the Council and Assembly are aware that the British Declaration of 1783 declares that, in order that the fishermen of the two nations may not give cause for daily quarrels, His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner, by their competition, the fishery of the French during the temporary exercise of it which is granted to them upon the coasts of the Island of Newfoundland, and he will, for this purpose, cause the fixed settlements which shall be formed there to be removed. It is evident, therefore, that the fishery of British fishermen, whether lobster or otherwise, must be carried on subject to the above restriction as to the non-interruption of the French fishery.

With respect to points 2 and 3, the correspondence which has been transmitted to you shows that the pretensions of the French in regard to the lobster fishery and the erection of lobster factories on shore are disputed by Her Majesty's Government, who, however, trust that some understanding may be arrived at with the French Government between the present time and the opening of the next year's fishery season.

Her Majesty's Government altogether deprecate any action such as is suggested whilst the matter is still the subject of diplomatic negotiation.

With reference to point 4, Her Majesty's Government can only return an answer similar to that given to a recent Memorial from the inhabitants of the west coast of Newfoundland which was transmitted in the Governor's despatch of the 16th March last.

Those memorialists, amongst other things, requested free access to the coast for the purpose of mining, ship-building, and all other operations, and grants of land unhampered by certain conditions which were there referred to.

The reply given to the memorialists as to free access to the coast for mining operations was to the effect that this matter was to a great extent dealt with in the Arrangement of 1885, which, much to the regret of Her Majesty's Government, was rejected by the Newfoundland Legislature; that until some fresh arrangement should have been made with the French in the matter of the fisheries such free access, as is desired for the purposes mentioned, could not be given by Her Majesty's Government; and with respect to the question of the issue of grants of land unhampered by the conditions subjecting such grants to a reservation in favour of French rights, the memorialists were informed that Her Majesty's Government regretted that they were unable, in the present position of the Fishery question, to meet the wishes of the memorialists. The memorialists were, however, assured that any favourable opportunity which might present itself for arriving at a settlement with the Government of France of the general question of the fisheries would not be neglected by Her Majesty's Government.

Lord Knutsford would be glad to be informed whether Lord Salisbury concurs in this reply.

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

Inclosure 1 in **No. 157.**

Governor Sir T. O'Brien to Lord Knutsford.

Government House, St. John's, Newfoundland,
June 1, 1889.

My Lord,

I HAVE the honour to inclose six printed copies of an Address which has been passed by both branches of the Legislature of this Colony, appealing against the action of the French in the exercise of privileges conceded to them by Treaty, which I have been requested to forward to your Lordship to lay before Her Majesty the Queen.

2. I send the original in manuscript as well as the printed copies at once, as they are alluded to in my closing Speech to Parliament, and regret that owing to the delay in engrossing the parchment copy it cannot be forwarded by this opportunity, but will, however, be sent by next mail.

I have, &c.
(Signed) T. O'BRIEN.

Inclsure 2 in No. 157.

Address.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

WE, your Majesty's humble and devoted subjects, the Legislative Council and the Commons House of Assembly of Newfoundland, beg to approach your Majesty with an expression of our loyalty and devotion to your Majesty's person and Throne.

Upon us, as branches of the Colonial Legislature, has devolved the duty of considering the subject of British rights and French claims on that portion of the coast of Newfoundland on which the French have certain fishery privileges, in special reference to certain claims asserted by subjects of France in the year 1888 in respect of the taking and preserving of lobsters.

The claims of the French in this behalf have been now made for the first time.

The facts surrounding these new claims are set forth in certain correspondence, which has been brought before us as a Legislature, which correspondence has already been a matter of consideration for your Majesty's Ministers, and has formed a subject

of diplomatic communication between your Majesty's Ministers and the Government of France.

This correspondence has reference to the grievances complained of by two of your Majesty's subjects, one Murphy and one Andrews, who, during the fishery season of 1888, were lawfully engaged in the prosecution of their business of taking and canning lobsters at a place called Hauling Point, in White Bay, on the north-east coast of Newfoundland.

In connection with this correspondence and the grievances complained of, we have had occasion to regard and make reference to the action of our Colonial Legislature on former occasions in respect of the large issues which are involved in the present subject of consideration; and we have had to revert to the assurances of your Majesty, as from time to time given by your Majesty's Ministers, in confirmation of positions asserted and maintained by this Colony as to the relative rights of British and French subjects upon the coasts of Newfoundland under Treaties between the two Great Powers.

In our present deliberations we have been constrained to regard as a prominent cause of difficulty these new claims, which, in the case of Messrs. Murphy and Andrews, seem to involve the consideration not only of fishery rights, but also of territorial rights, which have hitherto been unquestioned.

The facts set forth before us, which in their material points are not the subject of dispute, warrant us in the expression of the opinion that, in this particular case as in others, there has been displayed at times on the part of Imperial authorities a disposition to make undue concessions in fishery matters to the aggressive claims of the subjects of France, and to subordinate to politic or diplomatic exigencies the undoubted rights of British subjects.

In the case of Messrs. Murphy and Andrews, it is apparent that the French have asserted a right to take and can lobsters, and to erect upon British territory factories or establishments for the purpose of preserving lobsters.

With due devotion to your Majesty, we cannot too strongly affirm the position taken by this Colony that the French have no right under any existing Treaty to take lobsters for commercial purposes in any territorial waters of this island, and therefore, *à fortiori*, we humbly contend that the French are unwarranted in the erection of factories or establishments upon our coasts for the purpose of canning lobsters, taken in British waters, for the purpose of exportation and sale. The claim asserted by the French in this behalf, with all humility, we vehemently deny.

We are constrained to regard with regretful resentment the fact that, in the case under consideration, the removal of establishments erected by British subjects for the purposes of taking and canning lobsters has been enforced by subjects of France at the instance of the French authorities, a French war-ship assisting and a British war-ship interfering to support the unwarranted contention of the French.

By reason of these unwarranted claims, and by this interference with the rights of your Majesty's subjects, much damage and loss have accrued, and we have reason to believe that many of your Majesty's subjects have been deprived of a means of subsistence for themselves and their families. We, therefore, regard with reasonable apprehension and alarm the probability of further encroachments upon the rights of your Majesty's subjects being made or attempted to be made by the subjects of France, the acquiescence in which encroachments must be disastrous to the interests of our people.

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

Whilst we humbly submit to your Majesty that our assertions of right as your Majesty's subjects in this behalf are unquestionable, we would further submit to your Majesty the irrefragable character of our conclusions by reference to the following facts:—

1. Because it was declared by the Treaty of Utrecht that it should be unlawful for the French to erect buildings, except those "necessary and usual for drying of fish."

2. Because the Treaty of Paris (1763) restricted the liberty to "fishing and drying."

3. Because the Treaty of Versailles (1783) speaks of "the fishery assigned to them by the Treaty of Utrecht."

4. Because the Declaration speaks of "the fishery" and "the method of carrying on the fishery, which has at all times been acknowledged, shall be the plan upon which the fishery shall be carried on there."

5. Because the French King's Counter-Declaration speaks of "the fishery on the coasts of Newfoundland which has been the object of the new arrangements."

6. Because the Treaty of Paris (1814) declares that the French right of fishery "shall be replaced upon the footing in which it stood in 1792."

7. Because there was no such industry as a lobster fishery in Newfoundland at any of these periods, and no such industry was heard of until within a few years past, and the language used to describe "the fishery" which the French were entitled to pursue is utterly inapplicable to lobster catching, or to the erection of factories for taking or canning lobsters.

Having regard to all the facts referred to and the necessary deductions resulting therefrom, we are led to the expression of opinion that in this matter, that is to say, in the assertion and protection of the rights of your Majesty's subjects in Newfoundland as against the aggressive and unwarranted claims of French subjects, and for the avoidance of discord, tumult, and disturbance between the subjects of the two Great Powers, it is necessary that some firm and vigorous action should be taken by the Colony with the countenance, co-operation, and active assistance of your Majesty's Government.

We humbly submit that such action should have special reference to the following points:—

1. To the protection of British fishermen in the prosecution of their lawful avocations as regards the lobster fishery.

2. To the resistance to the claims of the French, now first asserted, in respect of this new industry.

3. To the removal of all lobster factories or buildings in connection with the lobster fishery erected by French subjects upon Newfoundland territory.

4. To the assertion and protection of the rights of British subjects to the user of British territory in Newfoundland for agricultural, lumbering, or mining purposes without the interruption, molestation, or interference of the French under any pretended Treaty claims.

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

Deign to accept, most gracious Sovereign, our profoundest expressions of loyalty and affection.

Passed the House of Assembly, June 1, 1889.
(Signed) ALEX. J. W. McNEILY, *Speaker.*

Passed the Legislative Council, June 1, 1889.
(Signed) E. D. SHEA, *President.*

No. 158.

Foreign Office to Colonial Office.

Sir, *Foreign Office, November 4, 1889.*

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter (B) of the 30th ultimo, inclosing a copy of a joint Address to the Queen from the Legislative Council and Assembly of Newfoundland relating to the Lobster Fishery

question, and I am to request you to state to Secretary Lord Knutsford that Lord Salisbury concurs in the terms of the reply which his Lordship proposes to return to this communication.

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

No. 159.

The Marquis of Salisbury to the Earl of Lytton.

My Lord, *Foreign Office, November* 4, 1889.

WITH reference to my despatch of the 2nd September, I transmit to your Excellency herewith copies of correspondence which has passed between Captain Sir Baldwin Walker, of Her Majesty's ship "Emerald," and the French naval officers on the coast of Newfoundland, relative to the action of Captain Reculoux, of the French aviso "Drac," in raising lobster-traps belonging to men employed by Mr. Shearer's factory in Brig Bay.*

These traps, which were set in St. Margaret's Bay, appear to have been removed when a British man-of-war was in the neighbourhood, and when there was consequently no occasion or justification for such action on the part of a French officer. The removal was effected not on account of any obstruction to French fishing-nets, but simply in order to make way for French lobster-traps, which, as your Excellency is aware, are not considered by Her Majesty's Government as coming within the intention of the Treaties.

Further, when raised by the "Drac's" boats, these traps were placed on the shore below high-water mark, in consequence of which many of them were injured or destroyed.

Your Excellency will observe that this case is a repetition, though in an aggravated form, of the incident which formed the subject of Mr. Elliot's note to the French Government, a copy of which was forwarded to this Office in that gentleman's despatch of the 13th September.

I have to request your Excellency to call the attention of the French Government to the matter, and to point out to them that such action on the part of their naval officers—which is clearly in excess of their legal rights—may too probably, if persisted in, produce complications which it has been the earnest effort of both Governments to avoid; and you will, at the same time, intimate that Her Majesty's Government will feel compelled to present a claim for compensation on account of the injury to the lobster-traps in question as soon as the full particulars of the loss suffered by British subjects has been ascertained.

I am, &c.
(Signed) SALISBURY.

No. 160.

M. Jusserand to the Marquis of Salisbury.—(Received November 6.)

M. le Marquis, *Londres, le* 5 *Novembre*, 1889.

LE Chargé d'Affaires de Sa Majesté Britannique à Paris a bien voulu communiquer au Gouvernement de la République, le 13 Septembre dernier, les observations auxquelles avait donné lieu, de la part du Gouvernement de la Reine, le retrait de casiers à homards appartenant à des sujets Anglais, opéré à l'Ile Keppel, le 15 Juin, par ordre d'un officier de la division navale Française. Tout en reconnaissant l'excellence des relations qui n'ont cessé d'exister entre les officiers des deux pays à Terre-Neuve, le Cabinet de Saint-James estime que le fait dont il s'agit est entaché d'illégalité, et il l'a signalé, à ce titre, au Cabinet de Paris.

Le Gouvernement de la République qui avait, de son côté, reçu des rapports concernant cet incident, et possédait des copies de la correspondance échangée par les Commandants des deux stations navales, a reconnu la parfaite exactitude des faits que Mr. Elliot a exposés, mais il lui paraît impossible d'en tirer la conclusion énoncée par le Représentant de Sa Majesté la Reine.

* No. 155.

L'occupation de la baie de Port Saunders par une pêcherie à homards Anglaise constitue en effet, non plus seulement sur la côte, à terre, mais jusque dans les eaux où nous avons le droit dominant de pêcher, une irrégularité et même, selon les vues que mon Gouvernement n'a cessé de maintenir, une illégalité qu'il lui est impossible de reconnaître. Ainsi que cette Ambassade l'a maintes fois indiqué, et ainsi qu'il résulte du texte des Traités, les Français ont le droit de pêcher à tout moment de la saison, en tout point de la côte qui leur est attribuée par les arrangements internationaux, d'une façon permanente ou d'une façon inopinée, après en avoir donné avis, ou sans avoir pris cette précaution. Étant données ces conditions, admettre que le Sieur Shearer, ou tout autre industriel étranger, pourra s'attribuer une part personnelle dans le domaine affecté à notre exploitation, part qu'il pourra étendre à sa guise, sous la protection des croiseurs de la Grande-Bretagne et dont l'accès sera interdit à nos navires, admettre une pareille faculté équivaudrait à renoncer aux avantages que les Traités nous assurent le plus expressément, et reconnaître que nos droits privilégiés de pêche s'appliquent seulement aux parties laissées libres par les dits industriels.

Ce sont ces considérations qui ont empêché l'année dernière le Commandant Humann d'adhérer à la délimitation que le Commandant Hamond avait tracée d'office de la pêcherie Shearer. Si, cette année, le Commandant Maréchal s'est placé sur le terrain de la délimitation, ce n'est point sans réserver l'intégralité de nos droits, ni parce qu'il aurait reconnu la légitimité des pêcheries Anglaises, c'est uniquement parce qu'il fallait avant tout, et tout en réservant les questions de droit, pourvoir au besoin actuel et pressant du maintien de la paix entre les pêcheurs. C'était un acte gracieux et personnel, qui ne comportait nullement l'admission des prétentions de Mr. Shearer. Le Commandant de la Station Française pensait que cet acte, dicté par le sentiment d'un intérêt commun et immédiat, recevrait un accueil répondant au motif qui l'avait inspiré. Mais il s'est trouvé au contraire que ce *modus vivendi*, admis provisoirement, n'a plus suffi aux exploitants des lieux de pêche en question ; ils ont agi en fait comme si le droit de nos pêcheurs n'existait pas devant le leur, et qu'ils eussent toute liberté d'étendre leurs opérations sans autre limite que leur intérêt. Ils ont, en conséquence, répandu à Port Saunders leurs casiers à homards bien au delà de la ligne de séparation.

Le Commandant du "Bisson" a cru de son devoir d'arrêter cet envahissement et d'enjoindre à l'exploitant James Rhyn de rentrer du moins dans les limites tracées par la Division Navale Anglaise. L'intéressé se soumit d'abord, et s'engagea à retirer ses casiers ; mais il se ravisa, et les maintint en place. Votre Seigneurie reconnaîtra certainement qu'il n'était pas possible au Commandant Antoine d'accepter cette façon d'agir qui, sans parler de la manière dont elle pouvait être considérée au regard de cet officier lui-même, était dérogatoire à l'ordre établi par le Commandant de la Station Britannique pendant la campagne de 1888. Il le pouvait d'autant moins que, ainsi qu'il l'explique dans sa lettre au Commandant de "l'Emerald," il attendait à chaque instant le retour de nos gens dans ces parages, à la recherche du poisson. Si un bâtiment Anglais eût été sur les lieux, il lui aurait assurément réclamé l'exécution dont il a dû se charger lui-même. Se trouvant seul, il devait, dans l'appréciation de mon Gouvernement, agir ainsi qu'il l'a fait, sous peine de reconnaître aux exploitants actuels de ces fonds le droit de disposer en maîtres du "French Shore."

Le Gouvernement de la République espère qu'après avoir pris connaissance des motifs qui ont dicté la conduite du Commandant Antoine, le Cabinet de Londres voudra bien se ranger à l'avis que je viens d'indiquer. Le Gouvernement de Sa Majesté la Reine ne voudra, d'ailleurs, pas oublier que cette intervention n'est point un fait insolite ni nouveau. La Station Navale Française a toujours, en l'absence des croiseurs Anglais, assuré elle-même le redressement des contraventions commises par les pêcheurs locaux. Ce régime a été accepté sans jamais donner lieu à des difficultés, et il devait l'être, car les circonstances l'imposent ; et prendre un parti contraire reviendrait à dire que les Traités sont valablement interprétés par n'importe quel pêcheur ou industriel du pays, sans que les officiers de la Station Française pussent prévenir en aucune manière, alors même qu'ils se trouveraient seuls présents pour le faire, la mise en pratique des interprétations les plus certainement illégales.

En soumettant, conformément aux instructions que j'ai reçues, ces observations à l'attention de Votre Seigneurie, je crois devoir L'assurer que le Gouvernement Français ne voit pas avec moins de plaisir que le Gouvernement de la Reine le maintien des relations les plus parfaites entre les officiers des deux stations navales et n'en désire pas avec moins d'ardeur la continuation.

Veuillez, &c.

(Signé) JUSSERAND.

(Translation.)

My Lord, *London, November* 5, 1889.

HER Britannic Majesty's Chargé d'Affaires in Paris communicated to the Government of the Republic, on the 13th September last, the observations which Her Majesty's Government had to make on the raising of lobster traps belonging to British subjects, off Keppel Island on the 15th June last, by order of an officer of the French naval squadron. Whilst recognizing the excellent relations which have always existed between the officers of the two countries in Newfoundland, the Cabinet of St. James' considers that the proceeding in question is illegal, and has for that reason called to it the attention of the Cabinet of Paris.

The Government of the Republic, having on their part received reports on this incident and being in possession of copies of the correspondence exchanged by the Commanders of the two naval squadrons, recognize the perfect accuracy of the facts as stated by Mr. Elliot, but are unable to draw from them the conclusion set forth by the Representative of Her Majesty the Queen.

In fact, the occupation of the Bay of Port Saunders by an English lobster factory is, not only with regard to the ground occupied on shore, but even with regard to the waters where we have the predominant right to fish, irregular and, according to the views which my Government have never ceased to uphold, illegal, and cannot possibly be recognized by them. As this Embassy has many times already pointed out, and as appears from the text of the Treaties, the French have the right to fish at any moment in the season, on any part of the coast which is assigned to them by International Agreements, to fish continuously or intermittently, giving warning of their intention, or without warning. This being so, to admit that Mr. Shearer, or any other foreign trader or manufacturer, can assign to himself a portion of the grounds over which we have the right of fishing, a portion which he might extend at his pleasure, under the protection of the British cruizers, and the access to which would be closed to our ships—to admit such a right would be to renounce the privileges which the Treaties expressly guarantee to us, and to admit that our rights of fishing apply only to such parts as may be left free by the said traders or manufacturers.

These are the considerations which last year made it impossible for Commander Humann to agree to the delimitation of Mr. Shearer's fishery which was officially made by Commander Hamond. If, this year, Commander Maréchal adopted the grounds of delimitation, it was not done without his reserving the integrity of all our rights, nor was it done because he recognized the rights of the English factories; it was done solely because it became necessary, above all, whilst reserving all questions of right, to meet the existing and pressing need for the maintenance of peace between the fishermen. It was a gracious and personal act, which in no way implied the recognition of Mr. Shearer's claims. The Commander of the French Naval Station believed that this act, dictated by the idea of a common and immediate interest, would meet with a reception in harmony with the motives that had inspired it. But it has been found, on the contrary, that this *modus vivendi*, temporarily accepted, did no longer suffice to the fishermen on the spots in question; they acted, in fact, as if the right of our fishermen did not exist before their own, and as if they were at liberty to extend their fishing operations with no other limit but their own interests. They consequently spread their lobster pots far beyond the line of demarcation.

The Commander of the "Bisson" thought it his duty to put a stop to these encroachments, and to request the factory-owner, James Rhyn, to at least withdraw to within the limits laid down by the English Naval Squadron. He at first submitted, and engaged to remove his traps; but he thought better of it, and left them in their places. Your Lordship must admit that Commander Antoine could not put up with this way of proceeding, which, not to speak of the light in which it might be viewed with regard to this officer himself, was derogatory to the orders given by the Commander of the British Naval Station during the fishing season of 1888. He could do so the less that, as he explains in his letter to the Commander of the "Emerald," he expected at every moment the return of our fishermen to these waters in quest of fish. If an English vessel had been on the spot, he would certainly have requested her to take the action which he saw himself compelled to take himself. Being alone, he was compelled, in the opinion of my Government, to act as he did, else he would have admitted the right of the actual occupier of the fishing grounds to dispose as masters of the "French Shore."

The Government of the Republic hope that, after considering the motives on which the conduct of Commander Antoine was based, the Cabinet of London will concur in the views I have stated. Her Majesty's Government will not, moreover,

forget that this intervention is neither novel nor unusual. In the absence of English cruizers, the French Naval Squadron has always itself redressed the illegal actions of the local fishermen. This system has been accepted without ever having given rise to difficulties, and, in fact, it had to be accepted, for circumstances made it necessary. To reverse this system would imply that the Treaties are authoritatively interpreted by any fisherman or trader of the country, without the officers of the French Naval Station, even when alone present, being able to prevent the practical carrying out of most certainly illegal interpretations of the Treaties.

In submitting these observations in accordance with the instructions which I have received, I must assure your Lordship that the French Government sees with no less pleasure the maintenance of the best relations between the officers of the two naval stations, and is no less desirous to see them continue.

I have, &c.
(Signed) JUSSERAND.

No. 161.

The Marquis of Salisbury to the Earl of Lytton.

My Lord, *Foreign Office, November* 15, 1889.

THE French Chargé d'Affaires at this Court called at this Office and stated that, according to the reports received by his Government, although the authorities in Newfoundland were conscientiously endeavouring to enforce the provisions of the Merchant Shipping Act as to the marking of vessels, their efforts were not altogether successful.

In the first place, M. Jusserand remarked, the Act itself exempted certain classes and sizes of vessels from its provisions in this respect; and, secondly, there was every inducement for the owners of vessels which were not so exempt to evade registration, because registered vessels were subject to duties from which unregistered vessels were free.

He added that what his Government considered necessary really to meet the requirements of the case was a new Regulation that all vessels should have their names and numbers, or other marks of identification, painted on their sails, as, if they were merely painted on boards, the board was likely to be thrown away, whereas a sail was too valuable to be sacrificed in this way.

M. Jusserand was informed, in reply, that it was in contemplation to invite the new Prime Minister of Newfoundland to come over to this country, after the approaching elections in that Colony had been decided, in order to discuss the whole question, and that this point might then be brought forward for consideration.

I am, &c.
(Signed) SALISBURY.

No. 162.

The Earl of Lytton to the Marquis of Salisbury.—(*Received November* 18.)

My Lord, *Paris, November* 16, 1889.

I HAVE the honour to transmit herewith to your Lordship copy of a note in which, in compliance with the instructions contained in your Lordship's despatch of the 4th instant, I have called the attention of the French Government to the action of the Captain of the French aviso "Drac" in removing certain lobster-traps on the Newfoundland coast in July last, and have prepared them for the eventual presentation of a claim for compensation.

I have, &c.
(Signed) LYTTON.

Inclosure in No. 162.

The Earl of Lytton to M. Spuller.

M. le Ministre, *Paris, November* 16, 1889.

IN a note dated the 13th September last Her Majesty's Chargé d'Affaires had the honour to bring to your Excellency's knowledge the representation of the Captain of Her Majesty's ship "Emerald" respecting the interference by the Captain of the "Bisson" with British lobster-catching on the shores of Keppel Island, on the Newfoundland coast. I am now instructed to call your Excellency's attention to another case, reported by the same officer, of the removal of lobster-pots belonging to British subjects by the Commander of a French vessel of war under circumstances which will compel Her Majesty's Government to present a claim for compensation on account of the injury caused thereby.

The following are the main circumstances of the case in point as reported to Her Majesty's Government:—

On the 20th July last Captain Reculoux, of the aviso "Drac," on the ground that certain lobster-traps set by fishermen employed by Mr. Shearer, a British subject, in the Bay of St. Margaret's, on the Newfoundland coast, were interfering with French fishing, took them up and put them on shore below high-water mark. French fishermen at once proceeded to place their own traps on the vacated ground, whilst the British lobster-pots lying on shore exposed to the tide were considerably damaged, owing to a strong breeze which arose on the following day, and which caused considerable damage amongst them.

A British vessel of war, the "Lily," was in the neighbourhood when the Commender of the "Drac" took up the British traps, which were not causing any obstruction to French fishing-nets, as there is no regular fishing to speak of in the St. Margaret's Bay, but were removed apparently only to make room for French lobster-traps, which are not considered by Her Majesty's Government as coming within the intention of the Treaties.

I am consequently instructed to point out to your Excellency that Captain Reculoux's action in the present instance was not warranted by legality, and that the repetition of such measures by the naval officers of the Republic would be calculated to bring about complications which it has been the earnest effort of both Governments to avoid.

I have, &c.

(Signed) LYTTON.

No. 162 A.

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

Sir, *Downing Street, November* 22, 1889.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a transcript of the Act passed in June last by the Legislature of Newfoundland "to amend and consolidate the Laws relating to the exportation and sale of bait fishes," together with a copy of the Report upon it by the Attorney-General of the Colony. The Act was assented to by the Governor with the other legislation of the year, and therefore can now only be disallowed by Her Majesty.

I am to state that the Governor has been requested, by telegraph, to send home a full Report upon the subject of this Act, the reasons for passing it, &c.

I am, &c.

(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 162 A.

ANNO QUINQUAGESIMO SECUNDO VICTORIÆ REGINÆ.

Cap. VI.—*An Act to amend and consolidate the Laws relating to the Exportation and Sale of Bait Fishes.*

[*Passed June* 1, 1889.]

BE it enacted by the Governor, Legislative Council, and Assembly, in Legislative Session convened, as follows :— Enacting clause.

1. No person shall— Persons shall not export, haul, catch, take, purchase, or have in possession any bait fishes for the purpose of exportation.

(1.) Export, or cause or procure to be exported, or assist in the exportation of; or

(2.) Haul, catch, take, or have in his possession, for the purpose of exportation; or

(3.) Purchase or receive in trade or barter, for the purpose of exportation; or

(4.) Take, ship, or put, or haul on board, or assist in taking, shipping, putting, or hauling on board of any ship or vessel, for any purpose whatever; or

(5.) Carry or convey on board of any ship or vessel, for any purpose whatever, any herring, capelin, squid, or other bait fishes, from, on, or near any parts of this Colony or its dependencies, or from or in any of the bays, harbours, or other places therein, without a licence in writing, to be granted and issued as hereinafter provided.

2. Licences may be granted for any of the following purposes, viz.: Licences may be granted for certain purposes.

(*a.*) To export bait fishes to a foreign country for bait purposes;

(*b.*) To export bait fishes to a foreign country for food or consumption;

(*c.*) To export bait fishes for use for bait purposes in prosecuting deep-sea fisheries;

(*d.*) To haul, catch, or take bait fishes for exportation;

(*e.*) To purchase bait fishes for exportation for food or consumption;

(*f.*) To take, ship, or put on board a ship or vessel, or to carry or convey on board a ship or vessel, bait fishes for exportation for food or consumption;

(*g.*) To purchase bait fishes for exportation for bait purposes;

(*h.*) To take, ship, or put on board a ship or vessel, or to carry or convey on board a ship or vessel, bait fishes for exportation for bait purposes;

(*i.*) To take, ship, or put on board a ship or vessel, or to carry or convey on board a ship or vessel, coastwise, to be discharged or landed or transhipped to some other ship or vessel within some port in this Colony.

3. No such licences shall be issued except under the authority of the Governor in Council, and countersigned by the Colonial Secretary. Licences issued under certain authority.

4. The Governor in Council may, from time to time, by Proclamation, suspend or limit the operation of this Act, and the issue of licences thereunder, in relation to any district or part of this Colony, or the coasts thereof, and for such period in relation to sale or exportation to such places, or for such purposes and in such quantities as shall appear expedient, and as shall be declared and defined in the Proclamation. Power of Governor in Council to suspend or limit operation of Act.

5. No licence under this Act shall be granted to any person unless he shall have first made an affidavit before a Sub-Collector or Preventive Officer of Customs, or a Stipendiary Magistrate, setting forth the following particulars, viz., the name of the person to whom the licence is to be granted; the name of the vessel on board of which it is intended to convey or export bait fishes; the purpose for which such bait fishes are intended to be conveyed or exported, whether for food or consumption, or for bait purposes; the country to which it is intended to export the same, or the place where the fishery is to be prosecuted, for which such bait fishes are to be used. Conditions under which licences granted.

6. Applications for licences under this Act shall be made to a Stipendiary Magistrate or a Customs officer, who shall require the applicant in each case to make, before him, an affidavit stating the facts and particulars, as required under section 5 to be set forth in the licence; and it shall be the duty of the said Stipendiary Magistrate or Customs officer to report to the Governor in Council any refusal on the part of the applicant to make such affidavit, or any *bonâ fide* doubt on the part of such Stipendiary Magistrate or Customs officer of the truth of any of the statements set forth in such affidavit, or of a belief on his part that such licence is applied for the purpose of evading or defeating, or assisting in evading or defeating, the provisions of this Act. In such case it shall be the duty of such Stipendiary Magistrate or other officer to withhold such licence and await further instructions. To whom applications for licences shall be made.

Licencee shall give bond to Receiver-General.

7. In every case in which a licence is granted under this Act, the person to whom the same is granted shall also give bond to the Receiver-General of this Colony, with two sufficient securities in the sum of not less than 1,000 dollars, or more than 2,000 dollars, each, containing the condition that the terms of the licence shall, in all respects, be complied with; and in the case of a licence to export to a foreign country, that satisfactory proof of the landing of the cargo in such foreign country will be furnished within a stated period, and the forfeiture of the penal sum under such bond shall be in addition to any other penalty, forfeiture, or punishment which may be imposed for the same offence under this Act.

Form of licence, bond, &c.

8. The forms of the licences, affidavits, and bonds, above provided, shall be prescribed by the Governor in Council.

Penal clause.

9. Any person who shall violate any of the provisions of section 1 of this Act, or any of the sub-sections thereof; or

(1.) Use, dispose of, or deal with, any bait fisshes, otherwise than in accordance with the terms of the affidavit made upon application for a licence, or with the terms of such licence; or

(2.) Make any untrue statement in any affidavit upon application for a licence under this Act; or

(3.) Obtain a licence under this Act by means of any false statement or misrepresentation, or by the suppression or concealment of any material fact, shall be liable, for every first offence, to a penalty not exceeding 1,000 dollars, or imprisonment for a period not exceeding twelve months.

(4.) Any person convicted of a second or subsequent offence under this Act shall, on conviction, be subject to imprisonment, with hard labour, for a period of not less than twelve months.

Power given to convicting Magistrate to confiscate, &c.

10. In addition to the punishment prescribed by the foregoing section, the convicting Magistrate may order the confiscation and sale of the herring, capelin, squid, or other bait fishes which have been sold, purchased, hauled, taken, conveyed, or exported in violation of the provisions of this Act, or the terms of any licence thereunder, or of the boat or vessel on board of which such bait fishes shall be found to have been unlawfully shipped, conveyed, or exported, and the forfeiture of any licence held by the offender.

Penalty for violation of Act.

11. Any person who shall sell any herring, capelin, squid, or other bait fishes, for the purpose of shipping or putting on board of any ship or vessel, or for the purpose of exportation to any person not holding or producing a licence under this Act, shall be liable to a fine not exceeding 500 dollars, or to imprisonment not exceeding three months.

Onus probandi upon accused party.

12. In any prosecution under the next preceding section, the onus of proof that the bait fishes were not intended for shipment or for exportation shall rest upon the party accused: Provided there be proof of a sale under such circumstances as shall be consistent with a reasonable presumption that shipment or exportation was intended.

Power to appoint Commissioners conferred upon Governor in Council.

13. The Governor in Council may, from time to time, appoint special Commissioners for the purpose of enforcing the provisions of this Act.

Power to board and search ships or vessels conferred upon certain persons.

14. Any such Commissioner, or any Justice of the Peace, Sub-Collector, Preventive Officer, Fishery Warden, or Constable may board and examine and search any boat or vessel suspected of having on board, or of conveying or exporting, bait fishes contrary to the provisions of this Act, or of any licence granted thereunder; and in case any such Commissioner, Justice of the Peace, Sub-Collector, Preventive Officer, Fishery Warden, Constable, or the crew of any vessel employed by the Government, shall make a signal by hoisting the International signal B. M. I., meaning "Heave to, I will send a boat," and firing a gun or by dipping at the main peak three times the flag, with the badge of the Colony, as prescribed by the Colonial Regulations, it shall be the duty of the owner, master, or person managing or controlling such vessel to heave to until such Commissioner, Justice, Sub-Collector, Fishery Warden, or Constable shall have boarded and examined such last-named vessel; and in case of such owner, master, or person managing or controlling such last-named vessel, omitting to heave her to, or obstructing or omitting to afford facilities for such Commissioner, Justice, Sub-Collector, Preventive Officer, Fishery Warden, or Constable in boarding and examining such vessel, he shall be subject to a penalty not exceeding 500 dollars, or to imprisonment for a term not exceeding three months. The master of any vessel who shall refuse or unreasonably delay in obeying such signal may be arrested and brought before a Stipendiary Magistrate, and his vessel may be seized and held by any such

Commissioner, Justice, Sub-Collector, Preventive Officer, Fishery Warden, or Constable until an adjudication shall have taken place upon a complaint under this section.

Certain persons may be examined on oath by a Justice of the Peace and other officials of the Government.

15. Any person found hauling, catching, taking, purchasing, selling, shipping, or conveying any bait fishes, or any person having any such fishes in his possession, or the master, owner, or crew of any boat or vessel on board of which any bait fishes may be found, may be examined on oath by a Justice of the Peace, Sub-Collector, or Preventive Officer, Fishery Warden, or Commissioner, appointed under this Act, as to the quantity and kind of bait fishes in his possession, or on board of such boat or vessel, the purpose for which such bait fishes are intended to be used, or as to the place to which the same are intended to be conveyed or exported, and upon his refusing to answer, or answering untruly, or failing to produce a licence under this Act, or, having such licence, being found to have violated or failed to comply with the provisions thereof, such Justice, Sub-Collector, Preventive Officer, Fishery Warden, or Commissioner may seize the boat or vessel on board of which such such bait fishes shall have been hauled or caught, or put, kept, shipped, carried, conveyed, or exported, or on board of which the same may have been found, her tackle, apparel, furniture, and outfit, and the said bait fishes so found as aforesaid, and may hold the same until an adjudication shall have been had upon a complaint in relation to such alleged offence.

Additional powers given to officials

16. In any such case as mentioned in the next preceding section, any officer therein authorized to seize any boat or vessel, and any constable or peace officer then present, shall have power, by direction of any such officer authorized as aforesaid, and without any warrant or complaint upon oath, to arrest any person found committing or omitting to do any of the acts for or on account of which such boat or vessel may be seized, and to detain him in custody until an adjudication shall have taken place as before provided.

What shall be evidence.

17. In any prosecution under this Act, the fact of shipping, putting, or having bait fishes on board of any boat or vessel shall be *primâ facie* evidence of the same having been so shipped, put, had, or conveyed, for the purpose of exportation, and the refusal or failure to produce a licence upon being called upon so to do shall be *primâ facie* evidence of such bait fishes having been shipped, put, conveyed, or exported without a licence; and any exportation, or intended exportation, of bait fishes shall, in the absence of proof to the contrary, be held to be an exportation or intention to export for bait purposes.

Offenders may be prosecuted summarily before Stipendiary Magistrate.

18. All offenders against the provisions of this Act may be prosecuted and convicted, and all fines, forfeitures, penalties, orders for confiscation, and other punishments imposed, recovered, and made in a summary manner before a Stipendiary Magistrate. In the event of the prosecution of an offender who would not be liable to or ordered to pay a fine, then the reasonable expenses of the prosecutor, including a fair amount for his time and labour expended in and about such prosecution, shall, on the certificate of the Magistrate who heard the case, be paid to the prosecutor by the Receiver-General.

Power of appeal.

19. If any person convicted under this Act shall feel himself aggrieved by such conviction, he may appeal therefrom to the then next sitting of Her Majesty's Supreme Court holden in or nearest to the place where such conviction shall have been had: Provided notice of such appeal, and of the cause and matter thereof, be given to the convicting Magistrate, in writing, within seven days next after such conviction, and the party desiring to appeal shall also, within fourteen days after such notice, give and enter into recognizance, with two approved sureties, before the convicting Magistrate, conditioned for the appearance of the person convicted at such next sitting of the Supreme Court on the first day of such sitting, for the prosecution of the appeal with effect and without delay, to abide the Judgment of the Court thereon, and for the delivery and surrender of any vessel or other property ordered to be confiscated, and to pay such costs as the Court shall award. Any person who shall be convicted and imprisoned by any such Magistrate for an offence against this Act, and who shall have given such notice of appeal, and shall have entered into such recognizance with approved sureties, may be discharged from prison, in which case the recognizance shall be further conditioned for the surrender of the convicted party, on the first day of such next sitting of the Supreme Court, to the Sheriff of the district in which such appeal may be heard.

Want of form in proceeding not ground for setting aside Judgment.

20. No proceeding or conviction by, or order of any Justice or other officer under this Act, shall be quashed or set aside for any informality, provided the same shall be substantially in accordance with the intent and meaning of this Act.

Interpretation clause.

21. In this Act the word "vessel" shall include any boat or ship registered or

not registered, jack, skiff, punt, or launch, whether propelled by sails, oars, or steam.

Treaty rights preserved.

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

Power of Stipendiary Magistrates.

23. For the purposes of this Act, all Stipendiary Magistrates shall be deemed to be Stipendiary Magistrates for the Colony, and may exercise the jurisdiction given by this Act in any part of the Colony. All officers engaged in carrying out this Act, and the masters and crews of all vessels engaged in the said service, may severally be sworn as Special Constables, and shall, while engaged in carrying out this Act, have all the powers, authority, and protection of Police Constables.

Repealing clause.

24. The Act passed in the fiftieth year of the reign of Her present Majesty, Chapter 1, entitled, "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," and the Act passed in the fifty-first year of the said reign, Chapter 9, entitled, "An Act to amend an Act passed in the fiftieth year of the reign of Her present Majesty, entitled, 'An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes,'" are hereby repealed: Provided that this repeal shall not be held to affect any penalty, forfeiture, or liability incurred under the said Act, or any proceedings for enforcing the same, had, done, completed, or pending at the time of this appeal, or any office, appointment, or authority or duty created, conferred, or imposed, or any right or privilege acquired or existing, or any licence granted under the authority of the said Acts; and provided further, that every person holding a licence under either of said Acts shall, as soon as practicable after the passing of this Act, surrender the same to the nearest Magistrate or Customs officer authorized to issue licences under this Act, who shall thereupon grant in lieu thereof a licence under the provisions of this Act for such purpose as the same shall be required; and any licence issued under the authority of said Acts, not so surrendered as soon as practicable, or within a reasonable period, shall be held to have been terminated, and to be of no further effect.

Proviso.

Time at which Act shall come into force.

25. This Act shall come into force at such date as shall be appointed by the Governor by his Proclamation.

Inclosure 2 in No. 162 A.

Report by Attorney-General upon Bait Act of Newfoundland (1889), 52 *Vict., Cap.* 6.

CHAPTER 6 consolidates with some amendments the Acts of the Sessions of 1887 and 1888 relating to the export and sale of bait fishes. No new principle is involved in the amendments, which relate only to the machinery and legal procedure for the enforcement of the provisions of the Act. The Act is to be brought into operation by Proclamation of the Governor.

No. 162 B.

Governor Sir T. O'Brien to Lord Knutsford.—(Received at the Foreign Office, December 12.)

Government House, St. John's, Newfoundland,
My Lord, *November* 25, 1889.

REFERRING to your Lordship's telegram of the 20th instant, I have the honour to transmit herewith a Report by the Attorney-General on the necessity of, and general scope of, the amended Bait Act passed at the last Session of the Legislature, which Report I trust will prove satisfactory to your Lordship.

I have, &c.
(Signed) T. O'BRIEN.

Inclosure in No. 162 B.

The Attorney-General, St. John's, to Governor Sir T. O'Brien.

Sir, *Attorney-General's Office, St. John's, November* 23, 1889.

IN obedience to your Excellency's request, I have the honour to submit the following Report in relation to the Act passed during the last Session of the Legislature, cap. 6, relating to the exportation and sale of bait fishes, for the purpose of pointing out the nature of the amendments therein made upon the Acts of the Sessions of 1887 and 1888, and the reasons which led to the adoption of those amendments.

The object of the Act of 1887, 50 Vict., cap 1, amended by that of 1888, 51 Vict., cap. 9, was to enable the Government to prohibit the sale, exportation, &c., of bait fishes, for the purpose of supplying bait to foreigners. (*Vide* section 1 of the Act of 1887, and section 8 of the Act of 1888.)

The object of the Act of this year is not to extend or alter in any way the purposes or intention of the former Acts, but only to provide more efficient methods of carrying them into effect.

It was found by experience that several difficulties presented themselves in enforcing the provisions of the Acts of 1887 and 1888.

The prohibitory clauses of those Acts expressly applied only to exportation, or to sale or other transaction for the purpose of exportation "for bait purposes."

The question of fact, to be determined in every case, whether the exportation or other transaction was "for bait purposes," was found to be frequently attended with great difficulty and doubt, arising from the peculiar nature of the fishery business at certain seasons and in certain places.

At, or nearly at, the same times and places at which the "bait fishes" are usually taken for "bait purposes," by and for our own fishermen for their fishery, and (formerly) for exportation to St. Pierre for the French, and for sale to United States' and Canadian fishermen, a large business has for years past been done in our waters in catching and exporting "fishes" of the same kind, particularly herring, for market in the United States and Canada, for consumption as food.

The Acts of 1887 and 1888 applied no restrictions, limitations, or conditions to this business.

It followed, as a matter of experience, that in many cases evasions of the Act took place, and prosecutions failed on account of the inability on the part of the prosecution to prove that the exportation in question was for "bait purposes," or rather that the statement of the accused, that it was for food purposes, was untrue.

It was therefore considered necessary to put the business of catching, buying, &c., these "fishes" for food purposes under some restrictions or conditions, in order to prevent its being used as a pretext for evading or defeating the object of the Act.

On the other hand, one of the provisions of the Acts of 1887 and 1888, in relation to the exportation for bait purposes, viz., that which required a licence for every sale or purchase for bait purposes, was attended with great difficulty in its application and enforcement.

In order to provide for the determination in any given case of the question of fact as to the purpose for which the exportation was intended, it was considered necessary to devise a complete system of regulations, applying to all the various classes of cases of shipping, conveying, exporting, &c., "bait fishes," known or practised in the Colony, in order that the particular kind of business against which the Act was directed might not be carried on under pretext or cover of a pretended other business.

Section 11 of the new Act applies to the various purposes for which bait fishes are usually taken, shipped, &c., and the various methods of dealing with them necessary to be placed under Regulation, in order to prevent the main object of the Act from being evaded or defeated.

The shipment, exportation, &c., being, as already stated, in all cases, for either one or other of two purposes, viz., for bait, or consumption as food, one general provision was first made applicable to every case, viz., that a licence must be obtained, setting forth and adapted to the kind of business in which the licence purposes to engage (sections 5 and 6).

The next practical difficulty attending the enforcement of the former Acts, especially as regards vessels belonging to other countries, arose from the want of power or jurisdiction over an offender, the offence of "exportation" not being complete until the offender had got beyond our jurisdiction, *i.e.*, outside the limit of our territorial waters. This difficulty it is intended to meet, as far as possible, by the provisions,

under section 7, relating to bonds with sureties, and, in cases of exportation to a foreign country, to proof of the landing of the cargo in such country.

The present Act also contains certain new provisions relating to evidence, the onus of proof, &c., rendered necessary by the peculiar nature of the business. The intention to "export," and to use the bait fishes for bait purposes, are facts as to which in any given case there would be no reasonable doubt in the mind of the Court, but as to which it is impossible in most cases to obtain direct and positive evidence. Sections 12 and 17 relate to this point.

Section 10 contains a new penal provision, viz., the confiscation of the "fish" unlawfully taken, &c. It also remedies a defect under the former Acts in relation to the power of the convicting Magistrate to confiscate, which, though intended, has been held not to have been given by the strict words of the Acts.

I have, &c.
(Signed) J. S. WINTER.

No. 163.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, December* 31, 1889.

I HAVE the honour to inform your Excellency that I communicated to Her Majesty's Secretary of State for the Colonies the note which M. Jusserand addressed to me on the 5th ultimo relative to the views held by Her Majesty's Government in regard to the action of the Commander of the French vessel of war "Bisson," in removing lobster-traps belonging to British subjects on the shores of Keppel Island, Newfoundland.

In that note M. Jusserand, in accordance with the instructions which he had received from the French Government, defended Captain Antoine's action on the ground that Mr. Shearer's lobster factory constitutes in itself a breach of French Treaty rights, and stated further that, since no British vessel of war was present, and Captain Antoine was in immediate expectation of the arrival of French fishing-vessels, that officer was justified in himself taking steps to keep the waters open for them.

M. Jusserand also maintained, as a general principle, that in the absence of British ships of war, the officers commanding French cruizers in Newfoundland waters have the right, which he asserts they have always exercised, to take the necessary steps to prevent infractions of Treaty engagements by British fishermen.

Her Majesty's Government cannot admit that there is anything in the Treaties which could be held to give to French vessels of war jurisdiction in British waters. Indeed, far from there being any foundation for M. Jusserand's contention that "la station navale Française a toujours, en l'absence des croiseurs Anglais, assuré elle-même le redressement des contraventions commises par les pêcheurs locaux," or for his statement that "ce régime a été accepté sans jamais donner lieu à des difficultés," &c., a reference to the correspondence will show that, on the contrary, acts of direct interference with British subjects which have from time to time been exercised by French ships of war off the coast of Newfoundland have invariably formed the subject of remonstrance on the part of Her Majesty's Government.

In any case in which it may appear to the Commander of a French vessel of war that French fishery rights are being interfered with, Her Majesty's Government consider that the proper course for him to adopt would be to apply to the nearest British naval officer on the first available opportunity.

Her Majesty's Government maintain that, in the absence of any express arrangement being in force to the contrary, sovereignty alone can justify such action as that taken in the present instance by a ship of war in territorial waters; and, as I had the honour to explain in my note to your Excellency of the 9th July last, and in the Memorandum which accompanied it, Her Majesty's Government cannot admit any claim on the part of France "to do anything implying in any degree the existence of French sovereignty in Newfoundland waters."

With regard to the general question as to whether or not British lobster factories are contrary to Treaty, Her Majesty's Government are unable to depart from the views which were fully set forth in my notes to your Excellency of the 23rd November, 1888, and the 28th March last.

Her Majesty's Government notice with regret that the pretensions put forward by the French Government in M. Jusserand's note are carried to a greater length than can be borne out by any interpetation of the Treaties, inasmuch as it is evident that the action on the part of Captain Antoine in removing Mr. Shearer's lobster-traps was taken not because they interfered with French fishermen, but because he anticipated that French fishing-vessels might arrive and desire to commence fishing operations on that part of the coast from which the British traps were removed.

Captain Antoine's proceedings, which would not have been justifiable even if Mr. Shearer had at the time been guilty of an infraction of the Treaty by interfering with French fishermen, appear to be of a still more unjustifiable character in the absence of any interruption to the French fishery rights, and became thereby an invasion of British territory.

I have, &c.
(Signed) SALISBURY.

No. 164.

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

My Lord, *Paris, January* 21, 1890.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, the report of a question on the subject of the Newfoundland fisheries put yesterday in the Chamber of Deputies by M. Flourens to the Minister for Foreign Affairs, and of the Minister's reply, and the short subsequent debate.

I have, &c.
(Signed) LYTTON.

Inclosure in No. 164.

Extract from the "Journal Officiel" of January 20, 1890.

Question.

M. le Président.—La parole est à M. Flourens pour adresser à M. le Ministre des Affaires Étrangères, qui l'accepte, une question sur les pêcheries de Terre-Neuve.

M. Flourens.—Messieurs, j'ai l'honneur de poser à M. le Ministre des Affaires Étrangères, qui veut bien l'accepter, une question sur les pêcheries de Terre-Neuve.

Cette question est motivée par les empêchements que les sujets de Sa Majesté Britannique à Terre-Neuve ont apportés à l'exercice des droits de pêche que la France possède sur une partie des côtes de cette île, et par l'intervention des officiers de la Marine Royale Britannique, qui, contrairement aux Traités, ont enlevé des engins de pêche déposés par nos nationaux pour l'exercice de leur industrie.

S'il ne s'agissait, dans cette affaire, que de l'intérêt des armateurs qui ont pu être directement lésés, quelque dignes de considération et de sympathie que pussent être ces intérêts, je ne serais pas monté à cette tribune; mais il s'agit de l'existence et de la conservation de nos pêcheries de Terre-Neuve; il s'agit de la dignité et de l'indépendance de notre marine marchande; il s'agit, à une époque surtout où, sous des prétextes humanitaires et philanthropiques, on parle de faire revivre cet ancien droit de visite qui porte atteinte à la liberté des mers, il s'agit de sauvegarder ce principe que, la première dans le monde, la France a proclamé, fait prévaloir, et respecter. (Très bien! très bien!)

La Chambre, dont le patriotisme n'a reculé devant aucun sacrifice pour assurer le développement normal de nos forces navales, est convaincue qu'à quelque degré de perfectionnement que la science puisse amener nos moyens d'attaque et de défense sur mer, la meilleure sauvegarde de la France sera toujours le dévouement de nos populations maritimes. Elle n'ignore pas que, pour une portion notable, l'existence de ces populations maritimes est attachée à la conservation des pêcheries de Terre-Neuve; elle sait que c'est dans ces pêches qui se prolongent pendant des saisons entières, sous des brumes éternelles et des ouragans incessants, que se forment ces

existences de marins qui résistent ensuite à toutes les épreuves comme elles atteignent à tous les héroïsmes. (Très bien ! très bien !)

Elle voudra donc bien, j'ose l'espérer, m'accorder quelques instants d'attention et de bienveillance pour le développement d'une question qui, en raison du très grand nombre de faits accumulés, ne laisse pas que d'être assez complexe. (Parlez.)

En 1713, le Traité d'Utrecht, qui nous a enlevé l'Acadie et les derniers vestiges de notre Empire du golfe du Saint-Laurent, que nous avions si rapidement conquis et si facilement colonisé, nous a laissés néanmoins, sur une partie des côtes de Terre-Neuve qui ont reçu le nom de " French Shore," des droits de pêche qui, dès cette époque, ont été reconnus indispensables à l'existence des populations maritimes du nord-ouest de la France, de Dunkerque à Brest et à Nantes.

Tous les Traités qui, depuis, se sont occupés de cette question—je citerai notamment le Traité de Versailles de 1783 et les Traités de Vienne de 1815—ont confirmé l'existence de ce droit.

Quelles sont la nature et la portée de ce droit ? C'est ce qu'il importe de bien préciser dès le début de cette discussion.

Si nous nous reportons aux différents textes que je viens de citer, nous arriverons à nous convaincre que ce droit, s'il est limité quant à l'étendue des côtes sur lesquelles il peut être exercé, s'il est limité quant à la saison pendant laquelle il est autorisé, est illimité quant à la nature et au genre de pêches qui peuvent être exercées ; qu'il est absolu, exclusif de toute concurrence étrangère.

Pour démontrer à la Chambre l'exactitude de mon assertion sur ce point, je n'aurai qu'à lui dire la Déclaration du Roi Georges en date du 3 Septembre, 1783, qui a été annexée au Traité de Versailles et qui fait partie intégrante de ce Traité :

" Pour que les pêcheurs des deux nations ne fassent pas naître de querelles journalières, Sa Majesté Britannique prendra les mesures les plus positives pour obtenir que ses sujets ne troublent en aucune manière par leur concurrence les pêches des Français pendant l'exercice temporaire qui leur est accordé sur les côtes de Terre-Neuve, et elle fera retirer à cet effet les établissements sédentaires qui y seront formés."

Ainsi, par cette Déclaration, l'Angleterre prenait vis-à-vis de la France un double engagement. D'abord, elle s'opposerait de la manière la plus positive à ce que ses sujets habitant Terre-Neuve fissent une concurrence quelconque, troublassent par leurs opérations les opérations de pêche de nos nationaux ; elle s'engageait en outre à faire supprimer et retirer tous les établissements sédentaires appartenant à des nationaux Britanniques sur toute l'étendue du " French Shore."

Nos droits paraissaient, à cette époque, si bien établis, si bien définis, que certains optimistes s'écriaient, en parlant de la perte du Canada : " Que nous importe d'avoir perdu sur des terres un droit improductif, puisque nous avons conservé un droit infiniment plus précieux : le droit de pêche, qui, lui, est efficace et productif ! "

Malheureusement, la conservation de ce droit de pêche devait donner naissance à bien des conflits et à bien des négociations.

Je craindrais d'abuser des instants de la Chambre si je tentais de faire ici l'esquisse même sommaire et rapide de l'ensemble de ces négociations. Il y a seulement deux points que je me bornerai à retenir, parce qu'ils me semblent essentiels pour la démonstration que je poursuis en ce moment.

D'abord, à aucune époque, sous aucun Gouvernement, la France n'a permis que le caractère exclusif et absolu de notre droit fût, en théorie, mis en contestation. A aucune époque non plus, jusqu'à la saison de pêche de 1889, la France n'a permis que le caractère exclusif de ce droit fût, en fait, méconnu.

A l'appui de cette assertion, sans remonter bien haut, je pourrais citer les déclarations qui ont été faites à la tribune du Sénat par le Gouvernement à propos des questions posées par l'honorable Amiral Véron en 1887 et en 1888 ; le Gouvernement y a affirmé de la manière la plus positive le caractère exclusif du droit, et ces Déclarations ont été portées, par les soins de notre Ambassadeur, à la connaisance du Gouvernement Anglais.

Voilà donc, Messieurs, quel est en théorie le terrain sur lequel le Gouvernement Français s'est toujours placé. Examinons maintenant quels ont été les faits.

En 1713, en 1783, et même en 1814 et en 1815, le " French Shore " était presque complètement inhabité. Aux termes des différents Traités passés à ces époques, il aurait dû rester inhabité, puisque, d'une part, en vertu de l'Article XIII du Traité d'Utrecht, les Français s'engageaient à n'y élever aucune construction permanente, à n'y avoir que des installations provisoires et temporaires qui devaient disparaître à la fin de chaque saison de pêche, et que, d'un autre côté, en vertu de la Déclaration

du Roi George III, les Anglais s'engageaient d'une façon non moins explicite et absolue à ne tolérer de la part de leurs nationaux l'existence d'aucun établissement sédentaire.

Néanmoins, peu à peu, les habitants de Terre-Neuve sont venus, et en quantité considérable, s'établir sur le "French Shore;" ils s'y sont introduits et glissés sous le couvert des services qu'ils rendaient à nos marins. Ils se sont fait tolérer en se chargeant de garder, pendant la morte-saison de pêche, le matériel et les approvisionnements que nos armateurs avaient intérêt à ne pas transporter chaque année de France à Terre-Neuve et de Terre-Neuve en France; ils se sont fait accepter aussi en se chargeant d'aller chercher dans l'île les bois qui devaient servir à la construction des ateliers provisoires où se prépare et sèche la morue; mais ils se sont fait agréer surtout en se chargeant de pêcher, pour nos marins et nos amateurs, les différents crustacés et poissons qui servent d'appât pour amorcer l'hameçon à l'aide duquel on prend la morue.

