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JOURNAL

OF THE

LEGISLATIVE COUNCIL

OF

NEWFOUNDLAND.

JOURNAL

OF THE

LEGISLATIVE COUNCIL

OF THE

ISLAND OF NEWFOUNDLAND.



HIS EXCELLENCY

CHARLES HENRY DARLING, ESQ.,

GOVERNOR AND COMMANDER-IN-CHIEF IN AND OVER
THE ISLAND OF NEWFOUNDLAND AND ITS
DEPENDENCIES, &c., &c.

BEING THE THIRD SESSION

OF THE

SIXTH GENERAL ASSEMBLY.

1857.

JOSEPH WOODS, PRINTER, ST. JOHN'S, NEWFOUNDLAND.



PROCLAMATION.

C. H. DARLING.
[L. S.]

*By His Excellency CHARLES HENRY DARLING,
Esquire, Governor and Commander-in-
Chief in and over the Island of Newfound-
land and its Dependencies, &c., &c., &c.*

WHEREAS the General Assembly of this Island stands Prorogued until Friday the Tenth day of October instant : And Whereas I think fit to Prorogue the said General Assembly until Saturday the Twenty-ninth day of November next ensuing. I do therefore, by this my Proclamation, further Prorogue the said General Assembly until Saturday the Twenty-ninth day of November next ; of which all persons concerned are required and commanded to take due notice and govern themselves accordingly.

Given under my Hand and Seal at the Government House,
at St. John's, in the aforesaid Island, the Fourth day
of October, One Thousand Eight Hundred and Fifty
Six, and in the Twentieth Year of Her Majesty's
Reign.

By His Excellency's Command,

JOHN KENT,

Colonial Secretary.



PROCLAMATION.

C. H. DARLING.
(L. S.)

*By His Excellency CHARLES HENRY DARLING,
Esquire, Governor and Commander-in-
Chief in and over the Island of Newfound-
land and its Dependencies, &c., &c., &c.*

WHEREAS the General Assembly of this Island stands Prorogued until Saturday the Twenty-ninth day of November instant: And whereas I think fit further to Prorogue the said General Assembly until Thursday the Twenty-ninth day of January:

I do therefore by this my Proclamation, further Prorogue the said General Assembly, until Thursday the Twenty-ninth day of January next, then to meet for the despatch of business; and all persons concerned are required and commanded to take due notice and govern themselves accordingly.

Given under my Hand and Seal at the Government House,
at St. John's, the Twenty-eighth day of November, One
Thousand Eight Hundred and Fifty Six, and in the
Twentieth Year of Her Majesty's Reign.

By His Excellency's Command,

J. KENT,

Colonial Secretary.

LEGISLATIVE COUNCIL, NEWFOUNDLAND.

Third Session Sixth General Assembly,
20th Victoria.

THURSDAY, 29th JANUARY, 1857.

This being the day appointed for the meeting of the Colonial
Legislature,

At half-past One of the Clock, P. M., the House met.

House meets.

PRESENT :

The Honorable LAURENCE O'BRIEN, *President.*

“ JAMES TOBIN
“ JOHN ROCHFORT
“ SAMUEL CARSON
“ THOMAS ROW
“ JAMES J. ROGERSON
“ THOMAS H. RIDLEY
“ PHILIP DUGGAN

Members present.

At Two of the Clock, P. M., His Excellency the Governor having arrived at the Council Chamber, and being seated on the Throne, the Honorable the President of the Council commanded the Usher of the Black Rod attendant on the Council, to go to the Commons House of Assembly, and inform the Members thereof that it is His Excellency's pleasure that they do forthwith attend at the Bar of this House; and they being come thereto, His Excellency was pleased to open the present Session by a gracious Speech to both Houses.

Governor arrives at
Council Chamber—

The Assembly summoned to attend him.

The House of Assembly having withdrawn, His Excellency was pleased to retire.

29th January, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

A copy of His Excellency's Speech having been left with the House, it was read by the Clerk, and is as follows:—

Mr. President, and Honorable Gentlemen of the Legislative Council :

Mr. Speaker, and Gentlemen of the House of Assembly :

His Excellency's
Speech on opening the
Session.

You will resume the exercise of your Legislative Functions, under circumstances so favourable in regard to the Commercial and Financial position of the Colony ; and the material prosperity of its Inhabitants ; as to justify me in offering to you, and through you, to the Country, my warm congratulations.

The quantity of the Staple Produce which has left our Shores during the past year, considerably exceeds the export of any previous year recorded in our Colonial Annals ; while a Tariff which admits to consumption, articles of food of first necessity—the Bread and Meat of the People—free from Taxation, has contributed to the Revenue a sum of about £91,000, being nearly one fourth more than the largest annual amount ever received into the Colonial Chest, from the same source.

It must be, to you, a just cause of satisfaction, that the Policy adopted in the Session of 1855, whereby the Provisions of the Treaty with the United States, of the 5th June, 1854, were extended to this Colony, has, by opening up new Markets, both of Consumption and Transit, into which our Colonial Produce is admitted at its natural Commercial Value, materially assisted in sustaining and even augmenting that value, during a period when the unusual abundance of the supply would, under ordinary circumstances, have probably produced an opposite effect.

While these great advantages have been secured to our Commerce and Finance, the industry of the Fishing Population has not, I have reason to believe, been exposed in a single instance to interference from without, by the exercise of the privilege to take fish upon our Coasts, which, under the Treaty in question, is extended to Citizens of the United States.

Confidence may, I think, be felt, that the conditions which ordinarily regulate the employment of Capital, Time and Labor, will

29th January, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, *Governor.*

continue to avert from our People, this species of competition in their habitual pursuits.

The anticipation I expressed to you, when last assembled in this place, that the Submarine connexion of the Island with the American Continent by Electric Telegraph would be completed ere the close of the past year, has, as you are aware, been amply fulfilled ; and the advantages thus conferred upon the Community, especially upon the Commercial Classes, are duly appreciated and largely availed of.

In a political point of view, those advantages are not less valuable and important. I have already had the satisfaction of interchanging, by this means, prompt communication with Her Majesty's Representatives in Canada and all Her other North American Possessions upon the Eastern Shores of the Continent ; while the opinions of men of profound practical Science, of experience and skill, sanction the belief that the Union of that Continent with the other quarters of the Globe, through Great Britain and this Island, by the same marvellous Agency, will be consummated in the course of the approaching Summer.

Nor has the expectation in which on the same occasion I ventured to indulge, that regular communication by Steam with the Mother Country direct, would be *initiated* at an early date, although far from satisfactorily met, been altogether disappointed. An experimental voyage upon this principle, has been carried through ; and although it was notoriously performed under most unfavourable circumstances, the immediate renewal of the Scheme, upon a more extensive Scale, is now publicly announced.

I have duly transmitted to Her Majesty's Secretary of State your representations in relation to this interesting question ; and the Correspondence, a part of which has already been made public, will be fully communicated to you.

While I regret that the good faith due to existing Contracts, necessarily prevents the Imperial Government from at once acceding to your views, I suggest to you, to consider, whether the financial re-

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THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

sources of the Colony may not be fairly and advantageously applied to the promotion of those increased facilities of Postal correspondence and personal locomotion, which the conspicuous place the Island is about to occupy upon the Telegraphic Chart of the World, and the increased Commercial activity which must ensue, seem urgently to call for.

Mr. Speaker, and Gentlemen of the House of Assembly :

I appeal to you, with that confidence which experience warrants, to provide the Supplies necessary for the efficient conduct of Her Majesty's Service ; for liquidating the claims of the Public Creditor ; and for the Maintenance of those Institutions and Public objects conducive to the moral and social advancement of the Colony, which have hitherto received your liberal support.

The usual Financial Statements will be laid before you.

After the intimation I have already made, you will not be surprised to find, that the Ordinary Revenue actually collected, amounting altogether to £100,000, presents a large surplus over the expenditure on account of the service proper to the year.

This and the other favourable results of your fiscal policy, with the indications of future progress to which I have adverted, may perhaps suggest to you the enquiry whether the principles of Free Trade might not be advantageously extended, by admitting duty free, from whatever country imported, those articles which are now exempted only when the growth, produce or manufacture of the United States or of Great Britain, or the British North American Colonies.

The simplification and consolidation of the Tariff would be one valuable result of such a measure ; and if the existing rates of Duties should be found susceptible of such further alterations and adjustment, as would compensate for the diminution of Revenue, if any, which its operation might produce, the only consideration which appears to throw doubt upon the expediency of its adoption, would be satisfactorily dealt with.

29th January, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, Governor.

Mr. President, and Honorable Gentlemen of the Legislative Council :

Mr. Speaker, and Gentlemen of the House of Assembly :

I shall cause to be laid before you, the Reports I have received from the Officers who were appointed in the course of last Summer, to investigate and report upon the Trade and Resources of the Southern Coast of the Island ; and of that part of the Labrador which is within the Jurisdiction of the Governor of Newfoundland : and to collect Statistical information generally.

Taking advantage of suitable means of conveyance, and of the first opportunity which the Seasons and the course of Public Business, since the commencement of my administration, permitted ; I have myself visited, during the Recess, most of the Outports of the Island, and several Harbors of the Labrador.

The result of my inspection and enquiries on these occasions, has been fully to confirm the impression I had previously received of the great value of our Fisheries : and their remarkable adaptation in their various branches, as the main occupation of our People, to the peculiar physical characteristics of the Country :—and to convince me of the correctness of the opinion I had formed, as to the magnitude and character of both the Import and the Export Trade prosecuted on the Labrador, not only as a Branch of the regular Commerce of this Island, but also by Mercantile Houses in the Mother Country and numerous transient Traders from the United States and the neighbouring Colonies, whose traffic, although largely maintained and ministered to by the temporary migration, in considerable numbers, of the operative population of Newfoundland, finds no place whatever in our Customs Records.

Bills to provide for taking a Census of the Population, and obtaining the Statistics of the Fisheries and Agriculture of the Colony ; and for erecting a Light House upon the Island of Baccalieu, with other measures which I refrain from enumerating in detail, will be proposed to you on behalf of the Government, in the mode sanctioned by Parliamentary practice under our present Constitution ; and I

29th and 31st January, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

hope it is not necessary to assure you of the sincerity with which I entertain the trust, that in respect to these and all other affairs which may engage your attention, your counsels and determinations may now and ever be Graciously directed to the promotion of the true interests of the Community at large.

Ordered—That a Select Committee be appointed to draft an Address to the Governor, in answer to His Excellency's Speech.

Select committee to draft Address to the Governor in reply to his Speech.

Ordered—That the Honorable Messrs. Rogerson, Duggan, and Row, be a Committee for that purpose.

Ordered—That the Speech be printed.

Notice of motion for appointment of Reporter, and certain other Officers.

The Honorable Mr. TOBIN gives notice, that, to-morrow, he will move that the Reporter, and certain other Officers of this House, be appointed.

House adjourns.

On motion made and seconded, the House adjourned until Saturday next, at three o'clock, P. M.

SATURDAY, 31st JANUARY, 1857.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present. *The Honorable* LAURENCE O'BRIEN, *President.*
 “ JAMES TOBIN
 “ SAMUEL CARSON
 “ PHILIP DUGGAN
 “ THOMAS H. RIDLEY
 “ THOMAS ROW
 “ JAMES J. ROGERSON

The minutes of Thursday last were read.

31st January, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, Governor.

Pursuant to notice, the Hon. Mr. TOBIN moved that Mr. John Howley be appointed Reporter of the Debates and Proceedings of this House.

Motion that Mr. John Howley be appointed Reporter—

Whereupon the Hon. Mr. Row moved, in succession, the three following Amendments, viz:—

Amendments thereto—

1.—That it be referred to a Select Committee to be appointed to receive the applications of parties who may become Candidates for the Office of Reporter of this House, to examine the qualifications of such Candidates and to report their names and competency, with the evidence and means they may have taken to ascertain such competency.

2.—That Mr. James Furlong be appointed joint Reporter to this House with such other as may be appointed, it being understood that the entire expense of such joint reporting shall not exceed the sum appropriated during last Session for the service of reporting for this House.

3.—That the late Reporter, Mr. Talbot, be re-appointed to the Office of Reporter thereof.

Which said Amendments were severally put and lost.

Lost—

Whereupon the original motion was put and carried—and it was

Original motion carried.

Ordered accordingly, that Mr. John Howley be the Reporter of this House.

Pursuant to notice, and on motion of the Honorable Mr. TOBIN—it was

Ordered—That the Reports of this House be published as last Session, namely:—the *Newfoundlander* and *Courier* Newspapers publishing from manuscript Reports; and the *Express* and *Ledger* copying the same—and

Publishing Reports of the House.

Ordered—That James Walsh be Assistant Door-keeper in the place of Daniel Shanahan, deceased.

James Walsh to be Assistant Doorkeeper.

31st January, and 4th February, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

Select committee report draft of Address to the Governor in reply to his Speech.

