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DEBATE

ON

THE STATE OF THE ISLAND

OF

NEWFOUNDLAND;

IN THE

HOUSE OF COMMONS,

On TUESDAY, the 11th of MAY, 1830;

INCLUDING

THE SPEECHES

OF

Mr. ROBINSON,

SIR GEORGE MURRAY,

Mr. BERNAL.

Mr. LABOUCHERE,

Mr. HUME,

Mr. WARBURTON.

LONDON:

PRINTED FOR

THE PROPRIETORS OF "THE MIRROR OF PARLIAMENT,"

PARLIAMENT-STREET, WESTMINSTER.

1830.

HOUSE OF COMMONS,

TUESDAY, MAY 11th, 1830.

Mr. ROBINSON.

I rise, Sir, pursuant to the notice which I have given, to move for the appointment of a Select Committee, to inquire into the state of the island of Newfoundland. I should not venture at this late hour to obtrude myself on the notice of the House, or to occupy its time with detailed observations on this subject, did I not feel that it is one which well merits the most serious consideration of Parliament. I believe I am justified in saying that there is no one of our colonies, the condition of which is not better known and understood by the House, than the colony which I am now about to bring under its notice. Indeed, though the Members of this House legislate for the island of Newfoundland, they know, comparatively speaking, little or nothing about the condition of that colony. The few Acts of Parliament which are brought forward for the regulation of its affairs are generally prepared in the Colonial Office in this country, and are proposed by some individual connected with the colonial department—they are frequently introduced at a late hour of the night, and pass through their several stages without exciting any observations or discussion. Under such circumstances, I think I have a just right to claim the attention of the House on the present occasion. The people of Newfoundland complain, and I think they have a right to complain, of the line of policy which has been pursued by the Government in this country towards that colony for a long series of years. It is one of the oldest colonies in our possession, and though of that importance which should entitle it to a well-regulated and proper administration of its affairs, they have for a long period been conducted in a manner which was anything but calculated to promote the prosperity of that island.

Newfoundland had been long regarded as a mere fief

of the Admiralty, and a naval officer was from time to time sent out there to administer its affairs. He has been allowed to remain but a short time, when he has been recalled to make room for some other naval commander, and in consequence of this species of management, though, I may venture to assert, that there is no one of our colonial settlements possessed of greater natural advantages than Newfoundland, yet there is not one that has made so little progress in population, in wealth, and, I may add, in civilization. The fact is, that the resources and the wealth, and the population of the colony, have latterly declined; and if we look to the state of our fisheries there, we shall find that we have made less progress in them than our neighbours, the French and the Americans. These are the reasons which induce me to bring the state of this colony under the consideration of Parliament. I wish to shew to the House that the system of policy which has been pursued towards this island for many years past has been one calculated to retard its improvement, and cripple its resources. The policy of our Government for a great many years has been to treat Newfoundland as a moveable fishery—the Governors and other official individuals sent out have been left there but for a short period, and the few Acts of Parliament passed for the colony have been calculated to return every shilling produced there to this country, with a view to render Newfoundland a mere nursery for seamen. Yet, notwithstanding that the policy of our Government has been to prevent any persons from settling permanently in Newfoundland, there is a large population there at present, amounting to upwards of 90,000, and consisting of Irishmen, Scotchmen, individuals from this country, and their descendants. In accordance with the policy to which I have alluded, the naval governors were generally sent out to Newfoundland with instructions, in some instances, to compel parties, who were desirous to settle permanently there, to return to this country; and in other instances, to prevent them from erecting buildings for the purpose of taking up their residence there. In this manner individuals have been prevented from effecting a permanent settlement in Newfoundland. Indeed, I will venture to assert, that such a system of policy as has been pursued in this instance towards that island has not been adopted towards any

other colony in our possession in that quarter of the globe.

I am anxious that the House should institute an inquiry, in order that justice should be done to the people of Newfoundland, who have many and well-founded reasons to complain. Of the Right Honourable Gentleman opposite (Sir George Murray), I do not wish to make any complaint since he came into the office which he at present holds. I am well aware that his anxious desire has been to promote the welfare and improvement of all our colonial possessions. I am persuaded that it is only necessary to suggest to him measures calculated to effect such results, to secure their adoption; and it is upon that conviction of the sentiments entertained by that Right Honourable Gentleman, that I wish to direct his views towards this colony, for the purpose of promoting its agricultural and commercial prosperity by the introduction of a good and well-regulated system of Government there; and I can assure him, that he will reap a rich harvest of gratitude for all the care and attention he may bestow on this subject. Notwithstanding the unfavourable circumstances which I have already mentioned, this colony has risen rapidly of late years; but there is still an immense field, indeed, for improvement. With a surface of square miles equal to that of England, and with a population of only 90,000 souls, the island of Newfoundland has not hitherto possessed agricultural produce, though fully capable of raising it, sufficient for the maintenance of its inhabitants; and it has been indebted to foreign supplies for almost the whole of what is required for their subsistence. The consequence is, that they are obliged to depend, in a great degree, upon these fisheries, which afford only a casual means of support; and when the fisheries happen to fail, as they frequently do, they are reduced to the greatest possible distress. The Right Honourable Gentleman will find, in the records of his office, during the past season, an exemplification of this fact. The Right Honourable Secretary is aware that, in the course of the last year, an official despatch was received from the Governor of Newfoundland, representing the great distress to which the population in the northern district of that island had been reduced in consequence of the failure of their fishery; and the governor, with that humanity which distinguishes him, immediately directed

that a supply of money should be forwarded out of the public treasury, to procure provisions for those distressed individuals. It is to prevent the recurrence of such misfortunes, and to save the expenditure which is thus required to relieve the distress of the population of Newfoundland under such visitations, that I am anxious to direct the attention of his Majesty's Ministers to the improvement and encouragement of the agricultural and other resources of this colony.