Ainsi, petit à petit, les habitants de Terre-Neuve se sont introduits et installés sur le "French Shore" comme auxiliaires de nos marins, sous le prétexte des services qu'ls rendaient à nos pêcheurs. Aujourd'hui, ils y sont en grand nombre et ils ne parlent de rien moins que de chasser et d'expulser tous les Français.

Préoccupés des conflits auxquels devait nécessairement donner naissance une situation aussi anormale et aussi contraire aux Traités, animés l'un et l'autre d'un égal désir—il faut le reconnaître et le proclamer hautement—de tarir ces sources de difficultés, au mois de Novembre 1885 les deux Gouvernements de la Grande-Bretagne et de la France posèrent les bases d'une Convention nouvelle. Cette Convention, qui donnait aux habitants de Terre-Neuve des avantages considérables, devait calmer leurs appétits, assouvir leurs convoitises, et prévenir les différends.

Cette Convention a reçu l'approbation des deux Gouvernements. Non seulement le Gouvernement Anglais l'a approuvée, mais dans un 'discours du Trône, dans un Message de la Reine d'Angleterre au Parlement, la Reine s'est félicitée hautement d'avoir pu conclure un arrangement qui devait supprimer la cause de difficultés entre deux peuples voisins et amis.

Malheureusement les sentiments qui animaient la Reine d'Angleterre et son Gouvernement n'étaient pas ceux qui guidaient le Parlement de Terre-Neuve, et ce Parlement était beaucoup plus préoccupé de satisfaire les convoitises de certains riches industriels que les désirs de sa gracieuse Souveraine. Par ses refus successifs, il fit avorter la Convention. Non content de ce premier succès et poussant plus loin ses avantages, il vota une Loi qui a reçu le nom de "Bill-boët."

La "boët" est le terme générique dont on se sert dans ces parages pour désigner toute espèce d'appât destiné à amorcer les différents engins employés à la pêche. Par cette Loi, le Parlement de Terre-Neuve interdisait à tous les habitants de cette île de vendre à tous nos pêcheurs les appâts qui leur étaient nécessaires. Le but de cette prohibition ne pouvait pas être contesté et il ne l'était pas: c'était de nous rendre impossible la pêche sur le banc de Terre-Neuve. Il faut rendre cette justice au Gouvernement Anglais, qu'il hésita longtemps à donner à cette Loi l'approbation qui était nécessaire pour qu'elle devînt exécutoire contre nous.

La diplomatie Britannique eut des scrupules—et on sait que la diplomatie Britannique n'a pas des scrupules à la légère.

Le Gouvernement Anglais, qui se réclame volontiers des principes de libre échange, qui se targue de son attachement à ces principes et qui en tire, le cas échéant, des bénéfices appréciables, comprit ce qu'il y avait d'anormal et d'exorbitant à sanctionner une prohibition aussi sauvage et aussi monstrueuse. Sauvage et monstrueuse non seulement vis-à-vis des Français puisqu'elle n'avait évidemment d'autre but que de leur nuire, que de rendre inefficace à leur détriment la clause d'un Traité au bas duquel était la signature de la Grande-Bretagne, mais sauvage encore et monstrueuse vis-à-vis de la population de Terre-Neuve, population pauvre dont l'industrie de la fourniture des appâts était la principale ressource, à qui elle rapportait plus d'un million par an, population qui se sentait exploitée et pressurée au profit de quelques riches industriels établis sur la côte et qui, pour la plupart, ne sont pas même habitants de Terre-Neuve, mais viennent des côtes de la Nouvelle-Écosse ou des Iles du Prince-Édouard. Le Gouvernement Anglais hésita donc, tergiversa pendant deux ans, mais finit par céder. Depuis quelques années, la Grande-Bretagne semble ne gouverner ses Colonies qu'à la condition de leur obéir.

Le "Bill-boët" fut ratifié. Cette ratification entraînait pour le Gouvernement Français de nouvelles obligations et de nouveaux devoirs, sous peine de laisser péricliter une industrie dont j'ai signalé tout à l'heure à la Chambre l'importance nationale.

Le Gouvernement comprit et agit avec promptitude et décision. Il fit procéder à une exploration méthodique des différentes baies du "French Shore," fit reconnaître parmi ces baies celles qui présentaient le plus d'avantages pour la pêche de l'appât. Ce travail, confié à un officier supérieur très distingué, le Commandant Humann, qui est aujourd'hui Contre-Amiral, a été publié par les soins du Ministère de la Marine et distribué aux Chambres de Commerce, qui l'ont porté à la connnissance des intéressés. Mais avoir constaté la possibilité de se passer du concours des habitants de Terre-Neuve pour la pêche de l'appât, avoir déterminé les baies dans lesquelles cette pêche pouvait être exécutée, ce n'était là qu'une partie de la tâche qui incombait au Gouvernement, et ce n'était peut-être pas la plus difficile.

En effet, la pêche de l'appât devait être coûteuse parce qu'elle nécessiterait des équipages plus nombreux et des engins particuliers, et elle ne pouvait pas être par elle-même lucrative, puisqu'elle ne pouvait s'exercer que pendant une période de temps très courte, au moment où les navires banquiers viennent s'approvisionner à la côte. Mais le Ministère de la Marine se convanquit que si à l'industrie de la pêche de l'appât on joignait celle de la fabrication des conserves de homard, l'opération pouvait devenir fructueuse.

En effet, depuis quelques années l'industrie de la fabrication des conserves de homard a pris une grande extension dans ces parages. Sur le "French Shore," des fortunes considérables se sont faites rapidement. Si on consulte les États de statistique qui sont dressés chaque année par le Gouvernement de Terre-Neuve, on arrive à reconnaître qu'en 1885 les exportations de Terre-Neuve, en conserves de homard, pour la France, se sont élevées à 144,000 kilog.; en 1886, à 185,000 kilog.; et en 1887, à 555,000 kilog., représentant une valeur totale de 3,500,000 fr.

Malgré les attraits que pouvaient exercer sur certains esprits les bénéfices à réaliser dans cette opération, le Ministère de la Marine eut beaucoup de peine à déterminer les industriels à exposer leurs capitaux dans cette entreprise.

Après de nombreuses démarches, on mit enfin la main sur un armateur de Nantes, M. Thubé, qui, avec deux associés, consentit à risquer l'entreprise.

M. Thubé se fit complètement l'homme de l'Administration; il se mit en rapport direct avec les représentants du Ministère de la Marine; il suivit de tous points leurs conseils et leurs instructions, se soumit aux prescriptions de la Circulaire Ministérielle du 6 Octobre, 1887, émanant de M. Barbey, qui était alors, comme aujourd'hui, Ministre de la Marine.

M. Thubé se rendit au point indiqué et exerca son industrie exactement dans les conditions prescrites.

M. Thubé rendit ainsi des services appréciables. Il arriva, en fondant l'industrie nouvelle pour nous de la pêche de la boët, à approvisionner à l'instant opportun et en fort peu de temps plus de douze cents pêcheurs et vingt navires banquiers. C'était un premier service rendu à notre industrie de la pêche de Terre-Neuve.

De son côté, notre Gouvernement tenait, en 1888, scrupuleusement les engagements pris vis-à-vis de M. Thubé.

Sous la direction du Ministère des Affaires Étrangères, le Ministère de la Marine et des Colonies donna des instructions très fermes et très précises.

Le Commandant de la Division Navale recut l'ordre de faire respecter les droits exclusifs de nos nationaux; il s'en acquitta avec fermeté et modération.

Deux associés Anglais, MM. Andrews et Murphy, vinrent s'établir auprès de M. Thubé pour lui faire concurrence et entraver ses opérations. M. Thubé signala le fait au Commandant de la Division Navale, qui se rendit sur les lieux et expulsa les intrus. Cet acte de vigueur fut approuvé sur toute la côte et produisit le meilleur effet; il fut approuvé non seulement par nos nationaux, mais même par les habitants de l'Ile de Terre-Neuve, qui, ainsi que je l'ai dit, sont exploités, non moins que leurs crustacés ou leurs poissons, par ces industriels étrangers venant des côtes voisines.

Non seulement cet acte ne souleva que des approbations à Terre-Neuve, mais le Gouvernement Anglais lui-même reconnut la parfaite correction de cette manière de procéder. En effet, les Sieurs Andrews et Murphy rédigèrent une protestation qu'ils adressèrent au Gouvernement Anglais. Celui-ci rejeta cette protestation. Les termes de cette décision méritent d'être mis sous tous les yeux de la Chambre, car ils définissent très bien, suivant moi, la situation juridique. La voici :—

"J'ai l'honneur de vous demander—répond-on au nom du Gouvernement Anglais—de vouloir bien me faire savoir quel droit ces messieurs—Andrews et Murphy—ont sur les terrains où ils ont commencé à construire leur usine." Ainsi le Gouvernement

Anglais reconnaissait parfaitement que ces nationaux n'avaient à faire valoir aucun droit sur le " French Shore " où ils avaient construit leur usine.

Cette décision du Gouvernement Anglais est d'autant plus importante à noter que les réclamations des Sieurs Andrews et Murphy étaient fondées sur une distinction à la fois scientifique et juridique qui a cours parmi les politiciens de Saint-Jean à Terre-Neuve, qui fait la base principale de leur argumentation contre nous : " Les Français," disent-ils, " ont le droit de pêcher, c'est vrai, mais ils n'ont que le droit de pêcher. Or, on ne pêche que des poissons. Les homards sont des crustacés ; donc on ne peut pas pêcher des homards, et les Français n'ont pas le droit de capturer des homards."

Cette distinction, un peu subtile, est en contradiction avec le texte des Traités et avec l'application constante qu'ils ont reçue depuis 1713.

Mais je veux bien un instant me placer sur ce terrain du droit strict sur lequel témérairement peut-être nous appellent en ce moment les habitants de Terre-Neuve. J'admets un instant, quoique le fait ne soit pas exact, que nous n'ayons pas le droit de pêcher le homard sur le " French Shore," il ne s'ensuivrait nullement que les Anglais auraient le droit d'exercer cette pêche. (Très bien ! Très bien !) Le Gouvernement Anglais, d'une part, ne doit pas tolérer là des constructions d'établissements permanents. Or, les homarderies Anglaises, à la différence des homarderies Françaises, sont toutes permanentes.

D'autre part, le Gouvernement Anglais s'est formellement engagé à ne pas permettre que les pêcheurs Britanniques troublassent par la concurrence, d'une façon quelconque, les opérations de pêche de nos marins à Terre-Neuve. Or, les homardiers de Terre-Neuve pratiquent leur industrie dans des conditions telles que non seulement ils troublent les opérations de nos pêcheurs, mais qu'ils les rendent impraticables, impossibles.

En effet, ils placent à l'entrée des baies des casiers en bois grossièrement faits, pour prendre les homards. Ces casiers accrochent et déchirent au passage les sennes et les filets de nos pêcheurs, et les rendent inutilisables ; d'autre part, en établissant à l'entrée des baies, soit des trappes pour empêcher le saumon de sortir, soit des casiers, ils empêchent la morue d'entrer dans les baies du " French Shore ;" ils l'effrayent et la morue gagne les bas-fonds où il devient impossible de la prendre.

Il faut savoir que la morue, à mesure qu'elle remonte vers le détroit du Labrador, sentant le fond diminuer, devient très méfiante et qu'il faut que le capitaine chargé de la pêche dans une baie emploie les plus grandes précautions pour qu'elle consente à entrer dans cette baie.

Les pêcheurs Anglais, soit consciemment, soit insciemment, soit qu'ils veuillent ou non nous décourager par le peu de soin qu'ils apportent à la disposition de leurs engins de pêche, trappes ou casiers, effrayent le poisson et l'empêchent de pénétrer dans les baies.

Ainsi donc, si on se place sur le terrain du droit, le Gouvernement Français devrait—ce serait son devoir strict et absolu—faire supprimer toutes les homarderies Anglaises et faire interdire la pêche du homard, puisque telle qu'elle est pratiquée elle constitue une gêne et une entrave à nos opérations de pêche.

Quoi qu'il en soit, comme je l'ai expliqué tout à l'heure à la Chambre, en 1888 le droit exclusif des pêcheurs Français avait été proclamé par le Gouvernement Français, il avait été respecté par le Gouvernement Anglais lui-même.

Il n'en a malheureusement pas été de même en 1889. En 1889 comme en 1888, le Ministre de la Marine s'est adressé à M. Thubé et lui a demandé de recommencer les expériences qu'il avait faites avec un résultat satisfaisant l'année précédente.

En 1889 comme en 1888, M. Thubé s'est mis dans la main de l'Administration. Il s'est rendu sur les points qui ont été arrêtés d'un commun accord, et il y a exercé son industrie dans les conditions qui ont été déterminées et spécifiées.

Mais en 1889, à la différence de ce qui s'est passé en 1888, quand il a réclamé le concours de la division navale Française, quand il a signalé l'établissement des pêcheurs Anglais établis à côté de lui et qui lui rendaient impossible, impraticable, l'exercice de son industrie, le Commandant de la division navale a dû répondre qu'il n'avait pas d'instructions suffisantes et qu'il ne lui était pas permis de procéder à l'expulsion des pêcheurs.

Et pour se rendre compte de l'étendue du préjudice causé par cette décision, par cette abstention du Commandant de la Division Française, par ce refus de l'aide et de l'assistance promises, il faut savoir que la constitution des baies de Terre-Neuve est telle qu'il est matériellement impossible que deux armateurs, fussent-ils de la même nationalité, y exercent concurremment la pêche.

C'est sur cette nécessité absolue, contrôlée par une expérience plus que séculaire, qu'est basée l'économie de tous les Décrets, jusqu'au dernier, datant du 22 Mars, 1862, actuellement en vigueur, qui ont réglementé la pêche sur les côtes de Terre-Neuve. Par conséquent, en autorisant la concurrence du pêcheur Anglais vis-à-vis du pêcheur Français, on ne rendait pas moins fructueuse les opérations du pêcheur Français, on les rendait absolument impossibles.

J'ai sous les yeux les lettres, les réclamations, et les protestations du Commandant de Pêche envoyé par M. Thubé, le Capitaine Philippe. Il écrit au Commandant de la Division Navale Française de Terre-Neuve, aux Commandants de nos différents croiseurs, le "Drac," le "Bisson," &c.; il réclame l'aide et l'assistance promises, il signale les agissements qui tendent à provoquer des rixes entre les hommes de son équipage et les hommes employés par les homarderies, qui sont en plus grand nombre et deviennent provoquants; il indique que la situation est si défavorable que, fait sans précédent dans les annales de Terre-Neuve et que les plus vieux pêcheurs ne se rappelaient pas avoir vu, l'équipage Français ne peut pêcher assez de poisson pour amorcer les hameçons et même pour nourrir ses hommes.

Et cela se résume dans cette exclamation mélancolique d'un homme de Terre-Neuve: "Je n'ai jamais eu plus d'Anglais sur le dos et moins de poissons dans le ventre."

Aux protestations, aux réclamations de M. Philippe se sont jointes les lettres adressées par M. Thubé aux Ministres de la Marine et des Affaires Étrangères; le Ministre de la Marine renvoie au Ministre des Affaires Étrangères; ce dernier ne répond pas. Aux protestations de M. Thubé s'ajoutent les délibérations des Chambres de Commerce de Nantes et de Saint-Malo.

Cependant, à la suite des réclamations de M. Thubé ou de son capitaine, la division navale Française était venue stationner devant la baie où M. Thubé exerçait ses opérations; mais, à la nouvelle que la division Anglaise approche, la division Française lève l'ancre et disparaît à l'horizon. (Mouvements divers.)

Immédiatement apparaît la division navale Anglaise. C'est d'abord le Capitaine Walker, à bord de "l'Émeraude," qui adresse une première sommation, que j'ai ici, au Capitaine Philippe, d'avoir à cesser des opérations de pêche qui constituaient, d'après lui, une concurrence illicite aux pêcheries Anglaises.

Le Capitaine Philippe ne tient pas compte de ces avertissements. Arrive le Commandant Russell, à bord du navire le "Lys," de la Marine Royale Britannique, qui adresse une sommation nouvelle au Capitaine Philippe. Celui-ci répond avec modération mais dignité qu'il ne connaît que les officiers de la division Française, qu'il ne doit obéissance qu'à eux, qu'il est là en vertu des ordres de son patron, conformément aux instructions de son Gouvernement, et qu'il ne quittera son poste que lorsqu'il en recevra l'ordre écrit des officiers Français.

Le Commandant Russell fait alors débarquer des hommes de son équipage et enlever les engins de pêche.

La Chambre me rendra, je l'espère, cette justice que je ne cherche pas à passionner le débat, que je me renferme dans la discussion calme et impartiale de nos droits. (Très bien! très bien! sur divers bancs.)

Mais il m'est impossible de taire le sentiment que j'éprouve et que, j'en suis sûr, vous éprouvez tous (Très bien! très bien!) au spectacle de la division navale Française levant l'ancre à l'approche de la division navale Anglaise, comme si elle n'était plus sûre de la légitimité de l'action qu'elle est appelée à exercer à Terre-Neuve, comme si elle avait perdu confiance et dans sa force et dans son droit; au spectacle, aussi, d'un capitaine de la marine marchande mis dans un poste qui a été désigné par le Ministre de la Marine—j'ai les pièces à mon dossier—qui répond que, placé là par son Gouvernement, il ne peut se retirer que sur les ordres de ce Gouvernement, et qui est obligé néanmoins de subir la mainmise étrangère. (Très bien! très bien!)

Je n'insiste pas, Messieurs: mais de l'ensemble des faits que je viens d'exposer, il me semble résulter avec évidence que le Parlement de Saint-Jean de Terre-Neuve suit un plan méthodique et raisonné pour arriver à un triple résultat. D'abord il veut expulser complètement et définitivement les Français de toute l'étendue du "French Shore."

Il veut ensuite, en nous rendant impossible de nous procurer l'appât, ruiner et anéantir nos pêcheries sur le banc de Terre-Neuve. Il veut enfin supprimer la concurrence que la morue Française fait sur certains marchés de l'Europe à la morue Anglaise.

En 1887, l'application du "Bill-boët" a été le premier pas dans cette voie. Il a été, suivant l'expression d'un orateur du Parlement de Terre-Neuve qui s'est fait à ce

moment l'interprète des sentiments qui étaient ceux de ses collègues, le premier acte de la pièce contre les abominables Français. On voulait nous rendre impossible la pêche par la suppression de l'appât. Nos marins ont détourné le coup et ils ont trouvé le moyen de se procurer de l'appât en dehors de l'intervention et du concours des habitants de Terre-Neuve.

En 1889, l'enlèvement des engins de pêche destinés à capturer le homard qui sert d'appât pour la pêche de la morue, par les officiers de la division navale Anglaise, constitue le second acte.

En présence d'un plan conduit avec cet esprit de suite, on se demande si le Parlement Français doit, à son tour, se désintéresser complètement de la question. Il ne s'agit pas, en effet, seulement, comme je le disais au début de mes observations, d'un intérêt personnel. Il ne s'agit même pas d'un intérêt exclusivement local, il ne s'agit pas seulement de l'intérêt de tous les armateurs, industriels, ou fournisseurs, qui, à un titre quelconque, tirent bénéfice ou vivent de la pêche à la morue. C'est une pêche qui, bon an mal an, rapporte 30 à 40 millions à nos pêcheurs du littoral et pour laquelle on dépense, en achats de vivres et approvisionnements, une dizaine de millions chaque année; mais il s'agit d'un intérêt supérieur, suivant moi: il s'agit de savoir si, cette pêche venant à disparaître, les 16,200 inscrits maritimes pour lesquels elle constitue une ressource indispensable, pourront y suppléer, et, s'ils ne peuvent y suppléer et si ces inscrits maritimes sont obligés de s'expatrier, comment M. le Ministre de la Marine pourra les remplacer dans les cadres de ses équipages. Voilà la question.

La Chambre l'examinera et l'appréciera.

Quant à moi, je me borne à poser à M. le Ministre des Affaires Étrangères une question bien simple et bien claire et à laquelle, je crois, il lui sera aisé de répondre.

Nous sommes arrivés au moment où les navires destinés à aller pêcher à Terre-Neuve terminent leurs armements et doivent quitter leur port d'attache. En 1888 et en 1889, le Gouvernement n'a pas suivi la même ligne de conduite, ainsi que je l'exposais tout à l'heure à la Chambre. De cette contrariété dans la manière d'agir dans les décisions du Gouvernement est née une grande irrésolution de la part des armateurs et une complète incertitude sur les résolutions à prendre.

Il s'agit de savoir si, en 1890 comme en 1888, le Gouvernement dira aux pêcheurs: Je vous donne ma protection et s'il les protégera, ou si, en 1890 comme en 1889, le Gouvernement s'abstiendra et ne donnera pas aux pêcheurs et armateurs Français la protection sur laquelle ils se croyaient jusqu'ici en droit de compter. Je reconnais que M. le Ministre des Affaires Étrangères a le droit absolu de me faire sur ce point, sous sa responsabilité, devant la Chambre et le pays la réponse qu'il jugera la plus opportune. Mais M. le Ministre des Affaires Étrangères pensera comme moi qu'il faut absolument que les intéressés soient fixés, et qu'il n'est pas admissible qu'en 1890 comme en 1889 le Gouvernement dise aux armateurs: "Allez à tel endroit; j'y serai à côté de vous et je vous y protégerai," et refuse ensuite cette protection et livre nos nationaux à l'abandon, à la ruine, et à la mainmise étrangère.

M. le Comte de Lanjuinais et plusieurs Membres à Droite.—Très bien! très bien!

M. Flourens.—M. le Ministre de la Marine et M. le Ministre des Affaires Étrangères voient très nettement le point sur lequel je pose exclusivement ma question. Je désire savoir quelles sont les instructions données. Il ne m'appartient pas de préjuger, à aucun degré, la réponse que va me faire M. le Ministre des Affaires Étrangères, mais j'ai lu dans certains journaux que M. le Ministre des Affaires Étrangères devait me répondre qu'il avait l'intention de porter la question devant un arbitre; dans d'autres journaux j'ai lu qu'il avait l'intention de me répondre qu'il avait engagé ou qu'il allait engager des négociations.

Je voudrais prévenir toute équivoque et tout malentendu.

Ces deux réponses ne satisfont pas à la question précise que je pose.

Personne plus que moi n'est partisan de l'arbitrage, personne plus que moi ne désire le voir se généraliser, car c'est la manière la plus conforme à l'esprit de notre siècle de terminer les conflits entre peuples civilisés; mais pour qu'il y ait arbitrage, il faut qu'il y ait matière qui puisse y donner lieu. Pour qu'il y ait matière à arbitrage, il faut qu'il y ait un droit contesté. Or, ici il ne s'agit pas d'un droit contesté, notre droit ne l'est pas, il n'est pas même contestable (Marques d'assentiment); il s'agit de savoir si le Gouvernement a l'intention de faire respecter notre droit.

Si M. le Ministre des Affaires Étrangères me répondait qu'il y a des négociations engagées, ce n'est pas pour obtenir de lui une déclaration de cette nature que je me serais permis de déranger M. le Ministre des Affaires Étrangères; ce que je lui

demande c'est de savoir si, nonobstant toutes négociations à engager ou engagées, dès à présent, nos armateurs sont fixés sur l'étendue de leurs droits, sur les opérations qui leur seront permises dans la prochaine campagne de pêche. (Applaudissements sur divers bancs.)

M. le Président.—M. le Ministre des Affaires Étrangères a la parole.

M. Spuller (Ministre des Affaires Étrangères).—Messieurs, après l'exposé si clair, si complet, que vient de faire M. Flourens de la question qu'il s'était proposé depuis longtemps de m'adresser, il me semble que j'aurais le droit d'y répondre en très peu de mots. Je n'ai, en effet, rien à apprendre à la Chambre de plus que ce que vient de lui enseigner mon honorable collègue et prédécesseur au Ministère des Affaires Étrangères.

Il a repris la question dans ses origines, il l'a suivie dans ses développements et finalement il l'a amenée au point où nous en sommes, pour me poser la question qui l'intéresse.

Cependant, en suivant ces développements, en les écoutant avec l'attention que mérite l'orateur, je me suis trouvé en dissentiment avec lui sur plus d'un point.

Il est dans cette affaire des côtés qu'il a volontairement négligés, ou plutôt qu'il a laissés dans l'ombre. Il en est d'autres, au contraire, sur lesquels il a plus particulièrement insisté. Ces points touchent à des questions d'une nature extrêmement délicate, et je dirai sans détours que l'honorable orateur jouit de plus de liberté que je n'en ai moi-même pour les discuter dans tous leurs éléments.

La question des pêcheries de Terre-Neuve est très ancienne. L'honorable M. Flourens a rappelé que, depuis le Traité de 1713, bien que nos droits n'aient jamais été contestés théoriquement—car ils ne peuvent pas l'être sur le terrain des principes—il y a eu constamment dans la pratique des incidents de fait qui ont amené des contestations pouvant aboutir même à de véritables conflits, mais qui se sont toujours jusqu'à présent, grâce aux dispositions conciliantes des deux Gouvernements, terminées par des solutions à l'amiable.

Très vraisemblablement, tant que la situation actuelle durera, les mêmes causes de contestations subsisteront; mais il faut espérer qu'en y apportant de part et d'autre un égal désir de conciliation, les mêmes solutions amiables réussiront à prévaloir.

Ce droit de pêche qui nous appartient à Terre-Neuve est une sorte d'usufruit dont nous jouissons dans un pays qui ne nous appartient pas, sur lequel nous n'avons pas une pleine souveraineté, aux termes des Traités. Nous n'allons à Terre-Neuve que pour y exercer—je me servirai d'un mot Anglais, bien que l'usage de cette langue ne me soit pas familier (Rires)—notre droit de "fishing," que pour y pêcher et seulement que pour y pêcher et cela pendant la saison, juste le temps nécessaire, passé lequel nos pêcheurs doivent rentrer chez eux. A cet égard, les dispositions des Traités sont formelles.

Pendant très longtemps, pendant plus d'un siècle, depuis le Traité d'Utrecht, les parages de Terre-Neuve où le droit de pêche nous est réservé ont été ainsi dans l'océan Atlantique et dans le golfe Saint-Laurent comme une sorte de domaine special, qui n'était en quelque sorte habité, fréquenté, que pendant la saison de la pêche.

Un Membre à Droite.—C'est encore aujourd'hui comme cela.

M. Riotteau.—Il s'agit du grand banc. Le grand banc n'est pas Terre-Neuve.

M. le Ministre des Affaires Étrangères.—Cependant personne n'ignore que la colonie de Terre-Neuve, car il ne s'agit aucunement des bancs, a pris un développement considérable, surtout depuis les derniers Traités, ceux de 1815, qu'il y a aujourd'hui à Terre-Neuve toute une population fort active, très industrieuse, et même ambitieuse.

M. Riotteau.—Elle n'a aucun droit sur le grand banc; c'est un terrain neutre.

M. le Ministre.—Qui supporte difficilement toute espèce de voisinage; et je n'apprendrai à personne, pas même à ceux qui n'ont pas l'habitude d'aller à Terre-Neuve tous les ans, que cette population professe hautement la doctrine que Terre-Neuve appartient ou doit appartenir—je ne dis pas aux Anglais, ni aux Français—mais aux Terre-Neuviens.

M. Riotteau.—Le grand banc n'a rien à voir dans la question, c'est des rivages même du "French Shore" qu'il s'agit.

M. le Ministre.—En effet, et quoi qu'il en soit de la doctrine en question, les Traités subsisteront toujours dans toute leur intégrité, quelle que soit la destinée politique de Terre-Neuve.

Nul ne pourrait songer à violer les droits de la France sans s'exposer à de justes et nécessaires revendications. Personne ne peut avoir une pareille idée.

Il n'en est pas moins vrai qu'il est absolument impossible de ne pas tenir compte d'un phénomène relativement moderne, et dont les conséquences sont loin d'être épuisées, je veux parler de l'accroissement de la population de Terre-Neuve, des appétits et de l'ambition de cette population ; et la preuve que vous êtes obligés d'en tenir compte, je le trouve dans ce fait que les négociations dont a parlé M. Flourens, que nous avons engagées avec l'Angleterre en 1885, qui avaient obtenu l'assentiment du Gouvernement de la Reine Victoria et qui étaient annoncées comme devant mettre fin à des difficultés datant de plus d'un siècle, ont finalement échoué parce qu'elles se sont heurtées à la résistance du Parlement local de Terre-Neuve (exclamations et rumeurs sur un grand nombre de bancs), résistance dont le Gouvernement de la Métropole n'a pu triompher. (Interruptions à Gauche.)

M. Burdeau.—Nous ne pouvons pas admettre une théorie semblable.

Plusieurs Membres à Gauche.—Nous ne pouvons donc pas nous faire respecter.

M. le Ministre.—C'est assez vous faire voir, Messieurs, que toutes ces questions sont complexes.

M. le Provost de Launay.—Nous ne sommes pss défendus à Londres pas plus dans cette question que quand il s'agit des bestiaux.

M. de Lamarzelle.—Tous vos prédécesseurs ont fait respecter nos droits.

M. le Ministre.—J'étais obligé de faire remarquer à la Chambre que la question des pêcheries de Terre-Neuve a revêtu un caractère différent de celui qu'elle a longtemps présenté. Si vous ajoutez à cela un événement qui s'est produit il y a trois ou quatre ans et qui a changé en quelque sorte la nature et déplacé pour ainsi dire le point vif des difficultés qui dans la pratique ont toujours existé entre les deux pays—je veux dire les tentatives faites récemment non seulement pour molester la pêche de la morue, mais aussi pour empêcher celle du homard—vous comprendrez le caractère et la gravité des embarras nouveaux en présence desquels nous nous trouvons aujourd'hui.

C'est qu'en effet, Messieurs, la pêche du homard à Terre-Neuve est de date toute récente. On ne le pêche guère que depuis 1885, et ce n'est, pour le dire en passant, que le petit côté de la question des pêcheries Françaises. J'ai là sous les yeux le chiffre des bateaux et le nombre des hommes employés à cette pêche. La pêche du homard n'intéressait, et encore partiellement, l'année dernière, que onze navires et 474 pêcheurs, au service de quatre armateurs seulement.

Comparez ces faibles chiffres aux chiffres des bateaux, au nombre des pêcheurs que la pêche de la morue continue à employer, car cette industrie que l'on dit si menacée va au contraire en se développant tous les ans, ainsi qu'en témoignent les Rapports des Commandants de notre station navale, et vous verrez alors, réduite à ses véritables proportions, l'importance toute relative de la question qui nous est posée par l'honorable M. Flourens au nom de l'un des armateurs pour la pêche du homard.

En 1889, la pêche de Terre-Neuve a employé 9,581 pêcheurs et 797 navires ; c'est une augmentation sensible sur les chiffres des années précédentes.

En effet, voici la progression :—

En 1887, la pêche à Terre-Neuve avait occupé 699 navires et 7,158 hommes ; en 1888, 836 navires et 8,949 hommes.

Nous sommes donc en droit de constater que la pêche à la morue, la grande pêche, comme on dit, est toujours florissante à Terre-Neuve.

Quant à la pêche du homard, on n'a guère songé à y recourir qu'en 1885, à la suite de la diminution momentanée de la morue, à cette date, sur la côte ouest. Nos pêcheurs et nos armateurs cherchèrent très légitimement dans l'exercice de la pêche du homard la source do nouveaux profits. Mais l'initiative intelligente et hardie qu'ils prirent à cet égard fut également, il ne faut pas se le dissimuler, l'origine et la source des difficultés nouvelles que M, Flourens vous a spirituellement fait connaître. Nos concurrents ont prétendu au droit de distinguer entre la morue, qui serait un poisson, et le homard, qui serait un crustacé. (Rires sur divers bancs.)

A Droite.—Qui est ! qui est !

M. le Ministre.—Messieurs, le Traité d'Utrecht, entre autres avantages, a celui de ne pas distinguer entre poissons et crustacés. Je crois que ceux qui l'ont rédigé, que les savants même qui s'occupaient de ces matières à cette époque, ne distinguaient pas entre les différentes espèces vivant au fond de la mer. Dans notre opinion, cette distinction n'a jamais été faite par les Traités qui établissent nos droits, et tous les Ministres des Affaires Étrangères se sont prononcés dans ce sens. Exprimée au Sénat en 1887, par l'honorable M. Flourens, et en 1888 par mon honorable prédécesseur M. Goblet, cette opinion est toujours la nôtre, et je la reprends aujourd'hui avec la

même netteté et la même conviction ; le droit reconnu à la France est absolu, sans aucune restriction ; ce droit de pêche doit s'entendre du homard comme de la morue, comme de toutes les espèces vivant au fond de la mer, et nous avons le devoir de protéger ceux de nos marins qui exercent ce droit, sans s'occuper des distinctions que l'on essaye d'établir. (Très bien ! très bien ! sur divers bancs.)

Mais, Messieurs, si je déclare à la tribune sans aucune difficulté d'ailleurs, que telle est notre doctrine, il ne faut pas conclure que cette doctrine ne soit pas contestée. Tout au contraire, sur le terrain même des principes, dans le domaine théorique dont nous parlions tout à l'heure, on la conteste formellement. Le Gouvernement Anglais, je ne dis pas seulement le Parlement local de Terre-Neuve, conteste formellement aux pêcheurs Français le droit de capturer le homard.

M. de Lamarzelle.—C'est nouveau, cela ?

M. le Ministre.—Pas du tout ! Telle a toujours été la prétention du Gouvernement Anglais, depuis que la pêche au homard s'est développée.

M. Freppel.—Mais les Traités ne distinguent pas.

M. le Ministre.—C'est, en effet, notre opinion et tous nos efforts tendent à la faire prévaloir. Aussi bien, si le débat portait uniquement sur la différence qui peut exister en histoire naturelle, entre la morue et le homard, entre le poisson et le crustacé, le débat serait de peu d'intérêt ; mais nous sommes obligés d'en venir à l'examen des conséquences de cette distinction, qui offre un intérêt plus pratique. En effet, la pêche de la morue se fait, en camp volant, si vous me permettez cette expression, qui a si longtemps existé : on va, on vient, on prend le poisson, on le tranche, on le sale, on le fait sécher, puis l'on part, on s'en va, et on ne laisse rien après soi.

Il n'en est pas de même du homard, qui exige un tout autre apprêt, avec des installations toutes différentes.

Et c'est précisément une des questions sur lesquelles on négocie en ce moment ; c'est ce qu'on appelle la question des homarderies.

Cet échange de vues dont je vous entretiens, Messieurs, dure déjà depuis quelque temps, puisque dans le discours qu'il a prononcé en 1887 devant le Sénat l'honorable M. Flourens déclarait à l'Amiral Véron qu'il jugeait inopportun et imprudent de pousser plus loin l'examen de la question, attendu que des négociations étaient pendantes et qu'il convenait de leur laisser un libre cours. Eh bien, Messieurs, ces négociations durent encore ; elles ne sont pas terminées, d'abord parce que toute négociation qui porte sur des questions de détail comporte une série d'examens faits à diverses reprises et à des points de vue différents ; mais aussi—et je veux l'ajouter toute de suite—parce qu'elles se compliquent souvent, trop souvent, de réclamations particulières.

M. de Lamarzelle.—Mais celui de nos nationaux auquel vous faites allusion, c'est vous-même qui l'avez engagé à aller à Terre-Neuve.

M. le Ministre.—M. Thubé, puisque c'est de lui qu'il est question, m'a fait l'honneur de venir me voir, pour me tenir au courant de ce qui lui est arrivé cette année. J'ai écouté attentivement les explications qu'il me donnait, avec le sincère désir de le soutenir dans ses réclamations. Il m'a averti qu'au cours de la campagne de 1889 le capitaine de l'un de ses navires s'était trouvé en contestation avec un capitaine de croiseur Anglais et que celui-ci lui aurait fait connaître qu'il n'aurait plus à venir pêcher le homard en cet endroit, l'année prochaine.

Ce propos était en effet très alarmant ; j'ai désiré m'enquérir afin de savoir si, véritablement, de telles paroles avaient été prononcées et si les instructions émanant du Gouvernement Anglais autorisaient ses officiers à tenir un pareil langage. Je me suis informé et voici ce qui m'a été répondu.

Il résulte d'une lettre adressée par le Premier Ministre de la Reine à l'Ambassadeur de France à Londres qu'on n'a trouvé nulle trace, ni au Colonial Office ni au Foreign Office, d'aucun avertissement formel qui aurait été donné au Commandant de la station navale. (Exclamations sur divers bancs.)

M. Freppel.—Aucun avertissement formel !

M. le Ministre.—Messieurs, je ne puis pas employer d'autres expressions que celles que je trouve dans le document qui m'a été envoyé de Londres. Je vous fais connaître la réponse qui m'a été faite.

Vous assurez qu'on a dit au Commandant de M. Thubé qu'il ne pourrait plus revenir l'année suivante. J'ai fait connaître au Gouvernement Anglais, par l'Ambassadeur de France, que ce propos avait été tenu, et j'ai demandé si c'était en vertu d'instructions que ce Commandant avait parlé ainsi. On me répond qu'aucune trace n'a été trouvée d'un avertissement . . . . (Interruptions.)

Sur divers bancs. Formel !

M. le Ministre.—Que voulez-vous que je vous dise ? Ce sont les paroles du Premier Ministre. Je ne peux pas répondre à sa place et me servir d'autres expressions que celles qu'il a employées. Aucun avertissement formel n'a été donné par le Commandant de le station navale de la Grande-Bretagne, soit au Commandant de M. Thubé, soit à un autre citoyen Français, pour leur interdire de reprendre cette année leurs opérations de pêche de homard.

Puisque aucun avertissement dans ce sens n'a été donné, je révoque en doute le point spécial, le fait particulier sur lequel M. Thubé avait appelé mon attention. Je dis que le propos qu'il m'a rapporté n'a pas été tenu, et j'en conclus que la situation, pendant l'année 1890 sera la même que celle des années antérieures.

M. de Lamarzelle.—Alors nos nationaux ne seront pas protégés ?

M. le Ministre.—Les avez-vous trouvés protégés lorsque le Commandant Reculoux a fait disparaître les homarderies de Mr. Murphy ? (Interruptions à Droite.)

Un Membre à Droite.—Et le Commandant Maréchal ?

M. de Lamarzelle.—Oui, nos nationaux ont été protégés sous vos prédécesseurs.

Au Centre.—Laissez parler M. le Ministre !

M. le Ministre.—Je ne désavoue nullement ce que mes prédécesseurs ont fait ; je déclare, au contraire, que, bien loin de répudier les instructions de M. Goblet et de M. Flourens lui-même, je les confirme, je les reprends et j'assure que celles que j'enverrai seront conçues dans les mêmes termes.

Qu'attendez-vous de moi, et que voulez-vous que je vous dise de plus ? (Interruptions à Droite.)

Vous ne voulez pas me laisser parler ?

M. de Lamarzelle.—Vous avez fait le contraire !

M. le Ministre.—Nullement.

Au Centre.—Ne répondez pas !

M. le Ministre.—D'ailleurs, Messieurs, pourquoi ne vous le dirais-je pas ? Si vous m'interrogez comme Ministre de Affaires Étrangères, vous ne pouvez le faire que sur l'interprétation donnée aux Traités ; si, au contraire, vous voulez m'interroger sur les faits, les incidents qui se produisent à Terre-Neuve, sans décliner aucune responsabilité, sans renier en quoi que ce soit ma solidarité avec M. le Ministre de la Marine, je vous fais observer que ce n'est pas à moi, mais au chef de l'officier que vous incriminez que vous devez vous adresser. (Mouvements divers.)

Sur divers bancs.—Vous avez raison.

M. Barbey (Ministre de la Marine).—Je demande la parole.

M. le Provost de Launay.—Votre Ambassadeur est d'une faiblesse remarquable dans la défense des intérêts de nos nationaux.

M. le Ministre.—On me dit que l'Ambassadeur de France est d'une faiblesse remarquable dans la défense des intérêts de nos nationaux.

Messieurs, il était Ambassadeur sous les Ministères antérieurs ; il a reçu les instructions des Ministres qui m'ont précédé, comme il a reçu les miennes, et ces instructions n'ont pas varié, je dirai même qu'elles ne peuvent pas varier.

Il n'est pas de Ministre des Affaires Étrangères qui puisse laisser mettre en contestation le droit de la France. Ce droit est absolu, sans restriction, et il ne peut s'exercer que dans des conditions parfaitement prévues.

Voilà pour la théorie, et M. Flourens a parfaitement exposé la question.

Mais, en fait, l'exercice de ce droit a constamment donné lieu à des contestations, à des conflits, qui ont été heureusement résolus à l'amiable. En 1885, on croyait être arrivé à une solution générale, à un arrangement définitif : loin de là ; de nouvelles difficultés ont surgi qui ont motivé de nouvelles négociations, lesquelles se poursuivent, et puisqu'on a prononcé le mot d'arbitrage—ce que je n'aurais peut-être pas fait—il n'est pas impossible, en effet, qu'il devienne nécessaire pour trancher cette question de recourir à un arbitrage. (Mouvements divers.)

Sur la question qui nous divise, les uns disent oui ; ce sont les Français ; les autres disent non ; ce sont les Anglais. Dans ces conditions, il faut bien admettre qu'il peut convenir, qu'il est même expédient et avantageux de recourir à un tiers arbitre. (Interruptions sur divers bancs.) Sinon, Messieurs, à qui donc laisseriez-vous la parole ?

Je vous mets au défi, vous qui m'interrompez, de le dire. (Mouvement.) Non ! Vous n'oseriez pas le dire. (Très bien ! très bien ! au Centre.)

Il n'est personne ici qui puisse admettre que si un arbitre, désigné d'un commun accord par les deux Parties, acceptait la mission de trancher la question pendante entre la France et l'Angleterre, quelqu'un pût songer à se dérober à la sentence prononcée.

Si l'on doit en arriver là, Messieurs, et je n'envisage ce fait que comme une hypothèse, si l'on doit en arriver là, du moins faut-il que les négociations se poursuivent entre les deux Gouvernements, et en attendant je ne puis que vous dire que les instructions seront maintenues, conformes à celles qui ont été données jusqu'ici, et que nous veillerons, comme par le passé, à donner aux armateurs toutes les garanties qu'ils ont le droit de nous demander.

A Droite.—S'il en est ainsi, les armateurs n'enverront personne!

M. le Ministre.—Est-ce que ce sont là des questions que l'on peut résoudre à la tribune? Quant aux questions de fait, Messieurs, elles ne peuvent être débattues dans cette enceinte. On ne peut les apprécier que sur place. Jusqu'à ce jour, les armateurs sont allés à Terre-Neuve exercer leur industrie sous leur responsabilité. (Interruptions à Droite.)

M. Jules Delafosse.—Non! ils sont allés à Terre-Neuve sous la protection du Gouvernement Français!

M. le Ministre.—Ils y sont allés avec une juste confiance dans la protection que leur a toujours accordée le Gouvernement Français; pourquoi n'auraient-ils plus confiance dans ce Gouvernement, puisque aucun fait nouveau ne s'est produit?

M. Thubé ne nous a, en effet, apporté qu'un seul fait, à savoir qu'un Capitaine de la marine Anglaise aurait dit à l'un de nos capitaines de pêche: "Vous ne reviendrez plus l'année prochaine. Mes instructions m'autorisent à vous le déclarer."

Or, on ne trouve aucune trace de ces instructions. Est-ce que je ne dois pas m'en tenir à la déclaration de notre Ambassadeur à Londres?

Dès l'instant que je vous apporte ces déclarations sur le fond, vous ne pouvez pas me conduire à envisager ici cette affaire par le menu détail et à dire si le Gouvernement prendra des mesures pour que tels ou tels casiers soient placés ou non déplacés. Ce sont là des questions de fait (interruptions sur divers bancs), et ce n'est pas à cette tribune qu'on peut discuter des questions de ce genre.

M. Millerand.—Il fallait commencer par dire cela.

M. le Ministre.—Il n'est jamais trop tard pour bien faire.

M. Flourens m'a posé une question sur les instructions que je compte adresser aux Commandants de nos croiseurs, de concert avec le Ministre de la Marine; je lui réponds que ces instructions sont les mêmes qu'à l'époque où il avait l'honneur d'être Ministre des Affaires Étrangères.

Il m'a demandé si je tiendrai la main à ce que ces instructions soient exécutées; je lui réponds que j'y veillerai avec la plus grande fermeté.

Maintenant j'ajoute, conformément à ce qu'il a dit lui-même, que des négociations sont actuellement engagées avec le Cabinet de Londres, et j'ai confiance qu'elles aboutiront à une solution satisfaisante.

Dans ces conditions, la Chambre voudra bien clore le débat: car elle peut s'en rapporter à la vigilance avec laquelle le Gouvernement n'a jamais cessé de défendre les droits de la France. (Très bien! très bien! au Centre et à Gauche.)

M. le Président.—La parole est à M. Flourens.

M. Flourens.—Messieurs, je remercie M. le Ministre des Affaires Étrangères des explications qu'il a bien voulu apporter à cette tribune, et je suis heureux de constater que nous sommes absolument d'accord et en parfaite conformité d'idées et d'intentions en ce qui concerne la sauvegarde des droits sur lesquels j'ai l'honneur d'appeler sa vigilante attention.

Cependant, dans les observations qu'il a présentées, il est deux points qu'il m'est impossible de laisser passer sans protester.

Le premier concerne l'opinion émise par M. le Ministre des Affaires Étrangères relativement à la nature des droits qui nous appartiennent sur le "French Shore." Il a dit que nous n'avions pas de droit de souveraineté à exercer sur cette côte.

Je crois que c'est là une erreur de droit, et une erreur de droit capitale.

Les Traités que je citais et dont je rappelais le texte tout à l'heure à la Chambre nous ont donné certains droits sur le "French Shore;" et par là même ils nous ont donné—sans quoi ils eussent été aussi frustratoires qu'illusoires—les moyens de faire respecter ces droits. (Très bien! très bien! sur divers bancs.)

Les Traités nous ont donné sur le "French Shore" la possibilité d'exercer certaines opérations de pêche, et par là même ils nous ont investis des droits de police nécessaires pour assurer l'exécution de ces opérations de pêche. C'est ainsi que nous possédons sur le "French Shore" une part de souveraineté. (Très bien! très bien! sur divers bancs.)

Oui, la France pendant la saison où la pêche est exercée a un droit de souveraineté sur le "French Shore," et c'est à ce titre que nous pouvons y envoyer une division

navale ; c'est à ce titre que nos divisions navales évoluent dans les eaux du "French Shore," comme dans les eaux territoriales Françaises ; c'est à ce titre que nous pouvons débarquer sur le "French Shore" des hommes en armes, que nos officiers peuvent y descendre pour arrêter, en cas de besoin, nos nationaux, comme les nationaux Britanniques eux-mêmes. C'est à ce titre qu'ils le font en cas de délit de pêche, et qu'ils l'ont toujours fait. C'est à ce titre qu'ils peuvent supprimer tout établissement permanent qui serait construit sur le "French Shore ;" c'est à ce titre enfin qu'ils y possèdent un véritable pouvoir de juridiction indéniable et indénié.

Dès lors, quel besoin avons-nous de nous adresser aux Anglais quand nos droits sont méconnus ? C'est à nous à les faire respecter. (Applaudissements à Droite et sur divers bancs à Gauche.)

Nous n'avons pas besoin d'engager des négociations avec le Gouvernement Anglais, et M. le Ministre des Affaires Étrangères a mal lu le discours qu'il a cité et que j'ai eu l'honneur de prononcer devant le Sénat en réponse à M. l'Amiral Véron.

Je n'ai pas dit que j'avais engagé des négociations, mais que des négociations avaient été engagées en 1885 pour arriver à des modifications nouvelles à introduire au droit résultant des Traités ; qu'en ce qui concernait les atteintes signalées contre nos pêcheurs de la part des pêcheurs de Terre-Neuve, je m'étais adressé à mon collègue de la Marine et que j'avais combiné avec lui les instructions nécessaires.

Cela veut-il dire que j'aie jamais pensé que nous devions avoir à Terre-Neuve une action isolée et indépendante de toute entente ? Cela veut-il dire que je critique la conduite suivie par M. le Ministre des Affaires Étrangères quand il propose de soumettre à l'examen du Gouvernement Anglais et d'étudier de concert avec lui les difficultés de principe qui peuvent se produire ? Loin de là.

Je comprends parfaitement que nous ne pouvons pas vivre sur le "French Shore" dans un état d'hostilité brutale et violente avec le Gouvernement Anglais.

Le Gouvernement Anglais ne l'a jamais désiré et les instructions qu'il donne aux officiers qui commandent la division navale Anglaise n'ont jamais consisté à leur enjoindre de se mettre en hostilité avec les officiers de la division navale Française. Ces instructions leur ont ordonné, au contraire, de conserver une entente aussi cordiale, aussi intime que possible avec les Commandants de notre marine.

De notre côté, je suis convaincu que M. le Ministre de la Marine donnera toujours à nos officiers, comme première instruction, de maintenir une entente aussi complète que possible avec les officiers de la division navale Anglaise, qui, j'ai eu l'occasion de le constater moi-même, apportent dans leurs rapports avec nous la plus grande courtoisie. Mais, Messieurs, cela n'empêche pas que lorsqu'une atteinte de fait est portée à nos nationaux, nous ayons le droit de la faire cesser même *manu militari*.

Ainsi, dans l'espèce que j'ai portée tout à l'heure à cette tribune, dans l'espèce du Sieur Thubé, ce qui a donné naissance à tout l'incident c'est la concurrence émanant d'un pêcheur Anglais, le Sieur Shearer, à l'égard de l'exploitation de Thubé.

Or, ce pêcheur Anglais était installé dans une construction permanente, une homarderie qui appartient à un national Français et qui, par conséquent, est construite en violation des clauses du Traité d'Utrecht.

A aucune époque, toutes les fois que le Gouvernement Anglais nous en a prévenus ou que nous en avons été avisés de toute autre façon, nous n'avons toléré que nos nationaux conservassent des habitations permanentes sur le "French Shore." Sommes-nous désarmés et devons-nous permettre cette grave infraction aux Traités par ce seul fait qu'elle profite à un Anglais ?

Est-ce parce qu'elle est louée à un Anglais, à un industriel qui nous fait une concurrence illégale et illicite, que nous devons tolérer une construction permanente et, par suite, contraire aux Traités ? Non, certes. Mais ce sont là des questions de police, ce ne sont pas des questions de négociations.

Il faut en outre bien se rendre compte de la nature des faits et des nécessités qui s'imposent à chaque Gouvernement. Il est de toute évidence, étant donnée la politique que le Gouvernement Anglais suit vis-à-vis de ses Colonies, et en particulier vis-à-vis de ses Colonies du Nord de l'Amérique, que, quelque claires, quelque lucides, quelque limpides que puissent être les clauses d'un Traité, quelque favorable à nos prétentions que puisse être la décision d'un arbitre, jamais le Gouvernement Anglais n'assumera vis-à-vis de ses Colonies l'odieux de supprimer, d'entraver, une industrie qui, comme je vous le faisais remarquer tout à l'heure, se chiffre par des millions de bénéfice.

En effet, des gens d'une compétence reconnue m'ont affirmé que l'industrie des conserves de homard pouvait rapporter 10,000,000 fr. par an. S'il s'agit d'une somme aussi importante, il est, je le répète, de toute évidence que le Gouvernement Anglais

n'assumera pas l'odieux de faire cesser la concurrence Anglaise et les troubles qui en résultent pour notre industrie.

C'est à nous, à nous qui avons à Terre-Neuve une division navale, qui y envoyons des navires spécialement pour protéger nos nationaux, et pour empêcher qu'il soit porté atteinte à nos droits, d'en assurer le respect. (Très bien ! très bien ! à Droite.)

Loin de moi la pensée d'émettre des critiques contre des négociations que je ne connais pas, que je n'ai pas à connaître, que je n'ai pas à juger, et qui peuvent être engagées entre le Gouvernement Français et le Gouvernement Anglais, négociations dont le résultat sera peut-être une amélioration du *statu quo* actuel par la précision de certains points douteux. Il serait, en effet, désirable, puisqu'il s'agit de la pêche du homard, que les deux Gouvernements arrivassent à une entente pour protéger ce crustacé, comme il l'est dans les eaux territoriales Françaises, contre les abus, les dévastations des pêcheurs.

Ce serait déjà un résultat important que d'empêcher cette ressource précieuse de disparaître par suite de l'impéritie des armateurs ou de l'inattention des deux Gouvernements. Mais je prétends qu'en attendant le résultat des négociations, quelles qu'elles soient et quel qu'en soit le but, des instructions doivent être données aux armateurs pour la prochaine campagne de pêche.

M. le Ministre des Affaires Étrangères m'objecte : " Mais les instructions que nous avons données cette année sont les mêmes que celles qui ont été données les années précédentes." Je vous en demande bien pardon, M. le Ministre ; voici les instructions qui ont été données le 19 Mars, 1889 :—

" Le présent bulletin a été délivré par le Commissaire de l'Inscription Maritime à Binic, au Sieur Philippe, Capitaine du navire 'Le Laborieux,' conformément à la Loi du 2 Mars, 1852, pour constater que le dit capitaine a le droit d'occuper dans le havre du Vieux-Ferolle et Saint-Geneviève, situé sur la côte ouest de l'île, la place avec ses dépendances (No. 142), dite No. 1, bâbord en entrant dans Brig Baie No. 2, Ile Fish, qui a été assignée au dit navire, avec faculté de jouir de la dite place, sans trouble ni empêchement, jusqu'à l'année 1892 exclusivement.

Ainsi on lui dit : Vous pouvez aller là, vous jouirez sans trouble ni empêchement de la place qui vous est concédée.

Voici maintenant la lettre que m'adressait ce même armateur, le 10 Janvier, 1890 :—

" La réunion des armateurs qui envoient leurs navires à Terre-Neuve a eu lieu, en effet, le 6 de ce mois, à Saint-Servan. Dans cet assemblée j'ai demandé à M. le Commandant Maréchal, qui assistait le Chef de Service de la Marine en qualité de délégué du Ministre, s'il était en mesure de me faire connaître la réponse du Ministre de la Marine à ma lettre du 13 Décembre, lettre dans laquelle je priais le Ministre de me faire savoir expressément si, en présence de l'inaction de la station navale d'une part, des empiètements Anglais, d'autre part, enfin des communications du Commandant Anglais, je pourrais armer cette année en pleine sécurité.

" Le Chef de Service de la Marine, Président, et le Commandant Maréchal m'ont, tous deux, répondu qu'il leur était impossible de me donner un avis quelconque, puisqu'ils n'avaient rien reçu du Ministre à cet égard." (Rumeurs sur divers bancs.)

C'est précisément à raison de ce silence que je suis monté à cette tribune, et que j'insiste auprès de M. le Ministre pour obtenir une réponse. (Très bien ! très bien ! sur divers bancs.)

Je conçois très bien que des négociations existent ; mais, qu'elles soient engagées ou non, il faut que des instructions claires et précises interviennent ; il faut que nos armateurs sachent quelles opérations leur sont permises, quelles opérations leur sont interdites, jusqu'où ils auront la protection du Gouvernement et le point précis où cette protection devra s'arrêter. (Très bien ! très bien ! à Droite.)