The Honorable Mr. ROGERSON, from the Select Committee appointed to prepare an Address to His Excellency the Governor in answer to his Speech at the opening of the Session, presented a draft thereof.

Ordered—That the same be received.

Address read 1st time.

The Address was then read a first time—and

Ordered—That it be read a second time to-morrow, and that it be printed.

Notice of motion relative to the Organ of Government in this House.

The Honorable Mr. Row gives notice, that on to-morrow he will enquire of the Honorable the President—Who is the Organ of the Government in this House ?

House adjourns.

On motion made and seconded, the House adjourned until Wednesday next, at 3 o'clock, P. M.

WEDNESDAY, 4th FEBRUARY, 1857.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present.

The Honorable LAURENCE O'BRIEN, *President.*
 “ JAMES TOBIN
 “ THOMAS ROW
 “ SAMUEL CARSON
 “ PHILIP DUGGAN

The Minutes of Saturday last were read.

Address to the Governor read 2nd time,

Pursuant to the order of the day, the Address to the Governor in reply to His Excellency's Speech on the opening of the Session, was read a second time—and

6th February, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, Governor.

Ordered—To be committed on Friday next.

On motion made and seconded, the House adjourned until Friday next, at 3 o'clock, P. M. House adjourns.

FRIDAY, 6th FEBRUARY, 1857.

The House met pursuant to adjournment.

House meets.

PRESENT :

The Honorable **LAURENCE O'BRIEN, President.**

Members present.

“ **JAMES TOBIN**
 “ **JOHN ROCHFORT**
 “ **PHILIP DUGGAN**
 “ **THOMAS ROW**
 “ **THOMAS H. RIDLEY**
 “ **JAMES J. ROGERSON**

The Minutes of Wednesday last were read.

Pursuant to the order of the day, the House went into Committee on the Address to the Governor in reply to His Excellency's Speech on the opening of the Session—

Address to the Governor in reply to his Excellency's Speech at opening the Session—Committed—

The Honorable Mr. **RIDLEY** in the Chair.

After some time the House resumed.

The Chairman reported the Address with some Amendments.

Reported—with amendments.

Ordered—That the Report be received.

Ordered—That the Address be engrossed, and read a third time to-morrow.

The Honorable the **PRESIDENT** laid before the House, by direction of the Governor, the following Message, which was read by the Clerk :—

6th February, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

C. H. DARLING, Governor.

Message from the Governor, transmitting Despatch and copy of Fishery Convention between Great Britain and France, together with correspondence thereon.

The Governor transmits to the Honorable the Legislative Council, the copy of a Despatch from the Right Honorable the Secretary of State for the Colonies, enclosing the copy of a "Convention between Her Majesty and the Emperor of the French, relative to Rights of Fishery on the coasts of Newfoundland and the neighboring coasts," signed at London on the 4th January last, together with a copy of the Correspondence referred to in that Despatch.

The Council will perceive, that by the 20th Article of the Convention it is provided, that that Instrument shall come into operation as soon as the Laws required to carry it into effect shall have been passed by the Imperial Parliament of Great Britain and by the Legislature of Newfoundland—and that Her Majesty has engaged to use her best endeavours to procure the passing of such laws in sufficient time to enable Her to bring the Convention into operation on or before the 1st January, 1858.

The Council will learn from the Secretary of State's Despatch, that in making this engagement Her Majesty's Government desire to express their strong anxiety to effect the arrangement for which the Convention provides, and their conviction that to miss the present opportunity of bringing to a settlement the long agitated questions to which it relates, will be to cause great inconvenience and probable future loss to Newfoundland.

The Despatch referred to, with the previous communications from Secretaries of State, will fully inform the Honorable the Legislative Council of the reasons, both general and particular, which have influenced Her Majesty's Government in the decision at which they have arrived; while, from the copies of Despatches from the Governor's immediate predecessor, and from the Governor himself, communicating his own opinions and those of his Constitutional Advisers, it will be perceived that the objections urged by the local authorities of Newfoundland to the additional privileges sought for by France, have been clearly stated and unreservedly expressed. The negotiations appear to have resulted in a modification, both of the

6th and 9th February, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, *Governor.*

demands and concessions, originally proposed upon the part of France.

In laying before the Council, on behalf of Her Majesty's Government, the views contained in the Despatches of the Secretary of State, before the completion of those formalities which are usually observed at the commencement of the Legislative Session, the Governor has had regard to the great interest and importance of the subject: and he desires to express his confidence, that in deliberating upon those views, the Legislature, while anxiously regarding, as in duty bound, the interests of Newfoundland; will not fail to recognize the weight of those great International considerations which are so anxiously and impressively urged throughout the communications from Her Majesty's Government.

C. H. D.

On motion made and seconded, the House adjourned until House adjourns.
Monday next, at 3 o'clock, P. M.

MONDAY, 9th FEBRUARY, 1857.

The House met pursuant to adjournment.

House meets.

PRESENT :

The Honorable LAURENCE O'BRIEN, *President.*
 " JAMES TOBIN
 " JAMES J. ROGERSON
 " THOMAS ROW
 " PHILIP DUGGAN
 " THOMAS H. RIDLEY
 " SAMUEL CARSON

Members present.

The Minutes of Friday last were read.

9th February, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

Address to the Governor in reply to his Excellency's Speech on the opening of the Session—
Read 3rd time and passed.

Pursuant to the order of the day, the Address to the Governor in reply to His Excellency's Speech on the opening of the Session, was read a third time and passed—and

The Honorable the President signed the same.

The Address is as follows :—

To His Excellency CHARLES HENRY DARLING, Esquire, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, and Vice-Admiral of the same.

The Address—

MAY IT PLEASE YOUR EXCELLENCY ;—

The Legislative Council of Newfoundland, in General Assembly convened, beg to thank Your Excellency for the gracious Speech with which you have opened the present Session of the Legislature.

1.—We rejoice to learn from Your Excellency that the Commercial and Financial position of the Colony, and the material prosperity of its Inhabitants, justify you in offering to the Country your congratulations.

We are grateful to a bountiful Providence for having blessed the labours of our population during the past year, and vouchsafed to them a successful Fishery ; whilst the demand for our Staple in Foreign Markets has enabled the Merchant to give a larger price than usual for it, and has afforded to all classes the means of sustaining the weight of necessary taxation to which Your Excellency has referred.

2.—We fully agree in the opinion, that the application of the principles of "Free Trade" to Newfoundland was wise, and will result in advantage to the Colony, which must be benefited by all measures, the tendency of which is to open the markets of other Countries to our produce, and attract the Commerce and Enterprize of Foreign Nations to our Shores.

9th February, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, *Governor.*

3.—It is a source of extreme gratification to us to find that the privilege to take Fish upon our Coasts, which Treaty extends to the Citizens of the United States, has not interfered with the industry of our population.

We feel a proud satisfaction in the belief that our hardy fishermen are able—without the aid of bounty—successfully to compete with all other Nations, provided they are permitted to do so on equal terms, and are not molested in the natural privilege of freely using their own shores, and availing themselves of the resources of their own seaboards.

4.—We have witnessed with delight the triumph of art and enterprize exhibited in the connexion of Newfoundland with the American Continent by means of the Electric Telegraph: we anticipate vast benefits from the completion of that great undertaking; and we are sanguine in our hopes that ere long the like mighty agency—assisted by Steam—will connect us directly with Great Britain, and thus the natural union which exists between the Mother Country and her Dependency will be cemented and strengthened by the achievements of science.

5.—The failure of the attempts heretofore made to promote the establishment of a regular and efficient Communication by Steam between this Country and Great Britain has been a source of regret to us; and we cordially concur in the wisdom of Your Excellency's suggestion, to apply a reasonable portion of the Financial resources of the Colony towards procuring increased facilities of postal correspondence, and personal locomotion, advantages which are admittedly amongst the first evidences of civilization, and the primary requisites of social happiness.

6.—We thank Your Excellency for the promise to lay before us the usual Financial Statements, and we shall be prepared to concur in the appropriations of the Supplies necessary for the efficient conduct of Her Majesty's Service, and for the legitimate requirements of the Colony.

9th February, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

7.—We shall favorably entertain every measure the object of which may be to extend the principles of Free Trade, and to simplify and consolidate our Tariff, so far as those ends can be obtained consistently with the avoidance of the serious evils which arise in every Commercial Community, from frequent changes in its Fiscal Regulations.

8.—We also thank Your Excellency for your promise to lay before us, the Reports of the Officers who were appointed last summer to investigate the Trade and Resources of the Southern Coast of the Island, and that part of Labrador which is within the Government of Newfoundland.

9.—We rejoice to learn that the personal inspection of, and enquiries respecting, the Trade and Fisheries carried on in the Outports of this Island and the several Harbors of Labrador, which Your Excellency was enabled by your recent visit to make, have impressed upon your mind so favorable an opinion of the resources of this Colony, and of the magnitude and character of the Import and Export Trade of the Labrador.

10.—We shall not fail to devote our best attention to the consideration of the several measures referred to by Your Excellency. And we heartily unite in the hope that all our counsels and determinations may be directed, by Divine wisdom, to the promotion of the true interests of our Island Home, and the happiness of its Inhabitants.

Ordered—That a Select Committee be appointed to wait on the Governor, to ascertain at what time His Excellency will receive this House with its Address—and

Ordered—That Messrs. Rogerson, Duggan and Row, be a Committee for that purpose.

On motion, it was—

Ordered—That the documents laid before the House with His Excellency the Governor's Message of Friday last, be printed.

Select Committee to ascertain when His Excellency will receive the same.

Documents transmitted by His Excellency on Friday last to be printed

9th and 10th February, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, Governor.

On motion, the Despatch from Her Majesty's Principal Secretary of State for the Colonies, and the Convention between Her Majesty and the Emperor of the French, of the 14th January last, were read by the Clerk.

The Honorable Mr. TOBIN gives notice, that on to-morrow he will move that the House go into Committee on the subject of the Convention with France, dated London, 14th January, 1857.

Notice of motion, for going into committee on the subject of the convention with France

The Honorable Mr. Row gives notice, that on to-morrow he will move an Address to the Governor, drawing his attention to the serious encrease in the amount of drunkenness, and of disturbances in our streets consequent thereupon, and praying that the Laws to punish and repress drunkenness be duly enforced, and that greater vigilance be exercised by the Police to repress the public exhibition of the vice.

Notice of motion, for an Address to the Governor relative to increase of drunkenness and disturbances in the streets.

On motion made and seconded, the House adjourned until to-morrow, at 3 o'clock, P. M.

House adjourns.

TUESDAY, 10th FEBRUARY, 1857.

The House met pursuant to adjournment.

House meets.

PRESENT :

The Honorable LAURENCE O'BRIEN, *President.*
 " JOHN ROCHFORT
 " SAMUEL CARSON
 " THOMAS H. RIDLEY
 " THOMAS ROW
 " JAMES J. ROGERSON
 " JAMES TOBIN
 " PHILIP DUGGAN
 " JAMES CORMACK

Members present.

The Minutes of yesterday were read.

10th and 11th February, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

Report of Select Committee appointed to wait on the Governor to ascertain when he will receive the House with its Address.

The Honorable Mr. ROGERSON, from the Select Committee appointed to wait on the Governor, to ascertain at what time he will receive this House with its Address in reply to His Excellency's Speech on the opening of the Session, reported that His Excellency will receive the House with the Address at 11½ A. M., to-morrow.

House in Committee on the subject of the convention with France

Pursuant to notice, and on motion of the Honorable Mr. TOBIN, the House went into Committee on the subject of the Convention with France, dated London, 14th January, 1857—

The Honorable Mr. CARSON in the Chair.

After some time the House resumed.

The Chairman reported progress, and asked leave to sit again to-morrow.

Ordered—That the Report be received.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow, at ½ past eleven, A. M.

WEDNESDAY, 11th FEBRUARY, 1857.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present.

The Honorable LAURENCE O'BRIEN, *President.*
 “ JAMES TOBIN
 “ JAMES CORMACK
 “ PHILIP DUGGAN
 “ THOMAS H. RIDLEY
 “ JOHN ROCHFORD
 “ THOMAS ROW
 “ JAMES J. ROGERSON

11th February, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, *Governor*.

The Minutes of yesterday were read.

At a quarter past eleven o'clock, the House proceeded to the Government House with its Address in reply to His Excellency's Speech at the opening of the Session.

House proceeds to the Government House with its Address in reply to the Governor's Speech on opening the Session—

At noon the House having returned, the Honorable the PRESIDENT reported, that His Excellency had been pleased to receive the said Address, and to return an answer thereto in the following words :—

Mr. President, and Honorable Gentlemen of the Legislative Council :

I am glad to receive the testimony which your Address affords, to the successful result of the last year's Fishery ; and the favorable effects upon the condition of our people, of the high value which the staple exports have recently borne in Foreign Markets ; as so far confirming the opinions in respect to the economical position of the Colony, which I expressed at the opening of the Session.

Governor's reply thereto.