I believe that his Majesty's Government have latterly instructed the Governors who have been sent out there, to depart from the system of not permitting settlement there, and that orders have been despatched to them, if not to encourage, at least not to oppose and impede; as they have hitherto done, the agricultural improvement of that country. But Government must do much more than that; they must not only abandon the former absurd and unjust policy of obstructing the progress of agriculture in Newfoundland, but they must afford to it legislative support and encouragement, by the adoption of a proper system of laws for the administration of its affairs. It will be in the recollection of the House, that in the last Session of Parliament, the Acts relating to the government of Newfoundland, namely, the 5th Geo. IV. c. 51, and c. 67, for the regulation of the fisheries and the administration of justice in that island, expired. They were enacted in 1824, for a period of five years; they were merely intended as an experiment in the first instance; and the people of Newfoundland have just reason to complain that they were renewed last Session by a short Bill, for another period of three years and a-half, without any satisfactory explanation from his Majesty's Government as to their previous operation, though they had already undergone a trial of five years. It was extremely unfair to take the people of Newfoundland in this manner by surprise; and when his Majesty's Ministers proposed the renewal of these Bills for a further period of three years and a-half, they should have been prepared to furnish this House with their reasons for doing so. The answer of the Government to my complaint on this subject, on that occasion, was, that instructions had been sent out to the Governor of Newfoundland to procure for his Majesty's Govern-

ment the opinions of the law-officers there as to the operation of those laws; and that the reply of the Governor was, that they had not as yet been enabled to form a decisive opinion on that subject. Now, there are three Judges and the Attorney-General resident there, and it is rather strange, that after five years' experience of those laws, they could not give a decisive opinion as to their practical operation. That circumstance alone is sufficient to justify inquiry.

I gave notice, in the Session of 1828, of my intention to submit a motion to the House, similar to that which I am now about to propose. It was my intention to bring under the consideration of the House, in the succeeding Session—in 1829—the various circumstances connected with the government and condition of the colony of Newfoundland, unless his Majesty's Government should take up the subject, and institute that inquiry, for which the people of that island were then fully prepared. In the interval; before the commencement of that Session, the people of St. John's transmitted to me a complete statement of their views as to the operation of these laws. Previous to the question coming on last Session, I inquired at the Colonial Office to know whether the Right Honourable Gentleman intended to take up those Acts in the course of the Session with a view to their re-enactment, or modification, or whether he was disposed to consent to the appointment of a Committee of this House, in the first instance, to institute an inquiry into the subject. The latter appeared to me the best mode of proceeding, as the House, before it legislated for this colony, should be afforded the means of judging in what manner its legislation could be best applied. The Right Honourable Gentleman stated that he was not then prepared by the local authorities in the island, to state whether any alteration could be advantageously made in these Acts; and, accordingly, at a late period of the Session, the Colonial Secretary introduced a short Bill into this House for their continuation for a further period of three years and a-half. I opposed the passing that Bill; and my object was to procure an inquiry into the practical effects of those laws for the period during which they had been in force in the colony. The principal objection to the motion for their renewal was, that, during the period of their further continuance, the affairs of the colony

would be neglected, and no steps would be taken to encourage its agricultural and commercial resources by means of an improved system of legislation. The excuse of the Right Honourable Gentleman for proposing the re-enactment of those Acts without the institution of inquiry was, that the official authorities in the colony were not as yet prepared to give an opinion as to the operation of those laws, though they had been in existence there for a period of five years. But these persons may not be better prepared to give their opinion on the subject in 1832, when those Acts again expire, and the Right Honourable Gentleman will then probably come down with a similar statement to the House; and in this way Newfoundland will be legislated for by Bills prepared in the Colonial Office, without Parliamentary inquiry, and without the people of the colony being at all prepared for them.

I must protest, Sir, against such a system of legislation. This is the only one of our colonies in North America that does not possess a local legislature of its own; and it is without the power of making a road, or even the slightest improvement. Upon that account it has peculiar claims upon our attention and consideration, and Parliament should not, therefore, legislate for it without proper inquiry and investigation. Some time back I moved for certain papers, to shew what steps had been taken by his Majesty's Government, with a view to ascertain the operation of those laws in that colony. Amongst these papers, which have been laid on the Table, is the correspondence which took place on the subject between the Colonial Office and the Governor of Newfoundland; and I find that Sir Thomas Cochrane, whose letters I hold in my hand, makes reference to communications from the Judges in Newfoundland on the subject.