C'est à ce moment qu'il importe d'élucider ce côté de la question ; c'est dès à présent et non pas plus tard, sous peine d'être exposés à voir renaître en 1890 les mêmes conflits qu'en 1889, conflits dont je vous ai fait, je vous assure, un tableau bien abrégé et bien atténué.

Jusqu'à ce jour, la patience de nos marins et la fermeté de nos officiers ont empêché qu'il n'y eût des rixes et que les choses n'en arrivassent au point où l'honneur des deux nations se trouvant engagé, il serait difficile, soit à l'une, soit à l'autre, de reculer.

Mais, M. le Ministre des Affaires Étrangères, êtes-vous sûr qu'il en sera toujours ainsi ? Le Gouvernement, ce me semble, ne peut pas échapper à toute responsabilité en cantonnant dans le silence qu'il observe vis-à-vis des armateurs Français, car vous voyez à quelles conséquences ce silence peut aboutir.

Quant à la situation de notre division navale, je n'insiste pas. Dans ma pensée, mieux vaudrait qu'elle restât à Brest ou à Cherbourg, plutôt que d'aller à Terre-Neuve pour y jouer encore un rôle peu conforme à la dignité de la marine Française et à toutes ses traditions. (Applaudissements sur divers bancs.)

M. le Président.—L'incident est clos.

M. Jules Delafosse.—Mais M. le Ministre de la Marine a demandé la parole. (Exclamations diverses.)

M. le Président.—Permettez-moi de vous faire observer deux choses, M. Delafosse ; c'est que d'abord vous n'avez peut-être pas qualité pour parler au nom de M. le Ministre de la Marine, et ensuite que la question étant adressée à M. le Ministre des Affaires Étrangères, j'éprouverais quelque difficulté à donner la parole à M. le Ministre de la Marine. (Assentiment à Gauche.)

Un Membre à Droite.—C'est la ruine des armateurs !

Interpellation adressée à M. le Ministre des Affaires Étrangères.

M. le Président.—M. La Chambre demande à transformer en interpellation la question qui vient d'être posée par M. Flourens à M. le Ministre des Affaires Étrangères.

Il s'agit de fixer le jour où cette interpellation sera discutée.

Sur plusieurs bancs.—Tout de suite !

M. le Président.—Il n'y a pas d'opposition à la discussion immédiate ?

Un Membre.—A un mois ! (Exclamations.)

M. le Président.—On n'insiste pas pour le renvoi à un mois ! (Non ! non !)

La parole est à M. La Chambre.

M. La Chambre.—Messieurs, je ne veux pas retenir longtemps l'attention de la Chambre. Déjà la question vient d'être parfaitement élucidée par l'honorable M. Flourens.

Mais il me semble que nous ne pouvons, à aucun prix, laisser nos armateurs dans une indécision, dans une incertitude de laquelle ils ne savent comment sortir aujourd'hui. (Très bien ! très bien ! à Droite.)

On vient, Messieurs, de tirer à l'Hôtel de la Marine, à Saint-Servan, les places qui sont affectées à chaque armateur pour aller exercer son industrie soit de la pêche de la morue, soit de la pêche simultanée de la morue et du homard sur les côtes qui nous sont réservées par les Traités. Or, les places ayant été concédées sous l'autorité de M. le Ministre de la Marine, est-il admissible que nos armateurs expédient leurs navires sans savoir s'ils pourront s'y établir (Très bien ! très bien ! à Droite), sans savoir si le Gouvernement Français viendra les protéger et leur garantir l'usage de ce qu'il leur a concédé ?

M. de Lamarzelle.—Je demande la parole.

M. La Chambre.—M. Flourens est monté à cette tribune parce qu'il y a été appelé par un négociant de Nantes, qui s'est plaint de n'avoir pas été protégé l'an dernier dans l'exercice de ce droit. Défendant, à mon tour, les intérêts maritimes de Saint-Malo, je suis, ici, l'interprète des armateurs qui exercent la même industrie et qui m'ont chargé d'obtenir une déclaration précise de M. le Ministre des Affaires Étrangères et de M. le Ministre de la Marine pour savoir si, oui ou non, ils peuvent partir en sécurité. (Très bien ! très bien ! à Droite.)

M. Paul de Cassagnac.—Voilà la question bien posée !

M. La Chambre.—Je pose donc nettement cette question à MM. les Ministres des Affaires Étrangères et de la Marine.

Nos armateurs qui se disposent à expédier leurs navires à la pêche simultanée de la morue et du homard peuvent-ils en toute sécurité continuer leurs armements fort dispendieux ?

M le Comte de Lanjuinais.—Et peuvent-ils compter sur la protection du Gouvernement ?

M. La Chambre.—Sont-ils certains de trouver libres les places qui leur sont concédées par M. le Ministre de la Marine, à leur arrivée sur les lieux de pêche ? Sont-ils certains de n'y trouver aucun concurrent étranger venant les empêcher de se livrer à leur industrie ? (Très bien ! très bien ! à Droite.) Sont-ils certains enfin de trouver une protection efficace de la part du Commandant de la station navale Française, pour être protégés dans l'exercice de leurs droits ? (Applaudissements à droite.)

Je vous demande, en vérité, s'il est possible de rester davantage dans le doute où M. le Ministre de la Marine et M. le Ministre des Affaires Étrangères nous ont laissés

depuis trop longtemps. (Très bien ! très bien ! à Droite.) Je leur demande donc une réponse catégorique. (Applaudissements à Droite.)

M. le Président.—La parole est à M. le Ministre de la Marine.

M. Barbey (Ministre de la Marine).—Messieurs, l'honorable M. La Chambre m'invite à monter à cette tribune et à donner mon appréciation sur la question que mon honorable collègue M. le Ministre des Affaires Étrangères vient de traiter avec plus de compétence que je ne saurais le faire. (Rumeurs à Droite.)

Messieurs, je n'éprouve aucun embarras à faire connaître à la Chambre mon opinion, qui est certainement la même que celle de mes prédécesseurs au Département de la Marine.

Oui, le droit de pêcher sur une partie de la côte de l'île de Terre-Neuve désignée par les Anglais eux-mêmes sous le nom de " French Shore " qui nous a été concédé par le Traité d'Utrecht, qui a été confirmé par la Déclaration du Roi Georges et le Traité de Versailles en 1783, est absolu, exclusif, et sans réserve. (Très bien ! très bien ! à Gauche.)

M. La Chambre.—Il faut le défendre !

M. le Ministre de la Marine.—Nos nationaux, s'appuyant sur ces déclarations et sur ces Traités, demandent sans cesse à nos croiseurs Français qu'ils leur assurent la possibilité de pêcher le homard dans les places qu'ils ont choisies, sans être gênés par les pêcheurs Anglais.

Les croiseurs Anglais, principalement en 1889, ont soutenu que nos pêcheurs ne jouissent, en ce qui concerne le homard, d'aucun des privilèges résultant des Traités et reconnus par le Gouvernement Anglais.

Le homard, disent-ils, n'est pas un poisson (Rires) ; il ne se pêche pas. (Interruptions sur divers bancs.)

Messieurs, je répète les déclarations des croiseurs Anglais ; voulez-vous vous donner la peine de les entendre ?

Le homard, disent les croiseurs Anglais, n'est pas un poisson. (Bruit.) Il ne se pêche pas, il se capture ; on se sert du mot Anglais " catch." La pêche du homard n'existait pas, en tant qu'industrie distincte, en 1717 pas plus qu'en 1783.

Il est facile de répondre à ces arguments quelque peu subtils.

(A Droite).—Ils sont faux !

M. le Ministre de la Marine.—Mais il n'appartient pas aux Chefs de la Division Française de poursuivre à Terre-Neuve des négociations diplomatiques ; leur rôle est d'agir, de protéger nos pêcheurs. Or, ils sont retenus par des instructions qui n'émanent pas seulement de l'honorable M. Flourens ou de l'honorable M. Spuller, mais qui ont existé de tout temps et qui leur enjoignent, en présence d'un croiseur Anglais, de s'adresser à lui pour obliger les pêcheurs Anglais à respecter les droits de nos nationaux.

De là des difficultés qui peuvent faire naître les incidents les plus regrettables. Nous jouissons d'un droit souverain qui s'exerce dans la souveraineté d'autrui, et, pour assurer l'exercice de ce droit, nous sommes obligés d'avoir recours à l'intervention de ceux-là mêmes qui le contestent.

Cette situation ne peut durer plus longtemps. Il faut que les malentendus disparaissent ; il faut que les instructions données, après entente, par le Ministre des Affaires Étrangères et par le Ministre de la Marine, soient bien nettes et bien précises. Le Commandant de la division navale de Terre-Neuve a le droit de les réclamer. Quand il les aura reçues, je vous réponds qu'il les exécutera avec sagesse et fermeté. (Très bien ! très bien !)

M. Paul de Cassagnac.—Nous ne demandons pas autre chose.

M. le Ministre.—Il est indispensable—et la Chambre tout entière partagera mon sentiment—que lorsque notre pavillon se montre à Terre-Neuve il y jouisse de la même autorité que sur tous les points du globe. (Applaudissements.)

M. le Président.—La parole est à M. de Lamarzelle.

M. de Lamarzelle.—Messieurs, je me borne à prendre acte des paroles que vient de prononcer M. le Ministre de la Marine, et je dépose sur le bureau de la Chambre un ordre du jour motivé.

M. le Président.—L'ordre du jour suivant est déposé par MM. de Lamarzelle, Freppel, et de Cassagnac :

" La Chambre des Députés appelle l'attention du Gouvernement sur les droits acquis à la France par les Traités relatifs aux pêcheries de Terre-Neuve, et passe à l'ordre du jour."

M. Boissy-d'Anglas (et plusieurs Membres à Gauche).—Nous demandons l'ordre du jour pur et simple.

M. le Président.—L'ordre du jour pur et simple est demandé ; il a la priorité. Je le mets aux voix.

(L'ordre du jour pur et simple, mis aux voix, est adopté.)

No. 165.

Foreign Office to Colonial Office.

Sir, *Foreign Office, January* 22, 1890.

I AM directed by the Marquis of Salisbury to state that the Secretary of the French Embassy called at this Office on the 21st instant and observed that it could scarcely now be hoped that the proposed arbitration with respect to the lobster fishery in Newfoundland could be brought to a close before the commencement of the fishing season, and that it therefore seemed desirable, in the interest of all parties, that some *modus vivendi* should be arrived at for the next season only, and pending the settlement of the question at issue. M. Jusserand accordingly communicated the accompanying sketch of the bases on which such an arrangement might be made, asking that it might be examined, and that he might receive an early reply whether it was acceptable.

I am to request that you will lay this communication before Secretary Lord Knutsford for his observations, and that you will move his Lordship to favour Lord Salisbury with his opinion as to the answer which should be returned to it.

I am, &c.

(Signed) T. H. SANDERSON.

Inclosure in No. 165.

Sketch of Bases.

LA question de principe et les droits respectifs étant entièrement réservés de part et d'autre, on pourrait convenir pour la saison prochaine du maintien du *statu quo* sur les bases suivantes :—

Sans que la France demande dès aujourd'hui un nouvel examen de la légalité de l'installation des homarderies Anglaises sur le "French Shore," il sera entendu qu'aucune modification ne sera apportée aux emplacements occupés par ces établissements à la date du 1er Juillet, 1889.

Par contre, aucune concession nouvelle de pêche de homard ne sera accordée cette année par le Gouvernement Français sur les fonds occupés par les sujets Anglais antérieurement au 1er Juillet, 1889.

Toutes les fois que les pêcheurs Français de homard se trouveront en concurrence avec les pêcheurs de homard Britanniques, les Commandants des deux stations navales procéderont sur les lieux à une délimitation provisoire des fonds de pêche de homard, en tenant compte des situations acquises par les deux parties.

N.B.—Il serait bien entendu que cet arrangement tout provisoire ne serait valable que pour la campagne de pêche qui va s'ouvrir.

Ambassade de France à Londres.

(Translation.)

THE questions of principle and of respective rights being entirely reserved on both sides, the maintenance of the *status quo* might be agreed upon on the following bases : —

Without France demanding at once a new examination of the legality of the installation of British lobster factories on the "French Shore," it shall be understood that there shall be no modification in the positions occupied by these establishments on the 1st July, 1889.

On the other hand, no new concession of fishery of lobsters shall be accorded this year by the French Government on the fishing grounds occupied by British subjects previously to the 1st July, 1889.

Whenever any case of competition may arise in respect of lobster fishery between the French and British fishermen, the Commanders of the two naval stations shall proceed on the spot to a provisional delimitation of the lobster fishery grounds, having regard to the situations acquired by the two parties.

N.B.—It is well understood that this arrangement is quite provisional, and shall only hold good for the fishing season which is about to open.

No. 166.

Captain Sir B. Walker to Vice-Admiral Watson.—(Received at the Foreign Office, February 5, 1890.)

Sir, "*Emerald*," *at Halifax, November* 1, 1889.

I HAVE the honour to forward herewith the Report of the proceedings of Her Majesty's ship "Lily" at Bay St. George during the bait season of 1889.

The method of regulating the fishery was similar to that adopted last year, the details being modified to suit the season.

The French have undoubtedly profited by their previous experience, and are more suitably equipped, thus being in a better position than heretofore to obtain bait without the assistance of the inhabitants.

As no doubt many vessels obtained bait from the Magdalene Islands and from the other sources mentioned in Commander Russell's Report, should anything interfere with this supply, an influx of vessels may be looked for; in this case the residents will necessarily be much restricted in their operations, which may lead to disturbances.

The results obtained with the bait brought from France will materially affect the subject, but I am unable to arrive at any conclusions as to the success or otherwise of it, owing to the contradictory reports received.

The French "armateurs" are undoubtedly very much against incurring any further expense in the equipment necessary for the taking of bait.

I am quite of Commander Russell's opinion as to the advisability of having the boats and dories of the inhabitants marked and registered; it would assist to prevent the robbery from nets, which is the chief cause of complaint on both sides.

On visiting St. George's Bay at the end of the season I found the original estimate of the number of barrels cured by the inhabitants had been greatly exceeded, thus making the take of herring above the average, and it would probably have been still greater had not the herring been disturbed by the seines on first entering Flat Bay.

I have much pleasure in adding that Commander Russell and M. le Capitaine de Frégate Reculoux worked in perfect harmony, the good understanding that existed, and the tact displayed by both, enabling the season to pass without any disturbances.

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

Inclosure 1 in No. 166.

Commander Russell to Captain Sir B. Walker.

Sir, "*Lily*," *at Bay St. George, May* 31, 1889.

THE herring fishery in this bay having now come to its conclusion, I have the honour to submit the following Report for your information. As already reported in my letter of proceedings, Her Majesty's ship "Lily" arrived here on the 17th April. The herring had not then arrived, nor were there any French vessels in St. George's.

2. The first French schooner arrived on the 28th April, and on the evening of the same day the transport aviso "Drac" anchored in the bay. She had been detained at St. Pierre through an accident to her machinery, or she would have arrived four days

earlier. She is commanded by Capitaine de Frégate Pierre Reculoux, the same officer who commanded her last year.

3. He informed me that the French Bankers had brought their first supply of bait from France, it having been obtained in the shape of "sardines" on the coasts of Spain and Portugal, and that they had also received considerable quantities of herring from Nova Scotian and American schooners. Salted squid from St. Pierre was also used with some success. It is reported that several Fortune Bay and other south coast schooners evaded the Bait Act, and ran cargoes of herring to St. Pierre.

4. From this date the French vessels arrived daily, the highest number present in the bay at one time being forty-eight.

5. The Bait Act having been suspended for this year, as far as the inhabitants of Bay St. George were concerned, they commenced fishing with nets on the 1st May. A few nets were set before this date, but the regular season may be said to have commenced then. On the 2nd May some nets were set by the French, but they regularly commenced on the 3rd May with nets and seines. They were much better provided with the former this year than was the case last season, for they have abandoned the very deep description they formerly used, having learnt from experience the best kind to use. These they made during the winter at St. Pierre, and some were also purchased from the inhabitants of Bay St. George. It is now difficult to distinguish between the native and French nets, for, whereas the latter formerly only used cork floats and a different twine, they now use the wooden floats and similar twine to that of the residents.

6. The fishery now being in full operation, I established a day patrol, to which one by night was subsequently added, as complaints were made on both sides of robbery from the nets during prohibited hours. On the 8th May Captain Reculoux had the courtesy to show me the orders he had issued to his countrymen for the regulation of their fishing. Amongst others was an order to mark all boats and dories with the name of the vessel to which they belonged, and another forbidding all fishing or visiting of the nets between the hours of 8 P.M. and 4 A.M. On the 9th May I issued a Notice in a similar sense as regards the prohibited hours, and from this date till your arrival a gun was fired daily from this ship at 8 P.M. and 4 A.M. to mark the time for ceasing and commencing to fish.

7. I would beg to call your attention to the desirability of having the boats and dories of the inhabitants marked with the name of the owner, or with a distinguishing number. A list of all boats and dories, and their marks and owners, might be kept at the Court-house by the Sub-Collector of Customs, and would, I feel sure, act as a check upon those disposed to evade the Regulations, which it is important should be strictly observed.

8. On the 6th May Daniel Dennis complained that the French had taken down a part of his fence to supply themselves with wood. I verbally brought this to the notice of Captain Reculoux: his answer is inclosed. On the 10th the French Commander called my attention to the fishing of the schooner "Virgesco," of Halifax. After inquiry into the circumstances I wrote the inclosed letter.

9. On the 11th May, in consequence of a private letter from Captain Reculoux, I visited him, when he informed me that the French fishermen were in a very excited state. They complained especially of the presence of the British nets round Turf Point, which interfered very much with their fishery; and also that when the herring passed round Turf Point towards the Little Barachois River they would not be able to haul their seines on the part of the coast which they had selected last year and this for that purpose. They also complained of the inhabitants landing their herring to cure instead of selling to the French Bankers, and he suggested that it would be desirable to revert to the tacit agreement of last year—to sell before landing. To this I replied that the inhabitants had frequently offered to do so, but that the price offered was too small to admit of its being a paying one, and suggested that an agreement as to a fair price should be come to. I then issued the Notice dated the 11th May.

10. On the same day the brothers Butt, of the south side, complained of the taking of a mast and sail from their wharf by the crew of a French dory from the schooner "Auguste Lemoine." I reported this to Captain Reculoux, who promised an inquiry. The result, together with my answer, is inclosed.

11. On the 13th May, accompanied by Senior Lieutenant John G. Hewitt, I went, by request, to meet a deputation of the inhabitants at the Court-house. They wished to see me about the Notice of the 11th May, prohibiting the setting of nets and hauling

of British seines on the part of the coast between Turf Point and Little Barachois River, and pointed out the hardship to them, and the injury it would cause to their season's results.

I promised to endeavour to meet their wishes, which, after another interview with Captain Reculoux, I was able to do. The result was made known to the inhabitants the same afternoon.

Complaints were also made of the selling of bait by the French to American schooners. This is a question upon which I declined to give any decided opinion; but at an interview with Captain Reculoux I pointed out to him the very doubtful right of his countrymen to fish to sell on the spot to any but the French for their *bonâ fide* fishery. He replied that they were clearly given the right by Treaties to fish, and were not under any restrictions as to the disposal of the proceeds, but promised, whilst maintaining the right of the French to such sale, to "use his influence to stop it."

12. I venture to call your attention to this subject, for, though the number of American schooners visiting this bay to bait themselves is at present small, it might develop considerably.

13. On the 16th May I discussed with Captain Reculoux the question of a price at (or over) which the inhabitants should sell to the Bankers before landing to cure. It was eventually agreed that, as long as 80 cents (or over) per barrel was offered, that the inhabitants should not land to cure, but that if the price fell under that amount they should be at liberty to do so.

14. On the 17th May the herring left Flat Bay, passing down to St. George's River, but reappeared on the coast near Little Barachois River on the 18th, though not in large quantities. They again left on the 20th, following the coast round into Seal Cove, where they remained a day or two, and then finally disappeared. On the 23rd May the last French Banker sailed, and on the 24th May all the British nets were up.

15. The season of 1889 has not been such a good one as that of 1888, which was exceptionally so.

This was, in my opinion, a good deal caused not so much from a failure in the quantity of herring as from the fact of their being so much disturbed by seines. The inhabitants have always had an agreement amongst themselves that seines should not be allowed, but the French used them largely. The herring on arrival usually runs up the Sandy Point side of the bay, and if disturbed at the commencement of the "Flats," as they were this year by seining, they scatter all over the shoals, and do not follow their usual course to the spawning grounds. This makes it very difficult for the fishermen to know where they will reappear, and causes them great trouble in moving their nets. Seining in deep water, though bad, is not so injurious, for the herring "dive" and reappear further on, on their original course.

16. Many experienced men are of opinion that the enormous number of nets and the excessive use of seines may cause the herring to abandon this bay, and go to less disturbed waters to deposit their spawn.*

17. A fair arrangement to sell to the French Bankers before landing to cure on the part of the inhabitants is, in my opinion, very desirable, as it prevents a good deal of irritation which is likely to arise from the French seeing large quantities of herring taken and landed, while they themselves are not so successful. From careful inquiries, which I made from competent authorities, I have come to the conclusion that 80 cents per barrel is a remunerative price at which to sell the "green" herring.

It has the advantage of saving all labour except the mere hauling of the nets and transport to the Bankers. A barrel of "dry" herring is equal to one and one-third of green, and therefore a considerable advantage is gained in that way, and, above all, the inhabitants are paid down in hard cash at once, instead of having to wait some months for their money, with all the chances of a fluctuating market. The French baiters are opposed to the inhabitants selling, as they complain that it lowers, by their competition, the amounts they would otherwise obtain. The Bankers, on the other hand, uphold it, as it enables them to purchase more cheaply.

18. The patrol established to prevent irregularities on either side, and to receive just complaints, was of great use, but the very large space occupied by nets during the height of the season is so great that it was only partially efficient. It was impossible, owing to the nets, to use a steam-boat.

19. This duty was intrusted to Lieutenant John H. Robertson, of this ship, who was assisted by Mr. Healy, the Gunner, and a special boat's crew.

* As happened years ago off Maine in Massachusetts.—B. W. W.

I have the honour to call your attention to the entire satisfaction which I feel with the zealous manner in which this service was performed. The long hours during which the patrol-boat was away, on nights always cold and often wet, made it a trying duty.

A copy of the orders given to this officer is inclosed.

20. In conclusion, I have great satisfaction in informing you that throughout the duration of the herring season my relations with Captain Reculoux were of a most friendly nature. He was always considerate towards the interests of the inhabitants, and most prompt in his attention to any representations which it became my duty to make to him.

Inclosed are the comparative results of the British and French herring fishery for the seasons of 1888 and 1889.

I have, &c.
(Signed) G. W. RUSSELL.

Inclosure 2 in No. 166.

Captain Reculoux to Commander Russell.

M. le Commandant, *Saint-Georges, le 3 Mai*, 1889.

AU moment où la saison du hareng va commencer, je crois devoir vous rappeler que les pêcheurs Français ont, sur cette partie de la côte de Terre-Neuve où nous sommes, le droit de pêcher sans être troublés, en aucune manière, par la concurrence des sujets de Sa Majesté Britannique.

Ce droit est formulé, en termes indisputables, par l'Article XIII du Traité d'Utrecht (1713), par la Déclaration de Sa Majesté le Roi George (3 Septembre, 1783), et clairement défini par la Proclamation de Sir Charles Hamilton, Gouverneur et Commandant-en-chef de l'Ile de Terre-Neuve (12 Août, 1822).

L'application des prescriptions du "Bait Bill" oblige les pêcheurs Français à prendre eux-mêmes la boïtte qui leur est nécessaire, au lieu de l'acheter, comme ils le faisaient autrefois, aux habitants des Baies de Fortune et de Plaisance.

Ils ont choisi, pour faire cette pêche, le Havre de Saint-George, parce qu'il est sur la partie de la côte qui leur est réservée, le point le plus rapproché des bancs et aussi celui où la boïtte paraît le plus tôt avec abondance.

L'année dernière il est venu 133 navires pêcheurs Français dans ce havre.

Prévoyant de nombreuses difficultés et craignant des conflits, j'avais prié M. le Capitaine Charles Campbell, qui commandait alors le "Lily," de vouloir bien m'aider, par son influence et son autorité sur ses nationaux, à faire respecter, dans toute leur intégralité, les clauses d'un Traité qui est revêtu de la signature de nos deux Gouvernements.

Le Capitaine Campbell m'a aussitôt promis son concours et il a tenu sa promesse avec une loyauté à laquelle j'ai rendu le plus grand hommage.

Tout en reconnaissant hautement les droits incontestables des pêcheurs Français sur cette partie de la côte de Terre-Neuve, Mr. Charles Campbell m'écrivait, dans une lettre datée du 1er Mai, 1888 :—

"I merely wish to call your attention to the fact that the inhabitants of St. George's have hitherto been in the habit of earning their living by taking herring during the season, and were this privilege suddenly and completely taken from them, it would really increase the difficulties I must encounter in maintaining order."

J'ai répondu au Capitaine Campbell que je craignais que cette tolérance fut mal interprétée par les habitants de Saint-George, et qu'elle le conduisit à méconnaître les droits des pêcheurs Français. Néanmoins, je pris sur moi de ne faire aucune protestation tant que les filets des pêcheurs indigènes ne gênaient pas ceux des Français.

Grâce aux mesures prises des deux côtés et à la grande droiture de caractère du Capitaine Campbell, la saison s'est passée sans voir naître le moindre conflit.

Mais la tolérance dont nous avons usé l'année dernière a produit les résultats que je redoutais et les journaux qui me sont parvenus de Saint-John m'en ont apporté d'irrécusables témoignages.

Le Général Dashwood y prêche, aux habitants de la côte réservée, la désobéissance

aux ordres des officiers de la marine Britannique et la violence envers les officiers de la marine Française.

Le "Colonist" du 6 Avril contient une adresse de quelques habitants de Saint-George conçue dans des termes agressifs contre nous.

En tête des signataires de cette adresse se trouve le nom de M. le Préfet Apostolique Howley qui est venu, l'année dernière, à bord du "Drac," protester contre la promulgation du "Bait Bill" et me remercier de la tolérance dont j'avais usé envers les habitants de Saint-George.

Toutes ces manifestations sont malveillantes et indiquent, au moins, de mauvaises intentions qui peuvent conduire à de regrettables conflits.

Je viens donc, M. le Commandant, vous demander, comme je l'ai fait l'année dernière au Capitaine Campbell, de vouloir bien m'aider à faire rigoureusement respecter les prescriptions d'un Traité conclu entre nos deux Gouvernements et que rien n'est venu modifier depuis sa conclusion.

Je donne les ordres les plus sévères aux capitaines pêcheurs Français pour qu'aucune déprédation ne soit commise dans les établissements des habitants de Saint-George.

Mais, pour éviter les conflits, il est indispensable que les habitants n'imposent aucune gêne aux pêcheurs Français dans l'exercice de leurs droits de pêche sur cette partie de la côte de Terre-Neuve, droits qui leur ont été concédés par la nation Anglaise et la volonté de Sa Majesté Britannique.

J'ai, &c.

(Signé) A. RECULOUX.

(Translation.)

Sir, *St. George's, May* 3, 1889.

THIS being the time when the herring fishery season begins, I must remind you that the French fishermen have the right, on this part of the Newfoundland coast, where we are at present, to fish without being interrupted in any manner by the competition of British subjects. This right is stipulated for in indisputable terms by Article XIII of the Treaty of Utrecht (1713) and the Declaration of King George (3rd September, 1783), and clearly defined by the Proclamation of Sir Charles Hamilton, Governor and Commander-in-chief of the Island of Newfoundland (12th August, 1822).

The application of the provisions of the Bait Act compels French fishermen themselves to catch the necessary bait, instead of purchasing it, as they used to do, from the inhabitants of Fortune Bay and Placentia Bay.

For this bait-fishing they have chosen, for this season, St. George's Harbour, because, on that part of the coast which is reserved for their use, this is the nearest point to the Banks, and also that where the bait appears earliest in abundance. Last year133 French fishing-vessels entered this harbour.

Foreseeing numerous difficulties, and fearing possible collisions, I asked Captain Campbell, who at that time commanded the "Lily," to kindly assist me with his influence and authority over his countrymen, in watching over the strictest enforcement of the clauses of a Treaty which bears the signature of our two Governments.

Captain Campbell at once promised his support, and kept his promise with a loyalty which I have most sincerely recognized.

Whilst entirely admitting the incontestable rights of the French fishermen on this part of the Newfoundland coast, Captain Campbell wrote to me, in a letter dated the 1st May, 1888:—

"I merely wish to call your attention to the fact that the inhabitants of St. George's have hitherto been in the habit of gaining their living by taking herring during the season, and were this privilege suddenly and completely taken from them it would really increase the difficulties I must encounter in maintaining order."

I replied to Captain Campbell that I feared this toleration might be wrongly interpreted, and might lead them to misunderstand the rights of the French fishermen. Nevertheless, I took upon myself to make no protest so long as the nets of the native fishermen were not in the way of those of the French.

Thanks to the measures taken on both sides and to the straightforward character of Captain Campbell, the season passed without the slightest collision. But the toleration which we showed last year has produced the results I feared, and the newspapers I have received from St. John's give undoubted evidence of this. General Dashwood there preaches to the inhabitants of the coast reserved for our use disobedience to the orders of the British naval officers, and advocates violent measures against the officers of the French navy.

The "Colonist" of the 6th April contains an address of some of the inhabitants of St. George's drawn up in terms offensive to ourselves. The signatures to this address are headed by the Apostolical Prefect Howley, who, last year, came on board the "Drac" to protest against the promulgation of the Bait Act, and to thank me for the toleration I had shown to the inhabitants of St. George's.

All these manifestations are malicious, and display, at least, an ill-will which may lead to deplorable collisions. I would therefore request you, as I did Captain Campbell last year, to assist me in enforcing the strict observance of a Treaty concluded between our two Governments, which nothing has tended to modify since its conclusion.

I am giving the strictest orders to the French fishing-captains that no depredations must be committed on the establishments of the inhabitants of St. George's. But, to avoid all conflicts, it is indispensable that the inhabitants refrain from interfering with the French fishermen in the exercise of their fishery rights on this part of the Newfoundland coast, rights which have been conceded to them by the English nation at the wish of His Britannic Majesty.

I have, &c.
(Signed) A. RECULOUX.

Inclosure 3 in No. 166.

Commander Russell to Captain Reculoux.

Sir, "*Lily*," *at Bay St. George, Newfoundland, May* 4, 1889.

I HAVE the honour to acknowledge the receipt of your letter of yesterday's date.

1. I beg to assure you that it is my earnest desire and intention to co-operate with you to the utmost of my power in preventing any conflict between our fellow-countrymen.

2. The language attributed to General Dashwood is much to be regretted, and I shall not fail to bring your remarks upon it to the notice of my Senior Officer.

3. General Dashwood does not occupy any official position, or possess authority in this Colony.

4. The ground occupied by the herring fishery will be frequently visited by one of the officers of this ship.

5. In conclusion, I hope that the good understanding which so happily existed last year between yourself and Captain Campbell may be maintained this year, and that our joint efforts to preserve peace and order may be as successful this season as they were during the last.

I have, &c.
(Signed) G. W. RUSSELL.

Inclosure 4 in No. 166.

Captain Reculoux to Commander Russell.

M. le Commandant, *Saint-George, le* 4 *Mai,* 1889.

JE vous adresse mes remercîments pour l'assistance que vous voulez bien me promettre sur l'accomplissement de ma mission à Saint-George.

Je suis bien sûr que, grâce à cette assistance, la saison du hareng se passera, comme l'année dernière, sans aucun conflit.

J'ai reçu, ce matin, la plainte du patron de la goélette Française "Violette," dont les filets ont été, pendant la nuit dernière, pillés et les lignes de fonds coupées.

Il est assurément impossible de retrouver les coupables, mais nous serons obligés d'établir une certaine surveillance pour empêcher, autant que possible, que de pareils faits se renouvellent.

Je vous avise que deux goélettes de la Baie de Burgeos se livrent, sur ce havre, à la pêche du hareng.

C'est une tolérance que nous n'avons pas admise l'année dernière. Elle offre le grand danger d'attirer dans le havre de Saint-George les goélettes de la côte sud de Terre-Neuve.

J'ai, &c.
(Signé) A. RECULOUX.

(Translation.)

Sir, *St. George's, May* 4, 1889.

I THANK you for the assistance in carrying out my mission at St. George's which you kindly promise me. I am sure that, thanks to this assistance, the herring season will pass, as last year, without any collision.

I received this morning a complaint from the master of the French schooner "Violette," whose nets were plundered and ground-lines cut last night. It is evidently impossible to discover the culprits, but we shall be obliged to establish a certain supervision in order to prevent, as far as possible, a recurrence of such proceedings.

I beg to inform you that two schooners of Burgeos Bay are engaged in the herring fishery in this harbour. This is a thing we did not allow last year. It presents the danger of attracting to St. George's Harbour the schooners of the south coast of Newfoundland.

I have, &c.
(Signed) A. RECULOUX.

Inclosure 5 in No. 166.

Public Notice.

THE inhabitants of Bay St. George are hereby required to abstain from any interference with the French fishermen during the exercise of their right of fishing accorded to them by Treaty.

Any just complaint on the part of the inhabitants is to be made to me on board the "Lily."

(Signed) G. W. RUSSELL,
Commander, R.N., and Justice of the Peace.

"*Lily*," *at Bay St. George, May* 6, 1889.

Inclosure 6 in No. 166.

Captain Reculoux to Commander Russell.

M. le Commandant, *Saint-George, le* 8 *Mai*, 1889.

J'AI l'honneur de vous informer que de l'enquête faite à bord de la goélette Française "Sainte-Marie," relativement au fait qui vous a été rapporté par l'habitant Daniel Dennis, il résulte :—

1. Que plusieurs marins de ce navire ont trouvé, sur le rivage, des morceaux de bois qu'ils ont cru abandonnés et qu'ils ont voulu prendre.

2. Que le Sieur Daniel Dennis leur ayant dit que ce bois lui appartenait, ils se sont retirés sans rien emporter.

J'ai profité de cette circonstance pour rappeler à tous les capitaines des navires Français présents dans le havre de Saint-George, qu'ils doivent respecter et faire respecter par leurs hommes les établissements privés appartenant aux habitants, et se borner simplement à me signaler la gêne que ces établissements peuvent leur causer dans l'exercice de leurs droits de pêche.

Le nombre des navires Français ayant notablement augmenté depuis hier, je vais, à la date de demain, prendre exactement les mêmes mesures de surveillance qui avaient été prise l'année dernière.

Afin d'éviter le désordre et les conflits entre nos nationaux, je vous serais très obligé, M. le Commandant, si vous voulez bien rappeler de nouveau aux habitants qu'ils ne doivent gêner, d'aucune façon, la pêche des Français sur ce point de la côte de Terre-Neuve.

Je suis, &c.
(Signé) A. RECULOUX.

(Translation.)

Sir, *St. George's, May* 8, 1889.

I HAVE the honour to inform you that it appears from the inquiry held on board the French schooner "Sainte-Marie" into the complaint made to you by one of the inhabitants, Daniel Dennis—

1. That several sailors belonging to this vessel found on the shore pieces of wood which they thought had been thrown away, and which they wanted to take.

2. That Mr. Daniel Dennis having told them that this wood belonged to him, they withdrew without taking away anything.

I took the opportunity of reminding all the captains of French boats present in St. George's Harbour that they must respect, and see that their men respect, the private establishments belonging to the inhabitants, and confine themselves to simply informing me of any hindrance caused to them by these establishments in the exercise of their fishery rights.

The number of French vessels having considerably increased since yesterday, I shall to-morrow adopt the same measures of supervision which were taken last year.

In order to avoid any disorder and collisions between our respective countrymen, I should be very much obliged if you would kindly again remind the inhabitants that they must not hinder in any way the French fishery on this point of the Newfoundland coast.

I have, &c.
(Signed) A. RECULOUX.

Inclosure 7 in No. 166.

Commander Russell to Captain Reculoux.

Sir, "*Lily*," *May* 8, 1889.

I HAVE the honour to acknowledge the receipt of your letter of this day's date.

I beg to thank you most sincerely for the promptitude with which you inquired into the case of Daniel Dennis, which appeared to have been unfounded.

I have to-day issued a public Notice forbidding the inhabitants to fish between the hours of 8 P.M. and 4 A.M., and placing them under the same restrictions as you have done with the French fishermen.

I have, &c.
(Signed) G. W. RUSSELL.

Inclosure 8 in No. 166.

Public Notice

THE inhabitants of Bay St. George are hereby forbidden to fish for herring during the stay of the French vessels at this anchorage between the hours of 8 P.M. and 4 A.M.

A gun will be fired from the "Lily" to mark the commencement and conclusion of the prohibited hours.

The inhabitants are strictly to observe this Regulation, and to refrain from interfering with or molesting the French in any way in the exercise of their Treaty right of fishing.

(Signed) G. W. RUSSELL,
Commander, R.N., and Justice of the Peace.

"*Lily*," *at Bay St. George, May* 9, 1889.

Inclosure 9 in No. 166.

Commander Russell to Captain Reculoux.

Sir, "*Lily*," *May* 10, 1889.

I HAVE the honour to inform you that I have to-day inquired into the case of the schooner "Virgesco," which you brought to my notice.

2. The "Virgesco" is registered in Halifax, but is hired by an inhabitant of Bay St. George, and will become his property as soon as he is able to purchase her.

3. She is at present laid up, and has not any crew except two men as watchmen.

4. The man who has hired her is fishing the usual herring fishery until the season is past, and until he can procure a crew to proceed to the Labrador coast.

5. As he and his men are inhabitants of this bay, I have not forbidden them to fish.

Trusting that you will find this satisfactory, I have, &c.

(Signed) G. W. RUSSELL.

Inclosure 10 in No. 166.

Public Notice.

THE inhabitants of St. George's Bay are, during the presence of the French fishing-vessels, hereby forbidden to set their nets or haul any seine between Turf Point and Barachois Little River within a distance of half-a-mile of the shore, or near any French net outside that limit.

Any net found so set, or seine being hauled, will be raised, and taken on board Her Majesty's ship "Lily," after 12 (noon) May 12th.

(Signed) G. W. RUSSELL,
Commander, R.N., and Justice of the Peace.

"*Lily*," *at Bay St. George, May* 11, 1889.

Inclosure 11 in No. 166.

Captain Reculoux to Commander Russell.

M. le Commandant, *Baie Saint-George, le* 12 *Mai*, 1889.

J'AI l'honneur de vous informer que je me suis rendu à bord de la goélette Française "Auguste-Émile," aussitôt après avoir reçu votre lettre, datée du 11 Mai, par laquelle vous m'annoncez qu'un mât et une voile d'embarcation avaient été enlevés, entre 3 et 5 heures de l'après-midi du 10 Mai, sur le warf de l'habitation des deux Frères, Edward et Samuel Butt, et que ces deux hommes avaient reconnu le mât disparu à bord de la goélette susnommée.

J'ai interrogé le capitaine de ce navire, qui m'a affirmé n'avoir eu connaissance de ce fait que quand les frères Butt sont venus à son bord, et le patron d'un de ses doris qui m'a dit avoir trouvé ce mât flottant à la mer, démuni de voile, dans la matinée du 11 Mai, et qu'il l'avait ramassé, parce qu'il le croyait sans valeur, pour en faire un mât au doris qu'il conduit.

Je me suis fait présenter le mât, qu'il avait déjà travaillé pour l'ajuster à son doris, et une voile, en toile de coton blanc neuve, qu'il était occupé à confectionner.

Aujourd'hui, à midi, j'ai mis en présence les deux frères Butt, que vous avez bien voulu envoyer à bord du "Drac," et le capitaine de "l'Auguste-Émile," accompagné du patron du doris.

Le patron du doris avait apporté le mât transformé et la voile en confection.

Les frères Butt ont persisté à dire que le bois qui leur était présenté provenait du mât disparu, mais que la voile ne ressemblait en rien à celle de leur voile. Cette dernière était teinte en rouge et loin d'être neuve, puisqu'elle avait déjà servi pendant quatre ans.

De son côté, le patron du doris a persisté dans sa première déclaration qui a été confirmée pas les hommes qui l'accompagnaient.

J'ai alors envoyé à bord de "l'Auguste-Émile" un officier du "Drac" avec les deux habitants.

On a procédé, sur ce navire, à de minutieuses recherches, qui sont restées infructueuses.

Ma conviction est que le mât et la voile ont été enlevés du warf des frères Butt par d'autres hommes que ceux de "l'Auguste-Émile;" que ces hommes, considérant que la voile seule avait de la valeur, l'ont séparée du mât et jeté ce dernier à la mer.

Néanmoins, le patron du doris a eu le tort de porter ce mât à son bord, et d'en disposer sans s'inquiéter du propriétaire.

Pour ce fait j'ai infligé un blâme au capitaine de "l'Auguste-Émile" et une punition au patron du doris.

D'un autre côté, j'ai demandé aux frères Butt ce qu'ils désiraient.

Ils m'ont répondu qu'ils voudraient bien rentrer en possession de leur voile.

Je leur ai offert de remplacer le matériel perdu, et de faire confectionner à bord du "Drac" le mât et la voile.

Ils m'ont alors dit que le mât n'avait pas de valeur, qu'ils le remplaceraient facilement, mais qu'ils seraient très satisfaits si je leur donnais la toile et les cordages nécessaires pour qu'ils puissent confectionner eux-mêmes la voile.

Ce qui a éte convenu.

Je pense, M. le Commandant, que cette affaire est terminée au gré de vos désirs.

J'ai, &c.

(Signé) A. RECULOUX.

(Translation.)

Sir, *St. George's, May* 12, 1889.

I HAVE the honour to acquaint you that I went on board the French schooner "Auguste-Émile" immediately on the receipt of your letter dated yesterday, in which you informed me that a mast and a sail had been stolen between 3 and 5 P.M. on the 10th May from the wharf of the house of the two brothers, Edward and Samuel Butt, and that these two men had recognized the lost mast on board the above-mentioned schooner.

I have examined the captain of this vessel, who told me he had no knowledge of this fact till the brothers Butt came on board, and the master of one of his dories, who told me he found the mast drifting in the sea without a sail on the morning of the 11th May, and that, not thinking it had any value, he picked it up to make a mast for his dory.

I made him show me the mast, which he had already fashioned to fit his dory, and a sail of new white canvas which he was busy making.

To-day, at noon, I examined the two brothers Butt, whom you kindly sent on board the "Drac," and the captain of the "Auguste-Émile," accompanied by the master of the dory. The latter brought the transformed mast and the sail which had been begun. The brothers Butt persisted in saying that the wood shown them came from the missing mast, but that the sail did not resemble theirs in any way. The latter had been of red colour and far from new, as it had served for four years.

On his part, the master of the dory persisted in his first statement, which was also confirmed by the men accompanying him.

I then sent an officer of the "Drac," with the two natives, on board the "Auguste-Emile." A careful search was made on board this vessel without any result. I am convinced that the mast and sail were stolen from the wharf of the brothers Butt by other men than those of the "Auguste-Émile;" that these men, considering that the sail alone had any value, separated it from the mast, and threw the latter into the sea.

The master of the dory, however, was wrong in taking this mast on board without troubling himself about its proprietor.

For this I reprimanded the captain of the "Auguste-Émile," and awarded a punishment to the master of the dory. On the other hand, I asked the brothers Butt what they wished to be done. They replied that they were anxious to recover their sail. I offered to replace the lost material, and to have a mast and sail made on board the "Drac."

They then said that the mast was of no value, and that they could easily replace

it, but that they would be glad if I would give them the necessary canvas and rope for making the sail themselves.

This was agreed to.

I believe that this termination of the incident will meet with your approval.

I have, &c.

(Signed) A. RECULOUX.

Inclosure 12 in No. 166.

Commander Russell to Lieutenant Robertson.

(Memo.) "*Lily*," *at Bay St. George, May* 12, 1889.

IN consequence of the number of French vessels which have arrived and are still expected in this bay to procure a supply of bait for the coming cod-fishing season, you are hereby directed to form and organize a system of patrol, as was done by you last year, in order that peace and order may be maintained between the French fishermen and those of Bay St. George.

2. Neither you nor the petty officers under your orders are to interfere with the French fishermen except to prevent a conflict, but you and they are at all times to collect evidence and to keep me constantly informed of any damage done by either side to the other.

You will daily ascertain and report to me the position of the herring and of the British and foreign nets in the bay.

3. You will allow it to be known that the patrol-boats are there to maintain order and to protect the French from any interference or hindrance on the part of the inhabitants, informing the latter that should they have any just cause of complaint they are to make it known to you, if possible, on the spot, and if not, to do so as soon as possible on board Her Majesty's ship "Lily."

4. I am informed by Captain Reculoux, of the "Drac," that all French boats, dories, and buoys of fishing-nets belonging to the French vessels are marked by the name of the ship to which they belong.

5. The part of the coast between Turf Point and Little Barachois River has been forbidden to be used by the inhabitants as a fishing ground within half-a-mile of the shore.

6. The steam-cutter may, when necessary, be used for this service, and you will apply to the First Lieutenant for such other boats, petty officers, and men as may be required to execute this service.

I have, &c.

(Signed) G. W. RUSSELL.

Inclosure 13 in No. 166.

Commander Russell to Captain Reculoux.

Sir, "*Lily*," *May* 12, 1889.

I HAVE the honour to acknowledge the receipt of your letter of this day's date.

2. I beg to express to you my most sincere thanks for the great promptitude which you have shown in investigating the complaint of the brothers Samuel and Edward Butt, and for the very thorough manner in which the inquiry was carried out.

2. Permit me to say that your decision appears to me to have been in every way just and in a spirit of liberality towards the brothers Butt.

I have, &c.

(Signed) G. W. RUSSELL.

Inclosure 14 in No. 166.

COMPARATIVE Results of the Herring Seasons, 1888-89.

FRENCH.

	1888.	1889.	Difference.	Remarks.
Number of ships	132	71	61	Number of seines, 58.
Tonnage	13,049	6,472	6,577	
Men	2,248	1,238	1,010	Number of nets, 279.
Number of barrels fished by Bankers	7,799	3,659	4,140	
Barrels taken away by French baiters	3,450	203	3,247	The nets are now, in most cases, made like those of the inhabitants, and are very difficult to distinguish.
Barrels bought by French baiters ..	3,597	1,337	2,260	
Barrels bought from the inhabitants..	10,177	2,387	7,790	
Total barrels taken from St. George..	25,023	7,586	17,437	
	Fr.	Fr.	Fr.	
Money paid to French baiters ..	19,364	4,787	14,577	
Money paid to the inhabitants ..	58,000	9,615	48,385	

BRITISH.

Barrels cured	18,000	16,000*	2,000	* Result obtained at end of season from Custom-house Returns.
Barrels sold to the French.. ..	10,177	2,387	7,790	
Total	28,177	18,387	9,790	

The British used one seine and about 2,500 nets.

The above details are approximately correct, but I was unable to obtain the exact number of the barrels cured by the inhabitants.

(Signed) G. W. RUSSELL, *Commander.*

No. 167.

Colonial Office to Foreign Office.—(Received February 13.)

(Extract.) *Downing Street, February* 12, 1890.

I AM to inclose, for Lord Salisbury's information, the inclosed copies of a telegraphic correspondence which has taken place between the Secretary of State and the Governor of Newfoundland respecting the proposed *modus vivendi* for the coming season in regard to the lobster fisheries.

Inclosure 1 in No. 167.

Lord Knutsford to Governor Sir T. O'Brien.

(Telegraphic.) *Downing Street, January* 28, 1890.

AN agreement is proposed with the Government of France for a *modus vivendi* during the coming fishing season only, which will give more time for negotiations on the lobster factory difficulty, namely, that there shall be no alteration in the position of British lobster factories or grounds as existing on the 1st July last year, and the French Government agree that they will undertake to grant no new lobster-fishing Concessions this year on fishing-grounds occupied by British subjects before 1st July last year. In case of any competition in the same locality, the provisional delimitation of fishing-grounds to be jointly arranged by the Naval Commanders of both nations. To this arrangement I conclude there is no objection.

Inclosure 2 in No. 167.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received January* 30, 1890.)

AM I correct in assuming that the agreement provides that the English may not establish any new factories this year, but that the French are permitted to do so provided that the ground they select was not occupied by the English previous to 1st July last?

Inclosure 3 in No. 167.

Lord Knutsford to Governor Sir T. O'Brien.

(Telegraphic.) *Downing Street, February* 8, 1890.

REFERRING to your message of 30th ultimo, the proposed *modus vivendi* recognizes, for this season only, the lobster factories of both countries as they existed on 1st July last. Factories may, however, be transferred to other localities, if approved of by the naval officers of both nations. No new Concessions for lobster-catching to be conceded this year by either Government. This is strictly provisional, and only for this season.

No. 168.

Vice-Admiral Watson to Admiralty.—(*Received at the Foreign Office, February* 14, 1890.)

Sir, "*Bellerophon*," *at Bermuda, December* 10, 1889.

I HAVE the honour to submit Reports on the Newfoundland fishery season, 1889, from Captain Sir Baldwin Wake Walker, Bart., of Her Majesty's ship "Emerald," and the officers commanding the "Lily" and "Ready," who were serving under his orders, and in doing so I beg to offer the following remarks.

2. I most earnestly hope that prior to next season an honourable and just settlement of the lobster fishing question may be arrived at by the British and French Governments, as the position of the naval officers of both countries is rendered most unpleasant by the present state of affairs, and it has only been by great tact and judgment on the part of the officers employed on this service that questions did not go beyond the acute stage.

3. In conversations I have had with Commodore Maréchal he has shown how anxious he is, and the officers serving under him, that they should receive instructions identical with ours, and thereby avoid those differences which are now constantly arising, and are as unpleasant to our French brother officers as they are to us.

4. I strongly recommend, for the reasons stated in Captain Sir B. Walker's letter of the 26th November, 1889, that a suitable steam-launch should be sent out to Halifax for the "Emerald" (Senior Officer's ship on the Newfoundland coast) early in the spring, so that she may be fitted under Captain Walker's supervision for special service between Brig Bay and Port Saunders. Telegraphic communication should be at once established between those places; and a small coal depôt at Port Saunders for the west coast cruizer is most desirable, the materials for which might be taken from Halifax, and a shed erected by the carpenters of the "Emerald."

5. I would also call attention to the desirability of the Newfoundland Government being called upon to issue stringent instructions as to the marking of schooners, and I consider Captain Walker's suggestion should be adopted, viz., "that their sails should be marked as a means of identification less easy of evasion."

6. In conclusion, their Lordships will have observed from previous communications, and from the Reports now transmitted, that great credit is due to Captain Sir Baldwin Walker and the Commanders of Her Majesty's ships "Lily" and "Ready" for the zealous and judicious manner in which they have carried out their duty during the fishery season of 1889.

I have, &c.

(Signed) G. W. WATSON.

Inclosure 1 in No. 168.

Captain Sir B. Walker to Vice-Admiral Watson.

Sir, "*Emerald*," *at Bermuda, November* 23, 1889.

I HAVE the honour to forward the Fishery Reports of Her Majesty's ships "Emerald," "Lily," and "Ready."

2. The two latter ships, by my orders, have been kept cruizing on that portion of the coast where the French have Treaty rights.

3. Commanders Russell and Graham performed their duties to my entire satisfaction. Commander Russell, in his conduct of affairs during the bait season at St. George's Bay, and subsequently in St. Margaret's Bay, acted with great discretion.

4. The Bait Bill has, undoubtedly, brought more French vessels to the coasts, especially the east, though up to the present there has been no further increase in the number of occupied French rooms.

5. In the correspondence between Commodore Maréchal and myself, which has been forwarded, the chief interest lies in the claim of the French to the lobster industry under the Treaty and the justification of their actions against British property to enforce the claim.

6. A Report on the French and English lobster factories, by Commander Russell, will shortly be forwarded, but, owing to the unfortunate wreck of Her Majesty's ship "Lily," much valuable information has been lost, and I have not yet received some of the details from the factories.

7. The French have this year established and worked two new lobster factories on the west coast, in addition to those previously erected, one at Brig Bay, which is on an extensive scale, and another at John Meagher's Cove (Castors River); both of these are being still further enlarged ready for next season.

8. The steam-cutter of this ship, in charge of Lieutenant Weigall, who did his work most zealously, was detached and stationed at Port Saunders, in order to prevent any interference by the English lobster-traps with the French fishing operations, but the French never visited the waters during the whole period.

9. I would call attention to the urgent necessity of the Newfoundland schooners complying with the Merchant Shipping Act. I have communicated the names of several of the offending vessels to his Excellency the Governor, but I have noticed that it is quite the exception to find one of these vessels properly marked.

As I believe that the Customs authorities have represented that in some cases these vessels have painted over their names after clearing, I would suggest that their sails should be marked, and thus have a means of identification less easy of evasion.

10. It would be advisable if some arrangement could be come to with the French authorities that would insure either the punctual payment of the "gardiens" in charge of rooms, or, should the rooms be no longer required, the removal of the boats and stores.

11. I may add that though the personal relations between the officers of the two nations have been very friendly, the great divergence of instructions has caused the official situation to be much strained.

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

Inclosure 2 in No. 168.

Captain Sir B. Walker to Vice-Admiral Watson.

Sir, "*Emerald*," *at Bermuda, November* 26, 1889.

I HAVE the honour to offer for your consideration the following remarks and suggestions:—

1. The past season has brought the question of the lobster industry to a stage when considerable danger exists in allowing matters to drift, for the following reasons:

A feeling of great irritation still exists with the French on account of the Bait Act; as to whether the Act has caused any monetary loss I am not prepared to say, but it undoubtedly causes inconvenience from uncertainty as to whether bait will be procurable in sufficient quantities.

2. I am inclined to believe, from information received from various sources, that during the past season, owing to the badness of the fishery on the Banks, it has prevented the money loss being as heavy as it otherwise would, as the difference in catch would not have compensated for the money expended in the purchase of bait. The Act has undoubtedly brought the French back to the shore fishery, and though there has been no increase in the number of occupied rooms, a greater number of French Bankers have come to the coast for bait, with the result that the decline of the shore fishery has been decidedly checked; in fact, on the west coast, there has been a slight increase in the numbers. In order to maintain the shore fishery, the lobster industry becomes an essential auxiliary, and the question consequently has been pressed to a much greater extent than otherwise would have been the case, it, under the circumstances, being a matter of considerable importance to the "armateurs."

3. The French are enlarging the factories established this year, and the erection of others is contemplated. Rumours assign their positions as follows:—

John Meagher's Cove (Castors Bay), Eddies Cove, Bay St. John, Keppel Island, and Portland Head,

but there were no signs of any actual buildings up to the time of my leaving the coast.

Should any of these points be selected there will be the difficulties to contend with of English and French lobster factories desirous of occupying the same fishing grounds, and it will, under these circumstances, be almost impossible to prevent incidents such as occurred in St. Margaret's Bay this season, without some special provision being made. A feeling of resentment against the French is rapidly increasing among the inhabitants along the coast on account of these acts of interference by the French cruizers, and I cannot but perceive that there is an increasing risk of this feeling showing itself in acts of an aggressive nature.

I would therefore suggest that—

(*a.*) Telegraphic communication should be established on that portion of the coast between Brig Bay and Port Saunders.