In offering to you the assurance of my earnest wish, that the course of Public Affairs in Newfoundland may be marked by augmented and uninterrupted prosperity, I avail myself of the occasion to inform you, that my personal connection with the administration of those affairs is about to terminate, Her Majesty having been pleased to nominate Sir Alexander Bannerman, now Governor of the Bahama Islands, to the Government of this Colony ; and it being at the same time Her Majesty's gracious intention to appoint me to the Government of the Island of Jamaica.

On motion made and seconded, the House adjourned until Friday next, at 3 o'clock, P. M.

House adjourns.

13th February, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

FRIDAY, 13th FEBRUARY, 1857.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present.

The Honorable LAURENCE O'BRIEN, *President.*
 “ JAMES J. ROGERSON
 “ SAMUEL CARSON
 “ JOHN ROCHFORT
 “ THOMAS H. RIDLEY
 “ JAMES CORMACK
 “ PHILIP DUGGAN
 “ JAMES TOBIN
 “ THOMAS ROW

The Minutes of Wednesday last, were read.

Convention with
France—
Committed—

Pursuant to the order of the day, the House went into Committee on the subject of the Convention with France, dated at London, 14th January, 1857—

The Honorable Mr. CARSON in the Chair.

After some time the House resumed.

Committee deliver in a
report thereon—

The Chairman reported, that they had examined the various clauses of the Convention, and agreed to a Report, which was read by the Clerk, and is as follows:—

*Report of the Committee of the Whole House on
the Convention with the French, of the 14th
January, 1857.*

Report.

Resolved—That this Committee have given to the Message of His Excellency, and to the Despatch of the Secretary of State, and the Convention between England and France transmitted therewith, that dispassionate and earnest consideration which the weighty matters therein contained required.

It will tend to a better understanding of the effects of this Convention, if a summary review be taken of the present extent of French privileges as regards the Newfoundland Fisheries.

13th February, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, Governor.

1st.—By existing Treaties, the subjects of France enjoy the right of catching and curing Codfish upon those parts of Newfoundland lying between Cape John on the N.E., and Cape Ray on the S.W., in which privilege British subjects claim, and have always claimed, a concurrent right, and that claim has been officially avowed and strongly upheld by the present Prime Minister of England, in a Despatch dated 10th July, 1838, whilst the sovereignty of the soil was and is undisputably reserved to England; but by this Convention—although the French are not required to relinquish one particle of their fishing privileges, the subjects of Great Britain are to be deprived of all their concurrent rights between Cape John and Cape Norman (about one-half of the whole) and are expressly to be excluded from the sea shore between Cape Norman and Rock Point at the mouth of the Humber, and from the five best, if not the only safe harbours along the whole Western Coast, from Cape Norman to Cape Ray.

By the like Treaties the subjects of France possess no right whatever to approach or fish upon the Coast of Belleisle or Labrador, nor to interfere with our Salmon Fisheries; yet, by this Convention, they are to be allowed the privilege of directly competing with British Fishermen, upon the best fishing ground on the Labrador, viz., from Blanc Sabion to Cape Charles, and on the Coast of North Belleisle, and of curing fish on the latter Island; and are, moreover, to be enabled, under the peculiar words introduced into this Convention, “fishery purposes,” and by means of access to our rivers and creeks, to interfere with and materially to injure, if not to destroy, our valuable Salmon and Herring Fisheries, both in Newfoundland, and on the South Coast of Labrador—Fisheries which if known were not much used at the date of the Treaty in 1783, and to which it obviously had no reference.

In the name of an equivalent for making these important concessions to the citizens of France, and for imposing such disastrous conditions upon the subjects of Great Britain, the exclusive use of our own shores, from the Humber to Cape Ray, is to be retained by the British, with the exception of the harbors of Little Harbor, Port au Port,

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THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

Red Island, and Codroy Island. Now, as these harbors and the circumference prescribed to each will, by Article I, include every one along that shore, to and in which a vessel of any size can approach or lie, the act of the British Government in accepting a tract of coast—already their own—for the purpose of affording to their subjects the means of settlement and fishery, and in the same breath depriving those subjects of the only harbors by which either purpose could be made available, is one which—although characterized by the Secretary of State as “a concession,” might, with greater propriety, be designated a delusion, if done unwittingly, or a mockery if done advisedly.

The concurrent rights in Labrador and Belle Isle, and the exclusive rights in Newfoundland, now, for the first time, proposed to be ceded to the French, will operate to the prejudice of British interests, and to the damage of British subjects in a manner and to an extent not known or contemplated by the Government of England.

The Salmon fisheries already alluded to, and the Herring fishery, are most important objects of Newfoundland industry, and a mine of wealth to the people of this Colony. Large sums of money have been expended in purchasing Salmon stations and the appliances necessary for the conduct of that fishery; but the effects of this Convention will drive the Salmon fisher from his accustomed haunts, and will frustrate the labors of those engaged in the catch of Herring, by depreciating the present quality of the fish, and eventually exterminating the species.

Those acquainted with the habits of the Codfish know, that in their migrations they are easily diverted; and the facilities extended by the French Government to their fishermen for providing Seines and Bultows of enormous length and depth, and for working them by the aid of large crews, will enable them to run out those implements from Belle Isle and Labrador, so as to check the fish in their approach to the Northern parts of the latter shore; whilst the deep

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HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, Governor.

Seines will sweep the fishing grounds which at present are, and only can be, used by our fishermen, with hook and line.

Nor should it be forgotten that the French, in using their concurrent right on the Labrador, and enjoying their exclusive rights on the opposite side of the Straits, will inevitably exclude from the fishing grounds the Newfoundland, Nova Scotia, and American fishermen who now frequent them, and will practically compel them to proceed to the Northern shores already over crowded.

2nd. As regards the question of Bait, the Committee are of opinion that the privilege granted by this Convention to the French to take both Herring and Caplin as bait throughout the South Coast of Newfoundland, will involve consequences deeply injurious to the interests of this Colony.

The conditions by which the right of taking are limited, viz :— when a supply by purchase shall fail, are so obviously advantageous to the French, that no observations are necessary to expose their transparency : it is not likely that people will be content to purchase what they can lawfully obtain by taking, and the French can readily and will speedily create for themselves that restriction which will enable them to profit by their own wrong.

The Committee do not see how the French can be practically restrained from using the Herring for purposes of Commerce, as well as bait, and they are quite sure that they will speedily learn to do so.

It will be vain to expect that our fishermen, accustomed to the full enjoyment of their own fisheries, will quietly submit to the direct interference and thwarting competition of strangers, and broils and blood-shed will be the inevitable consequences of this unilateral Convention.

Mr. Secretary Labouchere has rightly stated that a supply of bait is “indispensable,” for the purposes of the French, but we, in

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Newfoundland, have not deemed that consideration one which should influence us, and the attention of our Local Legislature has, accordingly, from time to time been directed, and not without effect, to repress the traffic in bait between the British and French, to protect our rights, and to prevent collisions; but the unlimited facilities to the French, proposed by this Convention, would over-ride all regulations, however wholesome, to guard our Herring and Caplin from being hauled at improper seasons, or in improper quantities; and would enable our rivals to supply themselves to repletion, with bait, before our very doors, sufficient for their fisheries on the Banks and on the Northern, as well as the Southern sides of the Island.

The importance to France of the Newfoundland fisheries, has been appreciated by that nation for nearly 300 years. In the early part of the 17th century, an active competition sprang up between the British and French fishermen, when England began in 1630 to supply the Spanish and Italian Markets, and France then commenced that system of bounties, which speedily made itself felt to the prejudice of the British.

In 1777 no less than 20,000 French Seamen were employed in these fisheries; but when the Revolution of 1793 threw France into confusion, and the bounties were dropped, that large number was reduced, the very next year, to 3397.

During the war, from 1793 to 1814, British fisheries, in the absence of French bounties, again flourished, and our national wealth increased; for fish, to the value of three millions of pounds sterling, was exported from Newfoundland in the single year of 1814.

But when in that year peace was proclaimed between Great Britain and France, and England, losing by her diplomacy what she had gained by her arms, again ceded to France the Newfoundland Fisheries, that Power resumed her fostering care of them; her bounties were forthwith revived; her trade increased, and foreign competition, thus supported, well nigh overwhelmed British interests in this Colony.

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HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, Governor.

Our commerce did, however, recover the shock, despite the disadvantages with which it had to contend ; but our important Bank fisheries, which, as far back as 1630, employed, from Devonshire alone, 150 square-rigged vessels, and of later years numbered upwards of 400, were lost to the English, and are now transferred to the French, to their great and manifest advantage.

At present there are fully 500 square-rigged vessels with about 30,000 seamen, annually employed in the French fisheries of this Island, their catch of fish is nearly equal to our own, and would be increased if the want of bait did not interpose impediments to its more extensive prosecution.

Long since the French would have abandoned those fisheries as objects of profitable commercial enterprise, had not their Government, for national purposes, thus upheld them by an annual grant from the Imperial Treasury ; this grant the Committee believe amounts to 11,000,000 francs, equal to £458,333 sterling—a sum which gives upon every quintal of their fish, a bounty of about 10s. sterling, besides 60 francs for each “greenman” employed.

Against and in the face of this enormous subsidy, we have been hitherto labouring ; and yet the Committee now find that the English Government are minded to crush British Industry, already overburdened, by making further concessions to their rivals, and to destroy the vested rights of the inhabitants of this Colony acquired upon the faith of existing Treaties.

Her Majesty’s Plenipotentiaries appear to treat with little consideration the right proposed to be conceded to the French to cut timber—but some of the effects of this concession will be to hamper and materially to injure the cooperage business necessary for the salmon and herring fisheries—to interfere with ship and boat building, and to deprive Newfoundland of her Forests, the value of which is beginning to attract the serious attention of British and American capitalists.

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Her Majesty's Secretary of State has, in referring to this Convention, alluded to the privileges recently conceded by this Colony to the United States, but the cases do not seem to bear any analogy to each other. The desire of America to participate in our Fisheries arises from commercial considerations. They accorded to Newfoundland something approximating to, or supposed to be an equivalent, in Free Trade with her, and the bounty they bestow on their Fishery is insignificant; but that which France pays to support her's, annihilates opposition whenever the produce of their and our Fisheries conflicts; and it is conferred, not for mercantile objects, but with a view to provide experienced Seamen for their Ships of War, and to enable that Power to compete with England for the supremacy of the Seas—views legitimate enough for France to contemplate, but which British subjects in Newfoundland little expected to be called upon to promote by the sacrifice of their own rights.

What may be the meaning of that menace, of "probable future loss to Newfoundland," obscurely conveyed in Mr. Secretary Labouchere's Despatch, and held over the Legislature in case it should refuse concurrence in this Convention, the Council cannot surmise, nor need they take much trouble to enquire, because they are unable to conceive any loss they can incur, more grievous than that which is proposed to be inflicted on them by this diplomacy.

The Committee cannot forget that within the last few years a dutiful request was preferred by us to the British Government to guarantee the mere interest on a loan to this Colony of money for internal improvements; several appeals have been made by us within the same period, and to the same source, for the establishment of direct Steam Communication between Newfoundland and Great Britain, for the restoration to us of at least our former Military force, and again to make this insular Colony a Naval Station; but all our appeals were unhesitatingly if not harshly rejected, and we were desired to look to our own resources for the supply of our own wants.

We should be either more or less than men, if bitterness were not added to our disappointment when we now find that the Parent

13th and 18th February, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, *Governor.*

which would not stretch out her hand to help—will do so to despoil her own household ; and would fain take her children's bread to give it unto strangers—to whom, although they are our brave and respected Allies, England is not under any manner of obligation.

The Committee are of opinion that the Council owe it to their Country, and to themselves, to inform Her Majesty's Government, that having patiently and deliberately weighed every article of this Convention, and considered its natural and inevitable consequences, they have arrived at the solemn conviction, that its provisions are unjust to Newfoundland, and subversive of its best interests ; and they will never concur in any measure to give it operation.

Ordered—That the Report be received—and

Ordered—That the same be printed.

On motion made and seconded, the House adjourned until Wednesday next, at 3 o'clock, P. M. House adjourns.

WEDNESDAY, 18th FEBRUARY, 1857.

The House met pursuant to adjournment.

House meets.

PRESENT :

The Honorable LAURENCE O'BRIEN, *President.*

Members present.

“ JAMES TOBIN
 “ PHILIP DUGGAN
 “ JAMES CORMACK
 “ THOMAS ROW
 “ THOMAS H. RIDLEY
 “ JOHN ROCHFORT

The Minutes of Friday last were read.

18th February, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

Address to the Governor on the subject of drunkenness in St. John's—
Read—

Pursuant to notice, the Honorable Mr. Row brought in an Address to the Governor, on the subject of Drunkenness in the streets of St. John's, which was read by the Clerk, and is as follows :—

*To His Excellency CHARLES HENRY DARLING,
Esquire, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, and Vice-Admiral of the same.*

The Address—

MAY IT PLEASE YOUR EXCELLENCY ;—

The Legislative Council respectfully desire to draw Your Excellency's attention to the very serious encrease which has lately taken place, in the amount of drunkenness in the streets of St. John's, and of disturbances consequent thereon.