Now when the Right Honourable Gentleman last Session proposed the renewal of those Acts, he did so upon the ground that it was necessary to have further time to ascertain the opinions of the Judges, in Newfoundland, as to the operation of those Acts; but in the correspondence of Sir Thomas Cochrane, he speaks of some accompanying letters from the Judges on the subject. It is of infinite consequence that those letters should be produced. I maintain that we ought to have them

laid before us, and that we have a right to know why those learned persons, who have been administering those laws in that colony for a period of five years, are not prepared to make such a statement as would enable the House to judge in what manner they had operated. In justification of the course which I am now pursuing, and in corroboration of my opinions in reference to this colony, I shall read to the House an extract from a letter which I hold in my hand. The letter is from the present Chief Justice of New South Wales, Mr. Forbes, who formerly presided for some time in the Supreme Court of Newfoundland, and in the representations which he makes to the Colonial Office, as to the improvements which ought to be effected in the administration of the affairs of Newfoundland; and in the sentiments which he expresses as to the introduction of a better system of law there, I most entirely concur, and they will be found to bear out most fully the statements which I have made to the House on this subject. The following is the extract to which I allude, and it is well worthy the attention of the House—

As a general remedy, whatever tends to revive the fisheries, must also have the effect of relieving the people. It were desirable, that with the view of opening some auxiliary employment to the inhabitants of Newfoundland, every restraint upon the cultivation of the soil should be removed, and every encouragement given to the breeding of sheep, cattle, and other live stock.

The necessity of cultivating the soil, as an auxiliary to the fishery, is not disputed; nor is there any existing law which prohibits it; but there is none to encourage it, and there is still maintained in the island an ancient opinion that is against the policy of Government, as if that could be called policy which, in a country overstocked with people and distressed for food, would prohibit so plain a dictate of natural law, as that of raising subsistence from the earth.

This cannot be, is not, the policy of the British Government; and nothing is wanting but a fair apprehension of the case, to induce its enlightened rulers, not only to remove every shadow of obstruction for the cultivation of the soil, but to encourage and protect it by every means in their power. To preserve the transient fishery has been found impracticable; to attempt to revive it would be to shut our senses against the lights of reason, and the lessons of experience. As a broad proposition, it may be maintained, that if the fishery were to be taken up as it is *de facto*, and a system

adapted to the present state of things, openly avowed, and directly pursued by the local authorities, Newfoundland would become what it ought to be,—a prosperous settlement, subsisting itself by internal resources, drawing its manufactured supplies from the mother-country, and repaying her care by a valuable trade, and a numerous race of seamen, trained for her service, and ready to attend her first call in the defence of the empire.

Such is the language of Mr. Chief Justice Forbes, a gentleman than whom I do not know an individual better qualified to pronounce an opinion with regard to the affairs of this colony. I will not fatigue the House by entering into a detailed statement of the trade of Newfoundland, but shall merely mention one or two facts to give Honourable Members some idea of the importance and extent of that trade. In the year 1827 there entered the ports of Newfoundland 851 vessels, amounting to 93,406 tons, from foreign voyages; and there were besides, about 400 registered vessels engaged in the seal and cod fisheries, and probably 3000 or 4000 boats, employing from 8000 to 10,000 seamen in that trade exclusively. The imports and exports of the island amounted each to nearly ~~half~~ a million sterling.

With reference to other colonies, complaints have frequently been made in this House, as to the burden which they impose upon the mother-country in the shape of protecting duties for their produce; but no such tax is imposed upon us by the colony of Newfoundland. We have to pay a difference of 7s. as a protecting duty for West Indian sugar, against the sugar of the East Indies; and we allow the importation of timber from Canada at a low rate of duty, though we could obtain a much better article at a cheaper rate from the north of Europe. We pay no tax of that kind, as a protection for the production of the colony of Newfoundland, the principal productions of which are sent to foreign countries; the parent state not being burdened with a scale of protecting duties to encourage their consumption in this country. The chief productive article of export from Newfoundland is cod; and that fish is sent chiefly to Naples, Tuscany, Sardinia, Spain, and Portugal; and the portion of it which is of inferior quality is exported to the West Indies in British vessels; and, in exchange for it, a large quantity of West Indian produce is taken by the inhabitants of

Newfoundland. This trade employs a large portion of British capital; and that is another reason to press upon the House the consideration of the affairs of this colony. Honourable Members may ask what is the practical course of proceeding which I should recommend in the instance of this colony. I do not know that I am at all called upon at present to suggest the precise mode in which the evils that have arisen there could be best removed. It is the duty of the Government and the Legislature to seek, by proper inquiry and investigation, for the necessary remedy; and it is for that reason that I press upon the House the expediency of inquiry, in order that proper remedies may be applied, when discovered, to cure the evils of which the people of Newfoundland have so much right to complain.

It would be well for his Majesty's Ministers, in the first instance, to consider whether an attempt should not be made to obtain admission for the fish of Newfoundland into foreign markets at a lower rate of duty than is at present charged. This fish has to pay a duty of nearly 100 per cent. in some of the markets of the south of Europe, and a still greater duty in others of them; and it is only in Portugal that it is admitted at an *ad valorem* duty of 15 per cent., in consequence of our treaty with that country. The result is, that there is a larger consumption of this fish in Portugal than in any other country in Europe. Now, I think it would be well to press upon Government the propriety of applying to foreign states to take off or lessen this duty upon the principal article of export from Newfoundland, which would be the means of affording great relief to that colony. On this subject, I may state, on credible information, that the Neapolitan Minister, Mr. Medici, when the duties on Italian produce admitted into this country was lowered, was well disposed to have lessened the duty on Newfoundland fish, had it been pressed.