(*b.*) A suitable boat should be attached to this ship for service at Port Saunders; a picket-boat could cruize with ease and safety between that port and Brig Bay, a distance of 42 miles, with harbours of refuge in case of bad weather. I was unable to obtain a suitable boat at St. John's, and the steam-cutter of this ship, which was stationed there during the season, was quite unequal to this service, and was unable to leave the vicinity of her port. I am also informed that the French "armateurs" have petitioned their Government for a steam-boat to be stationed at St. John's Island, and this, I believe, has the approval of the French officers.

(*c.*) A small depôt of coal for the west coast cruizer should be established at Port Saunders, a shed for its reception being built by the carpenters of the ships, for although coal is sometimes obtainable at L'Anse-à-Loup, the price is exorbitant and the quality inferior, besides which there is the uncertainty of its being procurable when required.

4. I would also point out that by the instructions to English naval officers they are required to act on the spirit of the Arrangement of 1885 as far as possible, whereas the French naval officers have certainly only done so when it suited their views; thus, whilst ignoring Article II, they have acted up to Article IX in the fullest sense.

5. In conclusion, I may add that another question arises with the increase of French lobster factories, and that is the right of importation of goods for the prosecution of the lobster industry in any but French vessels. This season commenced and will probably be further developed a regular trade between Halifax and Newfoundland, which is carried on in English bottoms. Though I am aware under certain circumstances it would be inadvisable to press this matter so long as it took place under the French flag, I apprehend it assumes a different complexion as soon as it is done under any other colours, and, I need hardly point out, opens the way to great abuse. The tendency to illicit trading is already very great; in fact, an application was made to Commander Russell by the Prud'homme Vilala of Port-au-Choix for the recovery of a debt for goods brought from France, which were certainly not for fishing purposes, one of the articles being female wearing apparel.

I have, &c.

(Signed) B. W. WALKER.

Inclosure 3 in No. 168.

Commander Russell to Captain Sir B. Walker.

"*Lily*," *Commissioner's House, Halifax,*
September 28, 1889.

Sir,

IN forwarding my Fishery Report for the season 1889, I have the honour to submit the following remarks :—

2. The cod fishery has been extremely poor on the part of the inhabitants, little or nothing having been done, except about the Bay of Islands, Bonne Bay, and Flowers Cove.

3. On the other hand, the French have done well, and on my last visit to Port-au-Choix and St. John Island fish were abundant, though bait was very scarce.

4. At Red Island also they are reported to have done well.

5. The spring herring fishery at St. George's Bay showed a considerable falling-off on last year's take, which was exceptionally large.

6. The summer and autumn herring fishery had, up to the 16th September, been an almost total failure.

There was still time for the herring to arrive, but great anxiety was felt all along the coast, especially as the cod fishery had also been a failure.

7. Unless the herring come in late in the season, there is reason to fear considerable distress on the west coast during the approaching winter.

8. The number of French fishermen was much the same as last year.

9. There were at Red Island 110 men.

The "armateurs" are residents of St. Pierre.

The fishermen are from France.

10. At Port-au-Choix and Savage Island 291 men. Armateurs Guibert et Fils, Auguste Lemoine.

11. At St. John Island, excluding the factories at Barred Bay and Bartlett's Harbour, 100 men. Anatole Lemoine.

12. At Brig Bay, 48 men employed by the French factory there. "Armateurs Société des Pêcheries Francaises de Terre-Neuve." Total 549. Several vessels also fish "en dégrat."

13. The weather up till the end of July was extremely bad, with constant winds and much fog; from that till the middle of September it was fine, when strong west winds again set in, accompanied by fog.

14. The herring fishery at St. George's Bay, and the lobster factories, British and French, have formed the subject of separate Reports.

15. Owing to the loss of the "Lily," this Report is only up to the 16th September, 1889.

I have, &c.
(Signed) G. W. RUSSELL.

Inclosure 4 in No. 168.

Commander Graham to Captain Sir B. Walker.

"*Ready*," *at Bermuda, November* 21, 1889.

Sir,

IN forwarding my Fishery Report, I have the honour to make the following remarks :—

2. The cod fishery this year has been a very poor one.

3. The indiscriminate use of the jigger when bait is to be procured is unwise, as the wounded fish, of which there are a great number, leave the feeding ground, followed by many others.

4. It is desirable that the Newfoundland Government should take the necessary steps to have notice given at all the outports that the use of cod-traps will be illegal after May next, as there seems to be an impression amongst the fishermen that the Newfoundland Government do not intend to enforce the Act.

5. Herring have been plentiful between Cape Bold and Conche, but in many places the catch has been small owing to the want of seines and nets.

6. The salmon fishing has been fair, but the large number of French Bankers in the Harbour of Conche adversely influenced the catch at that place.

7. The rivers, notably Sops Arm and Salmon Brook, Ariége Bay, are barred and netted, but this can only be put a stop to by having warders living on the river during the season. Persons engaged in this illegal pursuit have look-outs, who give timely warning of the approach of a man-of-war.

8. It would be more satisfactory if all French boats, &c., were removed at the end of the season, unless they are put in charge of a paid guardian. The impression amongst these men is, that when their salary is due, if it is not forthcoming their responsibility ceases, and they have neither the time to spare nor inclination to take care of property unless paid for doing so.

9. In conclusion, I beg to state that my relations with French naval officers have been on all occasions of a most friendly and cordial character.

I have, &c.
(Signed) W. H. B. GRAHAM.

Inclosure 5 in No. 168.

Captain Sir B. Walker to Vice-Admiral Watson.

Sir, "*Emerald*," *at Bermuda, December* 23, 1889.

I HAVE the honour to forward Commander Russell's Report on the lobster factories, French and English, on the west coast.

2. I regret the Return is not complete, and have delayed forwarding it in hopes that the mail from Halifax would have brought the necessary information.

3. On my way to Halifax, after leaving Forteau, in October, the factories about Port-à-Port had all closed, and I was unable to obtain the particulars necessary to complete the Return.

4. The season of 1889 has not been as good as previous ones, the take of lobsters again falling off in October, and the factories closed early.

5. I am quite of Commander Russell's opinion, that the lobster factories do not in any way interfere with the French *bonâ fide* fishing; and even in the places mentioned in paragraph 6 of his letter there has been no interruption to the French operations.

6. The factories are undoubtedly a great benefit to the coast population, and are gradually raising them out of the destitution which existed; they also enable time to be devoted to the cultivation of the land, a most important point for the future prosperity of the Colony, the land being in itself too poor in some places to entirely support the population, but with the employment given by the factories prevents the actual starvation that in bad fishing seasons was by no means unusual.

They are also freeing the fishermen from the trammels of the "truck" system, which has done so much to pauperize them and their families.

7. With reference to the Report on the French factories, these establishments are practically of a permanent character, especially the one at Brig Bay.

8. I am informed that several new English factories will be opened next season, especially about Port-à-Port and Bay St. George, but I believe they will all be on a small scale.

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

Inclosure 6 in No. 168.

Commander Russell to Captain Sir B. Walker.

Sir, "*Lily*," *Commissioner's House, Halifax,* *September* 28, 1889.

IN forwarding this Report, I have the honour to submit the following remarks:—

2. The number of factories continues to increase, though certain of them which were working last year have been either temporarily or finally closed this season.

3. The results up to this date have not been so good as last year, partly on account of the extremely bad weather in the spring and early summer, and also probably owing to the fact that portions of the coast are beginning to be "fished out."

4. A succession of north-east winds in July, just before the lobsters change shells,

brought down a volume of very cold water through the Straits of Belleisle, during the continuance of which the lobsters almost ceased to crawl.

5. On my last visits, up to the 14th September, the daily takes were increasing fast, and, if the end of September and the month of October are fine, the total results will probably equal those of 1888.

6. The British factories have not in any way interfered with the *bonâ fide* French fishery, nor, except in the neighbourhood of Port Saunders, Castors Harbour, and perhaps Red Island, is there any probability of their doing so, and even this is unlikely, as the station established by you at Keppel Island has shown that the French from Port-au-Choix do not use the waters where the traps of the Port Saunders factory are set.

7. About Port-à-Port, Rope Cove, and North Cape (Shoal Point) the French schooners come in the month of June in considerable numbers to fish caplin, but, as they haul their seines on the shore, well inside the traps, no difficulties arise.

8. On the other hand, complaints have been made against the factory of Messrs. Forrest and Shearer, at Brig Bay, on the ground that the traps of that establishment, which are set in St. Margaret's Bay, occupied the waters required for those of the French.

9. The complaints, and the action of M. le Capitaine de Frégate Pierre Reculoux, of the "Drac," in raising the British traps, have been reported by special letters.

10. The factories are of very great benefit to the coast population, as they not only provide employment, with good wages, for numerous men, women, and even young girls, who, in addition, are well fed, but they give a great deal of winter employment to caretakers, and also to men employed to cut wood and build boats for the ensuing season.

11. They also purchase large quantities of herring for bait.

12. They pay wages in cash, if desired, and furnish supplies to their employés at less cost than the ordinary trading schooners, which deal almost entirely on the truck system.

13. Wages run from 60 dollars for managers and skilled hands down to 20 dollars a-month and found; girls receive from 6 dollars to 10 dollars a-month and found; fishermen are generally paid by the hundred, at prices varying from 50 to 70 cents, their boats and gear being found, but not provisions.

14. In some cases they are on wages of 25 to 30 dollars a-month. This is more usual with men from other Colonies.

15. Wood is paid for at from 1 dol. 50 c. to 2 dollars a cord, varying with the distance it has to be hauled.

16. A large factory will take 150 to 200 cords of wood for the season.

17. I was unable to get details of Cow Head and Cow Cove factories.

18. Another factory is said to be working between Sally Cove and St. Paul's, and it is also reported that one is building at Portland Creek, but whether British or French I have not been able to find out.*

19. I had hoped to visit all the factories on my way down the coast at the conclusion of the season, and to have been able to render a more complete Report.

The loss of Her Majesty's ship "Lily," with my rough notes, has prevented my doing this.

I have, &c.
(Signed) G. W. RUSSELL.

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* Since found to be British

Inclosure 7 in No. 168.

Detailed Report on British Lobster Factories.

	Place.	Owner.	Where from.	Men in Factory.		Girls in Factory.		Fishermen.		Traps.	Price per 100.	Cases.		Date of last Visit.	Remarks.
				Natives.	P. E. I. or N. S. Men.	Natives.	P. E. I. or N. S. Girls.	Natives.	P. E. I. or N. S. Men.			1888.	1889.		
											Dol. c.				
1	Berry Head	Sam. Butt ..	St. George's ..	6*	..	1	..	..	..	350	0 50	..	500	..	The total number of traps used by factories 1 to 8 equal 4,200.
2	Robinson Head.. ..	J. McFatridge ..	,, ..	5	..	3	..	8	..	..	0 50	..	400	..	
3	Crabbes	Chetwynd ..	Halifax ..	6	5	8	..	8	9	1,850	0 60	..	1,265	..	
4	Highlands	Nat. Butt ..	St. George's ..	2	..	4	..	6	..	..	0 50	..	800	..	
5	Ditto	J. Keating ..	,, ..	2	..	4	..	4	..	..	0 50	..	550	..	No further particulars obtainable as to Nos. 1 to 8.
6	Ditto	E. Leroux ..	,, ..	6	..	12	..	10	..	..	0 50	950	1,000	..	
6a	Sandy Point ..														
7	Seal Cove	J. Hayse ..	,, ..	8*	..	1	..	..	..	..	0 50	..	200	..	
8	St. George's	J. Morris ..	,, ..	4	..	1	..	3	..	..	0 50	..	300	..	Commenced about 25th August.
9	The Gravels	Abbott and Hill ..	Gravels ..	..	..	..	..	..	..	..	..	400	..	July 8	Closed. Will open for a month in September.
10	Ditto	Baird	St. John's ..	12	..	5	..	11	..	1,100	0 60	2,000	..	,,	
11	Marches Point	Abbott and Hill ..	Gravels ..	11	..	6	..	12	..	1,200	0 60	1 000	..	,,	Bad weather caused considerable loss.
12	Rock Cove	Halliburton ..	C. B. ..	..	..	..	..	..	..	..	..	..	..	,,	Building. May open late in season.
13	Black Duck Brook ..	Baird	St. John's ..	..	..	..	..	..	..	..	..	900	..	July 9	Closed and removed.
14	Beach Point (Port-à-Port)	Cairns	P. E. I. ..	7	7	6	..	6	4	800	0 60	830	..	,,	Will open about 20th July; till then supplies Broad Cove.
15	Harvey's Cove	Harvey	Harvey's Cove	4	..	1	..	..	..	300	..	Not open	155	,,	Worked by Mr. Harvey and three sons, who do everything. New this year.
16	Fox Island River ..	Abbott and Hill ..	Gravels ..	13	..	5	..	7	..	700	0 60	,,	..	,,	New this year.
17	Broad Cove	Cairns	P. E. I. ..	6	9	7	1	4	14	1,700	26 00	1,700	..	July 10	Rough weather.
18	Rope Cove	Neville	Halifax ..	9	1	7	..	10	..	1,000	0 60	Not open	..	,,	Ditto.
19	Lark Harbour	Torsey	St. John's ..	..	..	..	..	..	..	..	..	600	..	July 12	Not open this season.
20	Wood Island	Carter	Good Bank ..	6	4	5	..	10	..	1,500	0 60	700	..	July 11	Much impeded by rough weather.
21	Ditto	Neville	St. John's ..	..	..	..	..	..	..	..	..	500	..	,,	Closed. Will not reopen.
22	Liverpool Cove.. ..	Carter	Good Bank ..	..	..	..	..	..	..	..	..	..	..	,,	Closed. Failed last year. Will not reopen.
23	Crabb's Point	Angwin	Halifax ..	..	..	..	..	..	..	..	..	1,000	113	July 12	Will open in August. Last year was Stabb and Roach.
24	Shoal Point, North Cape..	,, ...	,, ..	15	2	11	..	12	5	1,200	20 dollars a-month	1,000	1,084	,,	Will move to Crabb's in August.
25	Ditto	Roach	,, ..	5	..	3	..	4	..	200	16 00	Not open	..	,,	New this year. Will probably increase.
26	Trout River	Halliburton ..	C. B. ..	8	..	5	..	7	..	600	0 60	,,	20 Sept. to 20 Oct.	,,	Ditto.

* Catch and pack their own lobs

	Place.	Owner.	Where from.	Men in Factory.		Girls in Factory.		Fishermen.		Traps.	Price per 100.	Cases.		Date of last Visit.	Remarks.
				Natives.	P. E. I. or N. S. Men.	Natives.	P. E. I. or N. S. Girls.	Natives.	P. E. I. or N. S. Men.			1888.	1889.		
											Dol. c.				
27	Bonne Bay	Payzant and Fraser	Halifax ..	12	4	20	..	40	..	2,000	0 70	2,000	1,000	June 26	Used as a manufactory for cans and cases. Will open later.
28	Sally Point	,, ,,	,, ..	12	8	17	..	20	..	1,500	0 70	Not open	2,000	,,	Rough weather all early summer.
29	St. Paul's	,, ,,	,, ..	12	8	17	..	20	..	1,650	0 70	3,000	2,000	,,	Ditto.
30	Cow Head ..	Taylor and Cooper	Halifax ..	12	..	12	..	12	..	900	0 60	1,600	1,400	..	No opportunity of visiting or obtaining information
31	Cow Cove ..		St. John's ..	12	..	12	..	16	..	1,200	0 60	1,400	1,400		
31a	Portland Creek	..	..	14	..	13	..	11	..	900	0 60	..	1,200		
32	Port Saunders	Forrest and Shearer	Halifax ..	4	6	8	2	17	..	1,370	0 50	900	1,400	Sept. 12	Rough weather and cold water.
33	Bartlett's Harbour ..	,, ,,	,, ..	4	10	6	6	12	..	1,200	0 50	Not open	2,100	Sept. 13	Rough weather and cold water, but doing well.
34	Dog Island	Chetwynd ..	,,	6	4	8	..	8	10	1,800	0 60	600	956	,,	Rough weather and cold water.
35	Brig Bay	Forrest and Shearer	,, ..	4	8	6	7	12	7	2,000	0 50	2,800	1,900	Sept. 15	Suffered by raising of traps by "Drac."
36	St. Geneviève	Evans	Pt. Bacque ..	7	..	5	..	10	..	800	0 60	400	320	June 14	Will close in August to purchase and cure herring.
37	Current Island	Chetwynd ..	Halifax ..	7	..	7	..	11	1	800	0 55	1,000	260	,,	Ditto.
38	St. Barbes	Forrest and Shearer	,, ..	3	9	5	1	5	2	1,000	0 50	1,200	165	June 15	Closed in August. Plant sold to Mr. Young and removed to Eddy's Cove, St. John's Bay.

(Signed) G. W. RUSSELL, *Commander.*

Inclosure 8 in No. 168.

Commander Russell to Captain Sir B. Walker.

"*Lily*," *Commissioner's House, Halifax,*
September 28, 1889.

Sir,

I HAVE the honour, in submitting this Report, to submit the following remarks :—

2. All the factories which were in operation last year are again working this season, and, in addition, there are new factories at Brig Bay and Bartlett's Harbour.

3. Those at Port-au-Choix and St. John Island Harbour are small, and merely auxiliary to the cod fishery.

4. The factories at Barred Bay, Bartlett's Harbour, and Brig Bay are, however, on a considerable scale, especially the latter, which it is intended to enlarge still more.

5. All the French factories use large iron boilers, fitted with gauges, &c., and are of a permanent character.

The boiling-houses are also roofed with board, and canvas covered.

6. It is rumoured that fresh factories will be established next year on various points of the coast, but I am unable to say where, though probably one will be in Castors Bay, and another under the Highlands of St. John's—either in Eddy's Cove or "Short's fishery"—and probably at Portland Head.

7. The numbers given on the accompanying list of factories are approximate only, as it is very difficult to get accurate information, but I believe them to be practically correct.

I have, &c.
(Signed) G. W. RUSSELL.

Inclosure 9 in No. 168.

List of Factories.

Name of Place.	Date of last Visit.	Owners and Port.	Managers.	Number employed.	Cases in 1888.	Cases in 1889.	Remarks.
	1889						
1. Port-au-Choix ..	Sept. 12	Auguste Lemoine, St. Malo	Capt. Bolin ..	4–8	300	300	Traps round New Port-au Choix, and a few in.
2. Port-au-Choix ..	,, 12	Guibert et Fils, St. Malo	,, Vilala ..	6–8	250	480	Old Port-au-Choix.
3. St. John Harbour ..	,, 13	Anatole Lemoine, St. Malo	,, Landgren	8–10	300	463	Traps round St. John Island Harbour and Turret Cove.
4. Barred Bay ..	,, 13	Ditto	,, ,,	30	1,600	945	Traps under Highlands of mainland.
5. Bartlett's Harbour .	,, 10	Ditto	,, Dollo ..	27	Not open	789	Traps off factory, south of a line from the English factory to point of White Island. New this year.
6. Brig Bay ..	,, 14	Société des Pêcheries de Terre-Neuve	,, Philippe.	48	,,	957	Traps about Old Ferrolle Island, and in St. Margaret Bay. New this year. Was last year in White Bay.
							N.B.—All numbers are approximate, as it is very difficult to obtain accurate information.

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

No. 169.

Colonial Office to Foreign Office.—(*Received February* 15.)

Sir,

Downing Street, February 14, 1890.

WITH reference to my letter of the 12th instant, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, two telegrams from the Governor of Newfoundland upon the subject of the proposed

modus vivendi between the British and French Governments in connection with the lobster fisheries on those parts of the coasts of Newfoundland where the French have Treaty rights.

Lord Knutsford does not doubt that the French Government will appreciate the difficulties which would attend the working of a *modus vivendi* founded upon the requirement that money *bonâ fide* expended in preparations by British subjects for the lobster fishery shall be entirely lost, and the bad effect which the dissatisfaction caused thereby would have upon the prospects of a permanent settlement of this question; and his Lordship hopes that, having regard to these considerations, the French Ambassador may be induced to recommend to his Government the adoption of the 1st January, 1890, as the date on which the arrangement may be based.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 169.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) *February* 12, 1890.

I ONLY received your telegram of 8th instant late on Saturday night, and submitted it to a special meeting of Executive Council on Monday. I find that no law exists prohibiting the erection of lobster factories, and it is stated that several are now in course of construction. I have telegraphed for information, and, after a meeting of Council, will again telegraph to your Lordship to-morrow.

Inclosure 2 in No. 169.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received February* 13, 1890.)

MY Ministers strongly contest the French claims to lobster fishing, but desire to meet the wishes of Her Majesty's Government as to a *modus vivendi* for this season only. They desire that the proposed date may be extended to the 1st January last, otherwise great hardship must ensue, as a large amount of money has been invested in erecting new factories.

No. 170.

Foreign Office to Colonial Office.

Sir, *Foreign Office, February* 15, 1890.

WITH reference to your letter of yesterday's date, I am directed by the Marquis of Salisbury to transmit to you the accompanying copy of an amended draft of the proposed *modus vivendi* regarding lobster fisheries in Newfoundland, which was communicated yesterday to M. Jusserand.

The draft has been so extended as to meet the recommendation of the Governor of Newfoundland, and Lord Salisbury understands that it has Lord Knutsford's concurrence.

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

Inclosure in No. 170.

Amended Draft "Modus Vivendi."

THE questions of principle and of respective rights being entirely reserved on both sides, the maintenance of the *status quo* can be agreed upon on the following bases:—

Without France or Great Britain demanding at once a new examination of the legality of the installation of British or French lobster factories on the coasts of

Newfoundland where the French enjoy rights of fishing conferred by the Treaties, it shall be understood that there shall be no modification in the positions ("emplacements") occupied by existing establishments of the subjects of either country on the 1st July, 1889, except that a subject of either nation may remove any such establishment to any spot on which the Commanders of the two naval stations shall have previously agreed.

No new concesssion of fishery of lobsters shall be accorded this year, except as hereinafter mentioned.

British lobster fisheries, which may have been established between the 1st July, 1889, and the 1st January, 1890, shall not be molested. But it shall be open to French fishermen to establish fresh lobster fisheries to a corresponding extent.

No other British lobster fisheries shall be in operation up to the 1st January, 1891, unless by the joint consent of the British and French Senior Naval Officers on the station, in consideration of some equivalent permission to some new French lobster fishery on another spot.

Whenever any case of competition in respect of lobster fishery arises between the fishermen of either country, the Commanders of the two naval stations shall proceed on the spot to a provisional delimitation of the lobster fishery grounds, having regard to the situations acquired by the two parties.

N.B.—It is well understood that this arrangement is quite provisional, and shall only hold good for the fishing season which is about to open.

February 14, 1890.

No. 171.

Governor Sir T. O'Brien to Lord Knutsford.—(*Received February* 19.)

Government House, St. John's, Newfoundland,
February 4, 1890.

My Lord,

I HAVE the honour to acknowledge the receipt on the 29th ultimo of your Lordship's telegram* informing me that it is proposed to make an agreement with the Government of France as a *modus vivendi* during the coming fishing season, which will give more time for negotiations on the lobster factory question. The agreement being that there shall be no alteration in the position of British lobster factories or grounds, as existing on the 1st July last year, and the French Government undertake that no new lobster-fishing concessions shall be granted this year on fishing-grounds occupied by British subjects on or before the 1st July last. In case of any competition in the same locality, the Naval Commanders on the station will be authorized to make a temporary arrangement delimiting the boundaries of their respective fisheries. All questions as to rights are reserved. And your Lordship further informs me that you conclude there is no objection to publishing this arrangement.

2. On the 30th ultimo, in reply to the above message, I forwarded a telegram† to your Lordship, asking if I am correct in assuming that by the proposed agreement the English may not establish any new factories this year, but that the French may do so, provided that the ground they select was not occupied by the British prior to the 1st July last. To the foregoing I have as yet received no reply.

I have, &c.
(Signed) T. O'BRIEN.

No. 172

Foreign Office to Colonial Office.

Foreign Office, March 3, 1890.

Sir,

WITH reference to my letter of the 15th ultimo relative to the lobster fisheries in Newfoundland, I am directed by the Marquis of Salisbury to request you to inform Lord Knutsford that the Secretary to the French Embassy at this Court called at this Office on the 20th ultimo, and stated that his Government were unable to accept the addition proposed to be made to the terms of the draft *modus vivendi*, as it would place the French fishermen at a disadvantage. M. Jusserand remarked that it was obvious that the British

* Inclosure 1 in No. 167.

† Inclosure 2 in No. 167.

fishermen, being on the spot, would have had the choice of the best places for the new fisheries, and that the French Government had no means of ascertaining to what extent advantage had already been taken of this priority of choice, or would be taken before the arrival of the French fishermen.

On the other hand, it was again pointed out to M. Jusserand that to prohibit entirely all the new lobster fisheries, for which preparations had been made, and money already expended in the Colony, would undoubtedly inflict considerable hardship, and produce much soreness and iritation at the very commencement of the fishing season.

After considerable discussion the accompanying amended draft has been drawn up, which M. Jusserand believes that his Government will be prepared to accept, and which I am to request that you will submit to Lord Knutsford for his concurrence.

I am, &c.

(Signed) T. H. SANDERSON.

Inclosure in No. 172.

Amended draft "Modus Vivendi."

THE questions of principle and of respective rights being entirely reserved on both sides, the maintenance of the *status quo* can be agreed upon on the following bases:—

Without France or Great Britain demanding at once a new examination of the legality of the installation of British or French lobster factories on the coasts of Newfoundland where the French enjoy rights of fishing conferred by the Treaties, it shall be understood that there shall be no modification in the positions ("emplacements") occupied by existing establishments of the subjects of either country on the 1st July, 1889, except that a subject of either nation may remove any such establishment to any spot on which the Commanders of the two Naval Stations shall have previously agreed.

No lobster fisheries which were not in operation on the 1st July, 1889, shall be permitted, unless by the joint consent of the British and French Senior Naval Officers on the station. In consideration of each new lobster fishery so permitted, it shall be open to the fishermen of the other country to establish a new lobster fishery on some spot to be similarly settled by joint agreement between the Naval Commanders.

Whenever any case of competition in respect of lobster fishery arises between the fishermen of either country, the Commanders of the two Naval Stations shall proceed on the spot to a provisional delimitation of the lobster fishery grounds, having regard to the situations acquired by the two parties.

N.B.—It is well understood that this arrangement is quite provisional, and shall only hold good for the fishing season, which is about to open.

No. 173.

Colonial Office to Foreign Office.—(*Received March* 3.)

Sir, *Downing Street, March* 3, 1890.

IN reply to your letter of the 3rd instant, I am directed by Lord Knutsford to acquaint you, for the information of the Marquis of Salisbury, that he concurs in the amended draft *modus vivendi* respecting the lobster fisheries in Newfoundland which it is proposed to submit to the French Government.

I am, &c.

(Signed) JOHN BRAMSTON.

No. 174.

Governor Sir T. O'Brien to Lord Knutsford.—(*Received March* 6.)

Government House, St. John's, Newfoundland,
February 13, 1890.

My Lord,

I HAVE the honour to acknowledge the receipt on the 8th instant of your Lordship's telegram,* informing me, in reply to my message of the 30th ultimo,† that the proposed *modus vivendi* with the French recognizes the lobster factories of both nations as existing on the 1st July last, but for this season only, also that transfers of factories from one locality to another may be permitted with the approval of the naval officers on the station, and that no new concessions to catch lobsters are to be granted by either nation this year. This arrangement is strictly provisional, and for this season only.

2. On the 12th instant I received another telegram from your Lordship, that it was essential that a reply should be given to the French Government with regard to the proposed *modus vivendi* not later than the day after to-morrow.

3. I accordingly, on the same evening, dispatched a message‡ informing your Lordship that I had only received your previous message late on Saturday last, that on Monday I had called a special meeting of my Executive Council to consider it, when I was informed that there was no law in force in this Colony which would enable my Government to prohibit the erection of lobster factories during next season. It was also stated that several new factories were already under construction, about which I caused telegraphic inquiries to be made, and would again telegraph after the adjourned meeting of Council, which was to take place on the 13th instant.

4. On that date I again telegraphed§ that my Ministers, while strongly contesting the right of the French to the lobster fishery, were anxious to meet the wishes of Her Majesty's Government with regard to the *modus vivendi* for this season; but that they desired that the date might be extended to the 1st January last, as otherwise great hardship would ensue, as a considerable quantity of money had already been invested in building new factories.

I have, &c.
(Signed) T. O'BRIEN.

No. 175.

Colonial Office to Foreign Office.—(*Received March* 6.)

Downing Street, March 5, 1890.

Sir,

WITH reference to previous correspondence relating to the question of the marking of fishing-vessels on the Newfoundland coasts, I am directed by Lord Knutsford to transmit to you, for the information of Lord Salisbury, a copy of a despatch addressed by his Lordship to the Governor of Newfoundland upon this subject, in connection with the case of the wrecking of the steam-ship "Montreal" on Belle Isle in October last.

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

Inclosure 1 in No. 175.

Lord Knutsford to Governor Sir T. O'Brien.

Downing Street, February 12, 1890.

Sir,

I HAVE the honour to transmit to you, for communication to your Government, a copy of a letter from the Board of Trade, accompanied by a Report of a Court of Inquiry held in Canada into the stranding of the steam-ship "Montreal" on Belle Isle in August last, together with a copy of a letter from the Admiralty respecting the recommendation of the Commissioner who held the inquiry that all fishing-vessels should be registered and have numbers on their sails.

In view of the serious nature of the acts committed in this case, I must remind you that the proper marking of fishing-vessels is a matter which has been continually

* Inclosure 3 in No. 167.
† Inclosure 2 in No. 167.
‡ Inclosure 1 in No. 169.
§ Inclosure 2 in No. 169.

pressed by Her Majesty's Government on the Government of Newfoundland, and I request that you will call the atttention of your present Ministers to the previous correspondence relating to this question.

Her Majesty's Government regard it of great importance that not only should the existing law be strictly enforced by the Colonial authorities, but that all boats engaged in the fisheries, whether open or decked, and irrespective of their tonnage, should be compelled by law to bear distinctive marks by which they could be easily recognized at a distance.

Further recommendations in support of this view are contained in the Reports of the naval officers which have been forwarded to you.

Although the late Government did not see their way to deal with this question in the manner desired, yet I have every hope that your present advisers will be able during the coming Session of the Newfoundland Legislature to introduce and pass a measure carrying out the repeated recommendations made to the Colonial Government on the matter not only by Her Majesty's Government, but by the naval officers on the station, whose practical knowledge of the difficulty of finding those who have committed offences against the law, owing to the want of means of identifying their vessels, renders their opinion in this matter deserving of the greatest weight.

I have, &c.

(Signed) KNUTSFORD.

Inclosure 2 in No. 175.

Board of Trade to Colonial Office.

Sir, *Board of Trade, London, January* 30, 1890.

I AM directed by the Board of Trade to transmit to you, to be laid before Lord Knutsford, the accompanying copy of the Report of a Court of Inquiry held in Canada into the stranding of the steam-ship "Montreal" on Belle Isle on the 4th August last, together with a copy of a letter, and its inclosure, received from the Admiralty, suggesting that the Colonial Government should be communicated with concerning the recommendation of the Commissioner who held the inquiry that all fishing-vessels should be registered and have numbers on their sails.

I have, &c.

(Signed) GEORGE J. SWANSTON.

Inclosure 3 in No. 175.

Extract from Report of Court of Inquiry.

THERE is a circumstance in connection with this disaster which I feel it my duty to bring to the notice of the Minister of Marine, as the master and officers seem to lay great stress upon it.

On the 8th August Her Majesty's ship "Emerald" stopped off the lighthouse and sent a boat ashore with an officer in charge, who asked the master if any assistance was required.

Captain Wall replied, saying "he would like to have a diver to ascertain the condition of his vessel." He also stated that "most of his crew had been sent to Quebec, retaining only a few to protect the steamer until assistance should arrive." This assistance, it was presumed, was expected from his agents at Quebec. The officer was further informed that, as the passengers were at the lighthouse, there was no need of immediate assistance.

The evidence of the master and other witnesses seems directed to cast some reflections upon the Captain of the "Emerald," and the master specially endeavoured to put a construction upon the actions of the officers of that ship which might go far to prove that the circumstances which occurred afterwards, in connection with the wreckers, might possibly have been avoided had the "Emerald" remained near the lighthouse. It is stated they were surprised to see the "Emerald" steam away when her boat returned.

With regard to these insinuations, I am at a loss to see what the Captain of that ship could have done in view of the statement of the master of the "Montreal" that

he was not in need of immediate assistance, and at that time we are informed that no wreckers were about.

No doubt the presence of a few armed men would have had a beneficial effect in keeping off the pirates, but I cannot say what instructions the officers of Her Majesty's ships have received as to their interference upon such occasions. Had there been a necessity of saving life, I am of opinion her officers would have acted promptly and humanely.

The following day some wreckers boarded the vessel, and, defying the seamen, plundered her. Later on they came into the cove with their schooners and anchored, then made their boats fast alongside of the steamer, and swarmed on board in large numbers.

They intimidated the crew, stole the deck fittings, sails, and gear, and with hachets and crowbars destroyed large portions of the decks in their endeavour to get at the cattle and sheep.

Ropes were put down the openings, and boxes of cheese and various articles of cargo were secured and immediately removed from the steamer. The master and crew were utterly powerless in the presence of greatly superior numbers, consequently the wreckers took complete control. While these disgraceful scenes were transpiring on board the vessel, other illicit acts were being perpetrated on the shore. The cattle and sheep which had previously been safely landed were hunted about the island, caught and killed, the carcases dragged down the cliffs, where boats were in readiness to receive them. Similar scenes have occurred whenever a vessel has been lost in the Straits of Belle Isle, either upon the Labrador or Newfoundland coasts.

It is difficult to find a remedy for these piratical acts in such isolated positions, but one means of assisting to trace and detect the men who are guilty of such crimes would be to have all fishing-vessels registered, with numbers upon their sails.

This would afford an opportunity to the owners of vessels placed in a like unfortunate position to bring these men before the Courts, and inflict a well-merited punishment upon them.

(Signed) WM. H. SMITH, *Commissioner.*

Halifax, December 3, 1889.

Inclosure 4 in No. 175

Admiralty to Board of Trade.

Sir, *Admiralty, January* 22, 1890.

I HAVE received and laid before my Lords Commissioners of the Admiralty your letter of the 9th instant, forwarding copy of the Report of inquiry held in Canada into the stranding of the steam-ship "Montreal" on Belle Isle on the 4th August last, in which reference is made to Her Majesty's ship "Emerald."

2. In reply, I am commanded by their Lordships to transmit to you herewith, for the information of the Board of Trade, copy of an extract from a letter of Sir Baldwin Walkèr, Captain of the "Emerald," reporting the incident.

3. My Lords further desire me to say that they fully concur in the remarks of the Commissioner in respect of the action of the wreckers, and also in his recommendation to have all fishing-vessels registered, with numbers on their sails, as a partial remedy against such piratical acts; and I am to suggest, for the consideration of the Board of Trade, whether it would not be advisable to lay the matter before the Colonial Office, with a view to the Colonial Government being communicated with upon the subject.

I am, &c.

(Signed) EVAN MACGREGOR.

Inclosure 5 in No. 175.

Captain Sir B. Walker to Admiralty.

(Extract.) "*Emerald*," *at St. John's, August* 21, 1889.

I SAILED again the following morning. and having expended half the quarterly ammunition, proceeded to Belle Isle, where I had been informed a steamer was on shore.

On arrival there, I found her to be the steam-ship "Montreal," which had gone ashore in a fog on the 4th August. Having communicated with her captain, who stated that he did not require any assistance, I left the wreck and proceeded to Ariége Bay, where I arrived on the 9th instant, anchoring for the night in St. Lunaire Bay.

No. 176.

Colonial Office to Foreign Office.—(Received March 10.)

(Extract.) *Downing Street, March* 8, 1890.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, with reference to previous correspondence, an extract of a despatch from the Governor of Newfoundland, forwarding a Report of the proceedings at a special meeting of the Executive Council to consider the proposed *modus vivendi* with regard to lobster factories.

Lord Knutsford desires me to observe, for the consideration of Lord Salisbury, that difficulties might possibly arise in connection with this matter if the French naval officer should refuse to concur in recognizing any considerable number of British factories erected between the 1st July last and the time at which the *modus vivendi* may be proclaimed.

I am to suggest, therefore, that, if possible, a friendly understanding should be arrived at with the French Government that the clause in the *modus vivendi* which enables new factories to be erected with the joint concurrence of the English and French naval officers will be interpreted by the French naval officers in a liberal spirit in cases where British factories have actually been established since the 1st July last, or where preparations have been made for such establishments.

The French Government would, it is supposed, recognize, in connection with such a suggestion, the expediency of treating the people of Newfoundland with all possible consideration in this respect, in view of the importance of securing their adhesion to the proposed arbitration on the lobster fishery question.

Inclosure 1 in No. 176.

Governor Sir T. O'Brien to Lord Knutsford.

Government House, St. John's, Newfoundland,

(Extract.) *February* 17, 1890.

REFERRING to my despatch of the 4th instant, I have the honour to acknowledge the receipt since that date of your Lordship's several telegrams in reference to lobster factories, and to report my action thereon.

2. It was late on the evening of Saturday, the 8th instant, when I received your Lordship's message in answer to my inquiry, and informing me that, as I supposed, the rights under the proposed *modus vivendi* would be equally granted to both parties, and also making a further mutual concession, viz., that factories could be removed to other sites provided the Naval Commanders concurred in such a removal. On Monday I held a special meeting of Council, to whom I submitted the whole case thus complete, when a long, earnest discussion took place.

3. I am happy to inform you, my Lord, that my new Ministers all evinced a desire to meet the wishes of Her Majesty's Government as far as they were able, and considered they would be supported by the Colony.

4. On one point, however, they were as strong as the old Cabinet, viz., that whatever might be the *modus vivendi* agreed to, they did not and could not admit in any way that this temporary concession acknowledged the French right to lobster fishing, which they maintain is totally beyond their Treaty rights—a view I find fully confirmed by one of the old records of the Colony, for in 1765 the French took and proceeded to cut up a whale caught on our coasts, but had to give it up, and did so seemingly without remonstrance, the then Governor, Palliser, having decided that it was not the fishery granted to them under Treaty, and certainly a whale is more of a fish than a lobster.

5. The Council then considered the terms of the telegram to be sent to your Lordship, and it having been stated that it was believed in St. John's that nine new factories were to be, or had already been, started, for which a considerable outlay had been incurred, they suggested the 1st January last taking the place of the 1st July in the Agreement; and as no law exists that authorizes the local authorities to prevent factories being put up, or to remove them when erected, which power would have, under the Treaties, to be given to the naval officers, I requested that the Proclamation or instructions might emanate from home, and be, I presume, published by me in the name of Her Majesty's Government.

6. At the meeting it was also further decided that the Colonial Secretary should inquire from such ports on the coast as are connected by telegraph with this as to the number by which the factories on the western coast are likely to be increased this year. In one case we were told twenty-three, and in the other twenty-seven. Doubtless many are included in both replies, so allowing for some on the east coast, with which we can hold no communication, Sir William Whiteway and myself considered we should be within the mark if we telegraphed twenty as the probable number, which I accordingly did on the 15th instant.

Inclosure 2 in No. 176.

Governor Sir T. O'Brien to Lord Knutsford.

Government House, St. John's, Newfoundland,
February 15, 1890.

My Lord,

I HAVE the honour to inform your Lordship that on this day I transmitted a telegram to Downing Street stating that it had been represented to me, before I sent my telegram of the 13th instant, that about nine new lobster factories were erected, or in course of erection, but that I had learnt since then more had been begun and contemplated. Owing to the difficulty in obtaining information, I was unable to give your Lordship definite numbers, but should estimate them at about twenty; however, I was unable to ascertain how far they had progressed.

I have, &c.
(Signed) T. O'BRIEN.

No. 177.

The Marquis of Salisbury to M. Waddington.

Foreign Office, March 10, 1890.

M. l'Ambassadeur,

WITH reference to the verbal communications which have taken place as to the conditions on which the lobster fisheries in Newfoundland should be carried on during the ensuing season, I have the honour to transmit herewith the draft of a *modus vivendi*, and to state that Her Majesty's Government are prepared to accept it.

I shall be glad to learn whether your Excellency is authorized to assent to it on behalf of the Government of the French Republic.

I am, &c.
(Signed) SALISBURY.

Inclosure in No. 177.

Draft Modus Vivendi.

THE questions of principle and of respective rights being entirely reserved on both sides, the British and French Governments agree that the *status quo* shall be maintained during the ensuing season on the following bases :—

Without France or Great Britain demanding at once a new examination of the legality of the installation of British or French lobster factories on the coasts of Newfoundland, where the French enjoy rights of fishing conferred by the Treaties, it is understood that there shall be no modification in the positions ("emplacements") occupied by the establishments of the subjects of either country on the 1st July, 1889, except that a subject of either nation may remove any such establishment to any spot on which the Commanders of the two naval stations shall have previously agreed.

No lobster fisheries which were not in operation on the 1st July, 1889, shall be permitted, unless by the joint consent of the Commanders of the British and French naval stations.

In consideration of each new lobster fishery so permitted, it shall be open to the fishermen of the other country to establish a new lobster fishery on some spot to be similarly settled by joint agreement between the said Naval Commanders.

Whenever any case of competition in respect of lobster fishery arises between the fishermen of either country, the Commanders of the two naval stations shall proceed on the spot to a provisional delimitation of the lobster fishery grounds, having regard to the situations acquired by the two parties.

N.B.—It is well understood that this arrangement is quite provisional, and shall only hold good for the fishing season which is about to open.

LES questions de principe et les droits respectifs étant entièrement réservés de part et d'autre, les Gouvernements Français et Britannique sont convenus pour la saison prochaine du maintien du *status quo* sur les bases suivantes :—

Sans que la France ou la Grande-Bretagne demande dès aujourd'hui un nouvel examen de la légalité de l'installation des homarderies Anglaises ou Françaises sur les côtes de Terre-Neuve, où les Français jouissent des droits de pêche conférés par les Traités, il est entendu qu'aucune modification ne sera apportée aux emplacements occupés par les établissements appartenant aux nationaux des deux pays au 1er Juillet, 1889, par exception, les nationaux de l'un ou l'autre pays pourront transporter leurs établissements susdits à tout endroit au sujet duquel les Commandants des deux stations navales seront préalablement tombés d'accord.

Aucune homarderie ne fonctionnant pas antérieurement au 1er Juillet, 1889, ne sera admise, à moins que les Commandants des stations navales Anglaise et Française n'en tombent simultanément d'accord.

En considération de chaque homarderie nouvelle autorisée dans ces conditions, il sera loisible aux pêcheurs appartenant à l'autre nationalité d'établir une nouvelle homarderie sur un point que les dits Commandants devront déterminer de même d'un commun accord.

Toutes les fois qu'un fait de concurrence concernant la pêche du homard se produira entre les pêcheurs des deux pays, les Commandants des deux stations navales procéderont sur les lieux à une délimitation provisoire des fonds de pêche de homard, en tenant compte des situations acquises par les deux parties.

N.B.—Il est bien entendu que cet arrangement, tout provisoire, ne sera valable que pour la durée de la campagne de pêche qui va s'ouvrir.

No. 178.

M. Waddington to the Marquis of Salisbury.—(*Received March* 12.)

M. le Marquis. *Londres, le* 11 *Mars*, 1890.

VOTRE Seigneurie a bien voulu, en se référant aux communications verbales qui ont été échangées entre cette Ambassade et le Foreign Office, m'adresser un projet de *modus vivendi* destiné à régler les conditions dans lesquelles la pêche du homard aura lieu à Terre-Neuve pendant la saison prochaine.

Vous me faites savoir en même temps que le texte de ce projet a reçu l'adhésion du Gouvernement de la Reine, et vous me demandez si, de mon côté, je suis autorisé à en accepter les termes au nom du Gouvernement de la République Française.

Je m'empresse d'accuser réception de la communication de Votre Seigneurie, et après avoir pris connaissance du document qui y était joint, et qui est conforme aux vues échangées de part et d'autre au cours des pourparlers susénoncés, j'ai l'honneur de Lui faire connaître que je suis autorisé, dans ces conditions, à accepter pour mon Gouvernement, et en son nom, les arrangements consignés dans l'acte en question.

L'accord des deux Gouvernements étant ainsi constaté, par la communication de Votre Seigneurie et par la présente lettre, le projet de *modus vivendi* précité devient par suite exécutoire pour la saison prochaine, et ses dispositions seront, pendant cette période, la règle des parties pour ce qui concerne la pêche du homard à Terre-Neuve.

Veuillez, &c.

(Signé) WADDINGTON.

(Translation.)

My Lord, *London, March* 11, 1890.

WITH reference to the verbal communications exchanged between this Embassy and the Foreign Office, your Lordship has transmitted to me a draft *modus vivendi* for determining the conditions in which the lobster fishery is to be carried on in Newfoundland during the coming season.

You tell me at the same time that the text of this draft has been accepted by Her Majesty's Government, and you ask whether I, on my part, am authorized to accept these terms in the name of the Government of the French Republic.

I hasten to acknowledge the receipt of your Lordship's communication, and having taken cognizance of the document annexed to it, which is in accord with the views exchanged on either side in the course of the above-mentioned negotiations, I have the honour to inform your Lordship that, in these circumstances, I am authorized to accept on behalf, and in the name, of my Government the arrangements contained in the document in question.

The agreement of the two Governments being thus completed, by your Lordship's communication and by the present note, the draft *modus vivendi* thereby enters into force for the coming season, and its provisions will, for that period, be binding on the parties as regards the lobster fisheries in Newfoundland.

I have, &c.

(Signed) WADDINGTON.

No. 179.

Foreign Office to Colonial Office.

Sir, *Foreign Office, March* 12, 1890.

WITH reference to my letter forwarding copy of a note to the French Ambassador at this Court of the 10th instant, on the subject of the *modus vivendi* for the lobster fisheries in Newfoundland during the ensuing season, I am directed by the Marquis of Salisbury to transmit to you, for Lord Knutsford's information, a copy of M. Waddington's reply,* stating that the proposed arrangement is accepted by the French Government. I am accordingly to request that you will move Lord Knutsford to take all necessary steps for carrying the terms of the arrangement into execution.

I am, &c.

(Signed) T. H. SANDERSON.

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* No. 178.

No. 180.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, March* 13, 1890.

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 11th instant, informing me that the proposed arrangement in regard to the *modus vivendi* for the lobster fisheries in Newfoundland during the ensuing season is accepted by the French Government. I have lost no time in communicating this information to Her Majesty's Secretary of State for the Colonies, and in requesting his Lordship to take all necessary steps for carrying the terms of the arrangement into execution.

I have, &c.
(Signed) SALISBURY.

No. 181.

Colonial Office to Foreign Office.—(Received March 17.)

(Extract.) *Downing Street, March* 17, 1890.

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a telegram which was addressed to the Governor of Newfoundland on the 12th, communicating to him the terms of the *modus vivendi.*

I am further to inclose copies of two telegrams in reply which have been received from Sir Terence O'Brien.

Inclosure 1 in No. 181.

Lord Knutsford to Governor Sir T. O'Brien.

(Telegraphic.) *Downing Street, March* 12, 1890.

FOLLOWING is text of *modus vivendi* as agreed to: The questions of principle and of respective rights being entirely reserved on both sides, the British and French Governments agree that the *status quo ante* shall be maintained during the ensuing season on the following bases: Without France or Great Britain demanding at once a new examination of the legality of the installation of British or French lobster factories on the coasts of Newfoundland, where the French enjoy rights of fishing conferred by the Treaties, it is understood that there shall be no modification in the positions occupied by the establishments of the subjects of either country on the 1st July, 1889, except that a subject of either nation may remove any such establishment to any spot on which the Commanders of the two naval stations shall have previously agreed.

No lobster fisheries which were not in operation on the 1st July, 1889, shall be permitted, unless by joint consent of Commanders of British and French naval stations. In consideration of each new lobster fishery so permitted, it shall be open to the fishermen of the other country to establish a new lobster fishery on some spot to be similarly settled by joint agreement between Naval Commanders. Whenever any case of competition in respect to lobster fishery arises between the fishermen of either country, the Commanders shall proceed on the spot to a provisional delimitation of the fishing grounds, having regard to the situations acquired by the two parties.

N.B.—It is well understood that this arrangement is quite provisional, and shall only hold good for the fishing season which is about to open.

Give publicity to foregoing.

Inclosure 2 in No. 181.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received at the Colonial Office, March* 14, 1890, 10·45 P.M.

MY Ministers strongly protest against what would in *modus vivendi* appear to be admission of concurrent rights of lobster fishing, and are of opinion that this arrangement would be prejudicial to position of Newfoundland in future negotiations. They further contend that Imperial Government should bear expense of losses of those who have established factories since date 1st July. They consider that as this *modus vivendi* has been concluded without their concurrence it is not for them to advise as to giving notice to those whom it may affect.

Inclosure 3 in No. 181.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received at the Colonial Office, March* 15, 1890.)

RESOLUTION passed by both Houses of Parliament last night in identic terms emphatically protesting against *modus vivendi* as being prejudicial to British fishing and territorial rights, and being contrary to assurances of Her Majesty's Government that right of fishing should not be interfered with without consent of Colonial Legislature; further, that this arrangement is objectionable as indicating admission of non-existent concurrent rights on the coast.

No. 182.

Colonial Office to Foreign Office.—(*Received March* 18.)

Sir, *Downing Street, March* 17, 1890.

WITH reference to previous correspondence relating to the marking of fishing-vessels on the coast of Newfoundland, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, an extract of a despatch from the Governor of Newfoundland upon this subject. It will be observed that this despatch has crossed the Secretary of State's despatch to the Governor of which a copy was sent to the Foreign Office in my letter of the 5th instant.

Lord Knutsford is of opinion that, although difficulties may stand in the way, some means should certainly be found for marking all vessels engaged in the Newfoundland fisheries, and not only those the marking of which is required by the Merchant Shipping Acts; and he proposes, if Lord Salisbury concurs, to desire the Governor to confer with Captain Sir Baldwin Walker, on his arrival at St. John's in the course of the fishing season, as to what steps could be taken to provide for the means of the proper marking of all such craft, and to report as to what is the practice with French and American vessels.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure in No. 182.

Governor Sir T. O'Brien to Lord Knutsford.

Government House, St. John's, Newfoundland,

(Extract.) *February* 14, 1890.

I HAVE the honour to report that as soon as the by-elections were over, and the immediate pressure of the necessary business of the Colony was disposed of, I felt it my duty to bring prominently before my new Ministers the subject-matter of your Lordship's despatch of the 31st May last.

2. The principal difficulties which I see will have to be met, if special legislation is found hereafter to be needed, are :—

(1.) That, if marking of sails is insisted on, the Colony would expect that it

should be equally required of French, Canadian, and American vessels frequenting these waters.

(2.) That it would be considered a tax on our people, and would be magnified into arbitrary interference.

(3.) That it would be difficult and often impossible in our outports to obtain painters who could do the lettering required; a strange, but I believe to a certain extent perfectly correct statement, as I know that last year one of our men-of-war had to send its painter on board one of our fishing-vessels, as no one could be found who could, as desired by the skipper, mark his vessel in accordance with the Act; hence if this is the case in some out-harbour, what must it be for sails, &c., which may be made up in any fisherman's hut, miles away from a painter or person competent to comply with the conditions laid down in the North Sea Fisheries Convention?

No. 183.

Colonial Office to Foreign Office.—(*Received March* 21.)

(Extract.) *Downing Street, March* 21, 1890.

I AM directed by Lord Knutsford to transmit to you copy of a telegram which was addressed to the Governor on the 18th, on the subject of the *modus vivendi* for the regulation of the lobster fisheries.

Inclosure in No. 183.

Lord Knutsford to Governor Sir T. O'Brien.

(Telegraphic.) *Downing Street, March* 18, 1890.

REFERRING to your telegrams of the 14th and 15th March, I fear adoption of reported Resolution will not improve the prospect of ultimate settlement most favourable to British claims. There is some misapprehension in supposing that any British territorial or other rights prejudiced by *modus vivendi* or any French rights admitted; all questions of principle and of respective rights on both sides are stated expressly to be reserved. Neither Her Majesty's Government nor the Colonial Legislature have power of declaring what are British and French rights respectively, and provisional arrangement is necessary for next season.

No. 184.

Lord Knutsford to Governor Sir T. O'Brien.

Sir, *Downing Street, March* 21, 1890.

IN my telegram of the 16th December last I informed you of the wish of Her Majesty's Government to consult Sir William Whiteway generally on matters connected with the Newfoundland fisheries, and especially with the object of determining whether it would be possible to submit to arbitration the French claims connected with the lobster fisheries, and to consult with him as to terms of reference.

In your reply of the 25th December you informed me that Sir William Whiteway would not be able to leave until the end of March, or perhaps not before the end of the Session of the Local Legislature.

I have now to inform you that the Secretary of the French Embassy called at the Foreign Office on the 21st January, and observed that it could scarcely be hoped that the proposed arbitration with respect to the lobster fishery in Newfoundland could be brought to a close before the commencement of the fishing season, and that it therefore seemed desirable, in the interest of all parties, that some *modus vivendi* should be arrived at for the next season only, and pending the settlement of the question at issue. M. Jusserand accordingly communicated, for the consideration of Her Majesty's Government, the sketch of the bases on which such an arrangement might be made. I telegraphed to you the substance of this sketch on the 28th January. The proposal was to the following effect, viz., that it should be agreed as a *modus vivendi* for next season only that there should be no alteration in the position of British lobster factories or

grounds as existing on the 1st July last year, the French Government undertaking that no new lobster fishing concession should be granted this year on fishing-grounds occupied by British subjects on or before 1st July last. In case of any competition in the same locality the Naval Commanders on the station should jointly arrange provisional delimitation of fishing-grounds, and all questions of right were reserved by both parties.

You telegraphed to me in reply on the 30th January, inquiring whether you were correct in assuming that by the proposed Agreement British subjects were not to establish any new factories this year, but that the French might do so provided that the ground they selected was not occupied by the British prior to the 1st July, 1889. I informed you in reply, by my telegram of the 8th February, that the *modus vivendi* would recognize factories of both nations for this season only as existing on the 1st July, 1889, but that transfers would be permitted to other localities if approved by the naval officers of both nations. That no new concession of lobster fishery should be accorded by either Government this year; and I informed you that the proposed Agreement would be strictly provisional for this season only.

You replied, by your telegram of the 13th February, to the effect that your Ministers contested strongly the rights of the French to the lobster fishery, but that they were anxious to meet the wishes of the Imperial Government for a *modus vivendi* for this season only. You informed me that they wished the date to be extended to the 1st January, 1890, as otherwise hardship would be inflicted, as considerable money had been invested in new factories.

Your subsequent telegrams of the 13th and 15th February supplied further information in regard to the number of British factories believed to be under construction, or to be contemplated.

With a view to meet the difficulty thus pointed out an addition was proposed to be made to the draft *modus videndi*, to the following effect:—

"British lobster fisheries which may have been established between the 1st July, 1889, and the 1st January, 1890, shall not be molested. But it shall be open to French fishermen to establish fresh lobster fisheries to a corresponding extent.