The breaches of the peace, and scenes of rioting that now so commonly prevail in this town, will reflect discredit upon the whole community, if measures be not taken to repress them ; and we believe that if the existing laws were duly enforced, a material check would be put upon such discreditable proceedings.

We respectfully suggest, that a more active surveillance on the part of the Police Authorities, and a more rigid execution of those statutes which impose a fine upon every person who shall be found guilty of appearing in the public streets in a state of intoxication, coupled with a revision of the licensing system, would be attended with beneficial effects.

We therefore pray that Your Excellency will take the premises into your consideration, and adopt such measures as in your judgment shall seem best calculated to repress the serious evils to which we refer.

Adopted—

Ordered—That the said Address be received and adopted—and

Committee appointed to present the same.

Ordered—That the Honorables Messrs. Row, Cormack and Rogerson, be a Select Committee to present the same.

18th February, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, Governor.

A Deputation from the House of Assembly brought up a bill for the concurrence of this House, entitled "An Act further to amend an Act passed in the seventeenth year of Her Majesty's Reign, entitled 'An Act to incorporate a Company under the style and title of the New York, Newfoundland, and London Telegraph Company'" which was read a first time—and

Electric Telegraph
Act Amendment Bill
brought up—

And read 1st time—

Ordered to be read a second time to-morrow, and to be printed.

To be printed.

The Honorable Mr. Row gives notice, that to-morrow he will bring in a bill to regulate the Seal and other Fisheries of this Island.

Notice of bill to regulate the Seal and other Fisheries.

The Honorable Mr. TOBIN, with leave of the House, brought in an Address to the Governor, praying His Excellency to lay certain documents connected with the Fishery before this House—which Address was read, and is as follows :—

Address to the Governor for certain documents connected with the Fisheries—

Read—

*To His Excellency CHARLES HENRY DARLING,
Esquire, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, and Vice-Admiral of the same.*

The Address—

MAY IT PLEASE YOUR EXCELLENCY ;—

The Legislative Council request that Your Excellency will be pleased to lay before them, copy of the Despatch of the Right Honorable Lord Stanley to Sir John Harvey, dated 29th July, 1843—and also, a copy of the Opinions of the Crown Law Officers, dated respectively 30th May, 1835, and 17th April, 1837, as referred to in Your Excellency's despatch of the 23rd July last.

Ordered—That the said Address be received and adopted—and

Received and adopted—

Ordered—That the Honorables Messrs. Tobin, Ridley and Row, be a Select Committee to present the same.

Committee to present the same.

18th February, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

The Honorable the President laid before the House, by direction of the Governor, the following Messages from His Excellency :—

Message from the Governor, transmitting correspondence relative to making St. John's a Port of Call for Transatlantic Mail Steamers.

C. H. DARLING.

The Governor transmits to the Honorable the Legislative Council, the copy of the Correspondence with Her Majesty's Secretary of State in reference to the subject of the Memorial passed by the Legislative Council in its last Session, praying that Her Majesty's Government would adopt measures for causing the Town of St. John's to be made a Port of Call for the Transatlantic Mail Steamers.

Nos 46 and 55 from the Secretary of State.

Nos. 27, 32, 33 41 and 45 from the Governor.

(*Vide Appendix.*)

C. H. D.

Government House,
18th February, 1857.

C. H. DARLING.

Message from the Governor, transmitting Despatches, explanatory of the views of H. M. Government on the Reciprocity Treaty—and enclosing a representation from the Minister of the Hanse Towns on the subject.

The Governor begs to transmit to the Honorable the Legislative Council, copies of Despatches from the Secretary of State, explanatory of the views of Her Majesty's Government with respect to the exemption from Duty, from whatever country imported, of articles now exempted only under the operation of the Reciprocity Treaty with the United States and the Local Act establishing Duties of Impost, and transmitting a representation from the Minister of the Hanse Towns upon this subject.

Nos. 21, 60 and 61.

(*Vide Appendix.*)

C. H. D.

Government House,
18th February, 1857.

C. H. DARLING.

Message from the Governor transmitting Despatches relative to an increase of the Military Force in the Colony, &c.

The Governor transmits to the Honorable the Legislative Council, a copy of the Despatch which he has received from the

18th February, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, Governor.

Secretary of State, in reply to the Memorial passed by the Legislative Council in the last Session of the Legislature, relative to the augmentation of the Military Force in the Colony, and the restoration of the Port of St. John's to the position of a Naval Station, together with an extract of the Despatch with which the Governor forwarded that document to Her Majesty's Government.

No. 53.

No. 54.

Extract—
(*Vide Appendix*)

C. H. D.

Government House,
18th February, 1857.

C. H. DARLING.

The Governor transmits to the Honorable the Legislative Council, a correct copy of the first Paragraph of the Right Honorable the Secretary of State's Despatch, No. 4, of the 16th January last—that Paragraph being incorrectly transcribed in the copy of the Despatch already sent down to the Legislative Council.

Message from the Governor transmitting corrected copy of the first paragraph of the Secretary of State's Despatch No. 4, of the 16th January last.

C. H. D.

Government House,
18th February, 1857.

C. H. DARLING, Governor.

The Governor transmits to the Honorable the Legislative Council, in reference to previous communications upon the same subject, the copies of two Despatches relative to the maintenance of the Light House now established on Cape Race.

Message from the Governor relative to the maintenance of the Light House on Cape Race.

Nos. 57 and 79.

(*Vide Appendix.*)

C. H. D.

Government House,
18th February, 1857.

The Honorable President also laid before the House, by direction of the Governor, the following Despatches, and other documents, viz. :—

The Hon. the President lays before the House sundry Despatches and documents by command of the Governor.

18th February, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

(Vide Appendix.)

Despatch from the Secretary of State for the Colonies, transmitting a Report from the Colonial Land and Emigration Commissioners, containing their views on certain Regulations for granting licenses to search for, and leases to work Minerals in Newfoundland—25th July, 1856.

Despatch from the Secretary of State, enclosing a letter from the Board of Trade on the subject of the Act for establishing the legal value of certain British and other Coins—17th November, 1856.

Despatch from the Secretary of State, enclosing copy of a Circular Instruction addressed by Mr. Marcy to the Collectors of Customs in the United States, relative to the observance of the Laws of the British Provinces for the preservation of the Coast Fisheries—15th August, 1856.

Circular Despatch from the Secretary of State, recommending the adoption of a recent Statute, 18 and 19 Vic., cap. 90, intituled “An Act for the payment of Costs in Proceedings instituted on behalf of the Crown in matters relative to the Revenue,” &c.,—6th December, 1856.

Circular Despatch from the Secretary of State, suggesting that a notification be sent to the Board of Trade, in all cases in which this Colony intends to erect Light Houses, or to alter Lights already erected, without assistance or advice from the Home Government—8th January, 1857.

Report of Captain D'Eyncourt, of H. M. Ship “Pylades,” to His Excellency the Governor, on the Fisheries of the Labrador—24th August, 1856.

Reports (7 in No.) from the Superintendant of Fisheries and Acting Sub-Collector of the Revenue, on the Coast of Labrador and in the Straits of Belle Isle—1st September, 1856.

House adjourns.

On motion made and seconded, the House adjourned until Friday next, at 3 o'clock, P. M.

20th February, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, *Governor.*

FRIDAY, 20th FEBRUARY, 1857.

The House met pursuant to adjournment.

House meets.

PRESENT :

The Honorable LAURENCE O'BRIEN, *President.*

“ JOHN ROCHFORT
 “ THOMAS H. RIDLEY
 “ THOMAS ROW
 “ SAMUEL CARSON
 “ JAMES J. ROGERSON
 “ JAMES CORMACK
 “ JAMES TOBIN

Members present.

The Minutes of Wednesday last were read.

Pursuant to the order of the day, the Bill entitled “An Act further to amend an Act passed in the seventeenth year of Her Majesty’s Reign, entitled ‘an Act to incorporate a Company under the style and title of the New York, Newfoundland and London Telegraph Company,’” was read a second time—and

Electric Telegraph
 Act Amendment Bill—

Read 2nd time.

Ordered—To be committed to-morrow.

Pursuant to notice, the Honorable Mr. Row brought in a Bill to regulate the Seal and other Fisheries of this Island, which was read a first time—and

Seal and other Fisheries
 Regulation Bill
 brought in—
 And read 1st time.

Ordered—To be read a second time to-morrow, and to be printed.

On motion of the Honorable Mr. TOBIN, the House went into Committee on the Report of the Committee of the whole House on the Convention with the French, of the 14th January, 1857—

Report of Committee
 on French Conven-
 tion—
 Committed.

The Honorable Mr. CARSON in the Chair.

After some time the House resumed.

20th February, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

The Chairman reported progress, and asked leave to sit again to-morrow.

The Honorable Mr. TOBIN, with leave of the House, brought in an Address to the Governor praying His Excellency to direct that a copy of Lord Palmerston's Note to Count Sebastiani, in 1838, be laid before this House—which address was read and is as follows:—

*To His Excellency CHARLES HENRY DARLING,
Esquire, Governor and Commander-in-
Chief in and over the Island of Newfound-
land and its Dependencies, and Vice-Ad-
miral of the same.*

Address to the Govern-
or for copy of Lord
Palmerston's Note to
Count Sebastiani—

MAY IT PLEASE YOUR EXCELLENCY ;—

The Legislative Council request Your Excellency will be pleased to direct, that a copy of the Note of Lord Palmerston to Count Sebastiani, in 1838, referred to in the despatch of Governor Hamilton to the Duke of Newcastle, be laid before this House.

Adopted—

Ordered—That the said Address be received and adopted.

Select Committee to
present the same.

Ordered—That the Honorables Messrs. Tobin and Duggan be a committee to present the same.

Leave of absence
granted to Messrs.
Ridley and Cormack.

The Honorables Messrs. Ridley and Cormack asked, and obtained leave to absent themselves on their private affairs, for a short period.

House adjourns.

On motion made and seconded, the House adjourned until Tuesday next, at 3 o'clock, P. M.

24th February, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, Governor.

TUESDAY, 24th FEBRUARY, 1857.

The House met pursuant to adjournment.

House meets.

PRESENT :

The Honorable **LAURENCE O'BRIEN, President.**
 " **JAMES TOBIN**
 " **SAMUEL CARSON**
 " **THOMAS ROW**
 " **JAMES J. ROGERSON**
 " **PHILIP DUGGAN**

Members present.

The Minutes of Friday last were read.

The Honorable the President laid before the House, by command of the Governor, the following Message from His Excellency :—

C. H. DARLING.

The Governor begs to assure the Honorable the Legislative Council, that the important subject represented in their Address of the 18th inst., shall receive his best attention, and that with the advice of his Council, he will take such measures as appear best calculated to attain the desired object.

Message from the Governor in reply to Address of the Council of the 18th inst., on the subject of Drunkenness in the streets of St. John's.

C. H. D.

Government House,

24th February, 1857.

The Honorable the President also laid before the House, by command of the Governor, the following documents, viz. :—

Documents laid before the House by command of the Governor.

Extract of a Despatch from the Governor to the Secretary of State for the Colonies, referring to Despatch, No. 70, of the 28th July, 1856, and stating that the Attorney General had been unable, from ill health, to proceed to England—and reporting on the various Settlements His Excellency had visited in Her Majesty's Ship "Pylades"—19th August, 1856. (Vide Appendix.)

24th February, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

Copy of Despatch from His Excellency the Governor to the Secretary of State, transmitting an Address from the Legislative Council and House of Assembly, praying that no further privileges in respect to Rights of Fishery, prejudicial to the Interests of Her Majesty's Subjects in Newfoundland, may be conceded to the French—April, 1856—and in reply to Addresses from the Council, of the 18th and 20th inst., copy of the Despatch from the Secretary of State to Sir John Harvey, dated 29th July, 1843; and of the Opinions of the Crown Law Officers, dated respectively 30th May, 1835, and 17th April, 1837, as referred to in His Excellency the Governor's Despatch of the 23rd July, 1856. (Vide Appendix.)

Copy of Lord Palmerston's Note to Count Sebastiani, in 1838, referred to in Despatch of Governor Hamilton to the Duke of Newcastle. (Vide Appendix.)

Ordered—That 120 copies of the above named documents be printed.

A deputation from the House of Assembly brought up the following Message :—

Mr. PRESIDENT,—

Message from the House of Assembly, requesting the attendance of the Honorable Messrs. Tobin and Row before a Select Committee of the Assembly—

The House of Assembly respectfully request, that your Honorable House will permit the Honorable James Tobin and the Honorable Thomas Row, members of your House, to be examined before a Select Committee appointed by this House to take evidence on the subject of the Convention recently entered into between Her Majesty and the Emperor of the French, in reference to certain Fishery Rights of this Colony.