There is another point of considerable importance to which I wish to advert. The parties engaged in the fisheries of Newfoundland have made repeated applications to Government with regard to the interference of France and America in the fisheries of that island. It is true that France has enjoyed the right of participating in those fisheries, from a period so far back as the treaty of Utrecht. I do not complain that that right was confirmed to France by the

treaty of Paris in 1814. I am aware that that concession was then made in conformity with the general national system of policy which it was thought proper to pursue then, and I may, therefore, not have a just right to complain of it, though it is one adverse to the interests of the people of Newfoundland. But it is obvious that it is extremely important that the nature of the right granted to France, under the 13th article of the Treaty of Paris, should be clearly ascertained and defined. Now, the question is, whether the right claimed by the French be a permissive or an exclusive right; whether it be a right of fishing in a quarter where British subjects may also repair to fish, or whether it be a right which enables the French to exclude British vessels from fishing there. It has so happened, from the migratory character of the piscatory species, that the fish have abandoned what were formerly some of the best stations in the possession of the British, and that they now are found in greater abundance in the quarter where the French fish, and where they will not allow British subjects to come. The Chamber of Commerce of St. John's, Newfoundland, in their report, dated the 5th of August, 1829, say upon this subject:—

The Chamber, in the course of the last autumn, took occasion to inquire whether his Excellency, the Governor, would sustain a British vessel in fishing upon that part of the coast, commonly denominated the French coast, or if he would order her removal? In reply, his Excellency caused the Society to be informed, that he was not prepared to protect British vessels in fishing on the coast in question. At the same time, his Excellency had not instructions to direct their removal; but recommended, before the fishery be resumed, the parties proposing to do so should previously communicate with his Majesty's Government.

In accordance with the recommendation of his Excellency, the Chamber prepared a petition, which was addressed to the Right Honourable Sir George Murray, and forwarded through the Governor so long ago as the 6th of January last; but up to the present time, no answer has been returned, and the Chamber remain ignorant of the intentions of his Majesty's Government on this important point.

In consequence of this, I applied to the Right Honourable Gentleman on the subject. In reply I received a courteous and polite letter, in which the Right Honourable Secretary stated that the reason why no answer had been returned to the

former letter was, that the Government itself did not know the meaning of this particular article of the Treaty of 1814. I admit that if that be the case, the Government, of course, could not return a decisive answer at once on the point; but it was the duty of the Government, under such circumstances, to take the opinion of the law-officers of the Crown, as to the meaning of this article, and it should not have suffered it to remain without a proper explanation from 1814 to 1830.

When the Governor of Newfoundland, Sir Thomas Cochrane, was last in England, he told me that he had no doubt at all on the subject, that by this article the French were only allowed a permissive right to fish in these quarters. In that opinion I quite concur, for it would be strange indeed if any foreign nation could have an exclusive right to fish in seas and upon the shores of an island, the sovereign dominion of which is in the Crown of Great Britain. This is a point, at all events, which the Government should see speedily determined; and, in the meantime, as French ships-of-war are always on that coast, we should have ships there also as a matter of precaution, for at present the nearest station in which our men-of-war are to be found is Halifax. I must say, that the people of Newfoundland have a right to have this point speedily determined. If the Government of the United States had such a treaty as the Treaty of Paris in favour of its subjects, containing such an article as this, it would lose no time in taking steps to compel the French to settle the question.

The greatest injury has arisen to the inhabitants of Newfoundland, in consequence of the arrangement made with America. Yet this arrangement was not made without warning. The Government was particularly cautioned, in 1814, not to give the Americans any portion of our valuable fisheries. Now, Sir, what was the conduct of Government, notwithstanding that warning? I do not know whether the Right Honourable Gentleman, the Chancellor of the Exchequer, is in his place,—but I should be glad if he was; for that Right Honourable Gentleman was a party to the convention with America in 1818. The Government was then requested not to give up a share in those fisheries to the Americans; but, notwithstanding this warning, and that something like a promise was held out by the Govern-

ment, a part of these valuable fisheries was, in fact, ceded to the Americans. Sir, I am able to speak to these facts from personal knowledge; for I was one of those who waited on Lord Castlereagh on the subject. Two Commissioners, Mr. Golatzin and Mr. Rush, were appointed on the part of the Americans; and two on behalf of the British Government, one of whom was the Right Honourable Gentleman. Those Commissioners conferred on the subject, and the result was, that, for what I call a nominal equivalent, the British Commissioners gave up the right of fishing on the coast of Labrador—a concession most unfortunate to the inhabitants of Newfoundland, and, as I think, to the interests of the country at large. Now, Sir, I shall state what the inducement was under which the British Commissioners acted. Previous to the last American war, the Americans had exercised the right of fishing on the coasts of Nova Scotia and Cape Breton. This right was confined to the coasts, and did not extend to the right of entering the bays and harbours. This state of things certainly did lead to occasional collisions between British and American subjects; and I admit it was desirable to put an end to those collisions. I hope, however, that this country will always be able to protect its subjects, without any concession injurious to the public interests. On this occasion I do not hesitate to say, that the American Commissioners were better informed than the British. They derived their information from the Americans who were interested, and they came over to this country knowing what they wanted, and what they were prepared to give up. It was no wonder that the Right Honourable Gentleman opposite, and the other Commissioner on the part of this country, should not know much about the fisheries of Newfoundland, or the interests of the parties concerned in those fisheries. The consequence was, that a surrender was made to the Americans by the Convention of 1818, of some most valuable privileges. The Commissioners gave up to the Americans not only the right of fishing on the coasts, but the right of entering into all our harbours and bays, on pretence of getting wood and water. The consequence of this concession has been,—an astonishing increase in the number of American fishing vessels. There were 1800 vessels belonging to the

Americans employed in this trade last year, and only 1200 belonging to this Government. Sir, I mention these facts, not with a view of throwing blame on any party, but to shew that the inhabitants of Newfoundland have a strong claim on this House, and on the Government, to do all in their power to relieve them from the unfortunate dilemma in which they are placed. I do not wish to allude to any irritating topic, but I can assure the Right Honourable Gentleman (whom I now see in his place) that these are very sore transactions to the people of Newfoundland, and that they speak of them with great severity. I only say, however, that these transactions give those persons a strong claim for any advantages which we can confer upon them, and which will enable them to bear up against the disadvantages with which they have to contend.