"No other British lobster fisheries shall be in operation up to the 1st January, 1891, unless by the joint consent of the British and French Senior Naval Officers on the station, in consideration of some equivalent permission to some new French lobster fishery on another spot."

M. Jusserand, however, called at the Foreign Office on the 20th ultimo, and stated that his Government were unable to accept this proposal, as it would place the French fishermen at a manifest disadvantage. It was obvious, he remarked, that the British fishermen, being on the spot, would have had the choice of the best places for the new fisheries, and the French Government had no means of ascertaining to what extent advantage had already been taken of this priority of choice, or would be taken before the arrival of the French fishermen.

It was pointed out to M. Jusserand that the prohibition of all the new lobster fisheries for which preparation had been made and money expended in the Colony would not only cause considerable hardship, but would excite a feeling of soreness and irritation at the very commencement of the fishing season, which it was, on every account, most desirable to avoid.

After considerable discussion a further amended draft was agreed upon between the two Governments, the terms of which I telegraphed to you on the 12th instant.

A copy of the *modus vivendi* thus agreed upon is inclosed.

It was hoped that this *modus vivendi* would have been acceptable to your Government as an arrangement for the present season only, and as a means of avoiding disputes during the coming season, and as giving time for a more permanent settlement of the question.

I was therefore much disappointed at receiving your telegrams of the 14th and 15th instant apprising me of objections to the Agreement entertained by your Ministers, and of the passing of identic Resolutions in both Houses of the Colonial Parliament protesting against the *modus vivendi* as being prejudicial to British fishing and territorial rights, contrary to assurances of Her Majesty's Government that right of fishing should not be interfered with without the consent of the Colonial Legislature, and that the arrangement was objectionable as indicating the admission of non-existent concurrent rights on the coast.

I replied to the above telegrams by mine of the 18th instant, in which I expressed the fear which I entertained that the adoption of the Resolutions which you reported would not improve the prospect of an ultimate settlement most favourable to British

claims. I remarked that there was some misapprehension in supposing that any British territorial or other rights were prejudiced by the *modus vivendi*, or that any French rights were admitted. I pointed out that all questions of principle and of respective rights on both sides were expressly stated to be reserved, and I added that neither Her Majesty's Government nor the Colonial Legislature have the power of declaring what are British and French rights respectively, and that a provisional arrangement was necessary for the coming season.

Your Ministers are of course aware that the views held by the British and French Governments in regard to the rights of their respective subjects in the matter of the lobster fisheries are antagonistic; the French Government holding that the establishment of British lobster factories on that part of the coasts of Newfoundland to which the rights of French subjects extend is contrary to the engagements entered into by this country with France, while Her Majesty's Government contend that the French have no right to fish for lobsters, and, consequently, that the erection of lobster factories by them is in excess of the privileges granted by those engagements, and the fact of this divergence of views has given rise to the necessity of some *modus vivendi* for the coming season, so that time may be given for effecting some more permanent settlement.

The *modus vivendi* agreed to makes no concessions of right to the French, neither does it in any way detract from the maritime or territorial rights of the Colony, and therefore does not infringe the assurance contained in the despatch from the Secretary of State (Mr. Labouchere) to Governor Darling of the 26th March, 1857, which it is presumed is the assurance referred to in the Resolutions of the two Houses. That assurance was to the effect that "the consent of the community of Newfoundland was regarded by Her Majesty's Government as an essential preliminary to any modification of their territorial or maritime rights."

The *modus vivendi* obviously does not effect any such modification, and Her Majesty's Government can only hope that it will be accepted and acted upon loyally by the people of Newfoundland for the approaching season.

In the meantime, every effort will be made by Her Majesty's Government to come to some more definite settlement of the question.

I have, &c.
(Signed) KNUTSFORD.

No. 185.

M. Waddington to the Marquis of Salisbury.—(*Received March* 22.)

M. le Marquis, *Londres, le 22 Mars*, 1890.

PAR une lettre en date du 13 de ce mois, Votre Seigneurie a bien voulu me faire savoir que l'accord entre nos deux Gouvernements pour régler le *modus vivendi* à Terre-Neuve en ce qui concerne la pêche du homard pendant la saison prochaine ayant été établi et accepté des deux parts, le Gouvernement de Sa Majesté la Reine prenait les dispositions nécessaires pour assurer en ce qui le concerne l'exécution de cet arrangement.

En remerciant Votre Seigneurie de cette communication, j'ai l'honneur de Lui faire savoir que de son côté mon Gouvernement prend les mesures nécessaires pour assurer également en ce qui le concerne l'exacte application des dispositions arrêtées d'un commun accord.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation.)

My Lord, *London, May* 22, 1890.

IN a note dated the 13th of this month, your Lordship informed me that, the Agreement between our two Governments for the establishment of the *modus vivendi* in Newfoundland with regard to the lobster fishery during the coming season having been concluded and accepted by either side, Her Majesty's Government was taking the necessary steps to insure the carrying out of this arrangement.

In thanking your Lordship for this communication, I have the honour to acquaint you that my Government, on their side, are taking the necessary measures for equally insuring, so far as they are concerned, the exact application of the provisions settled by mutual agreement.

I have, &c.
(Signed) WADDINGTON.

No. 186.

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

Sir, *Downing Street, March* 22, 1890.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, copy of a telegram from the Governor of Newfoundland, making inquiry as to the meaning on certain points of the *modus vivendi* recently agreed upon with the French Government for the coming season in regard to the lobster factories.

I am also to inclose the draft of a telegram which, with Lord Salisbury's concurrence, Lord Knutsford proposes to send to the Governor in reply.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 186.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received March* 20, 1890.)

MY Ministers raise question whether, under *modus vivendi*, French have right of erecting as many factories as they desire by authority from naval officers, or are naval officers limited to granting permission to French to erect factories only for equivalent number erected by British since 1st July, 1889, or if British do not erect new factories after that date, can French erect single factory.

Inclosure 2 in No. 186.

*Draft of Telegram to Governor Sir T. O'Brien.**

REFERRING to your telegram of 20th March, a new factory of either nation can be erected only if both Naval Officers Commanding consent. *Modus vivendi* enables, but does not compel, two Officers Commanding to limit new factories to exactly equal number on each side. If your Ministers prefer strict maintenance of *status quo* on the 1st July, 1889, prohibiting any new factories of either nation, we believe French would probably agree, but early notice desirable in that case. Or if informed of exact number of proposed new British factories, French would probably limit their preparations accordingly, and friction might be avoided.

No. 187.

The Earl of Lytton to the Marquis of Salisbury.—(*Received March* 27.)

My Lord, *Paris, March* 26, 1890.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, a report of a question put to the Minister for Foreign Affairs in the Senate yesterday, and of his Excellency's reply, on the subject of the Newfoundland fisheries.

After asserting that the French rights are absolute and exclusive, M. Ribot defended the new *modus vivendi* as being a temporary arrangement, to be followed, when it expired, by a renewal of negotiations with England, which he hoped would secure more favourable terms for French fishermen.

A desire having been expressed for a fuller discussion of the whole question, M. Ribot accepted an interpellation on the subject, which was fixed for a month hence.

I have, &c.

(Signed) LYTTON.

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* Forwarded March 24.

Inclosure in No. 187.

Extract from the "Journal Officiel" of March 26, 1890.

Question.

M. le Président.—La parole est à M. l'Amiral Véron pour poser une question à M. le Ministre des Affaires Étrangères.

M. l'Amiral Véron.—Messieurs, je viens poser une question à M. le Ministre des Affaires Étrangères, qui veut bien l'accepter, au sujet des difficultés que rencontrent nos pêcheurs de Terre-Neuve dans l'exercice de leurs droits établis par les Traités conclus avec l'Angleterre à diverses époques, de 1713 à 1814.

Je vais aussi préciser quels sont ces droits et comment ils interdisent à nos voisins de venir nous faire concurrence ou nous gêner sur les parties de côte de la grande île, délimitées par les Traités.

M. l'Amiral Peyron.—Et nous en chasser !

M. l'Amiral Véron.—Il y a plus d'un mois, j'avais demandé à poser cette même question à l'honorable M. Spuller, en même temps que je voulais avoir des explications relatives à la protection que notre station navale accorderait cette année à nos nationaux.

Mais des négociations—qu'il ne fallait pas troubler—étaient entamées avec le Foreign Office à l'effet d'obtenir un *modus vivendi* pour la prochaine campagne de pêche, le temps manquant pour discuter à fond toute l'étendue de nos droits.

La démission de M. le Ministre est survenue juste au moment où il aurait pu me répondre à cette tribune, car le *modus vivendi* venait d'être arrêté entre les deux Gouvernements. J'en parlerai naturellement au cours de ma discussion.

Il faut tout d'abord, Messieurs, que je vous rappelle que, depuis quelques années, les pêcheurs Anglais non seulement se sont installés dans les baies où seuls nous avons droit de pêche, pour y exploiter en même temps que nous, l'importante industrie des conserves de homard, que non seulement ils ont gêné nos nationaux dans l'exercice de leur industrie, qu'ils leur ont fait une sérieuse concurrence et un tort considérable pour l'avenir en prenant indistinctement petits et gros crustacés (ce qui en amènerait fatalement la destruction complète), mais que, n'arrêtant pas là leurs prètentions, ils voudraient aller jusqu'à nous contester le droit d'y faire la pêche en même temps qu'eux ! en un mot ils voudraient nous en chasser.

M. l'Amiral Peyron.—Voilà la vérité !

M. l'Amiral Véron.—Deux fois j'ai déjà eu l'honneur de traiter cette question devant le Sénat, lo 17 Janvier, 1887, et le 24 Octobre, 1888.

Plus récemment, le 20 Janvier dernier, l'honorable M. Flourens, lui aussi, devant la Chambre des Députés, a de nouveau exposé les plaintes de nos pêcheurs, en faisant ressortir avec sa haute compétence nos droits indiscutables et exclusifs de pêche.

Je ne veux pas renouveler devant le Sénat toute la discussion que j'ai soutenue devant lui, aux deux séances que je viens de rappeler; il s'agissait de nos grands intérêts commerciaux et maritimes et de la défense de nos droits.

Permettez-moi seulement, Messieurs, de vous rappeler le texte de l'Article V du Traité de 1783 (Traité de Versailles) qui peut-être considéré comme le dernier conclu, car celui de 1814–15 intervenu à la suite des guerres de l'Empire, n'en est que la confirmation.

A cette époque, et depuis le Traité d'Utrecht, le "French Shore" (comme disent les Anglais) s'étendait depuis le Cap Bonavista est jusqu'à la Pointe Riche ouest, passant par le nord de la presqu'île et sans aucune interruption.

Mais il y avait eu des rixes fréquentes entre les pêcheurs des deux pays sur la côte de Bonavista au Cap Saint-Jean, partie de côte déjà habitée par un certain nombre d'Anglais.

L'Article V dit:—j'appelle, Messieurs, toute votre attention sur cet Article qui est la base de ma discussion et qui fait ressortir le bien-fondé de nos droits—"Sa Majesté le Roi Très Chrétien, pour prévenir les querelles qui ont eu lieu jusqu'à présent entre le deux nations Anglaise et Francaise consent à renoncer au droit de pêche qui lui appartient en vertu de l'Article XIII susmentionnée du Traité d'Utrecht, depuis le Cap de Bonavista jusqu'au Cap Saint-Jean, situé sur la côte orientale de Terre-Neuve; et Sa Majesté le Roi de la Grande-Bretagne consent, de son côté, que la pêche assignée aux sujets de Sa Majesté Très Chrétienne, commençant au dit Cap de Saint-Jean, passant par le nord et descendant par la côte occidentale de l'Ile de Terre-Neuve, s'étende jusqu'à l'endroit appelé Cap Raye. Les pêcheurs Français jouiront

de la pêche qui leur est assignée par le présent Article, comme ils ont eu droit de jouir de celle qui leur est assignée par le Traité d'Utrecht."

Vous voyez, Messieurs, ce consentement réciproque des deux Souverains aux changements apportés dans la délimitation des lieux de pêche attribués à chaque nation !

N'est-ce pas là la meilleure preuve que nous possédons bien ces droits de pêche exclusifs qui, du reste, ne nous avaient jamais été contestés sérieusement jusqu'ici, et que Lord Palmerston confirmait lui-même devant le Parlement Britannique en 1843 ?

Voici maintenant ce que dit la déclaration du Plénipotentiaire Anglais qui fait suite au Traité de 1783 :—

"Le Roi étant entièrement d'accord avec Sa Majesté Très Chrétienne sur les Articles du 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'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 de querelles journalières, Sa Majesté Britannique prendra les mesures les plus positives pour prévenir que ses sujets ne troublent en aucune manière, par leur concurrence, la pêche des Français 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 établissements sédentaires qui y seront formés. Sa Majesté Britannique donnera des ordres pour que les pêcheurs Français ne soient pas gênés dans la coupe des bois nécessaires pour la réparation de leurs échafauds, cabanes, et bâtiments de pêche."

Remarquez, Messieurs, quel soin prend Sa Majesté Britannique de déclarer " qu'elle prendra les mesures les plus positives pour empêcher que ses sujets ne troublent en aucune manière, par leur concurrence, la pêche des Français sur les côtes, et qu'elle fera retirer à cet effet les établissements sédentaires qui y seront formés."

Ainsi l'Angleterre prenait ce double engagement : d'empêcher toute concurrence de la part de ses nationaux et de supprimer toutes leurs habitations sédentaires. Or, dans les baies dont j'ai parlé, les Anglais nous font aujourd'hui une rude concurrence ; ils ont installé vingt et une homarderies, presque toutes dans des établissements sédentaires, et vous allez voir tout à l'heure qu'ils ne veulent pas être gênés par nous et qu'ils tendent à nous expulser tout à fait ! (Mouvement.)

C'est à des textes aussi formels, aussi clairs, que l'on voudrait opposer je ne sais quelles arguties pour enlever à nos pêcheurs leur droit entier de pêche dans nos havres, parce que les Traités ne parlent que de pêche et que ce mot, prétendent les Anglais, est applicable seulement au poisson et non au homard qui est un crustacé. (Hilarité.)

M. le Baron de Lareinty : Le homard se pêche comme le reste !

M. l'Amiral Véron.—Vous n'avez, disent-ils, que le droit de " to fish " et non celui de " to catch."

Or, Messieurs, les Traités de cette époque étaient toujours libellés en " langue Française : " aucune restriction n'y a été introduite au sujet du mot " pêche " qui s'applique à tous les habitants de la mer indistinctement, et par conséquent on ne saurait y trouver matière à ces " interprétations " que les Anglais ont voulu y introduire depuis.

Il paraît que ce sont les officiers de la division Anglaise qui ont entendu expliquer ainsi les Traités ; mais personne ne peut se laisser prendre à de pareilles subtilités, et certes, je ne pense pas que nous ayons à redouter de voir les hommes d'État Anglais s'approprier un tel mode d'interprétation.

Cependant, M. Labouchère, Membre éminent de la Chambre des Communes, dans un discours électoral, a, ces temps derniers, reproché au Cabinet " d'avoir intenté " sur les côtes de Terre-Neuve une chicane misérable et ridicule à la France, en contestant le droit de pêcher le homard parce que ce n'était pas un poisson, et cela aux applaudissements ironiques de son auditoire.

En résumé, en présence de pareils Traités, il me semble qu'aucun doute n'est permis sur nos droits et que nous restons bien forts pour les faire valoir. C'est un devoir impérieux pour nous.

Je demande maintenant au Sénat la permission de lui lire les passages les plus importants des réponses qui furent faites, par les deux Ministres des Affaires Étrangères en fonctions à ces époques, à ma question relative à notre situation à Terre-Neuve, et celle que le prédécesseur du Ministre actuel fit dernièrement à l'honorable M. Flourens.

A ma première question, le 17 Janvier, 1887, M. le Ministre des Affaires Étrangères répondit :—

" Comme je le disais tout à l'heure, le Traité d'Utrecht donne à nos armateurs un

droit de pêche absolu et sans restriction. Par conséquent nous n'entendons nullement leur contester le droit de procéder à la pêche du homard : non seulement nous entendons ne pas leur contester ce droit, mai encore le faire respecter.

" Nous entendons empêcher que les habitants de Terre-Neuve n'empiètent sur les droits de nos nationaux. Ils ont montré dans ces circonstances peu de dispositions à entrer en accord avec nous et à sanctionner la Convention dont j'ai parlé ; à raison de ces faits nous jugeons à propos de les traiter avec moins d'indulgence qu'antérieurement ; des instructions ont été données à cet effet dans les termes les plus précis."

A ma deuxième question sur le même objet, le 24 Octobre, 1888, M. le Ministre des Affaires Étrangères répondait, toujours à propos de la gêne apportée à notre industrie par les pêcheurs de homards Anglais :—

" Ces exploitations n'ont pas la droit de gêner la nôtre. Notre droit étant un droit exclusif, il peut bien comporter une certaine tolérance vis-à-vis des Anglais alors qu'ils n'entravent pas l'exercice de notre droit ; mais, toutes les fois que nous rencontrons un obstacle qui constitue véritablement une gêne pour notre exploitation, nous avons le droit, nous avons le devoir de le faire disparaître."

A propos de cette tolérance dans nos havres, il est indispensable de faire remarquer que quelques-uns sont momentanément inoccupés par nos pêcheurs, parce que, dans ces dernières années, la morue a de temps en temps presque complètement disparu ; mais chez tous les poissons migrateurs, on peut constater de semblables intermittences ; la sardine, par exemple, avait pendant cinq ou six ans entièrement déserté nos côtes, si bien que nos nombreuses usines ne trouvant plus à s'alimenter s'étaient transportées en Algérie et en Portugal ; puis elle nous est revenue en abondance dans ces deruiers temps, nos usines ont été rouvertes et ont recouvré leur ancienne prospérité.

La morue finira probablement par reprendre ses anciennes habitudes, et alors vous verrez nos pêcheurs Bretons et Normands réarmer leurs navires comme autrefois et revenir dans ces baies où nous devons avoir grand soin de ne pas laisser s'établir de servitudes provisoires qui pourraient dégénérer en prescription. Défions-nous ! (Très bien ! très bien ! à Droite.)

Qu'arriverait-il si, comme je viens de le dire, la morue revenait et si nos armateurs voulaient venir s'établir de nouveau dans ces havres qu'ils trouveraient occupés par les pêcheurs de homards, Anglais ? Les milliers de casiers tendus sur la côte empêcheront nos sennes de fonctionner et par conséquent troubleront, paralyseront notre industrie. Or, vous avez vu dans le Traité que j'ai lu tout à l'heure, si les Anglais ont le droit de gêner nos pêcheurs. (Très bien ! très bien ! à Droite.)

Enfin, dans sa réponse à l'honorable M. Flourens, le 20 Janvier dernier, je trouve les déclarations suivantes du Ministre des Affaires Étrangères :—

" Les populations de Terre-Neuve professent hautement la doctrine que l'île appartient aux Terre-Neuviens, ainsi que tous les droits inhérents à la propriété. Quoiqu'il en soit de la doctrine en question, les Traités subsisteront toujours dans toute leur intégrité, quelque soit la destinée politque de Terre-Neuve."

Et en effet, Messieurs, les Traités sont faits avec la métropole et non avec les Parlements Coloniaux : ceux-ci n'ont pas à les discuter avec nous. C'est donc un argument qu'on doit éviter de laisser introduire dans le débat.

Ainsi vous voyez que les trois Ministres qui se sont succédé depuis trois ans ont envisagé de la même manière la question de nos droits sur notre littoral de Terre-Neuve et que, par conséquent, les mêmes instructions auraient dû être données chaque année au Commandant de notre station. (Très bien ! très bien ! à Droite.)

Cependant, dans ces trois années 1887, 1888, et 1889, nos pêcheurs ne se sont pas sentis protégés de la même façon, et, d'après les plaintes portées par certains d'entre eux, on pourrait dire qu'ils ont été relativement délaissés l'an passé.

Bien entendu, Messieurs, je n'accuse en aucune façon mes jeunes camarades de la Marine ! Comme l'a dit le Ministre de la Marine : " Il faut que les instructions données soient bien nettes et bien précises. Le Commandant de la station navale a le droit de les réclamer et quand il les aura reçues il les exécutera avec sagesse et fermeté ! " (Très bien ! très bien !)

Or, j'ai lieu de croire que, lors de la dernière campagne de pêche, le Commandant n'avait pas les instructions suffisantes.

Cette année, notre Commandant aura des instructions, mais ce sera pour faire exécuter ce *modus vivendi* qui vient d'être conclu enter les deux Gouvernements.

En peu d'instants je veux l'examiner.

Nous y trouvons les pêcheurs des deux nations pouvant se livrer simultanément à la pêche du homard dans les baies et aux lieux où ils étaient établis le 1.er Juillet 1889, et cela sans qu'ils puissent se gêner dans leurs travaux.

C'est-à-dire que les clauses de nos Traités sont absolument abandonnées ; et si je me reporte aux déclarations faites à la Chambre des Communes par le Ministre Sir J. Fergusson, non seulement les pêcheurs Anglais ne doivent pas être gênés par les nôtres, mais si cela arrivait, des indemnités pourraient être exigées de nos armateurs et les chiffres réclamés d'après les usages diplomatiques. (Mouvement.)

M. le Comte de Tréveneuc.—C'est la violation des Traités !

M. l'Amiral Véron.—Mais, Messieurs, c'est le renversement des rôles ! Ce sont les Anglais qui sont chez nous contre tout droit, et qui encore entendent n'y pas être gênés par nous ! Nous n'aurions plus le droit de nous établir dans les baies où ils sont, parce qu'ils y étaient au 1er Juillet, 1889. Et voilà qu'ils nous parlent maintenant d'indemnités à leur payer en cas de gêne ! (Sourires.)

Comme nous sommes loin de la déclaration des Plénipotentiaires de 1783 ? (Très bien ! à Droite.)

Je me borne à ces quelques critiques pour montrer que notre Gouvernement a dû avoir des raisons bien majeures (Sourires approbatifs à Droite), et que je ne connais pas, pour avoir consenti à l'abandon—momentané, j'en suis bien sûr,—de tous nos droits, et j'espère que ce *modus vivendi* aura vécu l'an prochain. (Nouvelles marques d'approbation à Droite.)

Messieurs, la nation avec laquelle nous avons ce différend, qui recevra vite, je l'espère, une solution conforme au droit et à la justice, c'est la colossale Puissance coloniale qui, après avoir occupé dans toutes les parties du monde d'immenses et riches territoires, a su, grâce à l'énergie et à la persévérance de la race Anglo-Saxonne qu'on est obligé d'admirer. . . . .

M. le Comte de Tréveneuc.—Et qui a l'appui de son Gouvernement qui ne l'abandonne pas.

M. l'Amiral Véron . . . . donner à ses possessions un développement et une prospérité sans pareils.

Un homme d'État compétent, Sir Charles Dilke, dans le long ouvrage qu'il vient de publier sur "l'Empire Colonial Britannique," expose que la superficie est égale à trois fois celle de l'Europe, que son revenu est de 5 milliards 250 millions, et qu'il est maître de la moitié du commerce maritime du monde.

Se postant sur toutes les côtes, prenant d'innombrables îles sur les océans ou les mers intérieures, l'Angleterre a fini par enserrer le monde dans un merveilleux réseau stratégique d'où elle surveille tous ses mouvements.

Voyez, par exemple, avec quel soin elle a occupé la route de l'Extrême-Orient : Gibraltar, Malte, Chypre, Suez, Aden, &c.

Un Sénateur.—Et l'Égypte !

M. l'Amiral Véron.—Voilà plus de 200 ans que l'Angleterre a commencé ses conquêtes, et sa politique étrangère, dirigée exclusivement par son habile aristocratie, n'a pas varié un seul instant ; toujours elle conserve le même objectif, toujours elle a sous les yeux la carte du monde, y marquant les points qui tôt ou tard devront être ajoutés aux fleurons de la Couronne Britannique.

Et elle a plusieurs manières pour opérer ses conquêtes.

C'est d'abord le droit de la guerre, qui dépouille le vaincu au profit du vainqueur ;

Ensuite, le droit de premier occupant, droit qu'elle a toujours reconnu pour elle-même en le contestant. . . .

M. Blavier.—Aux autres !

M. l'Amiral Véron . . . . le plus souvent aux autres nations.

Ce sont enfin ces occupations, dites temporaires, mot rassurant employé aujourd'hui pour l'Égypte et pour Chypre comme il le fut jadis à l'égard de Malte, et vous savez ce qu'il en advint.

Je ne puis croire que l'Angleterre veuille inaugurer aujourd'hui une quatrième manière, celle de contester à une nation amie des droits séculaires, consentis par ses Souverains, plusieurs fois affirmés par les Traités, pour les détourner à son profit, et finalement pour nous enlever ce qui nous reste de nos possessions du Nord-Amérique.

Quand furent rédigés ces Traités qui règlent notre situation respective à Terre-Neuve, j'ai rappelé, Messieurs, avec quelles minutieuses précautions les Souverains des deux pays s'étaient attachés à en faire disparaître toute équivoque, afin d'écarter pour l'avenir jusqu'au moindre germe de conflit entre les deux nations.

J'ai le ferme espoir que le Gouvernement Britannique est aussi soucieux aujourd'hui de perpétuer la bonne harmonie de nos rapports et qu'il ne voudra pas se départir envers nous de la fidèle exécution des Traités et du respect des droits acquis. (Approbation à Droite.)

J'espère que; de son côté, notre Gouvernement se montrera fermement résolu à défendre les intérêts de nos nationaux.

Voilà pourquoi, sans m'étendre davantage sur une discussion qui me paraît épuisée, je demande à M. le Ministre des Affaires Étrangères de vouloir bien rassurer pour l'avenir nos armateurs et nos populations du littoral en venant à cette tribune affirmer, comme ses prédécesseurs, nos droits exclusifs de pêche sur les côtes de la partie nord de Terre-Neuve délimitées par les Traités, et nous donner la certitude que les négociations vont continuer avec le Gouvernement Britannique dans le but de faire cesser cette concurrence et cette rivalité de la part de nos voisins. (Très bien ! très bien !)

Je serai aussi bien aise de l'entendre affirmer que le *modus vivendi* conclu, pour cette année, ne sera pas renouvelé l'année prochaine. (Très bien ! très bien !—Vive approbation à Droite.)

M. le Comte le Tréveneuc.—Ce *modus vivendi* est outrageant.

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

M. Ribot (Ministre des Affaires Étrangères).—Messieurs, j'ai accepté avec empresssement la question que l'honorable Amiral Véron a bien voulu m'adresser, parce qu'elle me fournit l'occasion de faire connaître aux armateurs et à nos braves marins la situation qui résultera pour eux, durant cette campagne de 1890, des arrangements provisoires conclus par le Cabinet précédent.

M. l'Amiral Véron a parfaitement expliqué les droits qui résultent pour nous du Traité de 1713 et des Traités postérieurs de 1783 et de 1815. Ces Traités nous ont donné un droit absolu et exclusif de pêche sur le rivage qui est déterminé par le Cap Raye et par le Cap Saint-Jean et qui s'appelle, vous le savez, le "French Shore."

Je n'hésite pas à affirmer, comme l'ont fait mes prédécesseurs à cette Tribune, que ce droit de pêche inscrit dans les Traités est absolu, exclusif, qu'il ne comporte aucune distinction. (Très bien ! très bien ! sur un grand nombre de bancs.)

Jusqu'à ces dernières années aucune difficulté ne s'était élevée, mais, depuis que la morue est devenue moins abondante dans ces parages, on a dû faire appel à une nouvelle source de produits ; des homarderies se sont établies, et les Anglais, usant alors d'une distinction, d'une interprétation, ont prétendu que le homard n'était pas un poisson (sourires) ; ils nous ont contesté le droit de le capturer au moyen de casiers et d'établir sur le rivage des chaudières pour préparer les conserves.

Je n'ai pas besoin de déclarer que le Gouvernement Français n'a jamais accepté cette distinction, qu'il la repousse de toutes ses forces (nouvelles marques d'approbation); il prétend et il se croit fondé à prétendre que non seulement on ne peut pas nous contester le droit de pêcher le homard dans ces parages, mais encore que les Anglais n'ont pas, eux, le droit de pêcher sur cette partie réservée, sur le "French Shore," parce que, comme l'a très bien expliqué l'honorable Amiral Véron, ils peuvent par là non seulement faire concurrence à nos homarderies, mais troubler la pêche de la morue qui nous appartient incontestablement. (Très bien ! très bien ! et nombreuses marques d'approbation.)

Messieurs, je dois dire que les vues du Gouvernement Français n'ont pas été acceptés par le Gouvernement Anglais, qu'à nos affirmations très précises et très fermes il a opposé une contradiction non moins énergique.

Je n'ai pas besoin non plus de rappeler au Sénat combien la contradiction, le conflit de prétentions qui s'est élevée entre les deux nations tendait à devenir aigu dans ces derniers temps. Il suffirait de se reporter, pour s'en rendre compte, à l'interpellation qui a eu lieu le 20 Janvier dernier à la Chambre des Députés.

C'est dans ces circonstances que mon honorable prédécesseur a cru qu'il était impossible d'aborder la campagne de 1890 sans être arrivé au moins à un arrangement de fait.

Vous comprenez, sans que j'aie besoin d'insister davantage, quels inconvénients et quels troubles pouvaient résulter d'instructions absolument contradictoires données par les deux Gouvernements aux Commandants des deux flottilles.

Les Cabinets des deux Puissances se sont donc entendus, et, à la suite de courtes négociations, ils ont conclu un Arrangement provisiore dont le Sénat voudra bien me permettre de lui donner lecture.

En voici le texte :—

"Les questions de principe et les droits respectifs étant entièrement réservés de part et d'autre, on peut convenir pour la saison prochaine du maintien du *statu quo* sur les bases suivantes :

"Sans que la France ou la Grande-Bretagne demandent dès aujourd'hui un

nouvel examen de la légalité de l'installation des homarderies Anglaises ou Françaises sur les côtes de Terre-Neuve, où les Français jouissent des droits de pêche conférés par les Traités, il sera entendu qu'aucune modification ne sera apportée aux emplacements occupés par les établissements appartenant aux nationaux des deux pays au 1er Juillet, 1889. Par exception, les nationaux de l'un ou l'autre pays pourront transporter leurs établissements susdits à tout endroit au sujet duquel les Commandants des deux stations navales seront préalablement tombés d'accord.

" Aucune homarderie ne fonctionnant pas antérieurement au 1er Juillet, 1889, ne sera admise, à moins que les Commandants des stations navales Anglaise et Française n'en tombent simultanément d'accord.

" En considération de chaque homarderie nouvelle autorisée dans ces conditions, il sera loisible aux pêcheurs appartenant à l'autre nationalité d'établir une nouvelle homarderie sur un point que les dits Commandants devront déterminer de même d'un commun accord.

" Toutes les fois qu'un fait de concurrence concernant la pêche du homard se produira entre les pêcheurs des deux pays, les Commandants des deux stations navales procéderont sur les lieux à une délimitation provisoire du fonds de pêche des homards, en tenant compte des situations acquises par les deux parties.

" N.B.—Il sera bien entendu que cet Arrangement tout provisoire ne sera valable que pour la durée de la campagne de pêche qui va s'ouvrir."

Les termes mêmes de cet Arrangement permettent au Sénat d'en saisir exactement la portée.

M. le Marquis de l'Angle-Beaumanoir.—Il consacre l'usurpation !

M. le Ministre.—D'abord, il ne s'agit que de dispositions essentiellement provisoires, puisqu'il est dit que l'Arrangement prendra fin avec la campagne de pêche de 1890.

M. le Marquis de l'Angle-Beaumanoir.—Je demande la parole.

M. le Ministre.—Il est dit en outre que tous les droits des deux pays sont expressément réservés. Ce n'est donc pas un abandon des droits de la France. Une réserve formelle est inscrite en tête même de cet Arrangement.

Le *statu quo* est maintenu provisoirement; on prend pour base de transaction la date du 1er Juillet, 1889; toutes les homarderies Anglaises établies postérieurement à cette date devront disparaître et les Commandants flottilles sont chargés de faire respecter l'Arrangement, et de s'entendre pour toutes les modifications auxquelles pourraient donner lieu des nécessités qu'ils auraient à apprécier.

Tels sont, Messieurs, les termes, la portée de l'Arrangement.

Je n'ai pas besoin de dire que les instructions les plus précises ont été données au Commandant de notre station navale pour le faire respecter dans sa lettre et dans son esprit; le Sénat peut se reposer sur la fermeté et sur le tact de l'officier que M. le Ministre de la Marine a désigné pour en assurer l'exécution,

Le Gouvernement Anglais, de son côté, malgré l'émotion qui paraît s'être produite au Parlement de Terre-Neuve, et qui s'est traduite en dehors du Parlement par des manifestations extra-parlementaires, le Gouvernement Anglais, dis-je, tiendra assurément à honneur de faire respecter un Arrangement au bas duquel il a apposé sa signature. (Interruptions à Droite.)

Quant à l'avenir, je fais remarquer que l'Arrangement, par ses termes mêmes, ne l'engage pas. Il est évident que nous serons obligés de reprendre des négociations avec l'Angleterre. Nous ne pourrons pas laisser tomber cet Arrangement sans le remplacer par un autre qui, nous l'espérons, sera plus favorable aux revendications, aux droits de la France.

Le Sénat ne voudrait pas que j'entrasse en ce moment dans des explications plus détaillées. Je me borne à lui donner l'assurance que le Gouvernement qui a l'honneur de siéger sur ces bancs saura défendre, là comme ailleurs, les droits et la dignité de la France. (Vive approbation sur un grand nombre de bancs.)

M. Bozérain.—Je demande à transformer la question en interpellation. (Bruit à Gauche.)

M. le Marquis de l'Angle-Beaumanoir.—J'avais demandé la parole avant M. Bozérain, M. le Président, pour faire la même proposition.

M. le Président.—MM. Bozérain et de l'Angle-Beaumanoir demandent à transformer la question en interpellation. Je dois consulter M. le Ministre des Affaires Étrangères sur la fixation du jour de cette interpellation.

Je fais toutefois remarquer au Sénat les inconvénients et les dangers qu'il y aurait à transformer, séance tenante, en interpellation les questions qu'on pose, sans qu'elles soient portées à l'ordre du jour.

Nos collègues n'en sont pas prévenus, alors même qu'elles peuvent entraîner des conséquences très sérieuses et très graves. (Très bien ! très bien ! à Gauche.)

Je demande à M. le Ministre des Affaires Étrangères, conformément d'ailleurs au règlement, de se prononcer sur le jour de l'interpellation.

M. le Ministre.—Je ne puis, en ce qui me concerne, que me mettre aux ordres du Sénat ; mais je crois devoir faire remarquer aux interpellateurs que j'aurai fort peu de chose à ajouter à la déclaration que je viens d'avoir l'honneur de faire. (Très bien ! très bien !)

M. le Marquis de l'Angle-Beaumanoir.—C'est nous qui aurons quelque chose à ajouter !

M. le Président.—Le règlement m'oblige à poser la question au Gouvernement.

M. le Ministre des Affaires Étrangères vient de déclarer qu'il se tenait à la dispositions du Sénat.

M. de l'Angle-Beaumanoir demande la discussson immédiate.

Plusieurs Sénateurs à Gauche.—Non ! non ! A un mois ! (Rumeurs à Droite.)

M. le Président.—Je vais consulter le Sénat.

D'un côté, on demande la discussion immédiate ; de l'autre, on demande le renvoi à un mois. (Exclamations à Droite.) Permettez, Messieurs ; c'est le droit de vos collègues de combattre la discussion immédiate, comme c'est celui de M. l'Angle-Beaumanoir de la demander.

Je mets aux voix, selon l'usage, la date la plus éloignée, c'est-à-dire le renvoi à un mois.

No. 188.

Colonial Office to Foreign Office.—(*Received March* 31.)

Sir, *Downing Street, March* 29, 1890.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegram from the Governor of Newfoundland, inquiring whether the telegram from this Department of the 24th instant, the draft of which was approved in your letter of the 22nd instant, may be communicated to a Joint Committee of both Houses of Parliament appointed to frame an Address on the subject of the *modus vivendi*, together with the reply which Lord Knutsford has addressed to the Governor.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 188.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received March* 28, 1890.)

JOINT Committee of both Houses of Parliament appointed to frame Address on *modus vivendi*. Ministers request that your Lordship's telegram of the 24th March in which possibility of date alteration suggested be communicated to Joint Committee. Am I authorized to communicate ?

Inclcsure 2 in No. 188.

Lord Knutsford to Governor Sir T. O'Brien.

(Telegraphic.) *Downing Street, March* 29, 1890.

REFERRING to your telegram of 27th March, in my telegram of 24th March I did not suggest possibility of an alteration in date, but that French Government might agree to maintenance of *status quo ante* 1st July, 1889. You should give it to Committee, and telegraphic correspondence respecting *modus vivendi ;* and it is most desirable that before framing Address they should await arrival of my despatch of 21st March, now on the way, giving account of negotiations.

No. 189.

Colonial Office to Foreign Office.—(*Received April* 7.)

(A.)

Sir, *Downing Street, April* 5, 1890.

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a telegram received from the Governor-General of Canada, together with a copy of the reply which was returned to it, relating to the *modus vivendi* recently arranged for this season with the Government of France in regard to the lobster fisheries on part of the coasts of Newfoundland.

I am also to inclose a copy of a despatch addressed to the Governor-General of Canada, communicating to him a copy of the *modus vivendi*.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 189.

Lord Stanley of Preston to Lord Knutsford.

(Telegraphic.) (*Received March* 27, 1890.)

PLEASE telegraph for information of my Ministers, who wish to know whether *modus vivendi* with France prevents Canadian lobster packers packing and fishing on the shores of Newfoundland where French have certain Treaty rights.

Inclosure 2 in No. 189.

Lord Knutsford to Lord Stanley of Preston.

(Telegraphic.) *Downing Street, March* 28, 1890.

THE *modus vivendi* will be sent to you. Under it no new fisheries or factory not established previous to 1st July, 1889, can be allowed unless the French and British naval officers jointly consent. As it is doubtful how far new factories made or projected by Newfoundland inhabitants will be permitted, there is not any probability that new establishments by Canadians can be allowed.

Inclosure 3 in No. 189.

Lord Knutsford to Lord Stanley of Preston.

My Lord, *Downing Street, April* 3, 1890.

WITH reference to my telegram of the 28th ultimo respecting the *modus vivendi* recently arranged with the French Government with regard to the lobster fisheries on the west and north-east coasts of Newfoundland to which the French rights of fishery extend, I have the honour to transmit to you, for your information, and for that of your Ministers, a copy of the *modus vivendi* in question.

I have, &c.

(Signed) KNUTSFORD.

No. 190.

M. Waddington to the Marquis of Salisbury.—(*Received April* 7.)

M. le Marquis, *Londres, le* 5 *Avril,* 1890.

PAR Sa lettre en date du 31 Décembre dernier, Votre Seigneurie m'a fait connaître les observations du Gouvernement de la Reine, en réponse à une note par laquelle le Chargé d'Affaires de la République avait indiqué pour quels motifs nous considérions le Commandant du "Bisson" justifié dans les mesures qu'il a prises pour faire disparaître des obstacles constituant une gêne à la pêche Française dans les eaux de l'Ile Keppel à Terre-Neuve. Ces observations font ressortir le désaccord qui existe entre les deux Gouvernements sur la question dont il s'agit.

Une opération de même nature effectuée dans des conditions semblables par le Commandant du "Drac" à la Baie de Sainte-Marguerite, pendant la même saison de pêche a été, depuis, l'occasion d'observations similaires que l'Ambassadeur de Sa Majesté Britannique à Paris a consignées dans une note remise par lui à M. le Ministre des Affaires Étrangères le 16 Novembre dernier. Dans ce cas comme dans le précédent, il s'agit de casiers à homards appartenant au Sieur Shearer et constituant pour notre pêche une gêne absolument contraire, dans notre opinion, aux droits que nous tenons des Traités.

Ainsi que le sait Votre Seigneurie, pour des motifs que cette Ambassade lui a exposés à diverses reprises, nous tenons que les Traités nous accordent le droit de capturer toutes les espèces qui vivent dans la mer. Il nous est impossible d'admettre que nos pêcheurs bénéficient des privilèges que leur assurent les Traités s'ils s'occupent de certaines espèces marines et en soient privés s'ils s'occupent de certaines autres. Leur droit à une pêche libre et non troublée dans les limites géographiques tracées par les Conventions a toujours été revendiqué par nous et ne saurait être légitimement contesté. Les arguments opposés à notre thèse ont été bien souvent réfutés. Je ne recommencerai point cet exposé qui est fait en détail notamment dans la note que j'ai adressée à Votre Seigneurie le 15 Décembre, 1888.

Dans le cas qui nous occupe le Commandant de la Station Navale Française avait cru atteindre le dernier degré de la modération et de la conciliation en proposant au Commandant, Sir B. Walker, pour cette année et sous réserve des droits respectifs, une délimitation des fonds de pêche de la Baie Sainte-Marguerite, laissant aux pêcheurs de homards des deux nations l'espace nécessaire à l'utilisation de leurs casiers. A la fin du mois de Juillet dernier l'usine Shearer de Brig Bay persistant à occuper les terrains de pêche réservés par le Commandant de notre station à nos pêcheurs, ordre a été donné au Commandant du "Drac" de relever tous les casiers de cette usine qui seraient mêlés aux casiers Français sur ces différents points.

La Division Navale Anglaise a cru devoir prescrire aux pêcheurs de la maison Shearer de replacer leurs casiers aux mêmes endroits; et Lord Lytton a formulé dans la note précitée des observations au sujet de l'intervention du Commandant du "Drac."

Mes notes antérieures et spécialement celle que je visais plus haut répondent par avance à la plupart des observations formulées par son Excellence l'Ambassadeur d'Angleterre. L'existence et l'extension des homarderies Britanniques sur les côtes qui nous sont réservées n'ont cessé de donner lieu de notre part aux protestations les plus justifiées. Les pêcheurs de ces usines occupent au moyen de chapelets de casiers des étendues considérables du fond où nous avons un droit de pêche privilégié. Ils rendent la côte inutilisable pour nous pour toute pêche quelconque, celle de la morue aussi bien que toute autre; ils chassent le poisson par la présence et la manœuvre de leurs engins; au cas où malgré ces opérations le poisson se présenterait sur ces points, les filets de nos pêcheurs y seraient inutilisables et seraient déchirés par les casiers. Ceux-ci, d'autre part, ne sauraient comme des filets ordinaires ou tous autres instruments flottants, être, en cas de besoin, retirés de l'eau rapidement; un retrait fait au dernier moment n'aurait d'autre effet que de chasser le poisson et serait sans utilité. L'étendue géographique de côtes que les Traités nous réservent, se trouve donc ainsi réduite au gré et d'après le bon vouloir et les intérêts de simples particuliers.

Votre Seigneurie reconnaîtra, j'en suis certain, qu'une situation semblable n'est point conforme aux Conventions existantes, et elle ne saurait être acceptée par le Gouvernement de la République. Il y avait dans le cas présent gêne pour nos pêcheurs, et j'ai rappelé, du moins par voie de référence, comment nous ne pouvions considérer qu'une distinction pût être légitimement établie entre les pêcheurs de homards et ceux de toutes autres espèces marines. La suppression de cette gêne était indispensable.

Indépendamment de ce point, les observations de son Excellence l'Ambassadeur d'Angleterre portent sur la manière dont la gêne et le trouble devraient être constatés et supprimés. Ce soin serait exclusivement réservé aux officiers de la station navale Anglaise.

Votre Seigneurie n'ignore pas que sur ce point encore, la manière de voir de mon Gouvernement n'est point conforme à celle qu'exprime Lord Lytton. Des droits réels, tangibles, nous ont été concédés par les Traités; nous avons la faculté d'en user en toute liberté sans interruption ni trouble. Qu'un cas de trouble ou de gêne se produise, nul que nous n'est en situation de l'apprécier; nous ne pouvons déléguer à

personne un soin pareil ni placer en mains tierces un pouvoir de limitation de nos droits, pouvoir qui échapperait à notre contrôle.

Dans l'usage et en fait, toutes les fois qu'un navire Anglais s'est trouvé sur les lieux, la constatation de la gêne a été faite par nos officiers et l'enlèvement de l'obstacle a été demandé par eux aux officiers Britanniqnes. Mais lorsqu'aucun navire Anglais ne se trouve sur place, nos officiers ne peuvent que procéder eux-mêmes au rétablissement de l'état de choses normal et conforme aux Traités. Dans sa note précitée, Lord Lytton mentionne que le navire Anglais "Lily" était dans le voisinage, mais il n'échappera pas à votre Seigneurie que dans des questions de pêche, tout délai peut être nuisible et que mainte occasion de capture échapperait à nos pêcheurs si à chaque occasion on devait recourir à un navire Anglais même lorsqu'il ne s'en trouve pas sur les lieux. Les circonstances particulières que j'ai rappelées plus haut et les envahissements incessants du Sieur Shearer justifiaient d'ailleurs tout spécialement l'action à laquelle le Commandant de notre station navale a dû se résoudre.

Pour toutes ces raisons la conduite du Commandant du "Drac" paraît au Gouvernement de la République avoir été légitime. Il ne saurait en revanche laisser passer sans formuler de justes réclamations l'ordre donné par le Commandant de la Station Britannique de rétablir sur les points d'où ils avaient été retirés les casiers du Sieur Shearer, c'est-à-dire, la cause de trouble et de gêne pour notre pêche que nos officiers, s'appuyant sur les Traités, avaient prescrit de faire disparaître.

Veuillez, &c.

(Signé) WADDINGTON.

(Translation.)

My Lord, *London, April* 5, 1890.

IN your letter of the 31st December last your Lordship informed me of the views of Her Majesty's Government, in reply to a note by which the Chargé d'Affaires of the Republic had explained the reasons why we considered the Commander of the "Bisson" justified in the measures taken by him for the removal of the obstacles which constituted an impediment to the French fishery in the waters of Keppel Island, Newfoundland. These views show the divergence existing between the opinions of the two Governments on the question at issue.

Similar proceedings on the part of the Commander of the "Drac," under similar circumstances in St. Margaret's Bay, in the course of the same fishery season, have since given rise to observations of the same tenour, which Her Britannic Majesty's Ambassador in Paris embodied in a note left with the Minister for Foreign Affairs on the 16th November last. In this case, as in the last, the question arises out of certain lobster pots belonging to Mr. Shearer, and causing an impediment to our fishery which is, in our opinion, quite contrary to the rights we hold by virtue of the Treaties.

As your Lordship is aware, from the arguments set forth at different times by this Embassy, we hold that the Treaties give us the right to capture all species of marine animals. We cannot admit that our fishermen would fully enjoy the privileges accorded to them by the Treaties if they were allowed to catch certain marine species only, and not certain others. Their right to free and unimpeded fishing within the geographical limits laid down by the Treaties has always been insisted upon by us, and cannot rightly be contested. The arguments brought forward against our views have often been refuted. I shall not recommence this reasoning, which is to be found in detail especially in the note which I addressed to your Lordship on the 15th December, 1888.

In the case now under consideration, the Commander of the French naval station thought he had gone to the utmost limit of moderation and reconciliation in proposing to Sir B. Walker for this year, and with reservation of all respective rights, a delimitation of the fishing grounds in St. Margaret's Bay, leaving sufficient space for the employment of their lobster traps to the fishermen of both nations. At the end of July last, as Mr. Shearer's factory at Brig Bay persisted in occupying the grounds which the Commander of our squadron had reserved for the use of our fishermen, the Commander of the "Drac" was ordered to raise all such lobster traps of that factory as were intermingled with the French traps on those different spots.

The English naval squadron has instructed the fishermen of Mr. Shearer's factory to reset their traps on the same spots, and Lord Lytton in the note above referred to made certain observations on the subject of the intervention of the Commander of the "Drac."

My previous notes, and especially the one above mentioned, have anticipated a reply to most of the arguments brought forward by his Excellency the British Ambassador. The existence and extension of the British lobster factories on the coast reserved to us have never ceased to call forth the most well-founded protest on our part. The fishermen of these factories occupy, by means of strings of lobster-pots, a large portion of the grounds over which we have privileged fishery rights. They render the coast useless to us for all fishing whatever, cod fishing as well as other; they drive away the fish by the presence and working of their contrivances; in case the fish, in spite of them, does appear in these spots, the nets of our fishermen cannot be used, and would be torn by the lobster-traps. Moreover, these nets cannot, like ordinary nets or other floating gear, be, in case of need, rapidly withdrawn out of the water: such a withdrawal at the last moment would have no other effect than to drive away the fish, and would be quite useless. The geographical extent of the coast-line reserved to us by Treaty is thus restricted at the pleasure and in the interest of other individuals.

Your Lordship will admit, I am sure, that such a state of things is not in conformity with existing Treaties, and cannot be accepted by the French Government. In the present case there was an impediment to our fishermen, and I have already referred Your Lordship to my previous arguments, that we cannot consider that a distinction can legitimately be established between fishing for lobsters and fishing for any other marine species. The removal of this impediment was indispensable.

Apart from this point, the remarks of his Excellency the British Ambassador refer to the manner in which the existence of such an impediment should be proved and the obstacle removed. This, it is alleged, is a duty reserved to the officers of the British naval station.

Your Lordship is aware that on this point also the views of my Government are not those expressed by Lord Lytton. Rights of a real and tangible character have been conceded to us by the Treaties; we are entitled to exercise these rights with entire liberty, without interruption or hindrance. If a case of hindrance or impediment arises, none but ourselves are able to judge of it; we cannot delegate such a duty to any one, nor hand over to a third party a power to limit our rights, a power which would thus escape from our control.

As a matter of custom and of fact, whenever a British ship has been on the spot, the existence of the impediment has been declared by our officers, and the removal of the obstacle demanded of the British officers. But when no British ship is on the spot, our officers cannot but themselves proceed to the re-establishment of the normal state of things, in conformity with the Treaties. In the above-mentioned note Lord Lytton mentions that the English ship "Lily" was in the neighbourhood, but Your Lordship will understand that in questions of fishery, any delay may do harm, and that many a chance of a catch would be missed by our fishermen if on each occasion recourse were obliged to be had to a British ship, even when there was none on the spot. The particular cases which I mentioned above, and the constant encroachments of Mr. Shearer specially justified, moreover, the action which the Commander of our naval station saw himself compelled to take.

For all these reasons, the conduct of the Commander of the "Drac" appears to the Government of the Republic to have been justified. On the other hand, they cannot pass by without protest the orders given by the Commander of the British naval station for the resetting, on the very spot from which they had been raised, of Mr. Shearer's lobster pots, that is to say, the real cause of the trouble and hindrance to our fishery, which our officers, in accordance with the Treaties, had caused to be removed.

I have, &c.
(Signed) WADDINGTON.

No. 191.

Colonial Office to Foreign Office.—(*Received April* 8.)

(B.)

Sir, *Downing Street, April* 5, 1890.

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a telegram from the Governor of Newfoundland, reporting the introduction into the Colonial Legislature of a Bill repealing the Act of 1888 for the abolition of cod-traps, together with a copy of the telegram which has been sent to the Governor in reply.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 191.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received April* 1, 1890.)

ACT of Parliament proposed by unofficial Member of Parliament repealing Act for abolition of cod-traps. I have remonstrated strongly to Prime Minister, who informs me that it is sure to be passed by Legislative Assembly, as opinion is unanimous in consequence of large number of Petitions in favour of it. Will affect the whole island.

Inclosure 2 in No. 191.

Lord Knutsford to Governor Sir T. O'Brien.

(Telegraphic.) *Downing Street, April* 2, 1890.

REFERRING to your telegram of the 31st March, there is reason to fear that any legislation for legalization of cod-traps would further diminish any prospect of making arrangements at all favourable with French Government. Unless Bill contains suspending clause, it should be reserved for signification of Queen's pleasure, and accompanied by statement of arguments for justification of legislation.

No. 192.

Colonial Office to Foreign Office.—(*Received April* 10.)

Sir, *Downing Street, April* 9, 1890.

WITH reference to previous correspondence, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegram from the Governor of Newfoundland, stating the policy which his Government intend to pursue with regard to the Bait Act.

I am, &c.

(Signed) EDWARD WINGFIELD.

Inclosure in No. 192.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received April* 8, 1890.)

LICENCES for the purchase of bait in Newfoundland ports, under Bait Act of 1889, will be this year issued on payment of 1 dollar per ton register to fishing-boats belonging to France as well as other countries, each ship limited to one barrel bait per ton register.

No. 193.

Colonial Office to Foreign Office.—(*Received April* 15.)

Sir, *Downing Street, April* 14, 1890.

WITH reference to the letters from this Department of the 17th and 21st March last, relating to the *modus vivendi* agreed upon with the French Government in regard to the lobster fisheries this season on part of the coast of Newfoundland, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, an extract of a despatch from the Governor of Newfoundland, inclosing Resolutions adopted on the same day by the Legislative Assembly and Legislative Council upon this subject.

Lord Knutsford merely proposes at present to acknowledge the receipt of the Governor's despatch, and to refer him to the Secretary of State's despatch of the 21st March, adding that Her Majesty's Government will be glad to discuss the whole question with Sir William Whiteway on his arrival in this country, which his Lordship trusts may not be delayed longer than is necessary.

Lord Knutsford would be glad to be informed whether Lord Salisbury concurs in this course.

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

Inclosure 1 in No. 193.

Governor Sir T. O'Brien to Lord Knutsford.

Government House, St. John's, Newfoundland,
(Extract.) *March* 15, 1890.

LATE on the evening of the 12th instant I received from your Lordship the message conveying the text of the *modus vivendi* with France, which I immediately communicated to the Premier, and, it being impossible to get an Executive Council together for the next day, the matter was not brought forward until yesterday, and was under discussion at the time when the telegram containing the daily epitome of general news, in which the Arrangement was mentioned, came to hand.

2. The House was to meet in the afternoon, and the Ministry felt that they had better forestall any action in the Assembly by sending their protest at once, which I accordingly, at their request, did.

3. It was then decided that the best method of publication would be to have the text of the *modus vivendi* take the form of a Message from me to the House.

4. The House sat until late last night, and this morning I received the accompanying Resolutions, the purport of which I duly communicated to you by telegraph.

5. The excitement here is great and general in all classes of the population; public meetings are talked of, as the people feel that the time has come for concessions to be made by, and not to, France; and though I am aware that it is difficult, if not impossible, to approach the question of the internal fiscal policy of a neighbouring Power directly, still, with the precedent of the sugar bounties before us, I, as the mouthpiece of the colonists, cannot but express a hope that either as a suggestion, or by some indirect mode, when the question of the prolongation of the fishery bounties comes on (next year, I believe) for consideration in France, some means may be found by the Imperial Government to support the grievances of Newfoundland, such, for instance, as informing France, in the event of any future correspondence or protests, that she has the remedy in her own hands. For I am convinced that, were it possible to divert the bounties now paid on French-exported fish, be it but to Italy and Spain, into some other channel, then all difficulties in the question of the Bait Bill, lobster and fishing Treaty rights, would at once vanish, and a permanent settlement acceptable to all parties would be easily arranged; thus setting at rest a question that for nearly two centuries has so constantly endangered the amicable relations of two

great countries, and inflicted untold injury on the development of the resources of the oldest member of Britain's Colonial Empire.

Inclosure 2 in No. 193.

Resolutions passed by the Legislative Assembly of Newfoundland on the 14th March, 1890, and assented to by the Legislative Council on the same day.