(Signed,)

A. SHEA,
Speaker.

House of Assembly,
18th February, 1857.

Concurred in.

Ordered—That the request be concurred in.

24th and 26th February, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, *Governor.*

A deputation from the House of Assembly brought up a Bill for the concurrence of this House entitled, "An Act to provide for the Erection of a Light House on the Island of Baccalieu, on the coast of this Island," which was read a first time—and

Baccalieu LightHouse erection Bill—

Brought up and read 1st time.

Ordered—To be read a second time to-morrow.

Pursuant to the order of the day, the Bill to regulate the Seal and other Fisheries of this Island, was read a second time—and

Seal and other Fisheries Regulation Bill—
Read 2nd time.

Ordered—To be committed to-morrow.

Pursuant to the order of the day, the House went into Committee on the Report of the Committee of the whole House on the Convention with the French, dated 14th January, 1857—

Report of Committee on French Convention—
Committed.

The Honorable Mr. CARSON in the Chair.

After some time the House resumed.

The Chairman reported progress, and asked leave to sit again to-morrow.

Ordered—That the Report be received.

On motion made and seconded, the House adjourned until Thursday next, at 3 o'clock, P. M.

House adjourns.

THURSDAY, 26th FEBRUARY, 1857.

The House met pursuant to adjournment.

House meets.

PRESENT :

The Honorable LAURENCE O'BRIEN, *President.*

“ JAMES TOBIN

“ THOMAS ROW

“ JOHN ROCHFORT

“ JAMES J. ROGERSON

Members present.

26th and 27th February, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

The Minutes of Tuesday last were read.

Baccalieu Light House
erection Bill—
Read 2d time.

Pursuant to the order of the day, the Bill entitled "An Act to provide for the erection of a Light House on the Island of Baccalieu, on the coast of this Island," was read a second time—and

Ordered—To be committed to-morrow.

Report of Committee
on French Convention—
Committed—

Pursuant to the order of the day, the House went into Committee on the Report of the Committee of the whole House on the Convention with the French, dated 14th January, 1857—

The Hon. Mr. ROCHFORD in the Chair.

After some time the House resumed.

Reported with amend-
ments.

The Chairman reported the Report with some amendments.

Ordered—That the Report be received—and

Ordered—That the said Report, as amended, be read a third time on Monday next, and that it be printed.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow, at 3 o'clock, P. M.

FRIDAY, 27th FEBRUARY, 1857.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present.

The Honorable LAURENCE O'BRIEN, *President.*
 " JAMES J. ROGERSON
 " THOMAS ROW
 " SAMUEL CARSON
 " JAMES TOBIN
 " JOHN ROCHFORD

27th February, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, Governor.

The Minutes of yesterday were read.

Pursuant to the order of the day, the House went into Committee on the Bill entitled "An Act further to amend an Act passed in the seventeenth year of Her Majesty's Reign, entitled 'an Act to incorporate a Company under the style and title of the New York, Newfoundland and London Telegraph Company'"—

Electric Telegraph
Company's Act Amend-
ment Bill—

Committed—

The Honorable Mr. TOBIN in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Reported.

Ordered—That the Report be received.

Ordered—That the said Bill be read a third time to-morrow.

Pursuant to the order of the day, the House went into Committee on the Bill entitled "An Act to provide for the erection of a Light House on the Island of Baccalieu, on the coast of this Island"—

Baccalieu Light House
erection Bill—

Committed—

The Honorable Mr. CARSON in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Reported.

Ordered—That the Report be received.

Ordered—That the said Bill be read a third time to-morrow.

Pursuant to the order of the day, the House went into Committee on the Bill to regulate the Seal and other Fisheries of this Island—

Seal and other Fisher-
ies Bill—
Committed—

The Hon. Mr. ROCHFORD in the Chair.

After some time the House resumed.

27th February and 2nd March, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

Reported.

The Chairman reported the Bill with some amendments.

Ordered—That the report be received.

Ordered—That the Bill, as amended, be engrossed, and read a third time to morrow.

Notice of Motion for a Select Committee to draft Addresses to the Queen and the two Houses of Parliament relative to the Convention with the French.

The Hon. Mr. TOBIN gives notice, that on Monday next he will move that a Select Committee be appointed to draft Addresses to Her Majesty the Queen, and the two Houses of Parliament, on the subject of the Convention with the French.

House adjourns.

On motion made and seconded, the House adjourned until Monday next, at 3 o'clock, P. M.

MONDAY, 2nd MARCH, 1857.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present.

The Honorable LAURENCE O'BRIEN, *President.*
 “ JOHN ROCHFORT
 “ SAMUEL CARSON
 “ THOMAS ROW
 “ JAMES J. ROGERSON
 “ PHILIP DUGGAN
 “ JAMES TOBIN

The Minutes of Friday last were read.

Documents laid before the House by command of the Governor.

The Hon. the President laid before the House, by direction of the Governor, the following documents, viz :—

(Vide Appendix.)

A Statement of the St. John's Marine Insurance Company.

2nd March, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, Governor.

**A Statement of the Newfoundland Marine Assurance Company
—and**

**A General Statement of the Affairs of the Union Bank, for the
year ending 31st May, 1856.**

**Pursuant to the order of the day, the following Bills were
read a third time and passed, viz :—**

**“ An Act further to amend an Act passed in the seventeenth
year of Her Majesty’s Reign, entitled ‘ an Act to incorporate a
Company under the style and title of the New York, Newfound-
land and London Telegraph Company ’ ”—and**

**Electric Telegraph
Company’s Act Amend-
ment Bill—**

and

**“ An Act to provide for the erection of a Light House on the
Island of Baccalieu, on the coast of this Island ”—**

**Erection of Baccalieu
Island Light House
Bill—**

**Read 3rd time and
passed.**

Whereupon the Honorable the President signed the same.

**Pursuant to the order of the day, the Bill to regulate the Seal
and other Fisheries of this Island, was read a third time and
passed.**

**Seal and other Fisher-
ies Bill—
Read 3rd time and
passed.**

**Ordered—That the title of the said Bill be ‘ An Act to regu-
late the Seal and other Fisheries of this Island ’—**

Title of Bill.

Whereupon the Honorable the President signed the same.

**Ordered—That the said Bill be transmitted by Message to the
House of Assembly, for concurrence.**

**Pursuant to the order of the day, the Report of the Committee
of the whole House on the Convention with the French, of the 14th
January last, was read a third time and passed,—and is as follows :—**

**Report of Committee
of the whole House
on Convention with the
French—
Read 3rd time and
passed—**

2nd March, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

*Report of the Committee of the Whole House on
the Convention with the French, of the 14th
January, 1857,—Received by the House
26th February, 1857.*

The Report.

The Committee have given to the Message of His Excellency, and to the Despatch of the Secretary of State, and the Convention between England and France transmitted therewith, that dispassionate and earnest consideration which the weighty matters therein contained required.

It will tend to a better understanding of the effects of this Convention, if a summary review be taken of the present extent of French privileges as regards the Newfoundland Fisheries.

1st.—By existing Treaties, the subjects of France enjoy the right of catching and curing Codfish upon those parts of Newfoundland lying between Cape John on the N.E., and Cape Ray on the S.W., in which privilege British subjects claim, and have always claimed, a concurrent right, and that claim has been officially avowed and strongly upheld by the present Prime Minister of England, in a Despatch dated 10th July, 1838, whilst the sovereignty of the soil was and is indisputably reserved to England; but by this Convention—although the French are not required to relinquish one particle of their fishing privileges, the subjects of Great Britain are to be deprived of all their concurrent rights between Cape John and Cape Norman (about one-half of the whole) and are expressly to be excluded from the sea shore between Cape Norman and Rock Point at the mouth of the Humber, and from the five best, if not the only safe harbours along the whole Western Coast, from Cape Norman to Cape Ray.

By the like Treaties the subjects of France possess no right whatever to approach or fish upon the coast of Belle Isle or Labrador, or any of the Islands on the coast of Newfoundland, except

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HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, *Governor.*

St. Pierre and Miquelon, nor to interfere with our Salmon Fisheries; yet, by this Convention, they are to be allowed the privilege of directly competing with British Fishermen, upon the best fishing ground on the Labrador, viz., from Blanc Sablon to Cape Charles, and on the Coast of North Belle Isle, and of curing fish on the latter Island; and also of appropriating the Islands adjacent to the Coast; and are, moreover, to be enabled, under the peculiar words introduced into this Convention, “fishery purposes,” and by means of access to our rivers and creeks, to interfere with and materially to injure, if not to destroy, our valuable Salmon and Herring Fisheries, both in Newfoundland, and on the South Coast of Labrador—Fisheries which if known were not much used at the date of the Treaty in 1783, and to which it obviously had no reference.

In the name of an equivalent for making these important concessions to the citizens of France, and for imposing such disastrous conditions upon the subjects of Great Britain, the exclusive use of our own shores, from the Humber to Cape Ray, is to be retained by the British, with the exception of the harbors of Port au Port, Little Harbor, Red Island, and Codroy Island. Now, as these harbors and the circumference prescribed to each, by Article 1, will include every one along that shore, to and in which a vessel of any size can approach or lie, the act of the British Government in accepting a tract of coast—already their own—for the purpose of affording to their subjects the means of settlement and fishery, and in the same breath depriving those subjects of the only harbors by which either purpose could be made available, is one which—although characterized by the Secretary of State as “a concession,” is viewed very differently by those who will suffer from the injury.

The concurrent rights in Labrador and Belle Isle, and the exclusive rights in Newfoundland, now, for the first time, proposed to be ceded to the French, will operate to the prejudice, if not extinction of British interests, and to the damage of British subjects in a manner and to an extent not known or contemplated by the Government of England.

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The Salmon Fisheries already alluded to, and the Seal-net and Herring Fisheries, are most important objects of Newfoundland industry, and a mine of wealth to the people of this Colony. Large sums of money have been expended in purchasing Salmon and Seal Stations, and the appliances necessary for the conduct of these fisheries ; but the effects of this Convention will drive the Salmon and Seal Fisher from his accustomed haunts, and will frustrate the labours of those engaged in the catch of Herring, by depreciating the present quality of the fish, and eventually exterminating the species.

Those acquainted with the habits of the Cod-fish know, that in their migrations they are easily diverted ; and the facilities extended by the French Government to their fishermen for providing Seines and Bultows of enormous length and depth, and for working them by the aid of large crews, will enable them to run out those implements from Belle Isle and Labrador, so as to check the fish in their approach to the Northern parts of the latter shore ; whilst their deep Seines will sweep the fishing grounds which only can be used, by our fishermen, with hook and line.

Nor should it be forgotten that the French, in using their concurrent right on the Labrador, and enjoying their exclusive rights on the opposite side of the Straits, will inevitably exclude from the fishing grounds in these Straits, the Newfoundland, Nova Scotian, New Brunswick, Canadian, and American fishermen who now frequent them, and will practically compel them to proceed to the Northern shores already over crowded.

2ndly.—As regards the question of Bait, the Committee are of opinion that the privilege granted by this Convention to the French to take both Herring and Caplin as bait throughout the South Coast of Newfoundland, will involve consequences deeply injurious to, it not positively destructive of, the interests of this Colony.

The conditions by which the right of taking are limited, viz :—when a supply by purchase shall fail, are so obviously advantageous to the French, that no observations are necessary to expose their

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transparency : it is not likely that people will be content to purchase what they can lawtully obtain by taking, and the French can readily and will speedily create for themselves that restriction which will enable them to profit by their own wrong.

The Committee do not see how the French can be practically restrained from using the Herring for purposes of *Commerce*, as well as Bait, and they are quite sure that they will speedily learn to do so.

Mr. Secretary Labouchere has rightly stated that a supply of bait is "*indispensable*" for the purposes of the French, but we, in Newfoundland, have not deemed that consideration one which should influence us ; and the attention of our Local Legislature has, accordingly, from time to time, been directed, and not without effect, to repress the traffic in bait between the British and French, to protect our rights, and to prevent collisions ; but the unlimited facilities to the French, proposed by this Convention, would over-ride all regulations, however wholesome, to guard our Herring and Caplin from being hauled at improper seasons, by improper modes, or in improper quantities ; and would enable our rivals to supply themselves to repletion, with bait, before our very doors, sufficient for their fisheries on the Banks, and on the Northern, as well as the Southern sides of the Island.

A remarkable degree of harmony has of late years prevailed between the British and French fishermen on this Coast ; the former have accommodated themselves to the consequences of the Treaty of 1783, and both understand their respective rights ; with the exception of occasional usurpations of Salmon fisheries by the French, no disagreements had arisen or were likely to arise, and no cause for further Treaties, much less for further concessions, existed.—But if this Convention be confirmed, it will be vain to expect that our fishermen—smarting under a sense of injury—will quietly submit to the direct interference and thwarting competition of strangers so unwarrantably intruded upon them, and broils and bloodshed will be the inevitable result of this unilateral Convention.