Another evil to which British interests are exposed, is the unequal competition with France and America; and considering the immense importance of our maritime interests, I cannot help thinking that a great deal of apathy has been evinced on this subject. If this point were fairly considered, I think it would be found of the utmost importance. The French and Americans give bounties to an enormous amount to sustain their subjects in those fisheries; and it requires some great effort to support the British subjects engaged in them from the effects of such a ruinous competition. Not as matter of favour, but as matter of justice and expediency, I think the Government of this country is bound to bestow a little more attention on this unfortunate colony. I hold in my hand a report made to the French Government on this subject, by Monsieur Montbel, the colonial Minister; but the House need not be afraid that I shall enter into its details. I do not intend to read a word from it. I may be allowed, however, to mention that the report states, that to encourage this valuable fishery, 3,000,000 of francs are annually expended in bounties, and that the report further states that this sum is advantageously bestowed, and prevents the necessity of a larger sum being expended on the navy. I merely mention the circumstance to prove that the French give bounties. The Americans, Sir, also give bounties. I am afraid I am trespassing too long on the attention of the House, but I shall endeavour to compress what I have to say into as small

a compass as possible, or as may be consistent with doing the subject justice. There is only one other topic, Sir, to which it is necessary for me to allude. A new rival has lately sprung up in another quarter of the world: I mean the Danes and Norwegians, who are now prosecuting the fishery with so much spirit as to have already driven us out of the market we had in the north of Spain. Another point to which I ought, perhaps, to allude, is the revenue of the colony. I know there are some Gentlemen who look unfavourably on all our colonies that produce any expense, and are of opinion, that if they cannot maintain themselves, they should by us be given up. I confess, Sir, I am not one of those who look upon our colonies in this way; and, perhaps, connected as I am with them, it is natural that I should not take a similar view. I may state, however, that until 1824, up to the period when a new system was adopted, and judicial officers appointed, which produced an increased scale of expenditure, this colony did more than pay its own expenses. For twelve years preceding 1824, this country drew a surplus revenue of 89,000*l.* from Newfoundland, which went into the Treasury. I admit that, subsequently, the revenue has not been sufficient to defray the expenses. The military, and some other expenses are now defrayed by the mother country; but I say that, considering the fact that a revenue was derived from this country for many years, if Parliament is called upon to vote a sum for the benefit of the colony, the colonists have a right to say, "Give us the benefit of the surplus revenue which you derived from us." "Sir, it is a most important fact in the history of this colony, that it has no local legislature—the colonists cannot make the slightest improvement without the permission of the British Government. Under the present system this operates as a great hardship on the colonists; and, unless a better system is adopted, I, for one, shall advocate the right of the inhabitants of this colony to legislate for themselves. Hitherto, in my opinion, their interests have been much neglected.

Sir, I know of no other subject to which it is necessary for me to allude at this late hour. I am sincerely grateful to the House for the attention which it has given me on a subject that I know is not the most attractive. I am grateful to the House for the patience with which it has heard me, not only

on my own account, but on the part of those whose interests I have, I fear, but feebly advocated. Sir, I have now to move that a Select Committee be appointed to inquire into the state of the island of Newfoundland.

Mr. HUME seconded the motion.

SIR GEORGE MURRAY.

Sir, I have listened with all the attention which I could bestow to the statement of the Honourable Gentleman, because I am ready to admit that the persons whose case he brings forward have a just claim to the attention of his Majesty's Government. It is not necessary, Sir, nor can the House nor the Honourable Gentleman expect, I should think, that I should follow him through the various topics to which he has adverted in the course of his statement. In the few observations that I have to make, I shall address myself chiefly to the point whether the Honourable Member has made out a case to shew that a Committee ought to be appointed. That is the question which it appears to me the House is now called upon to decide. The Honourable Member complains of the original policy adopted by this Government with respect to the colony of Newfoundland; but surely it is not now necessary to submit the expediency of that course to the consideration of a Committee of this House. The most advantageous result originally contemplated from the establishment of this colony was, that it should be made a nursery for British seamen. Acting upon this principle, the Government certainly discouraged colonization in this island, and pursued that course which the Honourable Member has designated as an anti-social system. It is not necessary now to consider whether this system was good or bad in its origin, or whether the Government were right or wrong in persevering in it so long. In spite of all that was done to discourage it, colonization took place in the island, in which there is now a population of 80,000 or 90,000 souls. Under those circumstances, it was not in the power of Government to pursue the original system. Indeed, it would have been at once absurd and barbarous to persevere in such a system, and it was, therefore, abandoned. It henceforth became necessary to treat the colony of Newfoundland as any

other colony was treated, and to bestow the same care on the interests of the large population which was there established. Now, it does not appear to me to be necessary to discuss this particular part of the subject. The facts leave no room for dispute. The old system has been abandoned; and whether it was right or wrong, it matters little—it was impracticable, and could not be persevered in.