Resolved,—"That referring to the assurances of Her Majesty's Government that the fishing rights of Her Majesty's subjects in Newfoundland should never be interfered with except with the consent of the Legislature of the Colony, and also referring to the Address of both branches of the Legislature to Her Most Gracious Majesty the Queen passed during its last Session, the Legislative Assembly has received with surprise and alarm the *modus vivendi* referred to in the Message of his Excellency the Governor of the 14th instant, which has been concluded by Her Majesty's Government with the Government of France."

Resolved,—"That the permission in the *modus vivendi* given to France to erect factories is most objectionable, as appearing to indicate a right which really has no existence, and that it is in direct opposition to the position heretofore taken by Her Majesty's Government."

Resolved,—"That the Legislative Assembly most emphatically protests against the *modus vivendi* as being calculated to seriously prejudice British fishing and territorial rights."

Resolved,—"That these Resolutions be sent to the Honourable the Legislative Council asking their concurrence therein."

Resolved,—"That a copy of the Resolutions so concurred in be immediately transmitted to his Excellency the Governor, to be telegraphed to the Right Honourable the Secretary of State for the Colonies."

Which Resolutions were concurred in by the Legislative Council on the said 14th day of March.

(Signed) GEO. M. JOHNSON, *Clerk*,
Legislative Assembly.

March 15, 1890.

No. 194.

Colonial Office to Foreign Office.—(Received April 16.)

Sir, *Downing Street, April* 15, 1890.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, a copy of the Speech with which the Governor of Newfoundland recently opened the Session of the Colonial Legislature.

It will be found to contain some observations relating to the Newfoundland Lobster Fisheries question.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure in No. 194.

THE ROYAL GAZETTE EXTRAORDINARY.

(Published by Authority.)

St. John's, Newfoundland, March 11, 1890.

Speech of his Excellency Lieutenant-Colonel Sir J. Terence O'Brien, K.C.M.G., on opening the First Session of the Sixteenth General Assembly of Newfoundland, March 6, 1890.

Mr. President and Honourable Gentlemen of the Legislative Council:

Mr. Speaker and Gentlemen of the Honourable Legislative Assembly:

IT is with much gratification that I again resort to the advice and assistance of the Legislature; and I greet you cordially on your assembling for the discharge of your important duties.

I regret to say that the results of our industrial pursuits of last year were not of a satisfactory character.

The seal fishery yielded a good return, but the statistics of cod, herring, and salmon fisheries reveal a considerable falling-off in the catch. The prices obtained for our staple productions were, however, in excess of the previous year.

The lobster fishery was prosecuted with a large measure of success, and the indications are that, if precautionary measures are adopted to protect the fishery, it will continue to provide an increasingly important element in our trade.

I am impressed with the idea that if more attention were given to the cure of our codfish, and to the protection of the other branches of our fishery, better results might confidently be anticipated.

Those who engaged in agricultural pursuits were rewarded with good harvests.

Notwithstanding the heavy decline in the price of copper in the early part of the year, mining was prosecuted to about the same extent as in the previous season. We may hope that our mineral resources will be worked with increased vigour during the present year.

In this connection I am pleased to be able to refer to the valuable result of the operations of the geological survey of the past season. It has placed beyond question the existence of workable seams of coal, of superior quality, within a short distance of our seaboard. I have reason to believe that the result of this work, when fully reported upon, will have the effect of drawing the attention of capitalists to that region, and of giving an impetus to mining and other industries in the near future.

Mr. Speaker and Gentlemen of the Honourable Legislative Assembly:

The Customs revenue of last year has fallen short of the estimated amount.

The Estimates of the coming financial year will be presented to you at an early date. They have been framed with a view to the efficiency of the public service, and I feel assured that you will make all needful provision therefor.

Mr. President and Honourable Gentlemen of the Legislative Council:

Mr. Speaker and Gentlemen of the Honourable Legislative Assembly:

Since the Legislature last met a general election has taken place, in which the ballot system was employed for the first time in this Colony.

Notwithstanding that nearly every district in the island was vigorously contested, I have the gratification of placing on record that the proceedings were characterized by peace and good order. The result of this appeal to the constituencies has been a remarkably strong pronouncement in favour of the policy of the present Government.

A Commission has been appointed under "The Public Inquiries Act, 1888," to inquire into the operation of "The Bait Acts, 1887, 1888, and 1889," and their effect upon the trade and fisheries of the Colony. It is hoped that the Report will be laid before you ere the close of the Session.

The Right Honourable the Secretary of State for the Colonies has acquainted me that negotiations are in progress between the Governments of Great Britain and France for a settlement of the questions that have arisen with regard to the rights of the two nations respectively to catch and preserve lobsters on that part of our coasts where the French have a concurrent right of fishery, and it is hoped that a provisional arrangement for the present season may be arrived at, which I trust may pave the way to a satisfactory settlement of the difficulty.

Despatches from the Right Honourable the Secretary of State for the Colonies and other papers of public interest will be laid before you.

Bills relating to railway extension north and west, manhood suffrage, local self-government, and other important matters, will be submitted to you as the time of the Session permits.

I pray that your deliberation, under the Divine blessing, may result in the happiness and contentment of the people of this Colony.

No. 195.

Admiralty to Foreign Office.—(*Received April* 17.)

Sir, *Admiralty, April* 15, 1890.

I AM commanded by my Lords Commissioners of the Admiralty to request that you will state to the Marquis of Salisbury that they have received from the Colonial Office copies of the *modus vivendi* relating to the lobster fisheries, which has been arranged between the British and French Governments, for this season only.

2. These copies will be forwarded to the Commander-in-chief on the North American and West Indian Station for communication to the naval officers to be employed this season under Captain Sir Baldwin Walker, with instructions to act with patience and discretion in dealing with the questions which may arise between British and French fishermen.

3. My Lords desire me to inquire whether any further instructions may be expected for the guidance of the officers, as the fishing season is now about commencing, and it is desirable that they should be in possession of them as soon as possible.

4. A similar letter has been sent to the Colonial Office.

I am, &c.

(Signed) EVAN MACGREGOR.

No. 196.

Colonial Office to Foreign Office.—(*Received April* 19.)

Sir, *Downing Street, April* 18, 1890.

WITH reference to previous correspondence, and especially to the letter from this Department of the 22nd ultimo, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegram from the Government of Newfoundland, reporting that the Joint Committee of the Legislature wish to revert to the *modus vivendi* as explained in the telegram from this Department of the 8th February, copy of which was sent to you in the letter from this Department of the 12th of that month.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure in No. 196.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received April* 17, 1890.)

JOINT Committee of both Houses of Legislature, while strongly protesting against French claim to erect any lobster factory, would, only in deference to wishes of Her Majesty's Government for a *modus vivendi* limited to this season, concur in proposals contained in your Lordship's telegram of 8th February. Can it be accomplished?

No. 197.

Foreign Office to Colonial Office.

Sir, *Foreign Office, April* 25, 1890.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 14th instant, relative to the *modus vivendi* for the regulation of the lobster fisheries in Newfoundland during the approaching season.

I am to state that Lord Salisbury concurs in the terms of the reply which Lord Knutsford proposes to return to the Governor's despatch of the 15th March, inclosing the Resolutions adopted by the Legislative Assembly and Legislative Council upon the subject.

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

No. 198.

Foreign Office to Colonial Office.

Sir, *Foreign Office, April* 29, 1890.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter the 18th instant, inclosing a telegram from the Governor of Newfoundland to the effect that the Joint Committee of both Houses of Legislature were willing to accept under protest, as a *modus vivendi*, the maintenance of the *status quo* without the provision for the establishment of new lobster fisheries on either side.

I am to request you to inform Lord Knutsford that the French Government, to whom the above views of the Newfoundland Legislature were at once communicated, have expressed to Lord Salisbury their regret that they cannot now agree to any formal modification of the *modus vivendi*, as it has been posted up publicly in all the French ports of departure, and the fishing-vessels have already started. They doubt, however, whether any extensive preparations have been made for new lobster fisheries by their fishermen. They would themselves have preferred the *status quo* of the 1st July, 1889, and are quite willing that the Naval Commanders on either side should be instructed to restrict, as far as circumstances will permit, the permission for new lobster fisheries since that date.

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

No. 199.

Colonial Office to Foreign Office.—(*Received May* 6.)

(A.)

Sir, *Downing Street, May* 5, 1890.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, an extract of the Report on the New-

foundland Blue Book for 1888, which will be found to give some interesting statistics as to the progress of the lobster-canning industry.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure in No. 199.

Extract from Reports on Her Majesty's Colonial Possessions.—(Newfoundland.)

Imports and Exports.

THE lobster fishery shows continued expansion. In 1884 the export was valued at 60,000 dollars, in 1888 it is stated at 385,000 dollars, and it is satisfactory to know that Newfoundland brands commanded the highest market price.

No. 200.

Colonial Office to Foreign Office.—(Received May 6.)

(B.)

Sir, *Downing Street, May* 5, 1890.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegram from the Governor of Newfoundland respecting public feeling in the Colony with reference to the proposed arbitration on the lobster fishery question.

I am to add that Lord Knutsford presumes that nothing further will be done with regard to arbitration pending the arrival of Sir William Whiteway, who, as will be seen from the accompanying telegram, may be expected to arrive in England towards the end of this month, or early in June.

I am to inclose the draft of a despatch which Lord Knutsford proposes to address to the Governor on the subject, should Lord Salisbury concur.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 200.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received April* 29, 1890.)

MINISTERS and public feeling against arbitration, as they consider that French have not shadow of any claim for lobster fishery.

Inclosure 2 in No. 200.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received April* 29, 1890.)

HOUSES of Legislature close next month. Whiteway and Delegation from Government can leave soon after.

Delegates that have gone home are not recognized by Colonial Government or Houses of Legislature.

Inclosure 3 in No. 200.

Draft of Despatch to Governor Sir T. O'Brien.

Sir, *Downing Street, May* *, 1890.

I HAVE the honour to acknowledge the receipt of your telegram of the 29th ultimo, reporting that your Ministers and the public feeling in the Colony were against the proposed reference of the lobster fishery question to arbitration.

* Forwarded May 13.

I have communicated your telegram to the Foreign Office, with a suggestion that no further steps be taken with regard to the proposed arbitration pending the arrival of Sir W. Whiteway.

I have, &c.

No. 201.

Colonial Office to Foreign Office.—(*Received May* 8.)

Sir, *Downing Street, May* 8, 1890.

I AM directed by Lord Knutsford to acknowledge the receipt of your letter of the 29th ultimo, in which it is stated that the French Government have expressed their regret that they cannot now agree to any formal modification of the *modus vivendi* relating to lobster factories in Newfoundland, as it has been posted up publicly in all the French ports of departure, and the fishing-vessels have already started.

In these circumstances, Lord Knutsford has addressed a telegram to the Governor in reply to his of the 17th April, expressing regret that the suggested alteration in the *modus vivendi* cannot now be made.

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

Inclosure in No. 201.

Lord Knutsford to Governov Sir T. O'Brien.

(Telegraphic.) *Downing Street, May* 2, 1890.

REFERRING to your telegram of 17th April, regret that suggested alteration in *modus vivendi* cannot be now made.

No. 202.

The Earl of Lytton to the Marquis of Salisbury.—(*Received May* 9.)

My Lord, *Paris, May* 8, 1890.

WITH reference to my despatch of the 26th March, I have the honour to transmit herewith to your Lordship, extracted from the "Matin," an account of an interview with M. Bozérian, a Senator, who declares that he and M. de l'Angle-Beaumanoir adhere to their intention of interpellating the Government on the Newfoundland Fishery question.

M. Bozérian lays stress on an alleged Proclamation by Admiral Cochrane in 1828, in which he contends that the French claim to exclusive rights of fishing is recognized.

I have, &c.
(Signed) LYTTON.

Inclosure in No. 202.

Extract from the "Matin" of May 8, 1890.

AU Sénat, où l'on n'aime que la besogne sérieuse, on interpellera, ces jours-ci, sur les affaires de Terre-Neuve. C'est M. Bozérian, pour la Gauche, M. de l'Angle-Beaumanoir pour la Droite, qui se feront auprès du Gouvernement les interprètes de l'opinion publique—si tant est qu'il y ait une opinion publique, en France, sur la question de la morue et du homard.

Nous avons cru intéressant de demander à M. Bozérain, qui est, on le sait, un juriste consommé, quels arguments il compte apporter à la tribune du Sénat pour affirmer les droits de nos nationaux sur les pêcheries de Terre-Neuve.

L'honorable Sénateur a bien voulu nous donner les explications suivantes:—

Vous savez que l'Amiral Véron a posé, il y a quelque temps, une question au Ministre des Affaires Étrangères sur les affaires de Terre-Neuve. Au cours de la

discussion, deux Sénateurs ont élevé la voix pour demander à transformer la question en interpellation : c'était M. de l'Angle-Beaumanoir et moi.

Le Sénat, pour des motifs devant lesquels je m'incline, a cru devoir ajourner le débat à un mois.

Depuis lors, nous nous sommes demandé, mon collègue et moi, s'il ne convenait pas d'abandonner notre projet d'interpellation. Mais, après réflexion, il nous a semblé qu'il fallait le maintenir.

Les raisons qui nous ont dicté cette ligne de conduite sont les suivantes :—

Proclamation d'un Amiral Anglais.—Lorsque la question fut portée devant le Sénat par l'Amiral Véron, je crus devoir intervenir, parce que j'avais à produire devant l'Assemblée un document que je crois être d'une importance considérable et qui n'était pas connu du Ministre des Affaires Étrangères.

C'est une Proclamation de l'Amiral Cochrane, Gouverneur de Terre-Neuve et Commandant les forces militaires de l'île, à ses administrés, datant du 8 Juin, 1828.

La teneur de cette pièce est la suivante :—

" Attendu que des plaintes ont été faites devant moi depuis plusieurs années, portant que différentes personnes mal intentionnées employées dans les pêcheries Anglaises, en se rendant aux pêcheries du Nord et du Labrador, ont mouillé avec leurs bateaux et schooners dans des ports et havres de cette partie de l'île communément appelée " French Shore," qui est *réservée aux sujets Français,* pour y exercer la pêche, et y ont commis de nombreux méfaits sur la propriété des pêcheurs Français ;

" Moi, Gouverneur, en conséquence, je préviens toutes personnes mal intentionnées qu'en cas de renouvellement de pareils actes de violence, j'appliquerai les procédés les plus rigoureux que la loi permet d'employer contre les auteurs de pareils méfaits, et pour pouvoir plus efficacement les amener devant la justice, les autorités Françaises recevront des instructions pour appréhender et envoyer à Saint-John's, afin d'y être jugée, toute personne qui commettrait de pareils méfaits."

De semblables paroles dans la bouche d'un Représentant autorisé du Gouvernement Britannique jugent la question de droit. *Habemus confitentem reum.* Les conditions, depuis 1828, n'ont pas changé, et il me semblait que cet aveu formel méritait d'être relevé à la tribune du Parlement Français.

L'Opinion en Angleterre.—Le second motif qui nous a fait maintenir notre interpellation, c'est qu'à la suite de la déclaration du Ministre des Affaires Étrangères affirmant nos droits sur les pêcheries de Terre-Neuve, la polémique a continué très vive en Angleterre. Puisque nos voisins continuent à discuter et à contester, il convenait ici de protester et de revendiquer.

J'ai remarqué que dans tous les écrits parus en Angleterre, les droits de la France sont regardés comme fort peu sérieux, ou tout au moins caducs.

Le Gouvernement Anglais, il est vrai, il faut le dire à sa justice, ne semble pas partager tout à fait cette opinion. C'est ainsi que j'ai pu relever tout récemment, dans le compte-rendu donné par le " Matin " de la séance de la Chambre des Communes du 25 Avril, une déclaration de Sir J. Fergusson reconnaissant expressément le bien-fondé de nos revendications sur les pêcheries.

C'est la première fois qu'on voit un Membre du Gouvernement Anglais reconnaître expressément nos droits sur les pêcheries de Terre-Neuve, et déclarer qu'il y a des Traités sur la matière impliquant des obligations formelles.

Déclaration Royale.—Quelles sont ces obligations ?

On nous dit, à bout d'arguments, que les Traités de 1713, de 1873,* de 1783, et de 1844† ne nous concèdent que le droit de pêcher la morue ; sur ce point, on veut bien ne faire aucune difficulté. Mais pour empêcher nos nationaux de se livrer à la pêche lucrative du homard, on a établi la distinction subtile entre ce qui se " fish " et ce qui se " catch," entre ce qui se pêche et ce qui se prend (au casier).

Ceci, franchement, n'est pas sérieux. Le Traité de 1813,† le dernier Traité qui confirme les privilèges que nous tenions des instruments diplomatiques précédents, est rédigé en Français. Il n'y a donc pas à s'inquiéter de la version Anglaise. On dit parfois que les traducteurs sont traîtres. Mais s'il y'a des traîtres en cette affaire, ce sont les traducteurs Anglais qui méritent cette épithète.

On fait observer aussi que nos sujets n'ont pas le droit de pêcher le homard, puisque la chose n'est pas explicitement dite par les Traités. On n'y parle pas davantage de la pêche de la morue. Mais il y a une chose dont on parle très expressément dans les Traités de 1763 et de 1783 : c'est la défense, pour les pêcheurs de nationalité différente, de troubler les pêches des sujets Français. Voilà ce qu'on peut lire, notamment dans le Traité de 1783 :—

* *Qy.* 1763. † *Qy.* 1814.

"*Declaration.*—Le Roi Très Chrétien, d'accord avec Sa Majesté Très Chrétienne, sur les Articles du Traité Définitif, cherchera tous les moyens qui pourront non seulement en assurer l'exécution avec le 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 point naître de querelles journalières, Sa Majesté Britannique prendra les mesures les plus positives pour prévenir que ses sujets ne troublent en aucune manière, par leur concurrence, la pêche des Français pendant l'exercice temporaire qui leur est accordé sur les côtes de l'Ile de Terre-Neuve."

Suit une Contre-Déclaration identique du Roi de France.

Il n'est pas besoin, comme vous le voyez, d'argumenter et d'épiloguer, il suffit de rappeler nos voisins à l'exécution stricte des Traités qui les lient et qui non seulement établissent formellement nos droits mais qui spécifient pour le Gouvernement Anglais une répression sévère de toute infraction à ces Traités par l'un de ses sujets.

La Pêche sans Distinction.—En résumé, on peut constater que les Traités ne parlent pas, il est vrai, de l'espèce de poisson qu'il sera possible de pêcher. Mais il est une chose sont ils parlent, c'est de l'interdiction qu'il y a pour tout Anglais de troubler les Français dans l'exercice de leur droit de pêche. Et en admettant même que les nationaux Anglais aient la faculté de pêcher le homard sur les emplacements réservés par Traités à nos pêcheurs de morue, comment concilier la chose avec le droit exclusif dont nous bénéficions? Y a-t-il la moindre possibilité pour les Anglais d'établir des casiers pour le homard dans la zone visitée par la morue sans effrayer ce poisson? Ils ne pourraient pêcher le homard qu'en troublant nos nationaux et qu'en les empêchant d'exercer leur droit de pêche formellement reconnu. Dans ces conditions le homard serait perdu pour les uns et les autres. Les Traités qui lient les deux nations doivent être appliqués à la lettre, et ils ne spécifient nullement que nos droits de pêche se bornent exclusivement à la pêche à la morue.

Je crois à peine utile d'ajouter que, en soulevant cette discussion au Senat, je n'ai nullement l'intention de faire acte d'hostilité contre le Gouvernement, je n'ai d'autre intention que de l'inviter à faire respecter nos droits.

No. 203.

Foreign Office to Colonial Office.

Sir, *Foreign Office, May* 9, 1890.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 5th instant relative to the state of feeling which exists in Newfoundland against the reference of the lobster fishery question to arbitration.

I am to state that Lord Salisbury agrees with Lord Knutsford's view that no further steps should be taken in regard to arbitration pending the arrival in this country of Sir W. Whiteway, and concurs in the terms of the despatch which it is proposed to address to the Governor upon the subject.

I am, &c.

(Signed) T. H. SANDERSON.

No. 204.

Colonial Office to Foreign Office.—(*Received May* 10.)

Sir, *Downing Street, May* 9, 1890.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, an extract of a despatch from the Governor of Newfoundland, inclosing copies of Bills dealing with the use of cod-traps.

I am also to inclose a copy of a telegram which has been sent to the Governor, instructing him to reserve both the Bills in question.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 204.

Governor Sir T. O'Brien to Lord Knutsford.

Government House, St. John's, Newfoundland,
(Extract.) *April* 14, 1890.

WITH reference to my telegram of the 31st ultimo, and your Lordship's reply thereto of the 2nd instant,* I have now the honour to forward herewith an Act repealing the Act passed in 1888 for the abolition of cod-traps, which has been passed by the House of Assembly, and which, I have no doubt, will be equally sustained by the Legislative Council; and I would solicit an expression of your Lordship's views thereon, requesting that any further instructions you may wish to give in the matter may be sent by cable, as I doubt of time admitting of my receiving a written reply before the closing of the Session.

2. I beg also to inclose a copy of the draft Bill to render the use of cod-traps a subject of local option, which measure has not yet passed the House, but which, I believe, will eventually do so, though possibly in a slightly modified shape.

Inclosure 2 in No. 204.

A Bill.

An Act to repeal an Act passed in the Fifty-first Year of the Reign of Her present Majesty, entitled "An Act respecting the Abolition of Cod-Traps."

WHEREAS it is considered expedient to repeal the Act passed in the fifty-first year of the reign of Her present Majesty, entitled "An Act respecting the Abolition of Cod-Traps":

Be it therefore enacted by the Governor, the Legislative Council, and Assembly, in Legislative Session convened, as follows:—

1. The Act passed in the fifty-first year of the reign of Her present Majesty, entitled "An Act respecting the Abolition of Cod-Traps," is hereby repealed.

Inclosure 3 in No. 204.

A Bill.

An Act to regulate the Mode of taking Codfish in Traps, Cod-Seines, Cod-Nets, and Bultows.

BE it enacted by the Governor, the Legislative Council, and Assembly, in Legislative Session convened, as follows:—

1. It shall be lawful for the duly qualified electors resident within any area or district within this Colony to present to the Governor in Council a Petition in the form prescribed by the schedule to this Chapter, or as near thereto as may be, setting forth the limits or boundaries within which such area or district is comprised, and the names of the towns, harbours, or settlements included therein, and praying for a Proclamation prohibiting the taking of codfish in traps, cod-seines cod-nets, and bultows, or by any one or more of such methods.

2. Such Petition shall be sent to the nearest resident Stipendiary Magistrate, and shall be by him (after examination and certificate as hereinafter provided) furnished to the Governor in Council.

3. If upon due scrutiny of such Petition the Stipendiary Magistrate shall find that the same contains the *bonâ fide* signatures of a majority of the duly qualified electors resident within the limits or boundaries set forth in the said Petition or requisition, he shall forthwith make a certificate to that effect, indorsed upon or attached to the Petition, and shall forward the same to the Governor in Council.

4. Any Stipendiary Magistrate to whom such Petition shall be presented may, before certifying the same to the Governor in Council as aforesaid, require proof to be

* Inclosures in No. 191.

made before him of the *bonâ fide* signature of any of the names subscribed to such Petition upon the oath either of the party whose name purports to be signed, or of a witness to such signature.

5. Upon receipt of such Petition, containing the signatures of a majority of the electors resident within any such area or district, certified as aforesaid, the Governor in Council shall issue a Proclamation or public Notice prohibiting the taking of codfish by all, or any one or more, of the methods aforesaid, by any person or persons prosecuting the fishery from or out of such area or district as aforesaid.

6. From and after the date prescribed in and by such Proclamation or Notice, it shall not be lawful for any person or persons to use, in the prosecution of the fishery, from or out of such area or district to which such Proclamation or Notice shall relate, any trap, cod-seine, cod-net, or bultow, if all such appliances be prohibited, as aforesaid, and in case all such appliances be not prohibited, then it shall not be lawful for any person or persons to use as aforesaid any of such appliances as may be prohibited by such Proclamation or Notice, under a penalty not exceeding , or imprisonment not exceeding

7. After such Proclamation or Notice shall have issued, as aforesaid, no new Petition on the same subject shall be presented from such area or district until the expiration of ten years from the date of such Proclamation or Notice; and, if no such Petition be presented within three months after the expiration of such Proclamation or Notice, the operation of such Proclamation or Notice, with reference to any such area or district, shall be considered as agreed to by the electors of such area or district, and a new Proclamation or Notice shall issue, as of course, containing the provisions of the former Proclamation or Notice, which shall continue in full effect for ten years from the expiration thereof.

8. All fines and penalties under this Act may be sued for and recovered in a summary manner before a Stipendiary Magistrate or a Justice of the Peace, and all fines shall be paid to the person who shall give information of the offence, and prosecute the offender to conviction.

SCHEDULE.

Form of Petition.

To his Excellency the Governor in Council.

The Petition of the Undersigned humbly sheweth:

THAT your petitioners are duly qualified electors, residing in an area or section of the electoral district of , comprised and bounded as follows:—

That the said area or section contains the following towns (or harbours or settlements).

That your petitioners are desirous, and humbly pray your Excellency in Council, that a Proclamation or Notice be issued under the provisions of an Act passed in the fifty-third year of the reign of Her present Majesty, entitled "An Act to regulate the Mode of taking Codfish in Traps, Cod-seines, Cod-nets, and Bultows," prohibiting the use of traps, cod-seines, cod-nets, and bultows (all or any as the case may be) by persons prosecuting the fishery from or out of the above-described area or section of the said district, and petitioners will ever pray.

Dated at the day of , 18

Inclosure 4 in No. 204.

Lord Knutsford to Governor Sir T. O'Brien.

(Telegraphic.) *Downing Street, May* 8, 1890, 2·25 P.M.

UNLESS clauses are inserted in the two Bills (cod-traps) sent in your despatch of 14th April both Bills should be reserved.

No. 205.

Foreign Office to Colonial Office.

Sir, *Foreign Office, May* 12, 1890.

I AM directed by the Marquis of Salisbury to transmit to you the accompanying extract from the "Matin" newspaper,* giving an account of an interview with M. Bozérian, a Senator, who intends shortly to bring forward an interpellation in the French Senate on the Newfoundland Fishery question.

Lord Knutsford will observe that M. Bozérian lays stress on an alleged Proclamation by Admiral Cochrane in 1828, which, according to his view, recognizes the French claim to exclusive rights of fishing on the Treaty Shore; and I am to request that, if possible, Lord Salisbury may be furnished with a copy of this Proclamation in the original English text.

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

No. 206.

Lord Stanley of Preston to Lord Knutsford.—(Received at the Foreign Office, May 13.)

My Lord, *Government House, Ottawa, April* 28, 1890.

WITH reference to my telegraphic message of this day's date,† I have the honour to transmit to your Lordship a copy of an approved Report of a Committee of the Privy Council expressing the wish of my Government to present a remonstrance to Her Majesty's Government on the restrictions which will be placed on British ships owned or sailed by Her Majesty's subjects in Canada under the Newfoundland Bait Act.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure in No. 206.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, April 24, 1890.

ON a Memorandum dated the 17th April, 1890, from the Minister of Marine and Fisheries, submitted the following telegram for the information of Council:—

"*St. John's, Newfoundland, April* 24, 1890.

"The Bait Act passed by Legislature last Session has been brought into force by Governor's Proclamation; all vessels entering our ports for bait are subject to pay a licence fee of 1 dollar per ton for each entrance, and are restricted to one barrel bait per registered ton. Will mail copy of Bill.

(Signed) "COLONIAL SECRETARY."

The Committee recommend that your Excellency be moved to telegraph to the Right Honourable the Secretary of State for the Colonies, intimating the desire of your Excellency's Government to present a remonstrance to Her Majesty's Government on the restrictions which will be placed on British ships owned or sailed by Her Majesty's subjects on the restrictions which will be placed on British ships owned or sailed by Her Majesty's subjects in Canada under the Newfoundland legislation referred to.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

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* Inclosure in No. 202.

† Inclosure 12 in No. 207.

No. 207.

Colonial Office to Foreign Office.—(*Received May* 13.)

Sir, *Downing Street, May* 12, 1890.

WITH reference to the letter from this Department of the 9th ultimo, I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a correspondence respecting the action of the Newfoundland Government in compelling Canadian fishermen to pay for licences under the Bait Act.

I am, &c.
(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 207.

Governor Sir T. O'Brien to Lord Knutsford.

Government House, St. John's, Newfoundland,
My Lord, *April* 10, 1890.

AS I have already had the honour of reporting by telegraph, the following are the protective measures about to be adopted in regard to the bait fisheries during the coming season:—

(1.) The present Bait Bill to remain on the Statutes unaltered.

(2.) That for this year its operation be, as usual, under Proclamation.

(3.) That no bait be allowed to be exported from the Colony.

(4.) That the Regulations be modified (*vide* copies annexed as per Schedule) so as to include vessels of all nations, which are to be equally allowed to resort to Newfoundland ports for the purchase of bait.

(5.) That they be charged tonnage dues of 1 dollar per ton on each entry into a port or harbour of the island, and that they be permitted to purchase, and take with them, for their own use, one barrel of bait for each ton register.

2. It is therefore hoped that possibly this course, by placing the French on the same footing as other nations, may tend to smooth over existing difficulties, while protecting Colonial interests.

3. The question has formed the subject of the inclosed Resolutions from the Chamber of Commerce, which have been presented to me by a deputation with the request that I would transmit a copy to your Lordship, when I promised these gentlemen that they shall also be brought before my Ministers for their consideration.

I have, &c.
(Signed) T. O'BRIEN.

Inclosure 2 in No. 207.

Schedule of printed Documents inclosed in Despatch of April 10, 1890.

PROCLAMATION enforcing the Bait Act.
Memorandum of Instructions for the regulation of the same.
Licence to haul and sell bait fishes.
Licence to purchase and haul bait fishes.
Affidavit to be made by a Newfoundland fisherman prosecuting the deep-sea fishery.
Affidavit to be made by foreign fishermen.
Bond to be signed by a person taking out a licence.
Licence to foreign vessels to purchase bait fishes.

Inclosure 3 in No. 207.

"The Royal Gazette Extraordinary" of April 3, 1890.

Proclamation.

By his Excellency Sir J. Terence O'Brien, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Governor and Commander-in-chief in and over the Island of Newfoundland and its Dependencies.

To all to whom these presents shall come, greeting:

WHEREAS an Act was passed in the 52nd year of the reign of Her present Majesty, entitled "An Act to amend and consolidate the Laws relating to the Exportation and Sale of Bait Fishes;" and whereas it is provided by the 25th section of the said Act that the said Act "shall come into force at such date as shall be appointed by the Governor, by his Proclamation;"

And whereas the said Act has been in its enactive portions passed in the words following:—

[For the Act, see Inclosure 1 in No. 162 A.]

And whereas it is expedient to notify a day upon which the said Act shall come into operation:

Now, therefore, I, the Governor, do issue this my Proclamation, giving notice to all Her Majesty's liege subjects, and to all whom the said recited Act may concern, that on and after the 8th day of April instant the said Act shall come into operation.

Given under my hand and the Great Seal of the said island, at Government House, in St. John's, this 2nd day of April, A.D. 1890.

By his Excellency's command,

(Signed) R. BOND, *Colonial Secretary.*

Inclosure 4 in No. 207.

Sir, *Colonial Secretary's Office, St. John's, April* 9, 1890.

ON the other side you will find Memorandum of instructions relative to carrying out of the provisions of the Act of 1889 for the regulation and exportation, &c., of bait fishes, which you are requested to carefully peruse and to strictly enforce. I send herewith a supply of blank Forms to be used in connection with this service.

I have, &c.

Instructions for Magistrates, Customs Officers, &c., in relation to enforcement of Bait Act, 1889.

Under Proclamation of the Governor no exportation, or sale, or purchase, or taking of bait fishes of any sort is to be permitted without a licence.

Licences of three sorts will be granted: one, free of charge, to vessels belonging to Newfoundland prosecuting the deep-sea fishery; one to Newfoundland punt fishermen, free of charge, to catch bait for sale to foreign vessels or otherwise; and one for foreign vessels to purchase bait.

In all cases of applications for licences (except Newfoundland punt fishermen who catch for sale to foreign vessels), the party applying must make an affidavit setting forth all the particulars required to be stated in the licence. (See Bait Act, 1889.) This affidavit may be made either by the master of the vessel for which the licence is applied for, or by the owner, or agent of the owner, or on behalf of the master. Blank Forms of these affidavits of each sort are furnished. The affidavits may be made before a Magistrate or a Customs officer.

You will notice that the licences have been signed by the Colonial Secretary, and they must be also signed by the person issuing the licence, either a Customs officer or Magistrate.

A licence fee of 1 dollar per ton is to be paid by vessels of all nations (French, American, and Canadian) entering the harbours of this Colony in quest of bait fishes.

All such foreign vessels shall be restricted to one barrel of bait per ton, and shall be compelled to take out a new licence and pay such licence fee as aforesaid upon each entry into any port of this Colony, besides the ordinary light dues.

A second licence shall not be granted within three weeks from the date of the first licence.

Upon granting a licence to a foreign vessel you shall notify the Customs officers at all the other ports of entry named herein, by telegram or letter, that you granted such licence, stating date of issue, so as to prevent such vessel from obtaining a second licence within the period stated above.

In the case of a foreign vessel taking bait at your port, you will employ officers to see that only the quantity named in licence is taken aboard.

Ports of Entry.

La Manche and Oderin.—Richard McGrath.
Burin.—John Winter.
Lamaline.—C. Pitman.
English Harbour.—Charles Clinton.
Harbour Briton.—Philip Hubert.
Gaultois.—Richard Bradshaw.
Pushthrough.—Henry Camp.
La Poile.—Francis A. Read.
Channel.—Francis Mourant.
Trepassey.—A. Simms.
Salmonier.—John Dakins.
St. Mary's.—J. Harney.
Placentia.—W. G. Bradshaw.
Little Placentia.—T. Freeman.
Presque.—Patrick Sullivan.
Harbour Buffett.—Wm. Hann.
St. Lawrence.—M. Vavasseur
Fortune.—J. Haddon.
Grand Bank.—G. Simms.
Burgeo.—J. C. Cunningham.
Rose Blanche.—R. Furneaux.
Codroy.—J. Gillis.
Black River.—A. Blackader.

Inclosure 5 in No. 207.

Licence to haul, catch, and sell Bait Fishes by Newfoundland Fishermen.

ACCORDING to the provisions of the Act passed in the 52nd year of the reign of Her present Majesty, entitled "An Act to amend and consolidate the Laws relating to the Exportation and Sale of Bait Fishes," permission is hereby granted to to haul, cacth, and sell herring, capelin, squid, and other bait fishes, during the present fishing season.

Dated at , this day of , 1890.

(Signed) *of Customs,*
[*or Stipendiary Magistrate.*]

(Countersigned) ,
Colonial Secretary.

The attention of the holder of this licence is called to the following section of the Act in relation to the Exportation of Bait Fishes (Act 52 Vict., cap. 6):—

"11. Any person who shall sell any herring, capelin, squid, or other bait fishes, for the purpose of shipping or putting on board of any ship or vessel, for the purpose of exportation to any person not holding or producing a licence under this Act, shall be liable to a fine not exceeding 500 dollars, or to imprisonment not exceeding three months."

Inclosure 6 in No. 207.

License for Newfoundland Deep-Sea Fishery to purchase, haul, or take Bait Fishes for the prosecution of the Fishery.

ACCORDING to the provisions of the Act passed in the 52nd year of the reign of Her present Majesty, entitled "An Act to amend and consolidate the Laws relating to the Exportation and Sale of Bait Fishes," permission is hereby given to , of , of the called the , to purchase herrings, capelin, squid, and other bait fishes, to be taken on board the said vessel, to be used by the master and crew of said vessel for the purpose of prosecuting the cod-fishery during the present fishing season, in such quantities only as shall be sufficient for the *bonâ fide* use of the master and crew of the said vessel in the prosecution of said fishery and no more, and not to be sold, transferred to any other ship or vessel, exported to any foreign country, or used for any purpose whatsoever other than the above set forth.

Dated at , this day of , 1890.

(Signed) *of Customs,*
[*or Stipendiary Magistrate.*]

(Countersigned) R. Bond, *Colonial Secretary.*

The attention of the holder of this licence is called to the following sections of the Act in relation to the exportation of bait fishes (Act 52 Vict., cap. 6):—

"6. Applications for licences under this Act shall be made to a Stipendiary Magistrate or a Customs officer, who shall require the applicant in each case to make before him an affidavit stating the facts and particulars, as required under section 5, to be set forth in the licence; and it shall be the duty of the said Stipendiary Magistrate or Customs officer to report to the Governor in Council any refusal on the part of the applicant to make such affidavit, or any *bonâ fide* doubt on the part of such Stipendiary Magistrate or Customs officer of the truth of any of the statements set forth in such affidavit, or of a belief on his part that such licence is applied for for the purpose of evading or defeating, or assisting in evading or defeating, the provisions of this Act. In such case it shall be the duty of such Stipendiary Magistrate or other officer to withhold such licence and await further instructions.

"8. The Forms of the licences, affidavits, and bonds above provided shall be prescribed by the Governor in Council.

"9. Any person who shall violate any of the provisions of section 1 of this Act, or any of the sub-sections thereof; or

"(1.) Use, dispose of, or deal with any bait fishes, otherwise than in accordance with the terms of the affidavit made upon application for a licence, or with the terms of such licence; or

"(2.) Make any untrue statement in any affidavit upon application for a licence under this Act; or

"(3.) Obtain a licence under this Act by means of any false statement or misrepresentation, or by the suppression or concealment of any material fact, shall be liable for every first offence to a penalty not exceeding 1,000 dollars, or imprisonment for a period not exceeding twelve months.

"(4.) Any person convicted of a second or subsequent offence under this Act shall, on conviction, be subject to imprisonment, with hard labour, for a period of not less than twelve months.

"10. In addition to the punishment prescribed by the foregoing section, the convicting Magistrate may order the confiscation and sale of the herring, capelin, squid, or other bait fishes which have been sold, purchased, hauled, taken, conveyed or exported in violation of the provisions of this Act, or the terms of any licence thereunder, or of the boat or vessel on board of which such bait fishes shall be found to be unlawfully shipped, conveyed, or exported, and the forfeiture of any licence held by the offender.

"11. Any person who shall sell any herring, capelin, squid, or other bait fishes, for the purpose of shipping or putting on board of any ship or vessel, or for the purpose of exportation to any person not holding or producing a licence under this Act, shall

be liable to a fine not exceeding 500 dollars, or to imprisonment not exceeding three months."

Inclosure 7 in No. 207.

Affidavit to be made by Newfoundland Fishermen prosecuting Deep-Sea Fishery.

Newfoundland, to wit.

I, , of make oath and say that I am master of the called the , that I am desirous of obtaining a licence to bait, to be used on board the said vessel by the master and crew thereof, in prosecuting the deep-sea fishery, during the present season.

Sworn before me, at , this day of , 1890.

Inclosure 8 in No. 207.

Affidavit to be made by Foreign Fishermen.

Newfoundland, to wit.

I, , of , make oath and say that I am desirous of obtaining a licence to purchase bait, to be used on board my vessel, in prosecuting the Bank fishery, during the present season.

Sworn before me at , this day of , 1890.

Inclosure 9 in No. 207.

KNOW all men by these presents that we (*b*)

(*b*) Here insert the names and additions of the person licensed, and the two securities.

are held and firmly bound to the Honourable Richard O'Dwyer, Receiver-General of the Island of Newfoundland, severally in the sum of 1,000 dollars each, to be paid to the said Richard O'Dwyer, his executors and administrators, for which payment to be well and truly made we severally bind ourselves, and each of us, our and each of our executors and administrators, firmly by these presents.

Dated this day of , 1890.

The condition of this obligation is such that if the said (*a*)

(*a*) Here insert the name of the person to whom licence is granted.

shall, in all respects, comply with the terms of the licence number , granted to him, dated the day of , 1890, and in all respects conform to the provisions of Act 52 Victoria, entitled "An Act to amend and consolidate the Laws relating to the Exportation and Sale of Bait Fishes;" then this obligation to be void, otherwise to remain in full force.

Signed, sealed, and delivered in presence of

Inclosure 10 in No. 207.

Licence to Fishing Vessels to purchase Bait Fishes.

No. 1996.

(*a*)_____ of the fishing-vessel (*b*) _____ _____ tons register of (*c*)_____ having paid to the undersigned (*d*)_____ at the port of (*e*)_____ the sum of (*f*)_____ dollars, the privilege is hereby granted to said vessel to enter the bays and harbours of Newfoundland for the purchase of (*g*)_____ barrels of bait fishes, and such quantity of ice, lines, and other supplies as may be required.

(*a*) Name of master.

(*b*) Name of vessel and tonnage.

(*c*) Name of port of registry of vessel.

(*d*) "Customs officer" or "Stipendiary Magistrate," as the case may be.

(*e*) Name of port where the licence is granted.

(*f*) Number of dollars corresponding to number of tons of vessel.

(*g*) Same number as as tonnage of vessel.

Dated this _____ day of _____, 1890.

*Customs Officer or Magistrate at the Port of*_____

Colonial Secretary.

N.B.—This Licence is to be delivered to the Customs officer, constable, or officer engaged in the bait protection service. Upon the receipt of the said barrels of bait fishes on board the said vessel, such officer shall mark "Cancelled" upon it, and the date of the receipt of said bait fishes.

Inclosure 11 in No. 207.

Resolutions passed at a Meeting of the Commercial Society, April 8, 1890.

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 licences 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 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 that 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.

Resolved,—That the Chamber of Commerce wait on his Excellency the Governor. and present the foregoing Resolutions.

Inclosure 12 in No. 207.

Lord Stanley of Preston to Lord Knutsford.

(Telegraphic.) (*Received April* 28, 1890.)

MINISTERS ask me to present to Imperial Government their remonstrance against restrictions on Canadian ships by Newfoundland Bait Act recently brought into force by the Proclamation of the Governor.

Inclosure 13 in No. 207.

Lord Knutsford to Governor Sir T. O'Brien.

(Telegraphic.) *Downing Street, April* 30, 1890.

CANADIAN Government protests against Bait Act just brought into operation by Governor's Proclamation. What Act is this? Does it contain new provisions? Have you sent it home ?

Inclosure 14 in No. 207.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received May* 1, 1890.)

REFERRING to your telegram of to-day, Proclamation issued under Act of 1889. Full particulars given in my despatch of 10th April.

Inclosure 15 in No. 207.

Lord Knutsford to Lord Stanley of Preston.

(Telegraphic.) *Downing Street, May* 8, 1890.

I HAVE received Newfoundland Proclamation. Bait Act. I do not perceive that it is *ultra vires*. Your Ministers have no doubt made representations to Newfoundland direct.

No. 208.

The Earl of Lytton to the Marquis of Salisbury.—(*Received May* 16.)

My Lord, *Paris, May* 15, 1890.

I HAVE the honour to transmit herewith to your Lordship, extracted from the "Matin" newspaper of to-day, an article from the pen of M. Lemoinne on the subject of the Newfoundland Fishery question, in which the writer attributes the dead-lock at which the negotiations have arrived to the excessive freedom of action granted by England to her Colonies, and strongly urges that there should be no further delay in settling the question, either by Treaty or arbitration.

I have, &c.

(Signed) LYTTON.

Inclosure in No. 208.

Extract from the "Matin" of May 15, 1890.

TERRE-NEUVE.—Si nous croyons devoir nous occuper de cette question spéciale, c'est qu'elle est à l'ordre du jour des Chambres, qu'elle est actuellement l'objet de négociations difficiles, et qu'elle pourrait prendre, dans nos relations internationales, plus d'importance qu'on ne le voudrait des deux côtés.

Deux grands pays sérieux comme la France et l'Angleterre n'ont sans doute pas l'intention de se quereller à propos de morues et de homards. Le prétexte serait ridicule, et il faudrait chercher une autre raison. Mais il y a dans la vie des nations,

comme dans celle des individus, ce qu'on appelle les Petites Misères. C'est peu de chose, mais c'est agaçant. Au lieu de se battre, on se gratte.

Nous sommes convaincus que le Gouvernement Anglais est beaucoup plus ennuyé que le nôtre de cette querelle de mur mitoyen, parce qu'il n'a pas, comme nous, sa liberté d'action. L'impasse dans laquelle il se trouve vient de l'excès de libre arbitre qu'il laisse à ses Colonies, et qui les rend, en fait, absolument indépendantes de la métropole et du Gouvernement central. Cette indépendance est déjà très gênante dans les relations de la métropole avec ses Colonies, mais elle l'est encore plus dans les relations du Gouvernement central avec les Gouvernements étrangers, comme dans le cas actuel.

L'école libérale Anglaise s'est toujours fait gloire de faire dans le monde l'éducation de populations libres. Elle considère que la mission de l'Angleterre est d'enseigner à ses sujets de toutes les parties du monde l'usage de la liberté, et de les préparer au Gouvernement d'eux-mêmes. C'est ainsi que se sont fondés les États-Unis d'Amérique, au prix d'une grande guerre. C'est ainsi que s'organisent aujourd'hui les grandes Colonies, comme l'Australie, la Nouvelle-Zélande, le Canada, le Cap et bien d'autres. Elles restent liées à la métropole par la nomination d'un Gouverneur, mais elles ont des Parlements indépendants et possèdent toute la transplantation des institutions de la mère-patrie.

C'est avec ce système qu'on arrivera un jour à la fédération de la Grande-Bretagne Européenne avec ses innombrables dépendances dans l'univers entier. Mais c'est une affaire qui ne regarde que Angleterre, et les Gouvernements étrangers, dans leurs relations internationales, ne connaissent et ne peuvent connaître que le Gouvernement Anglais.

Or, dans le cas actuel, le Gouvernement Français et le Gouvernement Anglais avaient conclu une dernière Convention sur les droits respectifs de pêche des deux nations. Mais c'est le petit Parlement de Terre-Neuve qui n'a pas voulu l'accepter. Car, s'il y a des Juges à Berlin, il y a une Chambre à Terre-Neuve, une Chambre élective de trente six membres, renouvelable tous les quatre ans.

Est-ce que cela nous regarde ? Est-ce que nous connaissons la Chambre de Terre-Neuve ? Est-ce que c'est avec elle que la France a conclu le Traité d'Utrecht, en 1713 ? Nous ne connaissons que le Gouvernement de Sa Majesté la Reine Victoria, et c'est à lui de faire honneur à sa signature. Que dirait l'Angleterre si, pour ne pas reconnaître un Traité, nous lui présentions l'opposition du Conseil Municipal de Paris ?

Le Gouvernement Anglais, on doit lui rendre cette justice, comprend très bien ces difficultés ; il ne cherche pas à contester ou à éluder les anciens Traités, mais il se trouve très embarrassé par l'excès d'indépendance qu'il a laissé prendre à ses Colonies. Des deux côtés, avec la meilleure volonté du monde, et avec le sentiment du ridicule qu'il y aurait à se brouiller pour une contestation de cet ordre, on cherche à négocier, et on conclut des arrangements provisoires en attendant une solution.

Ainsi il a été convenu que, pour l'année courante, on laisserait les choses en l'état ; on verra pour l'année prochaine. C'est ce qu'on appelle un *modus vivendi*. Mais cela ne peut pas se perpétuer.

Sans entrer dans tous les détails de la question, nous rappellerons que par le Traité d'Utrecht, qui donnait à l'Angleterre la souveraineté de l'Ile de Terre-Neuve, une certaine portion du littoral était réservée à la pêche Française. C'était un droit exclusif, qui a toujours été reconnu, et toujours été exercé, quoiqu'avec certaines difficultés. Le proverbe a raison : " Qui terre a, guerre a." Rien n'est plus scabreux que ce genre de privilège. Ce n'est pas la propriété, c'est la jouissance d'une servitude. C'est le droit donné à une nation étrangère de se servir d'une portion de territoire dépendant d'une autre souveraineté. C'est une source perpétuelle de conflits. Mais les Traités sont là, et il faut, de part et d'autre, tâcher de s'en accommoder. Les Terre-Neuviens Anglais crient de toutes leurs forces ; ils disent que les Traités sont caducs, que ce qui a été signé en 1713 n'est qu'un anachronisme. Nous serions assez de cet avis, mais ce serait, pour des Gouvernements, une doctrine trop commode, et une fois entré dans cette voie, nous ne voyons pas où on s'arrêterait.

Si, par exemple, les Anglais voulaient prétendre que le Traité d'Utrecht, parce qu'il a l'âge respectable de 171 ans, n'est plus que lettre morte, on pourrait rafraichir leurs souvenirs et leur faire remarquer que c'est ce même Traité qui leur a confirmé la souveraineté de Gibraltar. Si, dans une école primaire, on demandait à un enfant dans quel pays est situé Gibraltar, il ne répondrait pas que c'est en Angleterre. Il faut donc s'arranger autant que possible pour vivre avec les Traités, si l'on ne veut pas vivre à l'état sauvage.

L'arrangement convenu entre les deux Gouvernements n'est valable que pour cette année ; il consacre le *statu quo*. On sait que la pêche principale de Terre-Neuve est la morue. Or, il paraît que la morue, comme les jolies femmes, a des caprices. Elle est quelquefois sortie, comme Mme. Benoiton ; elle découche. Dans ces dernières années, elle était allée se promener on ne sait pas où, et les Terre-Neuviens Français ne l'avaient plus retrouvée. Puis elle est revenue, on ne sait pas d'où ; elle n'a pas voulu le dire.

Pendant sa fugue, les pêcheurs Normands et Bretons s'étaient consolés avec le homard ; ils avaient établi des pêcheries de homards et s'étaient faits conservateurs. Mais alors sont intervenus, sur le rivage Français, les pêcheurs de la Colonie Anglaise, qui ont fait des établissements concurrents. Dire que ce ne sont pas les Normands qui ont fait la première chicane !

Les Anglais, du moins ceux de Terre-Neuve, ont inventé une querelle grammaticale. Ils ont prétendu que les Traités ne réservaient aux Français que la pêche du poisson, et que le homard n'était pas un poisson. Ni le Gouvernement Français ni le Gouvernement Anglais ne se donnent le ridicule de prendre au sérieux cette plaisanterie. Tous deux considèrent que la pêche consiste à prendre ce qui habite l'eau. Mais l'Académie de Terre-Neuve tient pour son interprétation, et le grand Parlement de Terre-Neuve menace de s'annexer aux États-Unis qui n'en veulent pas.

On disait autrefois que les dictionnaires désignaient l'écrevisse comme petit poisson rouge marchant à reculons, et qu'un homme de science rectifia cette définition en disant que l'écrevisse n'était pas un poisson, n'était pas rouge, et ne marchait pas à reculons. Le bon Jules Janin, qui n'avait vu un homard que sur la table, l'avait aussi appelé le cardinal des mers. Il aurait de quoi rougir, en effet, ce crustacé, s'il donnait lieu à une rupture entre deux grandes nations.

Nous disons que la Convention provisoire actuelle ne vaut que pour une saison, et nous ne savons où en sont les négociations. Mais il est temps qu'on s'arrange à l'amiable, soit par Traité, soit par arbitrage. Les pêcheurs de Terre-Neuve, Anglais et Français, sont les uns près des autres, et on connaît les haines féroces qu'engendrent les rivalités de voisinage et de bonne place des pêcheurs à la ligne sous les arches de nos ponts.

Il doit y avoir une prochaine interpellation au Sénat sur cette affaire. Nous verrons si le Gouvernement est en mesure de donner quelques explications ou quelques assurances. Nous croyons bien qu'il ne peut avoir à nous donner que l'antique formule : "Nous négocions."

(Signé) JOHN LEMOINNE.

No. 209.

The Earl of Lytton to the Marquis of Salisbury.—(*Received May* 19.)

My Lord, *Paris, May* 17, 1890.

WITH reference to my despatch of the 8th instant, I have the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, a report of the interpellation in the Senate on the subject of the Newfoundland fisheries.

M. Bozérian went over the whole ground, and contended that the French claims had been fully recognized in the past by the British authorities in Newfoundland themselves, as was proved, for instance, by the Proclamations of Sir Charles Hamilton and Admiral Cochrane in 1822 and 1828.

He was followed by the Marquis de l'Angle-Beaumanoir, who dwelt on the importance of the interests involved in the question, and by the Minister for Foreign Affairs, who replied that the French Government were fully convinced of the justice of the French contention, but that the question had become very complicated, rendering necessary the conclusion of a *modus vivendi* for this year, in which the rights of both parties were reserved for future discussion. M. Ribot bore testimony to the correct attitude taken up by Her Majesty's Government in dealing with the subject, and pointed out that in Newfoundland the *modus vivendi* was extremely unpopular, while England, and not France, was there held to have got the worst of the settlement.

The discussion terminated with the acceptance of an order of the day approving the declarations of the Government and expressing confidence in their future action.

I have, &c.

(Signed) LYTTON.

Inclosure in No. 209.

Extract from the "Journal Officiel" of May 17, 1890.

Interpellation sur les Pêcheries de Terre-Neuve.

M. le Président.—L'ordre du jour appelle la discussion de l'interpellation de MM. le Marquis de l'Angle-Beaumanoir et Bozérian relative aux pêcheries de Terre-Neuve.

La parole est à M. Bozérian.

M. Bozérian.—Messieurs, vous n'avez certainement pas perdu le souvenir du débat qui s'est engagé dans cette enceinte, à la séance du 25 Mars dernier, à propos de la question posée à M. le Ministre des Affaires Étrangères par notre honorable collègue, M. l'Amiral Véron, et qui était relative aux droits de la France sur les pêcheries de Terre-Neuve.

Ce débat ne portant que sur une question, nul autre que l'auteur de la question ne pouvait y prendre part.

Au cours et vers la fin de la réponse faite à notre honorable collègue par M. le Ministre des Affaires Étrangères, deux interruptions partirent, presque en même temps, de deux côtés opposés de cette Assemblée. J'étais l'un des interrupteurs. L'autre était l'honorable Marquis de l'Angle-Beaumanoir.

C'est assez vous dire, Messieurs, que, comme la question, l'interpellation n'avait et ne pouvait avoir aucune portée politique. Mais, nous étions, l'un et l'autre, mus par un même sentiment, en voulant transformer en interpellation une question qui, comme je le disais, ne pouvait aboutir à aucun ordre du jour.

A la suite d'une observation faite par notre honorable Président sur les inconvénients possibles d'une transformation aussi brusque, le Sénat a ordonné le renvoi de l'interpellation à un mois.

Ce délai, Messieurs, est expiré depuis longtemps, si bien qu'à la reprise des travaux Parlementaires, nous nous sommes demandé, l'honorable M. de l'Angle-Beaumanoir et moi, s'il convenait de maintenir l'interpellation.

Après réflexion, nous avons pensé qu'il convenait de la maintenir, attendu que, suivant nous, elle n'a rien perdu de son importance ni de son actualité. (Très bien! au Centre).

M. Audren de Kerdrel.—Malheureusement!

M. Bozérian.—Nous avons observé qu'en dépit de l'argumentation si concluante de M le Ministre des Affaires Étrangères, la polémique n'avait pas cessé de l'autre côté du détroit, qu'elle était demeurée presque aussi vive, presque aussi ardente, qu'elle avait eu de nouveaux échos dans les Chambres; nous avons remarqué que certains organes des plus importants de la presse Anglaise avaient continué la campagne par eux entreprise; que pour eux, ce qui nous avait paru, comme à vous-même, si clair, avait continué à demeurer obscur; qu'enfin la voix de l honorable M. Ribot n'avait été ni mieux entendue, ni mieux écoutée—j'espère qu'il en sera autrement dans l'avenir—que ne l'avait été celle de ses honorables prédécesseurs MM. Flourens, Goblet, et Spuller.