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The importance to France of the Newfoundland fisheries, has been appreciated by that nation for nearly 300 years. In the early part of the 17th century, an active competition sprang up between the British and French fishermen, when England began in 1630 to supply the Spanish and Italian Markets, and France then commenced that system of bounties, which speedily made itself felt to the prejudice of the British.

In 1777 no less than 20,000 French Seamen were employed in these Fisheries; but when the Revolution of 1793 threw France into confusion, and the bounties were dropped, that large number was reduced, the very next year, to 3397.

During the war, from 1793 to 1814, British Fisheries, in the absence of French fishermen, again flourished, and our national wealth increased; for produce to the value of three millions of pounds sterling was exported from Newfoundland in the single year of 1814.

But when in that year peace was proclaimed between Great Britain and France, and England, losing by her diplomacy what she had gained by her arms, again ceded to France fishing rights in Newfoundland, that Power resumed her fostering care of them; her bounties were forthwith revived; her trade increased; and foreign competition, thus supported, well nigh overwhelmed British interests in this Colony.

Our important Bank fisheries, which, as far back as 1630, employed, from Devonshire alone, 150 square-rigged vessels, and of later years numbered upwards of 400, were lost to the English, and are now transferred to the French, to their great and manifest advantage.

At present there are fully 500 square-rigged vessels and about 30,000 seamen, annually employed in the French fisheries of this Island; their catch of fish is nearly equal to our own, and would be

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increased, if the want of bait did not interpose impediments to its more extensive prosecution.

Long since the French must have abandoned those fisheries as objects of profitable commercial enterprise, had not their government, for national purposes, upheld them. The Report of a Committee of the National Assembly of France, upon their Newfoundland Fisheries, presented and adopted on 3rd May, 1851, should not be forgotten in the consideration of this question. In recommending a continuance of the large Bounties theretofore granted, the Report states—"It is not, therefore, a Commercial Law we have the honor to propose to the Assembly, but a *Maritime* law—a law conceived for the advancement of the Naval power of this Country." "It is on her fisheries that at this day repose all the most serious hopes of our maritime enlistments." "No other school can compare with this in preparing them so well, and in numbers so important, for the service of the Navy." And for these National purposes France pays from the Imperial Treasury a Bounty of 50 francs for every man employed in the Cod-fishery, besides a Bounty on every quintal mettrique of dried Cod-fish, varying from 20 to 12 francs, according to the Ports from and to which it is sent; and a Bounty of 20 francs for every quintal mettrique of Cod-liver.

Against and in the face of this enormous subsidy we have been hitherto contending. Our Labrador, Salmon, Seal-net and Herring fisheries, and our command of Bait, have principally sustained our trade and enabled it to exist. Yet these are now proposed to be wrested from us; our Government seem determined to crush our industry, already over-burdened, by making further and uncalled for concessions to our subsidized rivals, and are willing to confiscate the vested rights of the Inhabitants of this Colony, acquired upon the faith of existing law, and to drive from their homesteads in their native land hundreds of British families.

In 1783, when the Treaty of Versailles, now under consideration, was entered into, England was emerging from an expensive and inauspicious war with France, Spain, and her North American

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Colonies ; her resources were crippled and her power was weakened. Yet even under such circumstances, the House of Commons resolved, in reference to the fishing privileges in Newfoundland ceded to the French by that Treaty,—“That the Concessions granted to the adversaries of Great Britain were greater than they were entitled to either from the actual state of their respective possessions or from their comparative strength.” And the Government of Lord Shelburne, by whom that Treaty was completed, was removed.

What may be the “momentous considerations” that at the present day of peace and prosperity, can justify the disturbance of existing Treaties, the greatly increased Concessions to France, and the cruel violation of individual rights which this Convention proposes, the Committee are wholly at a loss to divine.

Her Majesty’s Plenipotentiaries appear to treat with little consideration the right proposed to be conceded to the French to cut timber—but some of the effects of this concession will be to hamper and materially to injure the cooorage business necessary for the salmon and herring fisheries—to interfere with ship and boat building, and to deprive Newfoundland of her Forests, the value of which is beginning to attract the serious attention of British and American capitalists.

Her Majesty’s Secretary of State has, in referring to this Convention, alluded to the privileges recently conceded by this Colony to the United States, but the cases do not seem to bear an analogy to each other. The desire of America to participate in our Fisheries arises from commercial considerations. She accorded to Newfoundland something approximating to, or supposed to be an equivalent, in Free Trade with her, and the bounty she bestows on her Fisheries is insignificant ; but that which France pays to support her’s, annihilates opposition whenever the produce of their and our Fisheries conflicts ; and it is conferred, as has been already shown, not for mercantile objects, but with a view to provide experienced seamen for their Ships of War, and to enable that Power to compete with England for the supremacy of the Seas—views legitimate

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enough for France to contemplate, but which British subjects in Newfoundland little expected to be called upon to promote by the sacrifice of their own rights.

As to that menace, of “probable future loss to Newfoundland,” obscurely conveyed in Mr. Secretary Labouchere’s Despatch, and held over the Legislature in case it should refuse concurrence in this Convention, the Committee cannot surmise its meaning; they are unable to conceive any loss they can incur, more grievous than that which is proposed to be inflicted on them by this diplomacy. Indeed it has been seriously contended that it would be better—in a Mercantile point of view—for the British Inhabitants of Newfoundland, if the whole Colony, in full sovereignty, were ceded to France, than that the provisions of this Convention be ratified; in the former contingency they would participate in French bounties should they elect to remain under the sway of that Government, or they would find purchasers for their property and their homes should their hereditary attachment to British rule compel them to depart.

The Committee cannot forget that within the last few years a dutiful request was preferred to the British Government, by both Branches of the Legislature, for a loan to this Colony of money for internal improvements; several appeals have been made by them within the same period, and to the same source, for the establishment of direct Steam Communication between Newfoundland and Great Britain, for the restoration to us of at least our former Military force, and to restore this insular Colony to the position of a Naval Station; but all our appeals were rejected, and we were left to our own resources for the supply of our own wants.

We should be either more or less than men, if bitterness were not added to our disappointment, when we now find that the Parent which would not stretch out her hand to help—will do so to despoil her own household; and would fain take her children’s bread to give it unto strangers.

The Committee are of opinion that the Council owe it to their

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Country, and to themselves, to inform Her Majesty's Government, that having patiently and deliberately weighed every article of this Convention, and considered its natural and inevitable consequences, they have arrived at the solemn conviction, that its provisions are unjust to Newfoundland, and subversive of its best interests ; and they cannot concur in any measure to give it operation.

Ordered—That the said Report be transmitted to Her Majesty's Principal Secretary of State for the Colonies, through His Excellency the Governor, with the following letter :—

*Legislative Council Chamber,
Newfoundland, 2nd March, 1857.*

*Letter to Secretary of
State for the Colonies,
transmitting Report
on the Convention
with the French.*

SIR,—

The Legislative Council of Newfoundland have taken into their grave consideration the Convention entered into on the 14th January last, between the Plenipotentiaries of the British and French nations respecting this Colony, and submitted to the Council by His Excellency Governor Darling.

Having referred the Convention to the whole House, a Report was made thereupon by that Committee, and such Report has been unanimously adopted by the House.

We beg permission to enclose a copy of the same, and most respectfully and earnestly to pray, that the opinions and facts therein set forth will induce Her Majesty's Government to avert from Newfoundland the disastrous consequences to it which the consummation of that Convention would entail upon this ancient and loyal dependency of the Crown.

I have the honor to be, Sir,

Your most obedient, humble servant,

(Signed) **LAURENCE O'BRIEN,**

President.

2nd March, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, Governor.

Pursuant to notice, and on motion of the Honorable Mr. TOBIN, it was

Ordered—That a Select Committee be appointed to draft Addresses to Her Majesty and the two Houses of the Imperial Parliament, in accordance with the Report of the Committee on the Convention with France.

Select Committee to draft Addresses to the Queen and to the two Houses of Parliament on the subject of the Convention.

Ordered—That the Honorable Messrs. Tobin, Row, and Carson be a Committee for that purpose.

The Honorable the President announced to the House, that His Excellency the Governor will give his assent to two Bills to-morrow, at 2 o'clock, P. M.

President announces that His Excellency the Governor will assent to certain Bills.

The Honorable Mr. TOBIN gives notice, that to-morrow he will move that Delegates be appointed by this House, to proceed to England to promote to the best of their discretion and abilities, the views and instructions of the Council on the important subject of the Convention with France—and if any gentlemen should proceed from the House of Assembly for the purpose, by the Packet now due, one Delegate, at least, from this House should proceed by the same opportunity.

Notice of motion for the appointment of Delegates to proceed to England—

and

The Honorable Mr. TOBIN also gives notice, that he will to-morrow move that the 35th Rule of the House be suspended with reference to all matters on the subject of the Convention with the French.

Of suspension of 35th Rule of the House.

On motion made and seconded, the House adjourned until to-morrow, at a quarter before 2 o'clock, P. M.

House adjourns.

3rd March, 1857.

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TUESDAY, 3rd MARCH, 1857.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present.

The Honorable **LAURENCE O'BRIEN, President.**
 “ **JAMES TOBIN**
 “ **JOHN ROCHFORT**
 “ **SAMUEL CARSON**
 “ **PHILIP DUGGAN**
 “ **THOMAS ROW**
 “ **JAMES J. ROGERSON**

The Minutes of yesterday were read.

Governor arrives at the Council Chamber—

At two o'clock, P. M., His Excellency the Governor having come to the Legislative Council Chamber, and being seated on the Throne, the Usher of the Black Rod was ordered to direct the attendance of the Speaker and members of the Commons House of Assembly in this House—and they being come thereto His Excellency was pleased to assent to the bills entitled,—

Assembly summoned to attend him—

His Excellency assents to certain Bills, viz—

Electric Telegraph Act Amendment Bill—

“An Act further to amend an Act passed in the seventeenth year of Her Majesty's Reign, entitled ‘An Act to incorporate a Company under the style and title of the New York, Newfoundland, and London Telegraph Company,’ ”—and

and

Baccalieu Light House erection Bill.

“An Act to provide for the erection of a Light House on the Island of Baccalieu, on the coast of this Island.”

The Assembly retire—His Excellency withdraws.

Then the House of Assembly retired, and His Excellency withdrew.

House adjourns.

On motion made and seconded, the House adjourned until tomorrow at 3 o'clock, P. M.

4th March, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, *Governor.*

WEDNESDAY, 4th MARCH, 1857.

The House met pursuant to adjournment.

House meets.

PRESENT :

The Honorable LAURENCE O'BRIEN, *President.*

“ JAMES TOBIN
 “ THOMAS ROW
 “ JOHN ROCHFORT
 “ PHILIP DUGGAN
 “ SAMUEL CARSON

Members present.

The Minutes of yesterday were read.

The Honorable the President reported, that he had waited on the Governor with the Letter to the Secretary of State, of the 2nd Instant, enclosing the Report of the Committee of the whole House on the subject of the Convention with France, and that His Excellency would transmit the same by the present Mail.

President reports that the Governor will transmit a letter to Secretary of State, enclosing Report of Committee on the Convention with France.

The Honorable Mr. TOBIN, from the Select Committee appointed to draft Addresses to the two House of Parliament, on the subject of the Convention with France, presented drafts thereof, which were read, and are as follows :—

Select Committee presented drafts of Addresses to the two Houses of Parliament on the subject of the Convention with France—

*To the Right Honorable the Lords Spiritual and
 Temporal, in Parliament assembled.*

Address to the House of Lords.

MAY IT PLEASE YOUR LORDSHIPS ;—

The Legislative Council of Newfoundland, in General Assembly convened, respectfully approach Your Lordships with the earnest prayer that you will take into your consideration, and save this Colony from the effects of the Convention entered into by the Plenipotentiaries of Great Britain and France, on the 14th of January last.

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By that Convention most valuable Fishery Privileges, and extensive Territorial Rights, in Newfoundland, are proposed to be transferred from the Subjects of England to those of France.

The Council have carefully weighed every clause of it, and they assure Your Lordships that, if carried into effect, its results will be the destruction of the Trade and Fisheries of this ancient Colony, and the ruin of hundreds of British Families, who,—expelled from their habitations in their Native Land, and separated from those pursuits to which they have been trained, and by which they have earned a comfortable livelihood,—will be cast destitute upon the world.

The Concessions of Fishing Privileges on the Banks and Shores of Newfoundland, made by Great Britain to France in former Treaties, redounded to the benefit of France and to the corresponding injury of England; but the advantages proposed to be conferred upon the former by this Convention so far exceed all antecedent concessions, and are so entirely unilateral, that the Commerce of this Colony would be crushed under the weight of Foreign competition.

A reference to the Map will show that by this Convention the subjects of France would enjoy exclusive right to one fourth, and concurrent rights to more than two-thirds of the Shores of the whole Island, besides the privilege of fishing along one hundred and fifty miles of the most valuable part of the Coast of Labrador, of engrossing our Seal-net, Salmon, and Herring Fisheries, and of taking our Bait, and felling our Forests.