The next point to which the Honourable Gentleman alluded, was to the laws which were passed, and which he justly designates experimental laws. He lays it as a ground of complaint, if I understand him right, that I came down to this House, before the expiring of those laws, and brought in a short Bill to continue them in operation for three years longer. Now, Sir, why did I adopt that course? I had called upon the Governor to report to me whether the new laws were found to answer their purpose in practice, and whether any amendments could be suggested by him. The reply was, that the laws were in operation in the colony, but that they had not been long enough in operation to enable him to give an opinion on their merits, or to suggest any amendment. Under those circumstances I brought in a Bill to continue the operation of those laws for two years longer. Now, Sir, I do not know what ground for complaint there is in this proceeding. I know that the Honourable Gentleman disclaimed any intention of making imputations or throwing blame, but yet he appeared to me to be throwing blame on the Government at every turn. But I ask, Sir, what else could I have done but asked for the continuance of the existing laws for a short period? Should I have introduced a new measure? Upon what foundation could I have introduced it? I could not have said that the existing laws were insufficient or unfit; for those best qualified to judge had informed me that they could not yet give any opinion on the subject. Suppose a Committee was then, or should now be appointed, who should I have called before it? The local Judges had excluded themselves from giving any opinion, for they had themselves declared that they were not yet prepared to give any opinion, for that the law had not been long enough in operation to enable them to form any opinion as to their practical fitness. The Judges—the persons most intelligent and the best qualified to give an opinion—persons who, according to the Honour-

able Member himself, had done their duty in the colony in such a manner as to merit general approbation;— these Judges, I say, could not give any evidence on this subject, for they have already stated that they were not prepared to give any opinion. Sir, I do not hesitate now to repeat what I stated before, that when I receive the information which has been called for on this subject, I shall be ready either to bring in a Bill to continue the present laws and render them permanent, or to repeal them. I am ready to act as soon as I am in possession of such information as will enable me to proceed, and I shall then be most happy to attend to any suggestions which it is considered may be found to be beneficial to the colonists.

Sir, there are many other points to which the Honourable Member adverted, but to which it does not seem necessary that I should reply. It certainly is desirable, that British subjects employed in the fishery should be enabled to dispose of the produce of their labours to the inhabitants of other countries at as low a rate of import-duties as can be obtained; but it is not necessary that this subject should be submitted to a Committee of the House of Commons, unless it can be proved that Government has not obtained as advantageous terms from foreign countries as it ought—an inference, the correctness of which I must beg leave to deny. The Honourable Member, in adverting to the treaty with France, says, he does not blame the Government for that treaty; for although it was disadvantageous to Newfoundland, the general interests of the country might have made it necessary. Notwithstanding this candid admission, however, the Honourable Member seems inclined to throw much blame on Government in consequence of this treaty. Now, Sir, what I wish to ask is, what advantage there would be in bringing this treaty before a Committee of this House? The Honourable Gentleman has asked, why not frame this treaty according to the opinions of the law-officers of the Crown? The Honourable Gentleman seems to forget, however, that there was another opinion entitled to some weight in interpreting the treaty—I mean, the opinion of the French Government. It was a treaty between two independent countries, and I cannot conceive that any advantage could now be derived from submitting it to the consideration of a Committee of this House. The Honourable Gentleman has very plainly insinuated,

that the government of America is more prompt to assert its own rights than the Government of this country—an observation on which I have nothing more to say, than that I do not concur in its accuracy. The Honourable Gentleman has also stated a ground of complaint which I could not help considering as somewhat extraordinary. He says that the fish are of a migratory disposition, and have gone over to that part of the coast over which the French have the right of fishing, to the great disadvantage of our colonists. Now, Sir, supposing this to be the case, it surely gives us no greater claim on France than if no migration had taken place.

The Honourable Member has charged my Right Honourable Friend near me, who happened to be one of the Commissioners employed in framing the Treaty of Ghent, with want of knowledge on this subject, at the same time that he lauds the Americans, to which I have no objection, as I have no other feeling towards America but a friendly one. But again, Sir, I would ask, what advantage could be derived from entering on those topics? Is a Committee to be appointed to criticise the Treaty of Ghent; and if such a Committee were appointed, what good could result from it? Sir, I do not know that it is necessary for me to enter at greater length into this subject. If I have omitted any point which it was necessary I should reply to, I regret it; but I believe I have touched upon the principal points adverted to by the Honourable Member. As far as I can perceive, he has not established any sufficient grounds for the appointment of a Committee. The Honourable Member has adverted to a supposition, that Government, in its conduct towards this colony, has been influenced by the opinions of persons more anxious for their own interests than the general interests of the country. I do not know, Sir, to what individuals the Honourable Member alludes, but I can assure the House, that if the Honourable Member or any other individual can suggest any mode of conduct which is likely to promote the prosperity of the colony, I shall be most happy to attend to it. The Honourable Member has alluded to the obstructions thrown in the way of agriculture and cultivation; and it is very true that such obstructions did exist, when, as I have already stated, the policy of the Government was to discourage colo-

nization ; but no such obstruction now exists ; and I am satisfied that we cannot do better than by cultivating the interests of the colonists, and promoting population, colonization, and general prosperity as much in this island as in any other colony. Sir, I have only to observe, in conclusion, that it is impossible for me to accede to the motion now before the House, as I cannot make up my mind that any advantage could result from the appointment of a Committee.

Mr. BERNAL.