Dans cette situation, nous avons pensé qu'il etait bon que la voix du Parlement Français se fît entendre une fois de plus; nous avons cru qu'à la persistance des dénégations il convenait de répondre par la persistance des affirmations. (Très bien! très bien!)

Quand je parle d'affirmations, il est bien entendu, Messieurs, que je ne parle pas d'affirmations en l'air. . . . (C'est cela! au Centre). Je parle d'affirmations reposant sur des faits, sur des documents que je vous ferai connaître tout à l'heure, et dont vous pourrez apprécier la valeur.

Quant aux dénégations, je ne sais si je m'abuse, mais il me semble—c'est une constatation que j'ai faite avec plaisir—que depuis quelque temps elles se formulent dans des termes un peu moins absolus.

Au début, quand on parlait des droits de la France sur les pêcheries de Terre-Neuve, certains contradicteurs haussaient les épaules; le dédain était leur seule réponse.

Aujourd'hui cette attitude s'est modifiée; on semble reconnaître enfin que ces droits si longtemps contestés, si longtemps déniés, ne sont pas une vaine apparence; on n'en discute plus le principe, on se borne à en discuter l'étendue: c'est un grand pas

de fait; pour ma part je m'en félicite grandement. (Assentiment.) C'est ainsi que dans les derniers jours d'Avril, une dépêche Anglaise, reproduite dans plusieurs journaux Français, faisait savoir qu'à la Chambre des Communes, à une question posée à un Représentant du Gouvernement par l'un des Membres de cette Chambre, au sujet des réclamations des habitants de Terre-Neuve à propos de ce *modus vivendi*, dont j'aurai occasion de vous parler tout à l'heure, Sir Fergusson avait répondu que le Cabinet Anglais examinerait avec le plus grand soin,—veuillez bien remarquer la nuance—non pas toutes les représentations faites par les Terre-Neuviens, mais seulement celles qui ne seraient pas incompatibles avec les obligations de l'Angleterre et de la Colonie en vertu des Traités. Nous n'avions pas encore entendu ce language; je suis heureux d'avoir pu l'entendre aujourd'hui.

Il existe donc des Traités; de ces Traités résultant des obligations, et ces obligations s'imposent à la Colonie aussi bien qu'à la mère patrie puisque la première, ne pouvant exciper d'un droit personnel, ne saurait avoir plus de droits que la seconde.

Quels sont ces Traités? Quelles sont ces obligations? C'est ce que je me propose d'examiner.

Je crois, Messieurs, que mon examen doit être complet, et, pour l'être, il doit nécessairement porter sur trois périodes successives: d'abord, la période du passé, c'est-à-dire la période antérieure au *modus vivendi*, dont nous aurons l'occasion de nous occuper; ensuite la période du présent: c'est la période qui s'écoulera depuis la mise en vigueur de ce *modus vivendi* jusqu'au jour où il prendra fin; la troisième période enfin, c'est celle qui appartient à tous: la période de l'avenir.

Les Traités conclus entre la France et l'Angleterre, au sujet de la pêche sur les côtes de Terre-Neuve, sont au nombre de quatre:

1. Sous Louis XIV, le Traité d'Utrecht du 11 Avril, 1713, qui fut, vous le savez, le douloureux épilogue du drame qui a pour titre "la guerre de la succession d'Espagne;" c'est ce Traité qui a donné à l'Angleterre, au détriment de la France, la souveraineté de l'Ile de Terre-Neuve;

2. Sous Louis XV, le Traité de Paix conclu à Paris le 10 Février, 1763, entre l'Espagne, la France, et la Grande-Bretagne, à la suite de la Guerre de Sept Ans;

3. Sous Louis XVI, le Traité de Paix conclu à Versailles, avec cette dernière Puissance la Grande-Bretagne, le 3 Septembre, 1783;

4. Sous la Restauration, enfin, le Traité de Paix conclu à Paris, le 30 Mai, 1814, entre Louis XVIII et les Puissances Alliées.

Messieurs, je vais remettre sous vos yeux les termes exacts de ces Traités; cela est indispensable. Vous me permettrez de vous dire que cette exactitude est d'autant plus facile que ces Traités, il est bon d'en faire la remarque, sont tous rédigés en Français, dans la langue diplomatique, et que, par conséquent, certaines infidélités de traduction, certaines trahisons de traducteur ne sont pas à redouter.

Voici le premier de ces Traites, le Traité d'Utrecht, du 11 Avril, 1713. L'Article intéressant, c'est l'Article XIII; il est conçu en ces termes:—

"Article XIII. L'Isle de Terre-Neuve avec les isles adjacentes appartiendra désormais et absolument à la Grande-Bretagne et à cette fin, le Roi Très Chrétien fera remettre à ceux qui se trouveront à ce commis en ce pays là, dans l'espace de sept mois, à compter du jour de l'échange des ratifications de ce Traité, ou plus tôt, si faire se peut, la ville et le fort de Plaisance et autres lieux que les Français pourraient encore posséder dans la dite isle, sans que le dit Roi Très Chrétien, ses héritiers et successeurs ou quelques-uns de ses sujets puissent désormais prétendre quoi que ce soit, et en quelque temps que ce soit, sur la dite isle et les isles adjacentes en tout ou en partie."

Voilà la dure concession; voici la maigre compensation:

"Il ne leur sera pas permis non plus d'y fortifier aucun lieu, ni d'y établir aucune habitation en façon quelconque, si ce n'est des échafauds et cabanes nécessaires et usités pour sécher le poisson, ni d'aborder dans la dite isle dans d'autre temps que celui qui est propre pour pêcher et nécessaire pour sécher le poisson. Dans la dite isle, il en sera pas permis aux dits sujets de la France de pêcher et de sécher le poisson en aucune autre partie que depuis le lieu appelé Cap de Bonavista jusqu'à l'extrémité septentrionale de la dite isle, et de là, en suivant la partie occidentale jusqu'au lieu appelé Pointe Riche."

Comme vous le voyez, Messieurs, ce Traité, en même temps qu'il contient des défenses, octroie des permissions:—

1. Défense d'établir aucune habitation sur la côte de Terre-Neuve;

2. Permission d'établir sur ces côtes des échafauds ou chaufauds—ces mots désignent le même objet—et les cabanes nécessaires pour sécher le poisson;

3. Défense d'aborder dans l'île dans d'autre temps que celui propre à la pêche et nécessaire pour sécher le poisson ; c'est la saison qui s'étend du mois d'Avril au mois d'Octobre ;

4. Permission de pêcher et de sécher le poisson d'une façon générale, sans spécification, sans restriction.

C'est cette partie de côtes grevée d'une servitude au profit de la France qui est désignée sous le nom de "French Shore."

Les Français ont donc la permission de pêcher, sans restriction, d'une façon absolue. Mais pêcher quoi ? Quelle est la nature de ce droit ? Est-ce un droit qui est commun à la France et à d'autres, ou bien est-ce un droit exclusif ?

Je dois reconnaître que le mot "exclusif" n'est pas écrit dans le Traité de 1713 ; mais si quelque doute pouvait exister sur l'étendue du droit concédé, vous allez voir, après la lecture du Traité de 1763, qu'on laisse trop facilement de côté, et après celle des Traités de 1783 et de 1814, qu'aucun doute n'est possible.

Voici comment est conçu le Traité que je viens de rappeler à vos souvenirs et qui a été conclu le 10 Février, 1763, entre la France, l'Espagne, et la Grande-Bretagne. Je lis les Articles V et XVIII :—

"Article V. Les sujets de la France auront la liberté de la pêche et de la sécherie sur une partie des côtes de l'Ile de Terre-Neuve, telle qu'elle est spécifiée par l'Article XIII du Traité d'Utrecht, lequel Article est renouvelé et confirmé par le présent Traité, à l'exception de ce qui regarde l'Ile du Cap Breton.

"Article XVIII. Sa Majesté Catholique (le Roi d'Espagne, Charles III), se désiste tant pour elle que pour ses successeurs de toute prétention qu'elle peut avoir formée en faveur des Quipuzcoans (habitants de la Province Basque de Quipuzca) et autres sujets du droit de pêcher aux environs de l'Ile de Terre-Neuve."

Vous remarquerez deux choses importantes dans ce Traité, c'est d'une part le remplacement des mots "permission de pêche," par les mots "liberté de pêche," qui sont infiniment plus énergiques ; c'est ensuite la renonciation par l'une des Parties Contractantes aux droits que pouvaient avoir certains de ses sujets d'exercer la pêche sur les côtes de Terre-Neuve. On se demande pourquoi cette renonciation, si le droit concédé à la France par le Traité de 1713 n'était pas un droit exclusif.

Avez-vous encore des incertitudes ? Je puis mettre sous vos yeux de nouveaux documents. C'est d'abord le Traité du 3 Septembre, 1783.

Il est conçu dans les termes que je vais vous rappeler, et j'ajoute tout de suite que, par des motifs que j'aurai l'honneur de vous faire connaître, il est complété par des Déclarations qui, bien que séparées, font évidemment corps avec lui, exactement comme un Protocole fait corps avec le Traité dont il n'est qu'une annexe.

Voici comment sont conçus le Traité de 1783 et les Déclarations qui l'accompagnent :—

"Article V. Sa Majesté le Roi Très Chrétien (le Roi de France), pour prévenir les querelles qui ont eu lieu jusqu'à présent entre les deux nations Française et Anglaise, 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 Saint-Jean, situé sur la côte orientale de Terre-Neuve, et par les 50 degrés de latitude septentrionale ; et Sa Majesté le Roi de la Grande-Bretagne consent, de son côté, que la pêche assignée aux sujets de Sa Majesté Très Chrétienne commençant au dit Cap Saint-Jean, passant par le nord et descendant par la côte occidentale de l'Isle de Terre-Neuve, s'étende jusqu'à l'endroit appelé Cap-Raze, situé au 47° 50′ de latitude.

"Les pêcheurs Français jouiront de la pêche qui leur est assignée par le présent Article, comme ils ont eu le droit de jouir de celle qui leur est assignée par le Traité d'Utrecht."

Vous allez voir tout à l'heure, dans les Déclarations, le commentaire de cet Article, si tant est qu'il soit besoin d'un commentaire, quand nous voyons les deux Parties Contractantes renoncer de part et d'autre à l'exercice du droit de pêche sur la partie qui ne leur est pas réservée.

Écoutez la Déclaration Anglaise :—

"Le Roi étant entièrement d'accord avec Sa Majesté Très Chrétienne sur les Articles du 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'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 point naître des querelles journalières, Sa Majesté Britannique prendra les mesures les plus positives pour prévenir que ses sujets ne troublent en aucune manière, par leur concurrence, la

pêche des Français, pendant l'exercice temporaire qui leur est accordé, sur les côtes de l'Ile de Terre-Neuve ; et elle fera retirer, à cet effet, les établissements sédentaires qui y seront formés. Sa Majesté Britannique donnera des ordres pour que les pêcheurs Français ne soient pas gênés dans la coupe des bois nécessaires pour la réparation de leurs échaffaudages, cabanes, et bâtiments de pêche.

" 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 Français ne bâtissant rien que leurs échaffaudages, se bornant à réparer leurs bâtiments 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 dérangeant leurs échaffaudages durant leur absence."

Il faut avouer que cette fois encore le mot exclusif n'a pas été prononcé dans le Traité ; mais les explications qui sont données dans la Déclaration que je viens de lire sont le large équivalent de ce mot.

Voici maintenant la Contre-Déclaration Française :—

" Les principes qui ont dirigé le Roi dans tout le cours des négociations qui ont précédé le rétablissement de la paix, ont dû convaincre le Roi de la Grande-Bretagne que Sa Majesté n'a eu d'autre but que de la rendre solide et durable en prévenant autant qu'il est possible dans les quatre parties du monde tout sujet de discussion et de querelle. Le Roi de la Grande-Bretagne met indubitablement trop de confiance dans la droiture des instructions de Sa Majesté pour ne pas se reposer sur l'attention constante qu'elle aura d'empêcher que les îles de Saint-Pierre et Miquelon ne deviennent un objet de jalousie entre les deux nations.

" Quant à la pêche 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 V du Traité de Paix signé aujourd'hui, et par la Déclaration remise également aujourd'hui par l'Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique, et Sa Majesté déclare qu'elle est pleinement satisfaite à cet égard."

J'avoue, Messieurs, qu'après la lecture de ce Traité il me semble vraiment difficile de conserver la moindre hésitation sur l'étendue et sur la portée de celui de 1713. Et maintenant, pourquoi cette Déclaration et cette Contre-Déclaration sont-elles simplement annexées au Traité ? Pourquoi ne forment-elles pas avec ce dernier un tout indivisible ?

Voici, Messieurs, une explication que je trouve dans un opuscule intitulé : " Les Pêcheries de Terre-Neuve. Droits de la France exposés en réponse aux Assertions de l'Institut Colonial," et imprimé à Québec à l'imprimerie de " l'Événement," en 1876. Cette explication de la confusion des Déclarations est rapportée dans un ouvrage publié en France en 1886 par M. Henri de la Chaume, et qui a pour titre : " Terre-Neuve et les Terre-Neuviens," aux pages 116 et suivantes :—

" Le Traité de 1783 ne fut pas conclu par les deux Puissances dans les mêmes conditions que celui de 1763. La France avait pris sur sa rivale une brillante revanche et brisé son empire colonial, en formant une République de ses plus importantes et de ses plus riches Colonies. Au lieu d'imposer la paix, l'Angleterre la demandait comme une grâce, et s'estimait heureuse de conserver en Amérique un lambeau de ses anciennes possessions. On s'étonna généralement que la France ne profitât pas de ses avantages pour obtenir en Amérique ou dans les Indes des restitutions importantes. A Paris, à Versailles, M. de Vergennes fut accusé de faiblesse. Pour satisfaire dans certaine mesure à ce mouvement d'opinion, la diplomatie Française insista, auprès du Cabinet de Londres, pour que l'Article V du Traité consacrât expressément pour les Français le droit exclusif de pêche dans la zone qui leur était assignée. Mais le Ministère Anglais tint à éluder cette reconnaissance par crainte de susciter contre lui-même de trop violentes attaques dans le Parlement. Ce fut alors qu'un moyen terme fut adopté entre les deux Puissances, pour tourner la difficulté, tout en donnant à la France ce qu'elle demandait. A cette fin, une Déclaration et une Contre-Déclaration furent signées par les Plénipotentiaires respectifs, et jointes au corps du Traité."

Ici on reproduit les termes de la Déclaration et de la Contre-Déclaration que je viens de rappeler à vos souvenirs. Il est inutile de les relire :—

" Ce sont là, pour tous les juges impartiaux, des clauses bien claires, bien explicites, par lesquelles le Roi d'Angleterre limitait sa souveraineté sur Terre-Neuve aussi formellement qu'avait pu le faire Lous XIV en 1713, quand il s'engageait à détruire les fortifications et à combler le Port de Dunkerque.

"Un texte si précis, si catégorique, appuyé sur une jouissance incontestée et presque séculaire, laisse peu de place à la discussion."

J'estime, quant à moi, qu'il ne m'en laisse pas du tout.

Pour en finir avec ces Traités, je n'ai plus qu'à citer le Traité du 30 Mai, 1814, qui a fait revivre les Traités antérieurs dont j'ai donné lecture. Il est ainsi conçu:—

"Quant au droit de pêche des Français sur le Grand Banc de Terre-Neuve, sur les côtes de l'île de ce nom et des îles adjacentes, et dans le Golfe de Saint-Laurent, tout sera remis sur le même pied qu'en 1792."

Voici les Traités qui servent de base aux revendications de la France. L'existence et la certitude des droits qui lui ont été conférés, l'étendue de ces droits, ne sauraient faire véritablement l'objet d'une contestation, d'une discussion. Cependant on conteste, on discute, on argumente. Eh bien, voyons ces objections.

Il y en a d'abord une première qui, elle, est générale. On dit: "Ils sont bien vieux, ces Traités!" J'avoue que c'est là une objection qui m'étonne. Que la vétusté des Traités puisse amener, dans certaines circonstances, des modifications, c'est possible; nous en avons des exemples dans le passé, nous en aurons peut-être dans l'avenir. Mais, ce qui n'a jamais pu être dit sérieusement, c'est qu'un Traité a perdu de sa valeur parce qu'il est vieux.

J'ajoute que, depuis 1813 jusqu'à ces dernières années, ces Traités ont été constamment appliqués et qu'ils ont été constamment respectés par les Anglais jusqu'à une époque que j'indiquerai tout à l'heure. Par suite de ces actes, de ces faits, on ne peut pas dire qu'à une époque quelconque ces Traités soient tombés en désuétude. L'objet tirée de l'ancienneté des Traités, de leur vétusté n'a donc aucune espèce de portée.

Ah! mais, dit-on alors, soit; vous avez un droit exclusif de pêche; mais pêcher quoi? Et c'est alors, Messieurs, qu'on voit apparaître cette distinction subtile, je me sers d'un mot poli, entre ce qui se pêche et ce qui se prend.

Notre honorable collègue, M. l'Amiral Véron, vous a indiqué dans quels termes cette distinction est faite par certains Anglais: Vous pouvez, disent-ils, vous approprier ce qui est susceptible d'être pêché, "to fish," mais vous ne pouvez pas vous approprier ce qui n'est pas susceptible de "to fish," ce qui est seulement susceptible d'être capturé, d'être attrapé, "to catch."

Je réponds à cette objection—si tant est qu'elle vaille l'honneur d'une réponse—que les Traités dont j'ai donné connaissance au Sénat accordent d'une façon générale à la France le droit de pêche sans spécifier en aucune façon les êtres sur lesquels ce droit pourra s'exercer. J'ajoute que, dans le langage usuel, soit Français, soit Anglais, est-ce que ce sont seulement les choses qui, dans le langage scientifique, s'appellent poisson qui sont pêchables? Voyons: et les huîtres? J'ai toujours entendu parler de la pêche des huîtres, et personne n'a contesté que ce mot fût à sa place. Et les moules? et les écrevisses? ce petit animal (Sourires), qui scientifiquement n'est certainement pas un poisson.

A cet égard, puisque je parle d'écrevisses, permettez-moi de vous lire un extrait d'un charmant article dû à la plume d'un de nos plus éminents et spirituels collègues.

Voici ce qu'il écrivait, il y a deux jours, dans le journal le "Matin" du 15 Mai:—

"Les Anglais, du moins ceux de Terre-Neuve, ont inventé une querelle grammaticale. Ils ont prétendu que les Traités ne réservaient aux Français que la pêche du poisson, et que le homard n'était pas un poisson. Ni le Gouvernement Français ni le Gouvernement Anglais ne se donnent le ridicule de prendre au sérieux cette plaisanterie. Tous deux considèrent que la pêche consiste à prendre ce qui habite l'eau. Mais l'Académie de Terre-Neuve tient pour son interprétation, et le grand Parlement de Terre-Neuve menace de s'annexer aux États-Unis qui n'en veulent pas.

"On disait autrefois que les dictionnaires désignaient l'écrevisse comme petit poisson rouge marchant à reculons; et qu'un homme de science rectifia cette définition en disant que l'écrevisse n'était pas un poisson, n'était pas rouge, et ne marchait pas à reculons. Le bon Jules Janin, qui n'avait vu un homard que sur la table, l'avait aussi appelé le Cardinal des mers. Il aurait de quoi rougir, en effet, ce crustacé, s'il donnait lieu à une rupture entre deux grandes nations."

On ne peut parler plus spirituellement, et cet esprit ne diminue en rien la portée des observations faites par notre honorable collègue.

Voila, Messieurs, ce que j'avais à répondre à l'argumentation du "to fish" et du "to catch," à l'argument du poisson et du crustacé.

Il y a, Messieurs, quelque chose de bien singulier et de bien étrange. Les Terre-Neuviens principalement, qui sont nos ennemis déclarés dans cette campagne, disent

que le homard ne se pêche pas. Eh bien, savez-vous comment on appelle dans leurs journaux—je vais vous en lire deux extraits—l'opération—c'est avec intention que je ne prononce pas le mot de pêche—l'opération à laquelle on se livre pour arriver à prendre ce crustacé : on l'appelle " pêche."

Voici un extrait d'un Article paru dans le journal le " Harbor Grace Standard " du 19 Février, 1886. L'auteur est publiciste Terre-Neuvien. Je ne sais pas s'il est membre de l'Académie de Terre-Neuve. Voici comment il s'explique :—

" La presse de Londres . . . . "—ce que je lis est une traduction, mais je suis sûr qu'elle est fidèle—" la presse de Londres attache une grande importance à ce débat "—celui des pêcheries de Terre-Neuve,—" et elle est unanime à refuser le droit aux Français "—de quoi faire ?—" de pêcher l'homard."

C'est un Terre-Neuvien qui parle, et il n'y a pas d'erreur possible dans la traduction, car il se sert de ces termes : " to fish the lobster."

Ainsi, d'après ce publiciste lui-meme, on n'attrape pas le homard,—c'est nous qu'on voudrait bien attraper (" Rires ")—on le pêche, et ce sont des Terre-Neuviens qui le disent, ou plutôt l'un des porte-paroles des Terre-Neuviens.

Et maintenant à Terre-Neuve et en Angleterre comment appelle-t-on l'industrie qui s'occupe du homard ? " Lobster fishery." C'est de l'Anglais ; qu'est-ce que cela veut dire en Français ? La pêche des homards !

Et l'on affirme que le homard ne se pêche pas.

Voici un nouvel extrait du journal que je citais tout à l'heure :

" Un meeting de citoyens de Saint-John, convoqué par le Sherif, a été tenu Mardi dernier—en Mars—à Court-house, afin d'examiner ce qu'il convenait de faire en face du *modus vivendi* concernant le " lobster fishery,"—c'est-à-dire la pêche du homard,—sur la côte de Terre-Neuve."

Et l'on ne pêche pas le homard !

Voici la réponse des Terre-Neuviens eux-mêmes à l'objection grammaticale, derrière laquelle ils essaient de se retrancher.

Quant à moi, j'ai encore une autre réponse à faire.

Admettons que les Français n'aient pas le droit de prendre des crustacés, qu'ils n'aient pas le droit de pêcher le homard ; qui le pêchera ?

Seront-ce les Anglais ? Non, ce n'est pas possible.

Reportez-vous, en effet, à la lecture des Traités. Ces Traités disent, dans les termes les plus formels, que les pêcheurs d'une nation ne pourront, sous aucun prétexte ni d'aucune façon, troubler la pêche d'une autre nation. Eh bien, si les Anglais, les Terre-Neuviens, ou d'autres voulaient venir s'installer au milieu des Français pour pêcher le homard, est-ce qu'ils pourraient le faire sans les troubler ? Ils les troubleraient certainement ; ce serait donc une violation flagrante des Traités.

Si donc l'interprétation de l'Académie de Terre-Neuve pouvait être acceptée, ce ne sont ni les Anglais, ni les Terre-Neuviens, qui pourraient profiter de la pêche. Ce ne serait ni les uns ni les autres ; ce ne serait personne. Tout le monde serait mécontent, à l'exception peut-être des homards, qui, ne pouvant se faire pêcher, iraient se faire pendre, je me trompe, iraient se faire prendre ailleurs. (Sourires.)

Ceci s'appelle une preuve par l'absurde ; mais quelquefois cette preuve a du bon. C'est un moyen souvent de faire la lumière aussi grande, aussi éclatante que possible.

Voilà ce que j'avais à dire sur cette question.

A ce sujet et dans ce même ordre d'idées, voici un nouveau document, qui m'a été fourni tout récemment, et qui me paraît avoir une grande importance parce qu'il faut démontrer, à la face de tous, à quels moyens, à quels arguments pitoyables, je devrais employer une expression plus sévère, à quels arguments on a recours dans certains pays pour contester nos droits incontestables.

Il y a d'abord un fait qui nous est révélé dans l'ouvrage dont je parlais tout à l'heure, " Terre-Neuve et Terre-Neuviens." Savez-vous ce qu'on enseigne dans les écoles de Terre-Neuve ?

On fait usage dans ces écoles d'un petit précis de géographie, et dans cet ouvrage il est dit ceci, que je lirai en Français—le texte Anglais est au bas de la page :—il est dit qu'à l'heure actuelle une partie des côtes de Terre-Neuve est virtuellement soustraite au contrôle du Gouvernement Colonial à cause des prétentions mal fondées affirmées et soutenues par les Français en vertu de quoi cette partie des côtes est généralement, mais très à tort, appelée le " French Shore."

Voilà plus d'un siècle,—que dis-je, plus de deux siècles—qu'on se sert de cette appellation de " French Shore," et l'on enseigne dans les écoles de Terre-Neuve

que cette appellation ne signifie absolument rien; étonnez-vous donc des excentricités de plume dont je vous ai fait connaître tout à l'heure un échantillon.

Vous allez voir maintenant comme on arrange les Traités, vous allez voir comment certaines Terre-Neuviens les traduisent, spécialement le Traité de 1713.

Je vous en ai déjà lu une partie; je vous demande la permission d'en remettre un article sous vos yeux, pour que vous voyez à quel point on le travestit à Terre-Neuve.

L'Article XIII est ainsi conçu:—

"Il ne leur (les Français) sera permis non plus d'y (à Terre-Neuve) fortifier aucun lieu, ni d'y établir aucune habitation de façon quelconque, si ce n'est des échafauds et cabanes nécessaires et usités pour sécher le poisson, ni d'aborder dans la dite isle dans d'autre temps que celui qui est propre pour pêcher et nécessaire pour sécher le poisson. Dans la dite isle il ne sera permis aux dits sujets de la France de pêcher et de sécher le poisson en aucune autre partie . . . ." &c.

Voilà ce qu'il y a dans le Traité, et le Traité est en Français.

Eh bien, d'après le publiciste Terre-Neuvien, voici ce qu'il y aurait. L'article de ce Terre-Neuvien a été publié le 11 Janvier dernier dans le journal que j'ai cité tout à l'heure et qui est le plus gallophobe de l'endroit. Il a pour titre: "Le droit de pêcher et de conserver les homards."

"M. Flourens, ancien Ministre, désirait que la Chambre des Députés affirmât que les Français avaient le droit de pêcher sur cette côte, non seulement la morue, mais aussi les homards.

"Maintenant nous supposons qu'il est tout à fait peu nécessaire que nous assurions à nos lecteurs que cela est en contradiction directe avec les termes du Traité d'Utrecht. Par ce Traité, les Français ont le droit, ou plutôt le privilège, ou la permission de pêcher sur les bancs ou les côtes de Terre-Neuve la morue seulement, et aucune autre sorte ou espèce de poisson, quelle qu'elle soit. Cela, nous le prétendons, est établi d'une manière incontestable par les phrases du Traité lui-même."

Voilà des démonstrations.

Le mot employé est, dit-on, morue. (Exclamations.) Je m'attendais, Messieurs, de votre part, à ce mouvement de dénégation, car c'est absolument le contraire; enfin, voilà le procédé d'argumentation de certains contradicteurs.

Le mot employé est morue, et non aucune autre espèce: ni hareng, ni saumon, ni encornet, ni capelan, ni homard! Morue perse—Morue et rien autre!

"Si cela n'était pas l'intention formelle des auteurs du Traité et s'ils avaient désiré que cela fût entendu comme comprenant toutes les espèces de poissons, alors sans aucun doute, ils auraient employé le mot poisson et non morue."

Mais, c'est précisément ce qu'ils ont fait et c'est pour cela que j'ai relu tout à l'heure l'Article XIII du Traité de 1713.

A trois reprises, le mot dont on se sert pour indiquer les animaux qu'on aura le droit de prendre, c'est le mot poisson; on ne se sert pas une seule fois du mot morue.

Je continue:—

"Si donc, on avait employé le mot poisson il faudrait bien s'incliner; on n'a pas parlé de poisson, mais de morue . . . ."

Je prie le Terre-Neuvien, qui a écrit cela, s'il ne sait pas le Français, de s'adresser à un Français pour avoir une traduction exacte et de se faire remettre sous les yeux les termes du Traité.

Voilà un genre de polémique qui explique bien des excentricités, bien des intempérances de langage.

Je crois, par ces lectures, par ces citations, avoir établi la certitude des droits de la France et leur étendue. (Très bien! très bien!)

Maintenant, comment se ont-ils exercés? Comment s'exercent-ils?

Est-ce d'une façon précaire? Est-ce, au contraire, d'une façon, qui révèle, de la part de la France, qu'elle est investie d'un véritable *dominum*?

Vous allez en juger. A côté du droit, voici la pratique; il est important de la faire connaître.

La pêche des poissons, qu'il est possible de pêcher sur les côtes de Terre-Neuve, a été organisée de deux façons: d'abord, d'une façon qu'on peut appeler "la façon du premier occupant," qui a été mise en usage par l'Ordonnance de la Marine de 1681.

Vous voyez que les choses remontent assez loin. Plus tard, ces droits se sont exercés différemment, depuis le commencement de ce siècle.

Sous l'empire de l'Ordonnance de 1681 voici comment on procédait à la pêche:—

Lorsqu'arrivait l'époque de la pêche, les pêcheurs quittaient les côtes de Normandie ou de Bretagne et faisaient assaut à la course. C'était celui qui était arrivé le premier, qui prenait sur les côtes de Terre-Neuve, dans les limites tracés par les Traités, la place qui lui convenait.

Voici, à cet égard, comment était conçu l'Article 1er de l'Ordonnance de 1681 :—

" Titre VI, livre V.—Quand nos sujets iront faire la pêche des " molues " (morues) aux côtes de l'Ile de Terre-Neuve, le premier qui arrivera, ou enverra sa chaloupe au havre appelé du Petit-Maître, aura le choix et prendra l'étendue du galet qui lui sera nécessaire."

Ce n'est pas une possession précaire, j'imagine; c'est l'exercice d'un *plenum dominium*, c'est l'exercice complet, absolu, dans les limites tracées par les Traités.

Le régime a été modifié dans le commencement de ce siècle par divers Arrêtés, Ordonnances, ou Décrets, dont le dernier est le Décret-Loi du 2 Mars, 1852. Au système du premier occupant, on à substitué le système du tirage au sort. Vous allez voir comment se fait ce tirage, et comment est rédigé le titre qui est délivré au pêcheur, à l'armateur, ou au capitaine quand ils partent pour Terre-Neuve.

Voici d'abord les termes du Décret-Loi de 1852 qui a reproduit les dispositions des Décrets antérieurs, et qui réglemente cette prise de possession :—

" Article 1er. Les havres et plages, avec les grèves qui en dépendent aux côtes de l'Ile de Terre-Neuve, continueront de n'être pas au choix du premier arrivé ni du premier occupant.

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

Après ce tirage au sort, voici le titre qu'on délivre aux ayants droit; il est aussi énergique que possible. Il est ainsi libellé :—

" Côtes de l'Ile de Terre-Neuve.—Bulletin de mise en possession délivré aux ayants droit par le Commissaire de l'Inscription Maritime."

Voici comment est conçu ce titre :—

" Le navire ' Le Laborieux,' armé au port de Binic, à M. le Pomellec, domicilié à Binic, commandé par le Sieur Philippe, jaugeant 188 tonneaux 85, ayant quarante-cinq hommes d'équipage.

" Ce présent bulletin a été délivré par le Commissaire de l'Inscription Maritime à Binic, au Sieur Philippe, capitaine du navire ' Le Laborieux,' conformément à la Loi du 2 Mars, 1852, pour constater que le dit capitaine a le droit d'occuper, dans le havre de Vieux-Férolle et Sainte-Geneviève, situé sur la côte ouest de l'île, la place, avec ses dépendances (Nos. 1 et 2)—dite No. 1, babord en entrant, dans Brig Bay; No. 2, Ile Fish—qui a été assignée au dit navire, avec faculté de jouir de la dite place, sans trouble ni empêchement, jusqu'à l'année 1892 exclusivement, époque à laquelle le partage des places doit être renouvelé intégralement.

" Ceux qui troubleront le capitaine du navire ' Le Laborieux ' dans la possession et la jouissance de la dite place, seront passibles d'une amende de 500 fr. et de tous dommages-intérêts qui pourront être ultérieurement réclamés auprès des Tribunaux."

Tel est l'acte de mise en possession. Ce n'est pas un acte de possession précaire, c'est, je le répète, un acte de *plenum dominium*.

Ce bulletin de possession d'un usage séculaire, son mode de rédaction, sa mise en pratique, n'ont jamais été l'occasion d'une plainte quelconque, d'une réclamation quelconque de la part de l'Angleterre. Les Anglais, qui savent à merveille à quoi s'en tenir sur ces questions, ont pleinement accepté cette façon de faire, ils n'ont jamais rien dit, et ils n'ont jamais contesté des pratiques deux fois séculaires.

Voilà bien des preuves accumulées. Mais je n'ai pas fini.

Il faut, en effet, que vous sachiez que les droits de la France ont été solennellement reconnus par de hauts fonctionnaires de l'Angleterre, dans les termes les plus énergiques et les plus absolus. J'ai eu l'occasion de communiquer à M. le Ministre des Affaires Étrangères un document qui me paraît avoir une importance considérable : c'est une Proclamation faite par un Amiral Anglais, Lord Cochrane, à Terre-Neuve, en 1828. On m'en a communiqué une autre : c'est une reconnaissance de 1822, qui n'est pas éloignée, celle-là, du Traité de 1814.

Écoutez en quels termes Sir Hamilton, Gouverneur de Terre-Neuve, s'exprimait à l'occasion des droits de la France sur les pêcheries de Terre-Neuve. La Proclamation

que je vais lire est rapportée dans l'ouvrage que je citais tout à l'heure: "Terre-Neuve et les Terre-Neuviens," page 123:—

"*Proclamation de Sir Charles Hamilton, Gouverneur et Commandant-en-chef de l'Ile de Terre-Neuve et de ses Dépendances.*

"Nous, Gouverneur, considérant qu'il est stipulé par l'Article XIII du Traité Définitif de Paix, conclu entre Sa Majesté et le Roi de France, et signé à Paris le 31 Mai, 1814, que les droits de pêche des Français au Grand Banc de Terre-Neuve, sur les côtes de l'île de ce nom, et les îles adjacentes situées dans le Golfe de Saint-Laurent, seraient remis sur le pied où ils se trouvaient en 1792, lequel Article XIII a été confirmée de nouveau par l'Article XI du Traité Définitif entre la Grande-Bretagne et la France, conclu à Paris le 20 Novembre, 1815;

"Considérant que le droit de pêche réservé au sujet de Sa Majesté Très Chrétienne pour le dit Traité, s'étend depuis le Cap Saint-Jean, par la côte est de Terre-Neuve, jusqu'au Cap Rouge, contournant l'île en remontant par le nord et descendant par la côte occidentale;

"Considérant, enfin, qu'il nous a été représenté que des déprédations avaient été commises par des sujets Anglais au préjudice de Français établis dans les dites limites;

"Faisons connaître, par la présente Proclamation, que les sujets de Sa Majesté Très Chétienne doivent avoir pleine et entière jouissance de la pêche dans les limites et bornes ci-dessus énoncées, pour en faire usage suivant qu'ils y sont autorisés par le Traité d'Utrecht;

"A cette fin, il est expressément enjoint à tous les officiers, Magistrats, et autres fonctionnaires de notre Gouvernement de donner des ordres dans leurs diverses stations et dépendances respectives pour qu'aucun trouble ou empêchement ne soit apporté sous quelque prétexte que se puisse être à l'exploitation de la dite pêche par les Français à qui les dits officiers et Magistrats devront assistance en cas de besoin.

"En conséquence, il a été notifié à tous les sujets de Sa Majesté dépendant de la partie de Terre-Neuve, ci-dessus désignés, de n'interrompre en aucune manière la pêche des sujets de Sa Majesté Très Chrétienne dans les limites qui viennent d'être mentionnées.

"Si aucun des sujets de Sa Majesté refusait de quitter cette partie de la côte dans un délai convenable après notification, les officiers sous nos ordres devront prendre des mesures pour que les échafauds et autres établissements créés par les récalcitrants pour l'exploitation des dites pêcheries, soient enlevés, ainsi que les navires et bateaux en dépendant et qui se trouveraient dans les limites susdites.

"Les dits officiers sont, en conséquence, autorisés à user des moyens qu'ils jugeront nécessaire pour contraindre les sujets de Sa Majesté à quitter cette partie de la côte de l'île et ils devront les prévenir qu'ils seront traduits devant les Tribunaux à raison de leur refus conformément à l'Acte du Parlement."

Est-ce clair? Y a-t-il un doute possible?

M. le Baron de Lareinty.—C'est parfaitement clair.

M. Bozérian.—J'ai parlé de 1822, voyons maintenant ce qui se passe en 1828. Voici un document plus court, mais qui n'est pas moins explicite. C'est une Proclamation de l'Amiral Cochrane:—

"Au nom de son Excellence Sir Thomas John Cochrane, Knight, Gouverneur, et Commandant-en-chef de l'Ile de Terre-Neuve, ainsi que Vice-Amiral de la dite île.

"Attendu que des plaintes ont été faites devant moi, depuis plusieurs années, plaintes portant que différentes personnes mal intentionnées, employées dans les pêcheries Anglaises, en se rendant aux pêcheries du nord et du Labrador, ont mouillé avec leurs bateaux et schooners dans divers ports et havres de cette partie de l'île communément appelée "French Shore," qui est réservée aux sujets Francais pour y exercer la pêche, et y ont commis de nombreux méfaits sur la propriété des pêcheurs Français, et à diverses reprises ont volé divers objets appartenant à ces derniers, tels que sel, appareils de pêche, &c., et ont aussi détruit méchamment d'autres objets;

"Moi, Gouverneur, en conséquence, je préviens toutes personnes mal intentionnées que, en cas de renouvellement de pareils actes de violence, j'appliquerai les procédés les plus rigoureux, que la loi perment d'employer contre les auteurs de pareils méfaits, et, pour pouvoir plus efficacement les amener devant la justice, les autorités Françaises recevront des instructions pour appréhender et envoyer à Saint-John's pour y être jugée, toute personne prise commettant de pareils méfaits."

Peut-on concevoir le moindre doute, quand on voit un Gouverneur Anglais inviter les autorités Françaises à mettre la main sur ceux qui contreviendraient aux dispositions des Traités et à déférer les délinquants aux Tribunaux compétents. Voilà, Messieurs, je le pense, une accumulation de preuves :

Les Traités, les faits, les pratiques séculaires, la reconnaissance par les autorités Anglaises des droits de la France. (Très bien ! très bien !)

Voilà comment les choses auraient dû se passer. Mais hélas ! il n'en a pas toujours été ainsi, notamment dans les dernières années.

A ce sujet, des plaintes nombreuses ont été adressées, soit à M. le Ministre de la Marine, soit à M, le Ministre des Affaires Étrangères. Je ne les reproduirai pas toutes, ce serait trop long, je parlerai d'une seule de ces plaintes qui fera connaître la situation véritablement intolérable qui en dernier lieu a été faite à nos pêcheurs de Terre-Neuve. Voici un Mémoire qui a été adressé le 5 Juillet, 1889, par un armateur de Nantes, M. Thubé, qui voulait organiser d'importantes homarderies sur les côtes de Terre-Neuve. Le Ministre de la Marine était alors l'honorable Amiral Krantz. Voici ce que M. Thubé lui écrivait :—

" Amiral,

" J'ai l'honneur d'attirer votre haute attention sur le préjudice considérable que me cause l'exercice de la pêche par les Anglais, dans les limites des concessions des Baies du Vieux-Ferolle et de Sainte-Geneviève (côte ouest de Terre-Neuve) que vous avez bien voulu m'accorder.

" Le Capitaine Philippe, commandant mon navire " Laborieux," a remis à M. le Chef de la Division Navale une protestation concernant l'exercice de la pêche par les Anglais, en demandant à cet officier supérieur de faire respecter notre droit absolu et exclusif de pêche.

" M. le Chef de la Division Navale à répondu ' qu'il n'était pas en son pouvoir d'expulser les Anglais ' et, après avoir passé quelques jours au mouillage de Brig-Bay, il est parti, nous laissant à la merci des Anglais qui ont établi quatre homarderies sur nos concessions, y attirent de nombreux pêcheurs des Iles du Prince-Édouard, couvrent les fonds convenables pour la capture du homard de quantités énormes de casiers, épuisent les gisements de homards, en quelque sorte notre propriété, nous enlèvent par leurs actes et leur présence, la jouissance actuelle et future de notre exploitation.

" Mon capitaine se trouve dans cette situation intolérable de ne pouvoir donner à son exploitation l'importance que comportent les capitaux engagés, les moyens d'action mis à sa disposition, et l'énergique bonne volonté de nos pêcheurs qui, entre leur salaire fixe, ont une prime proportionnelle au nombre de poissons pêchés et sont ainsi directement intéressés dans le résultat de cette affaire.

" Conformément à mes instructions formelles, mon Capitaine évite toute lutte, tout conflit à main armée, conflit dont les conséquences ne peuvent se prévoir. Aussi, en ce qui concerne notre pêche du homard et l'immersion des casiers, mon capitaine se trouve réduit à pêcher dans l'espace que les Anglais daignent lui concéder, c'est-à-dire sur des fonds déjà épuisés ou médiocres.

" A la date du 31 Mai, nous n'avions fabriqué que soixante caisses de homards, alors que normalement nous aurions dû en avoir 600, et, à cette même date, mon capitaine écrit : ' Les Anglais exploitent nos concessions comme des enragés. En face de nous, à Brig-Bay, ils prennent quotidiennement 8,000 à 12,000 homards. Il est facile de voir que, dans ces conditions, le homard sera détruit à bref délai, quoique le gisement soit très riche.'

" Le 6 Mai, M. Michel, l'un de mes associés, présent sur les lieux, écrivait de son côté : " L'impression des habitants nous est favorable, mais ils attendent avec impatience la venue des navires de guerre pour savoir, eux aussi, de quel côté il faut tourner le cap . . . .' Nos pêcheurs ne peuvent pas déloger les Anglais sans conflit ; les Anglais sont tous hommes à se battre, capables de faire une bouchée de nos pêcheurs. Vous voyez quelle importance j'attache à la présence de la station navale ici. Je me propose de lui demander de faire un long séjour, jusqu'à ce que nous soyons délivrés des homarderies Anglaises.

" Quant à la pêche de la morue, elle nous est devenue matériellement impossible. Le passage de ce poisson est, comme l'on sait, de très courte durée à la côte nord-ouest ; à l'approche du détroit du Labrador, sentant les fonds diminuer, ce poisson devient très défiant, nos pêcheurs doivent prendre toutes les précautions possibles pour ne pas l'écarter des baies formant les concessions. Selon l'usage, le capitaine, au moment de ce passage de la morue (vers le 20 Juin), lève ses casiers, les met à terre dans la

crainte que la morue en rencontrant ces engins dans sa course, n'accoste pas la côte et ne disparaisse au large dans les grands fonds où elle est imprenable.

"Or, nos concessions sont parsemées de casiers Anglais auxquels nos pêcheurs ne peuvent toucher sous peine de rixes et de batailles et que les propriétaires refusent naturellement de lever.

"Enfin ces casiers, invisibles au fond de l'eau, déchirent nos sennes et, ainsi que l'a expliqué M. l'Amiral Veron au Sénat (séance du 24 Décembre, 1888, 'Journal Officiel,' page 1701 et suivantes), rendent la pêche de la morue impraticable.

"Je ne m'étends pas davantage sur le préjudice causé par cette concurrence sur l'impossibilité à Terre-Neuve de partager, dans quelque mesure que ce soit, l'exploitation des baies, non seulement avec des ennemis acharnés, mais même avec des amis bienviellants."

Voilà la situation qui était faite à nos pêcheurs avant le *modus vivendi*. J'ajoute qu'à la suite de ces faits une réclamation a été adressée au Commandant Anglais le Capitaine Walker. Voici sa réponse; elle vaut le peine d'être rappelée; elle est adressée au Capitaine Philippe:—

"Monsieur,

"Je vous accuse réception de votre lettre du 29 Juillet et je veux vous assurer que mon intention est d'écarter les obstacles au légitime exercice des opérations de pêches Françaises qui sont concédées par Traité.

"En ce qui concerne la plainte contenue dans votre lettre, je ferai remarquer que l'industrie que vous pratiquez dans la Baie Sainte-Marguerite consiste à capturer des homards et n'est pas comprise dans la liberté d'action ("scope") des Traités existants. Je ne peux donc reconnaître la légitimité de votre plainte et vous comprendrez, dans ces circonstances, que je ne puis admettre que la propriété des sujets Britanniques soit mise en concurrence avec la vôtre.

Je suis, &c.

(Signé) "WALKER, *Capitaine et Officier Doyen.*"

Voilà la nouvelle doctrine des officiers Anglais, à laquelle on peut opposer la doctrine de leurs supérieurs l'Amiral Hamilton et l'Amiral Cobden.

Telle était, Messieurs, la situation, qui était devenue vraiment intolérable.

C'est dans ces circonstances qu'est intervenu le *modus vivendi*. Je passe à la seconde période.

M. le Ministre des Affaires Étrangères vous a donné connaissance de cet arrangement, de ce *modus vivendi*, comme on l'appelle. Permettez-moi de vous en remettre les termes sous les yeux. Vous verrez, par cette simple lecture, en quoi il se rapproche, en qui il s'écarte du Traité.

"Les questions de principe et les droits respectifs étant entièrement réservés de part et d'autre, on peut convenir pour la saison prochaine du maintien du *statu quo* sur les bases suivantes:

"Sans que la France ou la Grande-Bretagne demandent dès aujourd'hui un nouvel examen de la légalité de l'installation des homarderies Anglaises ou Françaises sur les côtes de Terre-Neuve, où les Français jouissent des droits de pêche conférés par les Traités, il sera entendu qu'aucune modification ne sera apportée aux emplacements occupés par les établissements appartenant aux nationaux des deux pays au 1er Juillet, 1889."

Ainsi, tout ce qui existait au 1er Juillet, 1889, alors même que ce serait contraire aux Traités, va être provisoirement maintenu.

"Par exception, les nationaux de l'un ou l'autre pays pourront transporter leurs établissements susdits à tout endroit au sujet duquel les Commandants des deux stations navales seront préalablement tombés d'accord. (Bruit de conversations.)

M. Bozérian.—J'ai bientôt terminé, Messieurs.

Voix nombreuses. Attendez le silence.

M. le Président.—M. Bozérian demande quelques instants de repos.

Il n'y a pas d'opposition? . . .

La séance est suspendue pour quelques minutes.

(La séance, suspendue à 3 heures 25 est reprise à 4 heures moins 20).

M. le Président.—La parole est à M. Bozérian pour la continuation de son discours.

M. Bozérian.—Messieurs, j'ai mis votre patience à une rude épreuve (Non! non!); cette épreuve sera bientôt terminée. Il ne me restait plus, en ce qui concerne le

modus vivendi actuel dont je parlais tout à l'heure, qu'à vous en faire connaître la disposition finale qui est ainsi conçue :

" Toutes les fois qu'un fait de concurrence concernant la pêche du homard se produira entre les pêcheurs des deux pays, les Commandants des deux stations navales procéderont sur les lieux à une délimitation provisoire du fond de pêche des homards, en tenant compte des situations acquises par les deux parties.

" *Nota Bene.*—Il sera bien entendu que cet arrangement tout provisoire ne sera valable que pour la durée de la campagne de pêche qui va s'ouvrir."

Voilà, Messieurs, le *modus vivendi.* Je ne sais pas ce qu'il faut en penser au juste. Je serai très sobre d'observations à cet égard ; la situation est, je le reconnais, délicate et difficule. Mais, en attendant que nous sachions, nous, ce qu'il convient d'en penser, laissez-moi vous dire, Messieurs, ce qu'en pensent les Terre-Neuviens. Je vous ai cité tout à l'heure un extrait d'un journal de Terre-Neuve, dans lequel on habillait ou plutôt ou déshabillait d'une singulière façon le Traité de 1713.

Voici comment un gros bonnet—car il y a de gros bonnets aussi à Terre-Neuve—traitait le *modus vivendi,* dans un meeting tenu récemment dans cette île. J'emprunte cette citation à un jounal Français, le journal " Le Siècle," numéro du 19 Mai, 1890.

L'article auquel je fais allusion est intitulé : Écarts de langage :

" Les Délégués de Terre-Neuve auprès de Lord Salisbury ne sont pas encore arrivés à Londres où ils doivent protester contre le *modus vivendi* récemment signé pour la saison de 1890.

" L'un de ces personnages, Sir James Winter, ancien Procureur-Général de la Colonie, a prononcé dans un meeting, avant son départ, les paroles suivantes qui méritent vraiment d'être reproduites *in extenso.*

" Qu'est-ce que signifie ce *modus vivendi ?* Un voleur entre chez vous et s'empare de votre vaisselle. Vous le menacez de le livrer à la justice, et il vous propose un *modus vivendi,* aux termes duquel il gardera la vaisselle pendant trois mois, tout en réservant vos droits de propriété absolue sur elle, mais sans que vous-même puissiez dès lors vous en servir."

M. le Comte de Tréveneuc, ironiquement. (Très bien !)

M. Bozérian.—Non, pas très bien ! à moins que : très bien ! ne veuille dire : très mal !

" Accepteriez-vous ce *modus vivendi ?* Non, sans doute ! Vous livreriez le coquin aux Juges. Eh bien, le *modus vivendi* arrêté entre l'Angleterre et la France n'est pas autre chose que le *modus vivendi* imaginé tout à l'heure pour le vol de la vaissello."

A Droite.—Parfaitement ! De mieux en mieux !

M. Bozérain.—Et un journal Anglais, le " Daily Chronicle," fait suivre cette citatation d'une appréciation assez énigmatique.

Ce journal est obligé de convenir " que la comparaison a de la force." (Rires.)

Je ne sais pas trop ce qu'il veut dire. Du montant, c'est possible, mais de la force, je n'en crois rien. Voilà, Messieurs, la manière dont on apprécie à Terre-Neuve ce *modus vivendi* qui a dû être très laborieux (M. le Ministre des Affaires Étrangères fait un signe d'asssentiment),—cela ne m'étonne pas !—ce *modus vivendi* qui est intervenu entre la France et l'Angleterre.

Mais, puisqu'on nous parle de vaisselle, de voleurs, de coquins, je voudrais bien savoir, messieurs de Terre-Neuve, où est votre vaisselle ? Je voudrais bien la voir. La nôtre, je vous l'ai montrée. Elle se compose : du Traité d'Utrecht du 11 Avril, 1713, du Traité du 10 Février, 1763, de celui du 3 Septembre, 1783, de celui enfin du 30 Mai, 1814. Si par hasard cette vaisselle venait à disparaître, où serait, dites-moi, le volé, où serait le voleur ? Je vous laisse, Messieurs, le soin de répondre à ces questions.

Et maintenant, je le répète, que devons-nous penser du *modus vivendi ?* Je voudrais pouvoir n'en penser que du bien. Malheureusement, cela ne m'est pas possible.

Quoi qu'on dise, il est certain—et je tiens compte des difficultés de l'heure présente—il est certain que ce *modus vivendi,* que cet arrangement est une brèche faite aux Traités.

Ces Traités ne permettaient pas la concurrence entre les Français et d'autres pêcheurs : la concurrence vient de passer par la brèche qui vient de lui être ouverte. Cette brèche sera-t-elle fermée ? Je voudrais l'espérer ; mais si, à cet égard, les espérances me sont interdites, les regrets ne sauraient m'être défendus.

Après ce *modus vivendi,* qui est l'histoire du présent, viendra l'avenir, puisque ce *modus vivendi* n'a été fait que pour une année. Cet avenir, Messieurs les Ministres, est entre vos mains.

On a parlé d'arbitrage, d'arrangement, de négociations. Sur ce point vous nous ferez les communications que vous croirez convenables et possibles ; mais, permettez-moi de vous dire que si nous avons déposé cette interpellation, c'est parce que nous avons pensé que les négociations, s'il doit s'en engager, auraient pour nous une issue d'autant plus favorable que les droits de la France seraient plus clairement et plus solidement établis. (Très bien ! très bien !)

Je ne sais si j'ai réussi à les établir, mais ce que je sais, c'est que j'ai apporté à l'accomplissement de la tâche que je m'étais imposée, tout l'ardeur d'une conviction profonde, d'une conviction absolue. (Nouvelle approbation.)

En terminant l'intéressant discours que vous avez prononcé à la séance du 25 Mars, vous nous avez donné l'assurance, M. le Ministre des Affaires Étrangères, que le Gouvernement qui siège sur ces bancs saurait, en cette occasion comme en toute autre défendre, les droits et la dignité de la France. Ce sont vos propres paroles, je suis heureux de les rappeler.

Oui, vous défendrez et vous ferez respecter ces droits qui reposent sur des Traités séculaires ; vous défendrez et vous ferez respecter cette dignité qui est la meilleure partie du patrimoine national ; enfin vous défendrez et vous ferez respecter tous les intérêts qui reposent entre vos mains et dont vous avez la garde ; vous saurez les défendre et les faire respecter jusqu'au bout et dans toutes les circonstances ; vous ne laissez jamais protester la signature de la France. (Très bien ! très bien ! et applaudissements sur divers bancs.)

Messieurs, je crois que, sur certains points, qui touchent surtout à des intérêts locaux, mon honorable collègue, M. de l'Angle-Beaumanoir, désire présenter quelques observations. Je me suis abstenu, bien entendu, de rien dire sur la partie du sujet qu'il s'est réservé, et je m'empresse du lui céder la parole. (Très bien ! très bien !)

M. le Président.—La parole est à M. de l'Angle-Beaumanoir.

M. le Marquis de l'Angle-Beaumanoir.—Messieurs, c'est imposer une épreuve un peu pénible à une Assemblée que de lui demander d'entendre successivement deux discours traitant, dans le même sens, un même sujet.

Me trouvant placé dans cette nécessité, je fais un appel tout particulier à la bienveillance du Sénat. (Parlez ! parlez !)

Ainsi que l'a indiqué M. Bozérian, la question de Terre-Neuve est une question vitale pour nos populations de l'Ouest. Je prie donc nos collègues du Midi de me prêter autant d'attention que s'il s'agissait des questions viticoles, et mes collègues du Nord que s'il s'agissait des Tarifs des sucres. (Rires et approbation.)

Quant à mes collègues de l'Est, ils ont trop à cœur ce qui se passe sur la frontière pour ne pas comprendre que nous apportions sur la nôtre la même vigilance. (Très bien ! très bien !)

Messieurs, lorsqu'à la séance du 25 Mars, j'ai demandé à transformer en interpellation, la question posée à son Excellence M. le Ministre des Affaires Étrangères, j'espère que personne ne m'a prêté l'intention présomptueuse d'ajouter quoi que ce fût à l'exposé si complet présenté par M. l'Amiral Veron, dont l'argumentation, aussi claire que concluante, empruntait une autorité particulière à sa haute situation d'Officier Général de la Marine, j'obéissais seulement, comme notre honorable collègue M. Bozérian, exprimant spontanément le même vœu que moi-même, au désir de donner une sanction au débat, en tentant d'obtenir du Sénat un ordre du jour, propre à raffermir l'allure quelque peu chancelante de notre diplomatie.