The enormous bounties which France pays out of her National Treasury to encourage her Fishery, in order avowedly to obtain a supply of Seamen for her Navy, will enable her, by the aid of the increased privileges now contemplated, vastly to extend her operations and proportionably to cripple ours.

The secrecy with which the present Convention was arranged has alarmed as well as surprised your Petitioners; the first intima-

4th March, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, *Governor.*

tion which the Public in the Colony had of a negotiation wherein their interests are so largely involved, was on the 6th February last, and after the Convention had been executed.

By one of the clauses of that Document the Constitutional right of our Legislature is recognised, and their action, as well as that of the Parliament of England, is required to bring the Convention into operation.

The House of Assembly and Your Petitioners are unanimous in their refusal to give it efficacy; and we appeal for protection to the proverbial justice of Your Lordships, in case the power of the Imperial Parliament should be invoked to over-ride our Legislative functions and to affirm this disastrous Diplomacy.

We do not deem it necessary to trouble Your Lordships with any extended observations upon the importance to Great Britain of Newfoundland, in a national point of view, either as regards its proximity to England, the command of the St. Lawrence which it affords, its geographical position in reference to the United States, its connexion with the projected Atlantic Telegraph, or its inexhaustible Fisheries; it is the invasion of our particular rights which now occasions our appeal.

We therefore humbly and urgently pray that Your Lordships will take the premises into your consideration, and—mindful of the claim which British Subjects, when oppressed, never urge upon you in vain—that you will adopt such measures as in your wisdom you shall deem proper, to shield the Inhabitants of this Colony, the oldest and the nearest to England, from the ruin of their Commercial and Industrial Rights, and the cruel spoliation of their Personal Properties, which this unequal Convention contemplates.

And, as in duty bound, they will ever pray.

(Signed) LAURENCE O'BRIEN,

President.

Legislative Council Chamber,
St. John's, Newfoundland, 4th March, 1857. }

4th March, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

*To the Honorable the Commons of the United
Kingdom of Great Britain and Ireland,
in Parliament assembled.*

Address to the House
of Commons.

MAY IT PLEASE YOUR HONORABLE HOUSE ;—

The Legislative Council of Newfoundland, in General Assembly convened, respectfully approach Your Honorable House with the earnest prayer that you will take into your consideration, and save this Colony from the effects of, the Convention entered into by the Plenipotentiaries of Great Britain and France, on the 14th of January last.

By that Convention, most valuable Fishery Privileges, and extensive Territorial Rights, in Newfoundland, are proposed to be transferred from the subjects of England to those of France.

The Council have carefully weighed every clause of it, and they assure Your Honorable House, that if carried into effect, its results will be the destruction of the Trade and Fisheries of this ancient Colony, and the ruin of hundreds of British Families, who,—expelled from their habitations in their Native Land, and separated from those pursuits to which they have been trained, and by which they have earned a comfortable livelihood,—will be cast destitute upon the world.

The Concessions of Fishing Privileges on the Banks and Shores of Newfoundland, made by Great Britain to France in former Treaties, redounded to the benefit of France and to the corresponding injury of England ; but the advantages proposed to be conferred upon the former by this Convention so far exceed all antecedent concessions, and are so entirely unilateral, that the Commerce of this Colony would be crushed under the weight of Foreign competition.

A reference to the Map will shew that by this Convention the subjects of France would enjoy exclusive right to one fourth, and

4th March, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, *Governor.*

concurrent rights to more than two-thirds of the Shores of the whole Island, besides the privilege of fishing along one hundred and fifty miles of the most valuable part of the Coast of Labrador, of engrossing our Seal-net, Salmon, and Herring Fisheries, and of taking our Bait, and felling our Forests.

The enormous bounties which France pays out of her National Treasury to encourage her Fisheries, in order avowedly to obtain a supply of Seamen for her Navy, will enable her, by the aid of the increased privileges now contemplated, vastly to extend her operations and proportionably to cripple ours.

The secrecy with which the present Convention was arranged has alarmed as well as surprised your Petitioners ; the first intimation which the Public in the Colony had of a negociation wherein their interests are so deeply involved, was on the 6th February last, and after the Convention had been executed.

By one of the clauses of that Document the Constitutional right of our Legislature is recognised, and their action, as well as that of the Parliament of England, is required to bring the Convention into operation.

The House of Assembly and Your Petitioners are unanimous in their refusal to give it efficacy ; and we appeal for protection to the proverbial justice of the Commons of England, in case the power of the Imperial Parliament should be invoked to override our Legislative functions and to affirm this disastrous Diplomacy.

We do not deem it necessary to trouble Your Honorable House with any extended observations upon the importance to Great Britain of Newfoundland, in a national point of view, either as regards its proximity to England, the command of the St. Lawrence which it affords, its geographical position in reference to the United States, its connexion with the projected Atlantic Telegraph, or its inexhaustible Fisheries ; it is the invasion of our particular rights which now occasions our appeal.

4th and 5th March, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

We therefore humbly and urgently pray that Your Honorable House will take the premises into your consideration, and—mindful of the claim which British Subjects, when oppressed, never urge upon you in vain—that you will adopt such measures as in your wisdom you shall deem proper, to shield the Inhabitants of this Colony, the oldest and the nearest to England, from the ruin of their Commercial and Industrial Rights, and the cruel spoliation of their Personal Properties, which this unequal Convention contemplates.

And, as in duty bound, they will ever pray.

(Signed) LAURENCE O'BRIEN,

President.

*Legislative Council Chamber,
St. John's, Newfoundland, 4th March, 1857. }*

Ordered—That the said Addresses be received and adopted—
and

Ordered—That they be engrossed.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow at 3 o'clock, P. M.

THURSDAY, 5th MARCH, 1857.

House meets.

The House met pursuant to adjournment.

PRESENT :

The Honorable LAURENCE O'BRIEN, *President.*

Members present.

“ THOMAS ROW
“ JAMES TOBIN
“ PHILIP DUGGAN
“ JOHN ROCHFORT

5th and 6th March, 1857.**HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, Governor.**

The Minutes of yesterday were read.

On motion made and seconded, the House adjourned until to-
morrow, at 3 o'clock, P. M. House adjourns.

FRIDAY, 6th MARCH, 1857.

The House met pursuant to adjournment.

House meets.**PRESENT :**

The Honorable **LAURENCE O'BRIEN, President.**

Members present.

“ **JAMES TOBIN**
 “ **PHILIP DUGGAN**
 “ **JAMES CORMACK**
 “ **JAMES J. ROGERSON**
 “ **THOMAS ROW**
 “ **THOMAS H. RIDLEY**
 “ **JOHN MUNN**
 “ **JOHN ROCHFORD**

The Minutes of yesterday were read.

On motion of the Honorable Mr. Row, the Memorial of the
Commercial Society, praying that measures may be taken to protect
and secure the fishermen of this Colony from any invasion of their
rights and privileges to the French, was read—and Memorial of Commer-
cial Society for pro-
tection of the Fisher-
ies—
Read.

Ordered—To lie on the table.

On motion made and seconded, the House adjourned until
Tuesday next, at 3 o'clock, P. M. House adjourns.

10th March, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

TUESDAY, 10th MARCH, 1857.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present.

The Honorable* LAURENCE O'BRIEN, *President.

“ **JOHN ROCHFORD**
 “ **JOHN MUNN**
 “ **SAMUEL CARSON**
 “ **THOMAS ROW**
 “ **PHILIP DUGGAN**
 “ **JAMES TOBIN**
 “ **JAMES J. ROGERSON**
 “ **JAMES CORMACK**
 “ **THOMAS H. RIDLEY**

The Minutes of Friday last were read.

**Education Bill brought
up and—**

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “ An Act for the Encouragement of Education,” which was read a first time—and

Read 1st time.

Ordered—To be read a second time to-morrow.

House adjourns.

On motion made and seconded, the House adjourned until Thursday next, at three o'clock, P. M.

12th March, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, Governor.

THURSDAY, 12th MARCH, 1857.

The House met pursuant to adjournment.

House meets.

PRESENT :

The Honorable LAURENCE O'BRIEN, President.

“ **JAMES TOBIN**
 “ **PHILIP DUGGAN**
 “ **JAMES J. ROGERSON**
 “ **THOMAS ROW**
 “ **THOMAS H. RIDLEY**
 “ **SAMUEL CARSON**
 “ **JOHN MUNN**
 “ **JOHN ROCHFORT**

Members present.

The Minutes of Tuesday last were read.

A Deputation from the House of Assembly brought up two Bills for the concurrence of this House, entitled—

“ An Act to continue an Act for granting to Her Majesty certain Duties on Goods, Wares, and Merchandize imported into this Colony and its Dependencies”—and

Revenue Bill—

and

“ An Act for granting to Her Majesty a Sum of Money for defraying the Expenses of the Civil Government of this Colony, for the year ending on the 31st day of December, one thousand eight hundred and fifty seven, and for other purposes”—

Supply Bill—

Brought up and severally read 1st time.

Which Bills were severally read a first time—and

Ordered—To be read a second time to-morrow.

Pursuant to the order of the day, the Bill entitled “ An Act for the Encouragement of Education,” was read a second time—and

**Education Bill—
 Read 2d time.**

Ordered—To be committed to-morrow.

12th and 13th March, 1857.**THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.**

Notice of motion that
35th Rule of the House
be suspended for the
remainder of the Ses-
sion.

The Honorable Mr. TOBIN gives notice, that he will on to-
morrow, move that the 35th Rule of the House be suspended with
reference to all Bills and subjects that may come before this House
during the present Session.

House adjourns.

On motion made and seconded, the House adjourned until to-
morrow, at 3 o'clock, P. M.

FRIDAY, 13th MARCH, 1857.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present.

The Honorable LAURENCE O'BRIEN, *President.*
 " JOHN ROCHFORD
 " SAMUEL CARSON
 " THOMAS H. RIDLEY
 " JAMES J. ROGERSON
 " JAMES TOBIN
 " PHILIP DUGGAN
 " THOMAS ROW
 " JOHN MUNN

The Minutes of yesterday were read.

Revenue Bill—

Pursuant to the order of the day, the Bill entitled " An Act to
continue the Act for granting to Her Majesty certain Duties on
Goods, Wares, and Merchandize imported into this Colony, and its
Dependencies," was read a second time.

Read 2nd time.

Pursuant to notice, and on motion of the Honorable Mr. TOBIN,
it was—

35th Rule of the House
suspended,

Ordered—That the 35th Rule of the House be suspended, with
reference to all Bills and subjects that may come before the
House during the present Session—

13th March, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, Governor.

Whereupon, the House went into Committee on the Bill above named—

Revenue Bill—
Committed—

The Honorable Mr. CARSON in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Reported.

Ordered—That the Report be received.

Ordered—That the said Bill be read a third time to-morrow.

A Deputation from the House of Assembly brought up a Message, requesting the amount of the Contingencies of this House for the present Session.

Message from the
House of Assembly
requesting Council's
Contingencies.

On motion of the Hon. Mr. TOBIN, that a Select Committee be appointed to report on the Contingencies of this House for the present Session—it was

Ordered—That the Honorable Messrs. Tobin, Rogerson and Ridley, be a Committee for that purpose.

Select Committee on
Contingencies.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled, “An Act for ascertaining the Population of this Colony, and other Statistical information,” which Bill was read a first and second time, and the House went into Committee thereon—

Census Bill—
Brought up—

Read 1st and 2nd
time—
Committed—

The Honorable Mr. ROCHFORD in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Reported—

Ordered—That the Report be received.

The said Bill was then read a third time and passed—and

Read 3rd time and
passed—

13th March, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

The Honorable the President signed the same.

Supply Bill—

Read 2nd time—

Pursuant to the order of the day, the Bill entitled, “An Act for granting to Her Majesty a Sum of Money for defraying the Expenses of the Civil Government of this Colony, for the year ending 31st of December, 1857, and for other purposes,” was read a second time—and

Committed—

The House went into Committee thereon—

The Honorable Mr. Row in the Chair.

After some time the House resumed.

Reported.

The Chairman reported the Bill without amendment.

Ordered—That the Report be received.

Ordered—That the said Bill be read a third time to morrow.

**Education Bill—
Committed—**

Pursuant to the order of the day, the House went into Committee on the Bill, entitled “An Act for the Encouragement of Education”—

The Honorable Mr. MUNN in the Chair.

After some time the House resumed.

Reported—

The Chairman reported the Bill without amendment.

**Read 3rd time and
passed.**

The said Bill was then read a third time and passed—and

The Honorable the President signed the same.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow, at 3 o'clock, P. M.

14th March, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, Governor.

SATURDAY, 14th MARCH, 1857.

The House met pursuant to adjournment.

House meets.

PRESENT :

The Honorable LAURENCE O'BRIEN, *President.*

“ JAMES TOBIN
 “ PHILIP DUGGAN
 “ THOMAS H. RIDLEY
 “ THOMAS ROW
 “ JOHN ROCHFORT
 “ SAMUEL CARSON
 “ JAMES J. ROGERSON
 “ JAMES CORMACK

Members present.