Sir, after the candid and luminous explanation which the House has just heard from the Right Honourable Secretary for the Colonial Department, I trust the Honourable Member for Worcester will not consider it necessary to press his motion. I am bound to say, however, that I think he has made out a case, demanding a full explanation from the Government, as well as the most serious attention from this House. The Judges, who are admitted on all hands to be men of experience and sagacity, after three years have passed, are, it seems, unable to give an opinion whether the existing laws are suitable for the government of this colony or not. This is a singular circumstance ; and as Newfoundland is no longer to be regarded as a mere fishing-station, I think the colonial government is called upon to have some remedial plan devised or arranged, and to state when it will be prepared to give something like what I may call a constitution to the island of Newfoundland. I think a due responsibility ought to rest on the colonial government. I am willing to give the Right Honourable Gentleman every credit for purity of intention ; I believe he is willing to get out of the anomalous situation in which he was placed with regard to Newfoundland ; but I really think it is incumbent on him now to do something, and set the question at rest. I think three years are sufficient to enable the local authorities to form an opinion as to the adequacy or inadequacy of the existing laws, and that they ought to be pressed. As to the right of fishing on the coast of Labrador, I think the colonial government is bound to institute some inquiry into it. If the Right Honourable Gentleman will give some assurance that an amicable explanation will be entered into on this subject with the Government of the United States, I

hope my Honourable Friend, the Member for Worcester, will leave the subject in the hands of Government, and not press his motion for a Committee.

I cannot sit down without bearing my testimony to the meritorious efforts of the Honourable Member for Worcester on this important question. I believe this is the fourth time he has called the attention of the House to it. Sir, this colony, no doubt, is less important than many others; but that is no reason why it should be slighted, or why there should be any unnecessary delay. I submit this, however, to my Honourable Friend,—that if there shall be a declaration from the Right Honourable Gentleman, that the just complaints of the colonists shall be attended to and investigated, and that the subject shall not be put upon the shelf like a musty record, then I would advise my Right Honourable Friend not to press his motion.

Mr. LABOUCHERE.

I cannot concur with the Honourable Member who has just sat down, in recommending the Honourable Member for Worcester to withdraw his motion. I think the greatest advantage would accrue to the colony from the labours of a Committee. Look at the specimen of procrastination which the conduct of the colonial government on this matter has already exhibited. To arrange the simple concerns of a population of about 80,000 persons, after a correspondence of three years, the Right Honourable Gentleman is not prepared with any plan to redress admitted grievances. Sir, I think this fact alone is sufficient to justify the appointment of a Committee. As to the evidence to be produced before that Committee, I contend that there is, or ought to be, sufficient evidence in the Colonial Office on the subject; and that no difficulty could arise from the deficiency of such evidence. I can assure the House, that the greatest discontent exists amongst all classes in the colony; and I hope that the Honourable Member for Worcester will persist in his motion. If a Committee were appointed, I have no doubt that its labours will terminate satisfactorily for the colonists.

Mr. PONSONBY.

I do not mean to trespass at any length on the attention of the House at this hour. I think, how-

ever, that a case has been made out to justify the appointment of a Committee, and I shall certainly support the motion, if it be pressed to a division.

Mr. HUME.

Sir, it appears to me of much more consequence, that we should appoint this Select Committee,—after what has fallen from the Right Honourable Gentleman. He says he will attend to the colony whenever he receives information. He has not satisfactorily explained why he has not taken means to obtain information before now. I think the Honourable Member for Worcester has done the best thing that was possible, under all the circumstances, by moving for a Select Committee, and I hope he will press his motion. I think there has been gross negligence upon this subject on the part of the Colonial Office. A letter was addressed to that department by a number of unfortunate individuals who had lost their means of subsistence by the migration of the fish. They asked whether they had a right to go to other places to fish, and for nine months these poor people received no answer. Sir, this is an act of gross negligence. It does not appear that an answer to the question has been given up to this day; and the Right Honourable Gentleman seemed rather to use terms of ridicule when adverting to the subject. In my opinion, a Committee affords the best means of investigating this subject; and I hope the Honourable Member who brought it forward will not be induced to withdraw his motion by what has fallen from the Honourable Member for Rochester (Mr. Bernal). The Right Honourable Gentleman says he waits for information; but does my Honourable Friend expect the information will come from him? Here is a colony not able to make a road for itself, having no one to represent its interest. Can it be possible that the population of that colony can be content, when it is governed, altogether, by persons in whose appointments the colonists have no voice?

We are told by the Right Honourable Gentleman opposite, that he does not consider the kind of government adopted by this country with respect to her colonies, to be in any degree degrading to those who live under it. He contends, in spite of the fact of their being ruled in an arbitrary manner, that they are as much Englishmen as if they were born in this country. I think he said, too, that he considered himself

as the representative of the inhabitants of our colonies, and that it would ever be his endeavour to protect their interests. I would ask him, however,—if these individuals recognise him as their representative—whether there is any fellow-feeling or direct communication between them and himself? I believe that there is none. The Honourable Member for Worcester, in the course of the speech which he has delivered on this occasion, turned round and addressed those who sat on these benches, and charged us with having entertained an unfavourable opinion with respect to the colonies. I beg leave to correct him upon that point. I entertain no unfavourable opinion with respect to the colonies themselves, although I have undoubtedly a strong objection that this country should be obliged to support and to maintain them. It is of those colonies, only, which have ever been a source of expense to this country, that I have complained. For the others, I have always felt, and shall always entertain, the sincerest respect and regard; and I consider that, if 10,000, or 5000, or any given number of Englishmen settle in a colony, they have a right to interfere, and to take a part in that government to which they are expected to be subservient. If they are deprived of this right, they are no longer free men—they are slaves, and deprived of the rights of citizenship, and subject to an arbitrary government over which they have no control. It is of the system upon which the colonies are governed that I principally complain; and if the Government will not put them in a situation to maintain themselves, I certainly am for getting rid of them. At present the immense expenditure necessary to support the wants of the almost countless number of persons who, for the sake of patronage, are appointed to situations in the colonies, operates so detrimentally to the interests of our possessions abroad as to render it almost impossible for them even to gain sufficient strength to support themselves,—although their natural resources, if they were not choked up by the burden thus thrown upon them, are in many instances amply sufficient to raise them to importance, and to make them a source of wealth to this country. In the present case, it appears that the colony of Newfoundland would be quite competent to support itself if it had a law which would render it more independent of this country. The Honourable Member who brought this subject be-