En effet, Messieurs, dans sa courte réponse, M. le Ministre des Affaires Étrangères nous avait présenté des affirmations tellement contradictoires, qu'il est permis de dire qu'en quelques minutes, il nous avait fait passer du chaud au froid. Il me semblait, en l'écoutant, entendre une de ces symphonies à motifs variés, qui débutent par des sonorités stridentes de clairon, des vibrations de " Marsellaise," puis s'adoucissent peu à peu, pour se fondre et s'éteindre dans les accords languissants et discrets du " God Save the Queen " par exemple. (Sourires à Droite.) En un mot, M. le Ministre, après une affirmation énergique et réitérée de nos droits indiscutables, concluait en nous annonçant qu'on en avait commencé et qu'il en continuerait la discussion, et il terminait par un appel d'une confiance peut-être prématurée à la bonne foi du Gouvernement Anglais.

Cette absence complète de satisfaction aux intérêts si graves des populations maritimes de l'Ouest, dont nous, Sénateurs Bretons, avons au premier rang la garde, avait déjà suggéré à notre cher et respecté Doyen de la répresentation des Côtes-du-Nord, M. le Comte de Tréveneuc, les pressantes et chaleureuses instances formulées par lui dans les séances du 14 et du 17 Mars.

Veuillez souffrir, Messieurs, que, m'inspirant des mêmes sentiments, j'insiste de nouveau auprès de vous.

L'honorable M. Bozérian, avec un excès de courtoisie contre lequel il voudra bien me permettre de protester, s'est qualifié de co-signataire de notre interpellation, dont il semblait m'attribuer généreusement l'initative non partagée.

J'ai le devoir de lui restituer, dans notre action commune, le premier rang qui lui appartient. L'éloquente et savante dissertation qu'il vient de faire entendre au Sénat le lui assurerait d'ailleurs, en dehors de tous les titres si nombreux qui l'y placent. C'est du reste une heureuse fortune pour un Membre de la Droite, et je n'ai pas voulu en laisser échapper l'occasion, de montrer une fois de plus, que si nos convictions nous créent le douloureux devoir de combattre implacablement certaines manifestations de la politique Républicaine, nous savons, lorsque la dignité de la France est en jeu, apporter notre concours désintéressé à ceux qui parlent en son nom. (Très bien ! à Droite.)

Messieurs, j'admirais tout à l'heure avec vous, le talent déployé par M. Bozérian dans la définition et la défense de nos droits séculaires sur les pêcheries de Terre-Neuve et je me garderai bien de toucher à une démonstration aussi parfaite. Mais pour me laisser sans doute quelques épis à glaner dans son abondante moisson d'arguments, notre honorable collègue s'est surtout enfermé dans le domaine théorique et juridique, m'abandonnant par suite, le soin d'appeler la sollicitude du Sénat, sur le préjudice causé aux pêcheurs par l'état de choses actuel, dérivant d'une accumulation de concessions imprudentes, auxquelles il est temps de mettre un terme.

Afin de ne pas obliger le Sénat à regretter la bienveillance avec laquelle il veut bien m'écouter et pour ne pas m'exposer moi-même à tomber dans des redites qui laisseraient sa patience, je considérerai, Messieurs,—croyant en cela traduire votre pensée unanime,—je considérerai, dis-je, la question de droit comme tranchée, et je ferai porter ma discussion sur deux points seulement : je m'efforcerai d'abord de définir aussi fidèlement que possible la situation si touchante des populations dont les intérêts sont en cause ; puis j'examinerai quels sont, pour la protection due à ces droits absolus, les devoirs imposés au Gouvernement et à sa diplomatie.

Messieurs, il est peu d'hommes au monde par qui l'universelle loi du travail soit plus sincèrement pratiquée que par nos pêcheurs de Terre-Neuve.

Tour à tour cultivateurs et marins, pendant les mois d'automne et d'hiver, ils laboureront et ensemenceront ces champs dont la moisson se fera sans eux et que plusieurs quitteront pour ne plus les revoir.

Avril verra leur départ pour Terre-Neuve, puis, pendant cinq mois, ils vont se livrer à un labeur incessant de jour et de nuit, ayant à peine quatre heures de sommeil, sans cesse trempés de la tête aux pieds, ne songeant même pas à se plaindre tant la persévérance, l'énergie, le courage sans défaillance sont pour eux des vertus natives et héréditaires.

Quand Septembre arrivera, on songera au retour, et alors, ceux que la mer aura épargnés, ceux sur lesquels elle n'aura pas prélevé son insatiable tribut ; ceux qui, suivant l'expression consacrée, n'auront pas été "envoyés au fond" par quelque transatlantique géant, passant sur leur pauvre navire comme une locomotive broyant un grain de sable, ceux-là reverront la terre de France, où ils sont attendus avec tant d'anxiété et toucheront encore une fois ce rivage alternativement témoin de si vives allégresses et de si cruels désespoirs. Eh bien, Messieurs, ces braves gens que je voudrais vous faire connaître et aimer comme nous les connaissons et les aimons nous-mêmes, que demandent-ils ?—Pas autre chose que la certitude de pouvoir continuer ce dur métier qui a été celui de leurs pères et qu'ils veulent apprendre et transmettre à leurs fils.

Messieurs, j'ai les mains pleines de renseignements et de chiffres concernant nos pêcheries de Terre-Neuve. Je craindrais de vous fatiguer en les plaçant tous sous vos yeux. L'étude attentive que j'en ai faite me permettra de vous en soumettre un rapide résumé. Les ports de l'Ouest envoient annuellement à Terre-Neuve 10,000 marins rompus à la fatigue, familiarisés avec le danger, et dont toute flotte de guerre sur laquelle ils seraient, en cas de nécessité, embarqués du jour au lendemain, pourrait à bon droit se montrer fière. Ces 10,000 hommes laissent derrière eux autant de familles, qu'on doit évaluer, au minimum et en moyenne, chacune à cinq personnes, ce qui constitue, en comprenant nos marins, une population de 60,000 âmes directement intéressée aux pêcheries de Terre-Neuve.

Mais autour de ces familles, il faut aussi grouper toutes celles dont les nombreux membres sont employés par les industries auxiliaires de celle de la pêche ; les con-

structeurs de navires, les fabricants de gréements, et de tous les objets nécessaires à l'armement, à l'aménagement, à l'approvisionnement des bâtiments, &c.

On n'exagérera rien si, décuplant les chiffres précités, on évalue à 600,000 le nombre des personnes plus ou moins immédiatement intéressées à la pêche, et, dans ce nombre, veuillez le remarquer, Messieurs, je néglige de compter celles qui, sur tous les points de la France, font entrer dans leur alimentation une quantité plus ou moins grande des produits de la pêche de Terre-Neuve.

A ces propos, Messieurs, et puisque M. le Ministre de la Marine est présent, je solliciterai du Sénat la permission de lui demander s'il ne lui serait pas possible, dans l'intérêt de nos pêcheurs, inscrits maritimes formant l'élite des équipages de nos navires de guerre, d'étudier de nouveau la question de l'introduction de poissons salés dans l'alimentation des troupes. Ce projet, écarté d'une manière sommaire lorsqu'il a été présenté pour la première fois, mérite ce me semble un examen plus approfondi, et les populations de nos côtes apprendraient avec reconnaissance qu'il n'est pas à tout jamais abandonné et qu'un débouché nouveau et assuré est acquis aux produits de leur travail.

Cette courte analyse vous confirmera, je l'espère, Messieurs, dans votre conviction, sans doute ancienne, de l'importance des intérêts engagés dans la question que nous discutons.

Cette vérité établie, il me faut maintenant démontrer dans quelle mesure et par quels procédés ces intérêts sont mis en péril et de quelle façon nous entendons qu'ils soient protégés.

Messieurs, lorsqu'un membre de la Droite monte à cette Tribune, on peut être tenté de supposer qu'il y vient avec l'intention de faire échec au Gouvernement Républicain. Mais, je l'ai dit tout à l'heure, et je le répète, ce soupçon qui peut être justifié, lorsqu'il s'agit des principes sur l'application desquels nous ne transigerons jamais, doit disparaître quand nous poursuivons la solution de difficultés d'ordre extérieur, qui nous rallient tous autour des couleurs Françaises. Je ne puis vous en donner un témoignage plus formel qu'en vous priant de vouloir bien entendre la lecture d'une lettre adressée, quelques heures trop tard pour qu'il en pût faire usage, au cours du débat auquel il a pris part, à mon cher collègue, M. le Comte de Tréveneuc.

Cette lettre émane d'un des rares Conseillers-Généraux Républicains des Côtes-du-Nord. M. Besnier, armateur à Binic, est connu pour son attachement ancien aux institutions actuelles. Mais bien que se montrant, en toute occasion, l'un des adversaires les plus ardents du parti Conservateur, il n'ignore pas que, dans les Côtes-du-Nord, la divergence de nos opinions politiques n'a jamais mis obstacle au mutuel concours que nous nous prêtons, pour défendre les intérêts des populations représentées par nous, à des titres divers, mais avec un égal dévouement.

Voici, en quels termes il s'adresse à M. le Comte de Tréveneuc :—

"M. le Sénateur, *Binic le* 14 *Mars*, 1890.

"J'apprends à l'instant seulement que c'est aujourd'hui, 14 courant, que M. l'Amiral Veron doit interpeller au Sénat M. le Ministre des Affaires Étrangères sur nos pêcheries de Terre-Neuve. J'aurais voulu vous adresser quelques détails relatifs à cette pêche, et vous prier de faire connaître à l'Amiral Veron les procédés des Anglais à l'égard de nos nationaux, et comment ils entendent et pratiquent le respect des Traités.

"Vous savez combien j'ai eu a souffrir des entraves apportées à la pêche de nos navires par les pêcheurs Anglais, et les pertes énormes qui en ont été la conséquence.

"Continuellement en butte à leurs menaces, les capitaines de nos navires, qui occupaient le havre de Kirpon (partie nord de Terre-Neuve), et qui n'avaient pas les moyens matériels de faire respecter leurs droits, sollicitèrent M. le Commandant de notre division navale de venir leur prêter main-forte. Le bâtiment d'État "La Clorinde" fut expédié aussitôt au Kirpon, distant de 15 milles environ du lieu occupé par notre station et six de leurs trappes, qu'ils n'eurent pas le temps de faire disparaître, furent saisies par le Commandant Le Clère, et envoyées en dépôt au Gouverneur de Saint-Pierre.

"Défense leur fut faite, en outre, au nom des Traités consentis par les deux nations, de stationner dans les havres occupés par nos navires et d'y pratiquer la pêche concurremment avec nos nationaux. Mais le bâtiment de l'État à peine parti, ils se vengèrent sur nos marins, qu'ils maltraitèrent, installèrent de nouvelles trappes, et mirent ainsi nos pêcheurs dans l'impossibilité de continuer la pêche.

"Il en est résulté pour M. Dupuis-Robial et pour moi une perte de 150,000 fr d'après un Rapport du Commandant Le Clère à la suite de l'enquête officielle ordonnée par M. le Ministre de la Marine à la côte de Terre-Neuve et dans notre circonscription maritime.

"En pareil cas, le Gouvernement Britannique n'hésite pas à réclamer et à obtenir satisfaction pour ses nationaux, ou à confisquer nos navires qui s'aventurent dans les parages qui leur sont assignés par les Traités. C'est ainsi que le Commandant de la division Anglaise donna ordre de capturer, il y a deux ans, deux goélettes Françaises qui défilaient sous voiles pour pêcher du capelan, petit poisson qui sert d'appât à la morue, et les fit escorter jusqu'à Saint-Jean où elles furent condamnées sommairement à des amendes considérables sous peine de confiscation.

"Pendant ce temps-là, leurs navires peuvent venir impunément dans nos havres au mépris des Traités ; s'y livrer à la pêche concurremment avec nos marins, et lorsque, à la suite d'une enquête officielle qui établit péremptoirement l'atteinte portée à nos droits et fixe le montant du préjudice qui nous a été causé, notre Gouvernement fait adresser, par notre Ambassadeur à Londres, une réclamation qui n'est que trop fondée, le Gouvernement Britannique se borne à répondre par l'organe de Lord Salisbury 'que notre réclamation repose moins sur un préjudice direct que sur un manque à gagner malaisément appréciable.'

"Il est juste d'ajouter que M. Flourens, alors Ministre des Affaires Étrangères, déclara qu'il ne considérait pas que cette fin de non recevoir dût clore le débat, et il invita M. Waddington à faire une nouvelle démarche auprès du Cabinet de Londres.

"Depuis ce temps, la question n'a pas fait un pas, malgré les promesses de M. Goblet et de M. Spuller, qui n'a même pas répondu à ma lettre du 27 Janvier dernier.

"Dans le cas où l'interpellation n'aurait pas lieu aujourd'hui, comme quelques journaux l'ont annoncé, je vous serai reconnaissant, M. le Sénateur, de vouloir bien en communiquer le contenu à M. l'Amiral Veron.

"Je vous prie d'agréer, M. le Sénateur, l'assurance de mes sentiments les plus respectueux.

(Signé) "Alf. Besnier."

Vous reconnaîtrez avec moi, Messieurs, que cette lettre, outre l'intérêt qu'elle comporte, méritait de vous être communiquée, ne fût-ce que pour vous donner la mesure de la déférence réciproque qui préside, dans notre département, aux relations que notre mandat nous crée parfois le devoir d'entretenir avec nos adversaires politiques. M. Besnier ne pouvait douter de l'accueil empressé réservé à sa communication, qui ne m'était pas primitivement destinée, comme je l'ai expliqué, et que le concours de circonstances auquel j'ai fait allusion, m'a rendu le dépositaire.

Il me serait facile, Messieurs, de collectionner les documents de ce genre. Celui-ci me paraît suffisant pour permettre de résumer ainsi la situation ; d'une part, des droits formels, précis, incontestables ; de l'autre, une usurpation incessante et de plus en plus audacieuse de ces droits, accomplie à l'aide des procédés les plus violents.

En présence d'aussi intolérables abus on peut dire d'aussi graves offenses, quelle a été, en dernier lieu, l'attitude du Gouvernement ? Les plus récentes manifestations de ses intentions se trouvent consignées dans le *modus vivendi* dont M. le Ministre des Affaires Étrangères a donné lecture au Sénat le 25 Mars dernier.

Or, Messieurs, cet acte ne nous offre qu'une série de contradictions ; veuillez en juger. Les premiers mots impliquent de notre part une hésitation sur la validité de nos droits, que nous nous bornons à réserver, sans les affirmer nettement. Puis, nous admettons pour la saison de pêche qui vient de s'ouvrir,—dans quelles tristes conditions, vous pouvez le pressentir—le maintien du *statu quo* antérieur au 1er Juillet 1889, c'est-à-dire la consécration momentanée objectera-t-on, mais en réalité aussi imprudente qu'injustifiable, des entreprises dont nous sommes victimes. Puis, vous tolérez de nouveaux empiètements, en invitant le Commandant de nos forces navales à s'y prêter, de concert avec le Commandant de la station Anglaise ; et enfin vous terminez par cette disposition d'une naïveté inattendue dans un document diplomatique, consistant à établir qu'en cas de difficultés,—et Dieu sait s'il s'en produira,—les deux chefs de station, représentant des intérêts diamétralement opposés, statueront d'un commun accord !

Si au lieu de chercher une formule pour dissiper le conflit, on en avait souhaité une pour le créer ou le rendre plus aigu, il eût été difficile de trouver mieux.

Monsieur le Ministre, nos pêcheurs ne se paient pas de mots ; ils appellent les choses par leur nom. Quand on leur dira que tel est le *modus vivendi*, que telle est la manière de vivre que le Gouvernement dont vous êtes membre a acceptée en leur nom, nos pêcheurs vous répondront que, pour eux, il n'existe qu'un seul *modus vivendi*, qu'une seule manière de vivre, qui est de prendre beaucoup de poisson ; et que, pour le faire, il faut qu'ils puissent compter d'une manière certaine sur la protection de notre pavillon, à l'abri duquel ils ont le droit de se livrer avec sécurité à leur pénible métier.

Les promesses de négociations ultérieures qu'on leur fait entrevoir sont lettre morte pour eux. Ils savent qu'ils ont un droit exclusif de pêche sur le " French Shore ; " ils n'en demandent pas davantage, et ils réclament de la marine de guerre, qui, pour son service, leur prend leurs meilleures années, de leur assurer l'exercice intégral et paisible de ce droit.

Il est certain qu'ils ne feront pas d'émeutes, qu'ils ne demanderont pas la journée de huit heures et des augmentations de salaire correspondant à la diminution des heures de travail. Ces idées extravagantes ne hantent pas leurs esprits droits. Ces conceptions maladives ne troublent pas leurs cœurs loyaux.

En revanche, ils ont conservé une si haute idée de la dignité de la France, de sa puissance, du prestige qu'elle doit exercer, leur patriotisme est demeuré si intact et si pur, ils sont en même temps si épris et si jaloux de l'honneur national, que jamais ils n'admettraient qu'on y portât la moindre atteinte. (Très bien ! très bien ! à Droite.) Ne leur parlez donc pas de négociations, d'arbitrages, de compensations, que sais-je ? Ils ne comprendraient pas, ils ne consentiraient pas.

Et c'est grâce à l'irrésistible force de ces nobles sentiments de nos marins, que la mission de notre diplomatie me paraît bien simplifiée.

Le 25 Mars dernier, à cette tribune, M. le Ministre des Affaires Étrangères s'exprimait en ces termes, reproduits par le " Journal Officiel " :—

" Je n'hésite pas à affirmer, comme l'ont fait mes prédécesseurs, que ce droit de pêche inscrit dans les Traités est absolu, exclusif, qu'il ne comporte aucune distinction."

Quand on a dit cela, M. le Ministre, on a le devoir de mettre ses actes en accord avec ses paroles et de répondre aux propositions de l'Angleterre que la France s'en tient à son droit et l'exercera sans modifications.

Si l'Angleterre invoque les changements apportés par le temps dans les relations entre les peuples, si elle réclame en faveur de sa Colonie l'application du principe des nationalités, on lui demandera si, par hasard, elle songerait à restituer à Malte son autonomie ; à rendre à l'Espagne Gibraltar, dont la possession lui a été assurée par ce même Traité d'Utrecht qui nous a conféré nos droits sur Terre-Neuve ; à abandonner l'Inde aux Indiens, les Iles Normandes à la France et enfin Terre-Neuve aux Terre-Neuviens ; et le problème ainsi posé, il est douteux qu'elle insiste.

Quant aux Terre-Neuviens, dont la presse reproduisait récemment—je me sers des expressions du journal le " Siècle "—" les écarts de langage," nous ne les connaissons que comme vassaux de la Couronne Britannique, et c'est avec la Puissance Suzeraine que nous traitons par-dessus leur tête.

J'espère que M. le Ministre des Affaires Étrangères va convenir avec nous que c'est ainsi qu'il comprend la situation ; qu'en raison même de la position délicate que la forme de son Gouvernement impose à la France, au milieu de l'Europe Monarchique, il lui semble Impérieusement commandé de ne rien sacrifier de ses droits.

Le pays a accepté sans murmurer tous les sacrifices qui lui ont été demandés pour l'armée et pour la marine. Le moindre résultat qu'il en puisse attendre est la possession de sa complète indépendance.

L'occasion de l'affirmer, en soutenant la plus légitime des causes, nous est offerte aujourd'hui ; j'aime à croire que nous saurons la saisir. (Approbation sur un grand nombre de bancs.)

Demande d'Interpellation.

M. le Président.—Avant de donner la parole à M. le Ministre des Affaires Étrangères, je dois donner communication au Sénat d'une lettre qui m'est écrite par M. Allègre, et dont voici les termes :—

" M. le Président,

" J'ai l'honneur de demander à interpeller M. le Ministre du Commerce, de l'Industrie, et des Colonies sur la situation politique, administrative, et économique de la Martinique."

M. Jules Roche (Ministre du Commerce, de l'Industrie, et des Coloies).—M. le Sous-Secrétaire d'État aux Colonies étant absent, je prierai le Sénat de vouloir bien renvoyer à une prochaine séance la fixation du débat.

M. le Président.—Il n'y a pas d'opposition ?

La date de l'interpellation sera fixée à la prochaine séance.

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

Reprise de la Discussion.

M. Ribot (Ministre des Affaires Étrangères).—Messieurs, l'honorable Sénateur qui descend de la tribune a, dans un langage un peu imagé, mais auquel il ne m'en coûte pas de m'associer, rendu hommage à la vaillance et aux qualités laborieuses de nos marins.

Le Gouvernement manquerait à tous ses devoirs s'il n'avait pas à cœur de défendre en toute circonstance les intérêts de ces populations maritimes qui sont la réserve la plus précieuse de notre force militaire. Je puis dire au Sénat que les intérêts des pêcheurs à Terre-Neuve—et je ne parle pas seulement du " French Shore," mais de toute la région de Terre-Neuve—ne sont pas, en ce moment, en souffrance et ne doivent pas nous causer d'alarmes.

L'année 1887, qui a été marquée par les difficultés auxquelles on a fait allusion, est celle où on trouve le maximum des marins occupés à la pêche dans ces régions. Croyez que ce n'est pas un fait accidentel et que, depuis 1887, il y a une progression constante. En 1887, il y a eu 6,922 pêcheurs occupés tant à la pêche qu'à la préparation du poisson. En 1888, il y en a eu 7,695. En 1889, nous n'avons pas encore le chiffre définitif, mais nous avons un chiffre provisoire de 8,352.

Ce n'est pas assurément une raison pour le Gouvernement de se départir le moins du monde de la vigilance avec laquelle—quoi qu'en ait dit l'honorable préopinant—il défend le droit des pêcheurs ; mais j'ai cru que le Sénat écouterait avec satisfaction la lecture de ces simples chiffres qui montrent que les grands intérêts dont la défense a été apportée à cette tribune et que le Gouvernement n'oublie pas, ne sont pas en souffrance. (Très bien ! très bien !)

Je ne puis que remercier l'honorable M. Bozérian de la façon dont il a exposé, avec toute l'ampleur nécessaire, les titres de la France dans cette région de Terre-Neuve. J'ai bien compris son intention. Il n'a pas voulu affaiblir l'action du Gouvernement, il n'a pas voulu critiquer cette action dans le passé ; ce qu'il a voulu—et cela paraissait être utile, nécessaire dans une certaine mesure—c'était rassembler en quelque sorte les titres que nous avons à faire valoir, les mettre en pleine lumière et démontrer ainsi à ceux qui les méconnaîtraient le bien fondé et la valeur de nos réclamations. (Approbation sur un grand nombre de bancs.)

Après cette démonstration, que le Sénat a écoutée avec toute l'attention qu'elle méritait, je n'ai pour ma part rien à y ajouter, par la raison fort simple que je la tiens pour absolument solide et parfaitement décisive. (Approbation.)

L'honorable M. Bozérian vous a rappelé l'origine de nos droits dans ce Traité de 1713 qui est parfaitement clair et qui a été, d'ailleurs, complété par les Traités de 1763, 1783, et 1814.

Le Gouvernement Français, Messieurs, à toutes les époques, a considéré en effet qu'il n'y avait dans ces textes aucune ambiguïté, aucune incertitude—(marques d'approbation)—que ces Traités nous assuraient non seulement le droit général de pêche qui, malgré toutes les subtilités de langage s'applique, de l'aveu même des Terre-Neuviens, à toutes sortes de poisson puisqu'ils en sont réduits, soit à lire inexactement le Traité comme dans cet article de journal cité devant vous, soit à imaginer une distinction de pure fantaisie contre le poisson qu'on prend et le poisson qu'on pêche. Nous avons toujours considéré que le droit était général et qu'il était exclusif, en ce sens que sur le " French Shore " il y avait pour les pêcheurs Français un droit qu'ils pouvaient faire valoir à l'encontre des pêcheurs de toute autre nationalité, et particulièrement des Anglais, et qu'on ne pouvait troubler par aucune intervention ni par aucune concurrence. (Très bien ! très bien !)

Cela a éte dit, à cette tribune même, par mes honorables prédécesseurs ; je l'ai rappelé dans les très courtes déclarations que j'ai faites moi-même au mois de Mars dernier en réponse à une question de M. l'Amiral Veron.

Je n'hésite pas à répéter cette déclaration comme conclusion de l'appel que m'a adressé M. Bozérian.

Mais je ne puis pas laisser sans une réponse l'assertion de l'honorable M. de l'Angle-

Beaumanoir que le Gouvernement qui nous a précédé aurai abandonné les droits de la France, que, dans ce *modus vivendi* auquel il a été amené, ans les conditions que je vous ai expliquées précédemment, il aurait sacrifié quelque chose de nos droits. M. de l'Angle-Beaumanoir n'aura qu'à relire le préambule même de a Déclaration signée par l'Angleterre et la France pour voir que nous avons réserve absolument, dans toute leur intégrité, les droits que nous tenons des Traités.

M. de l'Angle-Beaumanoir doit bien se rendre compte qu'il ne suffit pas qu'un Gouvernement ait conscience des droits qui appartiennent à la France, qu'il ne suffit pas qu'en toute circonstance il les ait défendus dans le langage le plus ferme, le plus énergique, pour éviter des difficultés et pour éviter quelquefois l'approche d'un conflit que, pas plus que nous certainement, M. de l'Angle-Beaumanoir ne saurait souhaiter, entre l'Angleterre et la France.

Il a paru que cette question des pêches avait pris dans les derniers temps un tour si vif, que les difficultés étaient devenues tellement aiguës qu'il était indispensable, avant de reprendre une négociation au fond, d'assurer, par un *modus vivendi* provisoire et pour la campagne qui s'ouvrait, une communauté de vues entre les Gouvernements Anglais et Français. C'est dans cet esprit que les deux Gouvernements ont rédigé la Déclaration que vous connaissez, et qui se résume en quelques mots.

Pendant la campagne de 1890 il ne sera innové que si la France et l'Angleterre y consentent—la France et l'Angleterre représentées par les Commandants de leurs flottilles;—on prendra pour base le *statu quo* tel qu'il existait au 1er Juillet, 1889. Voilà ce qui a été fait et, je le répète, sans aucun abandon et sans aucune volonté d'abandon de la part de la France. (Très bien! très bien!) Qu'il fût préférable pour nos pêcheurs d'obtenir une reconnaissance immédiate pleine et entière du bien fondé de nos revendications? je ne le contesterai pas; mais je dois constater, parce que c'est la vérité, que ce *modus vivendi* a produit à Terre-Neuve une émotion singulièrement plus intense que celle qu'il a pu exciter parmi nos pêcheurs. Je n'ai pas à faire passer sous vos yeux le texte des Résolutions plus que vives qui ont été prises dans des meetings d'indignation à Terre-Neuve; je n'ai pas à vous parler de l'envoi de Délégués que la Colonie a expédiés à Londres et jusqu'au Canada; je n'ai pas apporté ici les articles publiés à Terre-Neuve. Vous avez dit tout à l'heure qu'ils étaient particulièrement désobligeants pour la France. Cela est possible; mais ils ne le sont pas moins pour la diplomatie Anglaise, et je pourrais vous citer les termes dans lesquels on prétend que si la diplomatie Française a été fort habile, la diplomatie Anglaise aurait, au contraire, donné la mesure de sa faiblesse.

Ce sont là des aménités auxquelles il ne faut pas attacher, de part ni d'autre, une grande importance. Ce qui est certain, à l'heure qu'il est, c'est que l'arrangement suscite à Terre-Neuve un grand mécontentement, que dans une adresse qui vient, dit-on, d'être rédigé par un Comité des deux Chambres, on déclare qu'on s'opposera même à un arbitrage. Ce n'est pas à nous de répondre à ce qui peut se dire, soit au Parlement, soit dans la presse de Terre-Neuve.

Comme l'a très bien dit l'honorable M. de l'Angle-Beaumanoir, nous n'avons pas à traiter avec Terre-Neuve ni avec ses représentants; nous ne connaissons que l'Angleterre, son Parlement, son Gouvernement; et je dois dire, parce que c'est la vérité et la justice, que l'attitude, le langage du Governement Anglais, dans les nombreuses occasions où il a été interrogé à la Chambre des Communes, a été absolument correct, l'honorable M. Bozérian l'a reconnu lui-même.

Sir James Fergusson a déclaré que le Gouvernement Anglais ne s'associerait aux réclamations de Terre-Neuve qu'autant qu'elles seraient conformes aux Traités, et qu'il ferait respecter les Traités et les Arrangements auxquels l'Angleterre a mis sa signature. Que cela lui soit aisé ou malaisé, peu importe! Elle a mis sa signature, elle la fera respecter par les habitants de Terre-Neuve.

Quelle doit être notre attitude dans ces conditions? C'est d'attendre avec confiance que le Gouvernement Anglais fasse exécuter l'Arrangement qu'il a conclu et de rechercher ensuite comment nous pourrons arriver à un règlement définitif de cette question, qu'il ne faut pas laisser s'envenimer et s'aigrir trop longtemps.

Nous y ferons tous nos efforts. Vous comprendrez qu'en ce moment je ne puis pas vous donner une indication plus précise; ce serait une imprudence de ma part. Tout ce que je puis dire, c'est que nous nous inspirerons à tout moment des sentiments qui animent cette Assemblée, c'est-à-dire du désir de défendre efficacement les intérêts et les droits de la France. (Très bien! très bien!)

Si le Sénat veut s'associer au Gouvernement dans cette pensée, s'il veut dire qu'il compte sur notre persévérance à défendre nos droits, qui résultent des Traités, il ne

pourra que nous donner une force de plus. (Vive approbation.) Et, pour ma part, je ne pourrai que l'en remercier. (Très bien ! très bien ! et applaudissements répétés.)

M. le Comte de Tréveneuc.—Je demande la parole.

M. le Président.—La parole est à M. Tréveneuc.

M. le Comte de Tréveneuc.—Messieurs, je vous prie d'être sans inquiétude ; je ne viens pas vous imposer un discours, désormais inutile ; quelques paroles seulement, et je descends de la Tribune.

M. de l'Angle-Beaumanoir, dans un excellent discours, vient de vous dire les intérêts de toutes sortes que nous avons à l'exécution de nos Traités.

Il vous a exprimé d'une manière qui a dû vous toucher la situation de nos populations Bretonnes. Et moi, qui ai passé toute ma vie au milieu de ces populations maritimes si sages, si patriotiques, si dévouées à la France, je vous demande aussi de leur donner votre bienveillance et votre appui. Notre éminent collègue M. Bozérian, avec son esprit que vous avez apprécié, avec sa haute compétence des choses de la jurisprudence et du droit international, vous a démontré d'une façon irréfutable les droits que nous donnent sur les pêcheries de Terre-Neuve les divers Traités qui, depuis 1713 jusqu'en 1814, n'ont jamais été contestés.

Je ne reviendrai pas là-dessus ; vous êtes convaincus, et le Gouvernement Anglais, s'il est de bonne foi, est certainement convaincu lui-même. Maintenant, M. le Ministre des Affaires Étrangères, dans son langage toujours éloquent, vient de vous dire qu'il soutiendrait énergiquement, et de toutes les façons possibles, les droits de la France ; il nous demande d'en être persuadés, nous n'en doutons pas ; mais ce dont on peut douter, c'est des résultats probables de ses efforts et de la satisfaction que pourront nous donner les arrangements qu'il nous fait espérer. Il y a longtemps, Messieurs, qu'on négocie et qu'on n'aboutit à rien. L'arrangement provisoire dont on a parlé, est, à mon sens, outrageant pour la France et désastreux pour nous ; ce sont des voleurs qui viennent nous dire : Nous resterons chez vous jusqu'à ce qu'il nous plaise d'en sortir ; d'ici là nous ferons ce que nous voudrons, et nous verrons plus tard.

Je regrette beaucoup que le Gouvernement ait accepté ce *modus vivendi*. C'est fait, parlons de l'avenir. Nous voulons espérer qu'on y sauvegardera les intérêts et la dignité de la France. On dit, dans les journaux Anglais, que l'Angleterre est très embarrassée et qu'elle-même négocie avec le Parlement de Terre-Neuve. Quelle fin de non-recevoir ! quelle plaisanterie ! Est-ce que l'Angleterre a besoin de négocier avec sa Colonie ? Est-ce qu'elle n'est pas la Souveraine de Terre-Neuve ? Tant qu'elle ne lui aura pas donné son autonomie absolue, elle doit lui imposer l'obligation de remplir les engagements qu'elle-même a contractés. (Marques d'approbation.)

Les Anglais, Messieurs, nous mettent vraiment à de rudes épreuves. Il serait absurde que deux grandes nations comme la France et l'Angleterre en vinssent à un conflit sérieux au sujet d'une question relativement secondaire en comparaison de leurs grands intérêts politiques et commerciaux.

Les Français et les Anglais sont amis et veulent rester amis ; mais, dans toute amitié sincère, les concessions doivent être réciproques, les sacrifices partagés.

Eh bien ! permettez-moi de vous le dire, c'est le contraire qui arrive le plus souvent, en ce qui concerne la France et l'Angleterre.

Par exemple, on parle beaucoup en ce moment—je ne veux pas introduire dans ce débat une question financière—mais on parle beaucoup d'une concession qui nous serait demandée bien plus au profit de l'Angleterre que de l'Égypte, et qui porterait un grand dommage à des intérêts Français, sans la compensation politique promise, à savoir, l'évacuation de l'Égypte par l'armée Anglaise ; voilà encore une preuve des procédés des Anglais à notre égard. Subirons-nous encore ce dommage, cette humiliation ? J'aime à espérer qu'il n'en sera pas ainsi.

Quand on est amis, Messieurs, il faut, comme je le disais tout à l'heure, que les sacrifices soient également partagés. Vous savez tous l'histoire d'Oreste et de Pylade. Dans nos rapports d'amitié avec l'Angleterre, nous jouons trop souvent le rôle de Pylade. Je demande que cette situation ait un terme. Les bons comptes font les bons amis. Ce que nous voulons, c'est qu'on arrive à un arrangement équitable et définitif, c'est-à-dire, qu'il faut exiger, comme nous avons le droit et le devoir de le faire, la pleine exécution des Traités. (Marques nombreuses d'approbation.)

M. le Président.—La parole est à M. Bozérian.

M. Bozérian.—Messieurs, m'inspirant des paroles prononcées par M. le Ministre des Affaires Étrangères et de sa pensée, je viens déposer l'ordre du jour suivant, que je soumets à l'appréciation du Sénat :

"Le Sénat, approuvant les déclarations du Gouvernement et comptant sur sa

persévérance à faire respecter les droits de pêche conférés à la France sur les côtes de Terre-Neuve par les Traités conclus avec l'Angleterre de 1713 à 1814, passe à l'ordre du jour." (Très bien ! très bien !)

M. le Marquis de l'Angle-Beaumanoir.—Nous nous rallions à cet ordre du jour.

M. le Ministre des Affaires Étrangères.—Le Gouvernement accepte cet ordre du jour.

M. le Président.—Personne ne demande la parole sur l'ordre du jour ? Je le mets aux voix.

(L'ordre du jour, mis aux voix, est adopté.)

Voix nombreuses.—A l'unanimité.

M. le Président.—L'ordre du jour est adopté à l'unanimité. (Applaudissements.)

No. 210.

Colonial Office to Foreign Office.—(Received May 24.)

Sir, *Downing Street, May 24, 1890.*

IN reply to your letter of the 12th instant, I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of the Proclamation issued by Sir T. Cochrane, the Governor of Newfoundland, on the 8th June, 1827 (not 1828, as stated in the extract from "Le Matin" which accompanied your letter).

Sir T. Cochrane was absent from Newfoundland from the 12th October, 1827, to the 12th August, 1828.

It will be observed that the words, "réservée aux sujets Français," do not occur in this Proclamation.

I am, &c.
(Signed) JOHN BRAMSTON

Inclosure in No. 210.

Proclamation.

(L.S.) THOS. COCHRANE.

By his Excellency Sir Thomas John Cochrane, Knight, Governor, &c., &c.:

WHEREAS complaints have been laid before me that for several years past divers ill-disposed persons employed in the British fisheries have, in their progress to the northern and Labrador fisheries, touched with their boats and schooners in several of the ports and harbours upon that part of this island commonly called the "French Shore," to which the subjects of France resort to carry on the fishery, and have there committed many outrages upon the property of the French fishermen, and in several instances have stolen various articles from them, such as salt, fishing craft, &c., and also maliciously destroyed other property:

I, the Governor, do therefore forewarn all such evil-minded persons that, upon any repetition of such acts of violence, I will cause the most rigorous proceedings the law will allow to be instituted against the perpetrators of all such outrages; and in order the more effectually to bring them to justice, the French authorities will be instructed to apprehend, and bring to St. John's for trial, all persons detected committing such offences.

Given, &c., the 8th day of June, in the eighth year of His Majesty's reign.

By his Excellency's command,
(Signed) W. A. CLARKE, *Secretary.*

No. 211.

The Marquis of Salisbury to M. Jusserand.

M. le Chargé d'Affaires, *Foreign Office, May* 29, 1890.

HER Majesty's Government have given their careful attention to M. Waddington's note of the 5th ultimo, in which his Excellency defends the action of the Commander of the French vessel of war "Drac" in removing certain lobster-traps set by British subjects in St. Margaret's Bay, on the Newfoundland coast.

It would serve no useful purpose that I should renew on this occasion the controversy as to the respective rights of British and French fishermen to catch and preserve lobsters on that part of the coast to which the Treaties apply. The arguments which either party has brought forward in support of its views have not sufficed to convince the other, and the two Governments are agreed, while seeking a permanent adjustment of the difference, to treat in a spirit of compromise and mutual forbearance any questions which may arise while the negotiations for that adjustment are going on.

In the particular case under consideration, the delimitation of the British and French lobster fisheries, to which M. Waddington alludes as having been proposed by the Commander of the French naval station, appeared to Sir B. Walker to be so manifestly unfair to the British establishments that the latter felt himself unable to agree to it. The result, in his opinion, would have been practically to have ruined the British fishery in this locality.

The claim of the French Naval Commander subsequently to enforce this delimitation without further reference to the British naval officers is not one which Her Majesty's Government can admit. Nor, according to the accounts which have been furnished to them, were the British lobster-traps which were removed intermingled with those of the French fishery so as to constitute an actual interruption. It was not until after their removal that the French traps were placed in the same spot.

M. Waddington states, in justification of the action of the Commander of the "Drac," that "Des droits réels, tangibles, nous ont été concédés par les Traités, nous avons la faculté d'en user en toute liberté sans interruption ni trouble. Qu'un cas de trouble ou de gêne se produise, nul que nous est en situation de l'apprécier; nous ne pouvons déléguer à personne un soin pareil, ni placer en mains tierces un pouvoir de limitation de nos droits, pouvoir qui échapperait à notre contrôle."

The doctrine laid down in these general terms seems to Her Majesty's Government to be both novel and dangerous, and I would ask whether his Excellency is prepared to admit that in cases of rights secured by Treaty to British subjects within French territorial jurisdiction Her Majesty's Government are to be regarded as the sole judges whether such rights are infringed, and as entitled to direct British officers to vindicate them by force against French citizens, without any reference to the French authorities.

The case, however, is not one of ordinary Treaty stipulations. The instrument by which the French fishermen are secured from "gêne," or interruption, is in the form of a Declaration of the intentions of the King of England, which was accepted by a counter-Declaration of the Court of France as entirely satisfactory. It states that "His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner, by their competition, the fishery of the French during the temporary exercise of it which is granted to them upon the coasts of the Island of Newfoundland."

But it contains nothing whatever that implies the right of the French naval officers to carry into execution the proclaimed intentions of the English King according to their own judgment and discretion, and, by forcible measures, to exclude his subjects from any portion of the coast.

Her Majesty's Government willingly recognize the general moderation and courtesy of the French officers who have been employed in watching the fisheries on the Newfoundland coast. But they are unable to admit that those officers are invested with any authority to control the fishing operations of British subjects, and they earnestly trust that in the season now commencing the French Naval Commanders will carefully abstain from such acts of interference, and will have recourse to the intervention of the British cruizers in any cases which may seem to require it. In the present excited state of popular feeling in the Colony a different course might have results which both Governments are most anxious to avoid.

The British naval officers have instructions to do all in their power for the protection of French rights as recognized by Her Majesty's Government. They will abstain, as they have always done in the past, from interference with the French fishery, and Her Majesty's Government feel that there is nothing unreasonable in expecting that, under these circumstances, French officers will abstain from attempts to exercise authority over British subjects within British territorial jurisdiction, and, according to general international usage, will appeal to British officers in cases where the Treaty obligations of Great Britain are involved.

I have, &c.
(Signed) SALISBURY.

No. 212.

Lord Knutsford to Lord Stanley of Preston.

My Lord, *Downing Street, June* 2, 1890.

I HAVE the honour to acknowledge the receipt of your despatch of the 28th April, inclosing copy of an approved Report of a Committee of the Privy Council expressing the wish of your Government to present a remonstrance to Her Majesty's Government on the restrictions which will be placed on British ships owned or sailed by Her Majesty's subjects in Canada under the Newfoundland Bait Act.

In reply, I cannot do more than refer you to my telegram of the 8th May* in answer to yours of the 28th April, in which you communicated to me the substance of the Report of your Privy Council now under acknowledgment.

I have, &c.
(Signed) KNUTSFORD.

No. 213.

Lord Stanley of Preston to Lord Knutsford.—(Received at the Foreign Office, June 16.)

My Lord, *Citadel, Quebec, May* 31, 1890.

WITH reference to my telegraphic message of the 28th ultimo and to your Lordship's telegram of the 8th instant, respecting the Newfoundland Bait Act, I have the honour to forward herewith a copy of an approved Minute of the Privy Council, submitting a Report of the Minister of Marine and Fisheries on the subject.

Your Lordship will observe that a copy of this Minute will be forwarded to the High Commissioner for Canada with a view to his presenting in person the Canadian side of the case.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure 1 in No. 213.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, May 29, 1890.

THE Committee of the Privy Council have had under consideration a despatch dated the 15th April, 1890, from the Governor of Newfoundland, on the subject of the enforcement of the Newfoundland Bait Act against Canadian fishermen, and a telegram of the 8th May, 1890, from Lord Knutsford in connection therewith.

The Committee concurring in the annexed Report of the Minister of Marine and Fisheries, to whom the matter was referred, advise that your Excellency be moved to forward a copy hereof to the Governor of Newfoundland, and to the Right Honourable the Secretary of State for the Colonies.

The Committee further advise that a copy hereof be also forwarded to the High

* Inclosure 15 in No. 207.

Commissioner for Canada in London, with a view to his presenting in person the Canadian side of the case.

All which is respectfully submitted for approval.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

Inclosure 2 in No. 213.

Mr. Tupper to Lord Stanley of Preston.

Ottawa, May 26, 1890.

THE Undersigned, adverting to the despatch of Sir Terence O'Brien to your Excellency dated the 15th April, 1890, and to the cable message of the 8th May from Lord Knutsford, has to observe that in the year 1886 an Act was passed by the Legislature of Newfoundland entitled "An Act to Regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes." This Act was in February 1887 disallowed by the Imperial authorities.

On the 21st February, 1887, the Legislature again passed an Act entitled "An Act to Regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes."

Upon the 11th April, 1887, a Minute of Council was approved by his Excellency Lord Lansdowne, in which various objections on the part of Canada to this legislation were mentioned. In this Minute it was shown that under the Act—

1. Our fishermen upon the Grand Banks would be cut off from their free supply of bait, either by purchase or catch.

2. Our fishermen upon the coast of Labrador would be debarred from the privilege of free catch of herring and their hitherto untrammelled trading in herring.

3. Whatever trade was then done by Canadian vessels in herring, or bait-fishes, upon the Newfoundland coast, would be no longer left free.

The Minister of Justice, to whom the Report of the Minister of Marine and Fisheries (upon which the said Minute was based) was referred, concurred in the views therein expressed, and submitted the following observations :—

"It seems desirable that the attention of Her Majesty's Government should be called to some of the very unusual provisions of this Bill. The prohibition in reference to purchasing bait extends to all places on or near any part of the Colony of Newfoundland and its dependencies. This really gives no limit to the extent of the enactment capable of being defined, and, inasmuch as a violation of the provisions of the Bill is to be followed by very heavy penalties, he, the Minister of Justice, thinks that such an enactment would be embarrassing and oppressive in its operation.

"The Bill gives extraordinary jurisdiction to Stipendiary Magistrates. The most stringent Acts against fishing by foreign vessels in other parts of North America have given such jurisdiction only to the Vice-Admiralty Courts. The Stipendiary Magistrates' Courts are inferior Tribunals, without any regular legal procedure, and presided over by persons who are not necessarily possessed of legal qualifications.

"The Bill contains extraordinary inducements to persons to take up the task of prosecution. On conviction half of the fine goes to the prosecutor; on acquittal the prosecutor is still to be rewarded; so that encouragement is given to those who would be disposed to harass and annoy vessels from other parts of British North America by prosecutions which cannot be sustained.

"It is to be observed that the appeal which is to be given from a Stipendiary Magistrate's decisions is of little advantage, as the fishing season would probably be passed and a captured vessel be rendered comparatively useless before the termination of the appeal."

A remonstrance against the Royal Assent being given to the Act was accordingly forwarded to Her Majesty's Principal Secretary of State for the Colonies.

This despatch was referred by Her Majesty's Government to Sir R. Thorburn and Sir A. Shea, who had been delegated by the House of Assembly of Newfoundland to make representations to Her Majesty's Government on the subject of this Bill. Appended to this Report are copies of their replies.*

The assurance contained therein that Canadian fishermen would enjoy equal privileges with those of Newfoundland, and that there would be no restrictions on the

* See Inclosures 3 and 6 in No. 52.

bait supply of any British subjects, were deemed by Her Majesty's Government to offer, in the language of Sir Henry Holland, Secretary of State for the Colonies, "sufficient safeguards for Canadian interests," and consequently, Sir Henry Holland went on to say in his despatch to Lord Lansdowne, "Her Majesty's Government did not, therefore, hesitate to advise Her Majesty's assent to it."

Accordingly, the following Minute of Council was, on the 11th October, 1887, approved by his Excellency Lord Lansdowne:—

"The Committee of the Privy Council have had under consideration a despatch, dated the 20th May, 1887, from Sir Henry Holland, inclosing copies of correspondence which had passed between the Colonial Office and Representatives of the Government of Newfoundland, then in London, regarding the Newfoundland Bait Bill.

"The Minister of Marine and Fisheries, to whom the papers were referred, reports as follows: 'It appears from the correspondence that a copy of the Minute of Council, dated the 11th April, 1887, urging the objection taken by the Canadian Government to the Bait Bill becoming law, was submitted to Sir R. Thornburn and Sir Ambrose Shea for their consideration. The replies made thereto by these gentlemen conveyed ample assurances that the Government of Newfoundland in the passage of this Bill were not actuated by any desire to curtail the privileges of British fishermen, and had no intention of allowing the law to be operated to their prejudice; that no Regulations were proposed which would unnecessarily hamper the operations of their own British fishermen, and that every facility would be afforded for procuring the licences under the Act.'

"Sir R. Thorburn also authorized the dispatch of a telegram by the Attorney-General of Newfoundland to the Canadian Government, conveying the assurance that Canadian fishermen would enjoy equal privileges with those of Newfoundland, and that there would be practically no restriction on the bait supply of any British subjects.

"These assurances appear to Her Majesty's Government to offer such sufficient safeguards for Canadian interests that Her Majesty was at once advised to assent to the Bill.

"The Committee concurring in the Report of the Minister of Marine and Fisheries, respectfully recommend that your Excellency be moved to transmit a copy of the despatch above mentioned and inclosures (permission having been obtained from the Colonial Secretary) to his Excellency the Governor of Newfoundland, for the consideration of his Ministers, and with a request that they will indicate at the earliest convenient period the nature of the Regulations under which it is proposed that Canadian subjects shall enjoy the rights of fishing and procuring bait in the territorial waters of Newfoundland.

"The Committee further recommend that your Excellency be also moved to transmit a copy of this Minute to his Excellency the Governor of Newfoundland."

It is to be further observed that Sir G. William Des Vœux, Governor of Newfoundland, in his despatch of the 14th January, 1887,* addressed to the Right Honourable Her Majesty's Principal Secretary of State for the Colonies, when urging the allowance of this Bill, argued entirely upon the grounds that it was aimed solely against foreign fishermen, aud Sir G. William Des Vœux, in this despatch, stated:—

"I may mention that every day's delay is causing loss to this Colony, in restricting preparations for next season's fishing; for the allowance of this Bill would be at once followed by a large increase in the number of British vessels employed in the Bank fishing: and even now it is too late, in some cases, for arrangements that would enable advantage to be taken of the earliest portion of the season.

"Moreover, it is only fair to the French that if they are to be prohibited from procuring bait here during the coming season, they should be made aware of the fact at once, in order that they may restrict their operations accordingly, it being probable, as regards the large number of vessels which annually leave France for these fishing grounds, that preparations are being made already for their dispatch in order to enable them to obtain bait and commence fishing at the beginning of April; and thus, not merely in the interest of this Colony and Canada, but for the sake of international comity, I would respectfully urge that, in the absence of a fixed decision against this measure, the delay which has already taken place in respect of its allowance should not be further prolonged."

Upon the 20th April, 1887, the Minister of Marine and Fisheries received, at Ottawa, the following telegram from the Government of Newfoundland:—

"We learn with surprise and regret that your Government apprehend our Bait Act will interfere with Canadian fishermen. I am authorized to give you fullest assurance

* No. 41.

no interference or hindrance whatever of Canadian fishermen contemplated. Act necessary framed so as to confer upon Governor discretionary powers in granting licences to sell or export bait, our only object being to prevent supply to foreign subsidized rivals. Fullest rights and privileges of all British fishermen to take or purchase for their own use as hitherto enjoyed will be maintained. Please communicate this information to your representative or agents in London, to remove objection to our Act, and promote Royal Assent.

(Signed) "ATTORNEY-GENERAL."

In June 1889, the Legislature of Newfoundland passed "An Act to Amend and Consolidate the Laws relating to the Exportation and Sale of Bait Fishes." This Act (June 1889) was proclaimed by his Excellency Sir Terence O'Brien, Governor of Newfoundland, the 3rd April, 1890.

By the provisions of this Act, as stated by the Colonial Secretary of Newfoundland to Cecil Fane, Esq., under date 15th April, 1890, "all foreign and British vessels not belonging to this Colony which required bait from our coasts for the prosecution of the cod fishery, can only obtain it by taking out a licence at an ordinary port of entry in the form herewith, and giving bond in the sum of 1,000 dollars that the bait shall be used *bonâ fide* for the purposes for which it is obtained.

"This licence is issued on payment of a fee of 1 dollar per ton, and entitles the holder to purchase the bait for three weeks, but only to the extent of one barrel per ton register.

"Should fresh supplies of bait be required after the expiration of three weeks, the vessel must re-enter at a Customs port and again take out a licence on similar terms to the first, and so on through the fishing season. Light dues will of course be exacted as heretofore."

Loud complaints have reached the Undersigned from Canadians interested in Bank fishing against this Legation, which threatens most serious injury to a large and important portion of Canadian industry. It is represented by those engaged in the cod fishery from Nova Scotia that the effect of this heavy tax will be to destroy the Bank fishing of that province.

The returns for the last year show that of Canadian vessels engaged in the Bank fishery there were not less than 203 with a tonnage of 18,124. The total catch amounted to 35,821,871 lbs. of fish.

Accordingly, on the 24th April your Excellency was pleased to approve of a Minute n Council, recommending that a telegram be sent to the Right Honourable the Secretary of State for the Colonies expressing the desire of your Excellency's Government that a remonstrance should be made to Her Majesty's Government on the restrictions placed on British ships, owned or sailed by Her Majesty's subjects in Canada under the Newfoundland legislation, referred to.

From the telegram of the 8th May from the Right Honourable the Secretary of State for the Colonies to your Excellency, it appears that Lord Knutsford does not consider the Bait Act *ultra vires*, and his Lordship supposes representations have been made direct to Newfoundland.

The Undersigned has not discussed the authority of the Legislature of Newfoundland to enact the legislation complained of, but he desires to call attention to the solemn assurance given by the Government of Newfoundland of the definite and positive character already referred to to the effect that it was not intended to enforce this Act against Canadian and British vessels, and that it would not be so enforced.

It is therefore with surprise that the Undersigned now learns that the provisions of the Act are being enforced against Canadian and British vessels, as well as against those of foreign countries, and he trusts that when the attention of the present Administration of the Government of Newfoundland is called to the Agreement of its predecessors in office, that in accordance with that understanding the provisions of the Act will no longer be enforced against British or Canadian vessels.

It may not be out of place to refer to the friendly co-operation which has hitherto existed between the Governments of Canada and Newfoundland in connection with their respective fishery and commercial interests.

Fishing-vessels of Newfoundland are now and have always been permitted to enjoy the inshore fisheries and port privileges of Canada in common with those of Canada, and while light dues, harbour dues, and pilotage dues are exacted by the Government of Newfoundland from Canadian fishing craft, there are no corresponding taxes paid by the vessels of Newfoundland to the Dominion of Canada.

Canada at present maintains, free of all charges upon shipping, five lights and four

fog-signals on the coast of Newfoundland, and by liberal subventions serves many ports in Newfoundland by a mail and freight packet.

The Bank fishery is now in an advanced stage, and the Undersigned has the honour to recommend that the Government of Newfoundland be directly advised that the Canadian Government confidently expect that on a reconsideration of the facts connected with this legislation and of the relations hitherto existing between the Dominion of Canada and that Colony, the Administration of the Newfoundland Government will be pleased to suspend the operations of the Act so far as it affects Canadian and British vessels.

The Undersigned further recommends that the Right Honourable the Secretary of State for the Colonies be informed that your Excellency's advisers earnestly desire the immediate co-operation of Her Majesty's Government in preventing serious loss and damage being inflicted upon so many of Her Majesty's subjects as are interested in the important industry of the Bank fishery.

Respectfully submitted,
(Signed) CHARLES H. TUPPER,
Minister of Marine and Fisheries.

Inclosure 3 in No. 213.

Sir A. Shea to Colonial Office, April 27, 1887.

[See Inclosure 6 in No. 52.]

Inclosure 4 in No. 213.

Sir R. Thorburn to Colonial Office, April 27, 1887.

[See Inclosure 3 in No. 52.]

No. 214.

Colonial Office to Foreign Office.—(*Received June* 16.)

Sir, *Downing Street, June* 14, 1890.

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, copies of telegraphic correspondence with the Governor of Newfoundland respecting the date of Sir William Whiteway's visit to this country.

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

Inclosure 1 in No. 214.

Lord Knutsford to Governor Sir T. O'Brien.

(Telegraphic.) *Downing Street, June* 12, 1890 3·50 P.M.

WHEN does Session close; when may I expect Premier

Inclosure 2 in No. 214.

Governor Sir T. O'Brien to Lord Knutsford.

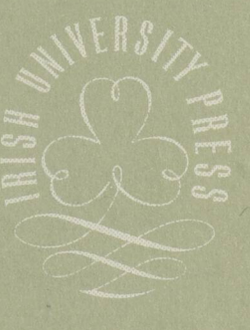
(Telegraphic.) (*Received June* 13, 1890.)

SESSION closed 11th June; Premier leaving on or about 25th June.

Date Due

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