fore the House, has urged, year after year, the necessity of passing a law to extend to the inhabitants of Newfoundland the exercise of those privileges which every subject of this country has a right to enjoy; but it has hitherto always been denied. And yet in a few days we shall be called upon to grant a supply of money to support this very colony, which, if allowed to act for itself, would be able to pay its own expenses, and probably to add to the revenue of this country. This is the third year in which the Honourable Member has brought forward a motion of this kind; and in spite of the repeated assurances of Ministers that the matter should be duly considered, he is now not one whit more forward than when he began. I think, therefore, that he should not yield to any assurance which may be given on this occasion; for I can assure him, upon the strength of a pretty long experience, that so long as he gives way to this Government, he will get nothing. In cases of this kind, there is nothing like holding out. I would have the Honourable Member to press the question to a division; because, by so doing, he will relieve himself from all responsibility, and will throw it upon the shoulders of his Majesty's Government. I have felt myself obliged, perhaps, a little too warmly, to state my feelings—the honest feelings of my heart—upon this subject. I give the Honourable Member great credit for the persevering manner in which he has ever advocated the cause of this unfortunate, neglected, and now miserable colony. I only hope that he will go one step further, and carry the question this night to a division.

SIR GEORGE MURRAY.

Perhaps I may be allowed to say, in explanation, that the present Governor of that colony has been put in possession of the fullest information by my predecessor, the Honourable Member for Liverpool.

Mr. WARBURTON.

I shall only trouble the House with a single observation upon this question. It is in the power of the Government, by making an arrangement with the Italian States, to afford the greatest possible benefits to the colony of Newfoundland, while it would also be productive of considerable good to this country.

The Italians are anxious to procure their dried fish from Newfoundland; and as they would of course be highly advantageous customers to that colony, it is the duty of this country to do everything in its power to facilitate the intercourse. But, as I have already said, the interest of a considerable portion of the inhabitants of this country must naturally advance with those of the colonists at Newfoundland. The House, perhaps, is not aware that there are many places on the southern coast of England which are principally maintained by the trade carried on with the fishermen of Newfoundland. In the place which I represent, nearly 3000 persons obtain a livelihood by the manufacture of lines, cordage, sail-cloth, and other articles of the same kind, which are almost exclusively exported to the fisheries of Newfoundland. Under these circumstances, I trust that the tenders which have been made by the Italian States will be received with cheerfulness by this Government.

Mr. ROBINSON.

The Right Honourable Gentleman, in reply to that part of my statement in which I said that no answer had been returned to the letter to which I alluded, says, that the present Governor was put in possession of all the information which he would require by his (the Right Honourable Gentleman's) predecessor in office; but this, Sir, does not meet my charge on that head:—because, in point of fact, the Chamber of Commerce, to whom a letter was addressed on the 6th of January last, have not, up to the present moment, returned any answer. With respect to the other parts of the subject, I have only to observe, that the Right Honourable Gentleman has directed his reply entirely to the form of my motion, and has not, in my humble judgment, answered one of the allegations which were adduced by me. The Right Honourable Secretary declares that his Majesty's Government have been anxious to obtain information upon the subject, and that that has been the reason of the delay I complain of. But if they were really anxious to have obtained information, it is impossible that they could have had better opportunities than those which have occurred. Last year, during the discussion upon this subject, the Chief Justice of the colony,

a most intelligent individual, and one most competent to give an opinion upon the question, was in London. The Attorney-General of the colony, too, a person well acquainted with the subject, was also in London. The Colonial Secretary, the Ex-Colonial Secretary, and some other persons connected with the colony, were also in England. I ask, therefore, if his Majesty's Government were anxious to obtain information—whether they had not ample means of getting it? If the Committee which I moved for last year had been granted, I could have obtained, in a very short time, a sufficient body of competent witnesses to have given all the evidence and all the information that could be desired. I should have no difficulty, indeed, in doing so at the present time, for the Chief Justice of Newfoundland is now in Scotland; one of the late Judges is in London; and the Colonial Secretary is in Scotland. I would ask, therefore, if the Government really be anxious, as it purposes to be, to institute some inquiry into this subject,—what there is to prevent it from doing so now? In the course of a few days, I could furnish the House with such a body of evidence as would enable them,—if not this Session, at least in the course of the next,—to legislate with advantage upon this subject. Notwithstanding, therefore, the recommendation of the Honourable Member for Rochester, I shall press this question to a division, unless I get an assurance from Government that they will take this subject up early next Session.

Question put—"That a Select Committee be appointed to inquire into the state of the Island of Newfoundland;" House divided—

Ayes	.	.	.	.	29
Noes	.	.	.	.	82
					—
Majority	.	.	.	.	53