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill entitled “ An Act to continue the Act for granting to Her Majesty certain Duties on Goods, Wares, and Merchandize imported into this Colony, and its Dependencies,” was read a third time and passed—and

Revenue Bill—

Read 3rd time and passed.

The Honorable the President signed the same.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled, “ An Act to repeal the Act for the Naturalization of Aliens, and to make other provisions in lieu thereof”—which Bill was read a first and second time, and the House went into Committee thereon—

Naturalization of Aliens Act—
 Brought up—
 Read 1st and 2nd time—
 Committed—

The Honorable Mr. RIDLEY in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Reported—

Ordered—That the Report be received.

The said Bill was then read a third time and passed—and

Read 3rd time and passed.

The Honorable the President signed the same.

14th March, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

Cape Race Light House
Bill—
Brought up—
Read 1st and 2nd
time—

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled, "An Act to provide for the support and maintenance of Cape Race Light House," which Bill was read a first and second time—and

Committed—

The House went into Committee thereon—

The Honorable Mr. CORMACK in the Chair.

After some time the House resumed.

Reported—

The Chairman reported the Bill without amendment.

Ordered—That the Report be received.

Read 3rd time and
passed.

The said Bill was then read a third time and passed—and

The Honorable the President signed the same.

Supply Bill—

Read 3rd time and
passed.

Pursuant to the order of the day, the Bill entitled, "An Act for granting to Her Majesty a Sum of Money for defraying the Expenses of the Civil Government of this Colony, for the year ending 31st of December, 1857, and for other purposes," was read a third time and passed—and

The Honorable the President signed the same.

Report of the Savings'
Bank laid before the
Council.

The Honorable Mr. ROGERSON laid before the House, the Report of the Newfoundland Savings' Bank for the year ending 31st December, 1856.

Pursuant to notice, the Honorable Mr. TOBIN moved that Delegates be appointed from this House, to proceed to England, to promote the views and carry out the Instructions of the Council on the subject of the Convention with the French.

Whereupon, on motion of the Honorable Mr. Row,—it was

Instructions to Dele-
gates on the subject of
the Convention with
the French.

Resolved—That the Instructions of this House, to the Delegates to be appointed by them to proceed to the United Kingdom upon the subject above named, be as follows :—

14th March, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, Governor.

1st.—Firmly to oppose the confirmation of such Convention, and the enactment of any Law to give it operation.

2nd.—To resist further concessions to any Foreign Nation, of any territorial or fishery rights in this Colony, beyond those made by Treaties existing on the 13th January last.

3rd.—To govern themselves by the Report of this House on the said Convention, adopted on the 2nd March, 1857.

4th.—To refer to the consideration and determination of the Local Legislature of this Colony, any modifications of such Convention that may be proposed or suggested to them.

The following Resolutions were then read to the House and adopted—

Proposed by the Honorable Mr. MUNN :—

Resolved—That the Honorable Laurence O'Brien, President of the Council, and the Honorable James Tobin, Members of this House, be deputed to proceed to the United Kingdom as Delegates from the Legislative Council of Newfoundland, and there to use their best endeavours—subject to the Instructions of this House—to oppose the confirmation of the Convention entered into on the 14th January last, between the Plenipotentiaries of Great Britain and France, respecting Newfoundland, and to resist the enactment of any Law to give such Convention operation.

Delegates appointed.

Proposed by the Honorable Mr. ROGERSON :—

Resolved—That this House having learned that the Honorable John Munn and the Honorable Thomas Row, two Members thereof, propose to visit Great Britain during the present spring, the Council request those gentlemen to aid, by their best exertions, the endeavours of the Delegates to be sent from this House to frustrate the French Convention, and to afford the parties desirous of opposing the same that information which their ability, experience, and local knowledge so well qualify them to furnish.

Hon. Messrs. Munn and Row requested to aid Delegates—

14th March, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

Proposed by the Honorable Mr. Row :—

Resolved—That a Copy of the Instructions for the guidance of the Members of the Delegation to Great Britain, be addressed by the Clerk of the Council to each Member.

Proposed by the Honorable Mr. RIDLEY :—

Resolved—That the Delegates from this House upon the subject of the French Convention, be instructed to bring under the consideration of the Government of Great Britain, the great disadvantage under which the Trade of this Colony labours in consequence of the heavy Duties imposed upon the produce of our Fishery by Foreign Nations ; and to press upon Government the propriety of their adopting the necessary measures to procure the reduction, if not the removal, of such Duties.

Delegates to bring under the consideration of H. M. government the heavy duties imposed by Foreign Nations on the produce of the Newfoundland Fisheries—

and

To co operate with parties desirous to promote Direct Steam Communication.

The Council also desire to urge upon the attention of the Delegates, the necessity of their co-operating with Parties who may be desirous to promote the establishment of an efficient Steam Communication direct, between this Colony and the United Kingdom ; an object of the greatest importance to the interests of Newfoundland, and universally desired by its Inhabitants.

Proposed by the Honorable Mr. TOBIN :—

Resolved—That the members of the Legislative Council are anxious to mark, distinctly, the great benefit they have derived from the professional services of the Master-in-Chancery, Bryan Robinson, Esq., Q. C., whose ability has been peculiarly tested in the assistance rendered in the able Report on the French Convention adopted by this Council.

Valuable professional services of Bryan Robinson, Esq., Master-in-Chancery, recognized.

On motion of the Honorable Mr. CORMACK, the following Address to the Governor, was read and adopted :—

14th March, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, Governor.

*To His Excellency CHARLES HENRY DARLING,
Esquire, Governor and Commander-in-
Chief in and over the Island of Newfound-
land and its Dependencies, and Vice-Ad-
miral of the same.*

Address to the Gov-
ernor for permission
for Delegates to pro-
ceed to England.

MAY IT PLEASE YOUR EXCELLENCY ;—

The Legislative Council having unanimously appointed the Honorable Laurence O'Brien, their President, and the Honorable James Tobin, one of their Members and Financial Secretary of the Colony, to be Delegates from the Council, to proceed to England, upon the subject of the French Convention, respectfully request that Your Excellency will grant the necessary permission to those Officers to proceed upon this important mission.

Legislative Council Chamber,
14th March, 1857.

The Honorable Mr. TOBIN, from the Select Committee appointed to report on the Contingencies of the Council for the present Session, made the following Report :—

The Select Committee appointed to take into consideration the Contingencies of this House for the present Session, beg leave to report, that they have examined the accounts of the Clerk and Usher of the Black Rod, the former amounting to Two Hundred and Six Pounds Nineteen Shillings and Five Pence, Sterling, and the latter to Twenty-six Pounds Eighteen Shillings and Three Pence, Sterling, which they recommend to be paid.

Report of Select Com-
mittee on Contingen-
cies.

And the Committee further recommend that the Officers of this House be paid for their services during the present Session as follows :—

14th March, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

The Clerk,	....	....	....	£165
The Master in Chancery,	....	....	....	140
The Usher of the Black Rod,	....	....	....	120
The Reporter,	....	....	....	125
The Door-keeper,	....	....	....	50
The Assistant Door-keeper,	....	....	....	25
The Messenger,	....	....	....	20
The Proprietor of the <i>Newfoundlander</i> , for publishing Debates,	....	....	....	45
Ditto	<i>Courier</i> ,		Ditto	45
Ditto	<i>Express</i> , for copying Debates			30
Ditto	<i>Ledger</i> ,		Ditto	30
Joseph Woods, balance of account for Printing and Binding Journal of late Session,	....	....	....	38 0 8
Probable cost of Printing and Binding Journal of present Session,	....	....	....	180
Expenses of Delegation to England, from the Council,	....	....	....	400
And for Contingencies, to be placed in the hands of the President of the Council,	....	....	....	200

(Signed) JAMES TOBIN.

Ordered—That the Report be received.

Ordered—That the House go into Committee thereon presently—

Whereupon, the House went into Committee accordingly—

The Honorable Mr. ROGERSON in the Chair.

After some time the House resumed.

The Chairman reported the Report with some amendments.

Ordered—That the said Report, as amended, be received and adopted.

Report of Select Committee on Contingencies—

Reported.

14th and 16th March, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, *Governor.*

Ordered—That a Message be transmitted to the House of Assembly in accordance therewith.

Whereupon a Message, embodying the Report of the Select Committee, was sent to the House of Assembly.

On motion made and seconded, the House adjourned [until Monday next, at 1 o'clock, P. M. House adjourns.

MONDAY, 16th MARCH, 1857.

The House met pursuant to adjournment.

House meets.

PRESENT :

The Honorable LAURENCE O'BRIEN, *President.*

“ JAMES TOBIN
 “ JOHN ROCHFORT
 “ THOMAS H. RIDLEY
 “ JAMES CORMACK
 “ PHILIP DUGGAN
 “ JAMES J. ROGERSON

Members present.

The Minutes of Saturday last were read.

The Honorable the President reported, that he had waited on the Governor with the Address of this House, on Saturday last, and that His Excellency had been pleased to receive the same.

President reports having presented the Address of the House of Saturday last to the Governor.

On motion made and seconded, the House adjourned until this Evening at 7 o'clock, P. M. House adjourns.

16th March, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

House meets. At 7 o'clock, p. m., the House met.

PRESENT:

Members present. *The Honorable* LAURENCE O'BRIEN, *President.*
 " JAMES TOBIN
 " PHILIP DUGGAN
 " JAMES CORMACK
 " THOMAS H. RIDLEY
 " JOHN MUNN
 " JAMES J. ROGERSON
 " THOMAS ROW
 " SAMUEL CARSON

The Minutes of this day were read.

Contingency Bill—
Brought up—
Read 1st and 2nd
time—

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled, "An Act to provide for the Contingent Expenses of the Legislature," which Bill was read a first and second time—and

Committee—

The House went into Committee thereon—

The Honorable Mr. Row in the Chair.

After some time the House resumed.

Reported—

The Chairman reported the Bill without amendment.

Ordered—That the Report be received.

Read 3rd time and
passed.

The said Bill was then read a third time and passed—and

The Honorable the President signed the same.

Road Bill—
Brought up—
Read 1st and 2nd
time—

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled, "An Act for granting to Her Majesty a Sum of Money for constructing and repairing Roads, Streets, and Bridges, within this Colony," which Bill was read a first and second time—and

16th March, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, Governor.

The House went into Committee thereon—

Committed—

The Honorable Mr. RIDLEY in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Reported—

Ordered—That the Report be received.

The said Bill was then read a third time and passed—and

Read 3rd time and passed.

The Honorable the President signed the same.

The Honorable the President announced to the House, by direction of the Governor, that it is His Excellency's intention to prorogue the Legislature at 3 o'clock, P. M., to-morrow.

The President announces that the Governor will prorogue the Legislature to-morrow.

A Deputation from the House of Assembly brought up a Message in the following words :—

Mr. PRESIDENT :—

The House of Assembly acquaint the Legislative Council, that they have passed the accompanying Resolutions on the subject of making St. John's a Port of Call for Transatlantic Steamers, to which they request the concurrence of the Council.

Message from the House of Assembly with Resolutions on the subject of making St. John's a Port of Call for transatlantic Steamers.

(Signed,)

A. SHEA,

Speaker.

House of Assembly,

16th March, 1857.

Resolved 1st—That it being the anxious desire of this House, to secure for this Colony the benefits of Direct Steam Communication with the United Kingdom, British America, and the United States,—It is the opinion of this House, that the Executive Government be authorized to conclude arrangements with such Persons or

Resolutions of House of Assembly referred to above.

16th March, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

Company as shall engage to run two or more Steamers, of sufficient capacity and power, fortnightly or monthly, as may be agreed upon, between some Port in the neighbouring Colonies or the United States, and the United Kingdom, calling at St. John's on each outward and homeward voyage, for a period, as may be agreed on, not exceeding five years; and to complete such arrangements as will give a guarantee to the Colony that the Contract will be efficiently performed; and that the Sum to be expended shall not exceed a sum between Five and about Seven Thousand Pounds annually.

Resolved 2nd—That the Delegates to be appointed by this House, and those appointed by the Legislative Council, on the subject of the Fishery Convention, be authorized to co-operate with the Executive Government in promoting the object of the foregoing Resolution, and negotiating with Parties desirous of contracting for the said purpose, and with the Imperial Government for the transfer of the Mails to the direct Steamers as soon as they shall have been established, and to solicit encouragement to the project from the Imperial Government.

Resolved 3rd—That the concurrence of the Legislative Council be solicited to the foregoing Resolutions.

Resolved 4th—That Addresses to the Right Honorable the Secretary of State for the Colonies, and to His Excellency the Governor, be adopted, conveying the foregoing Resolutions, and requesting their co-operation to promote and complete the objects in view.

On motion of the Honorable Mr. TOBIN, it was

Ordered—That the House go into Committee of the whole on the said Resolutions presently—

Whereupon the House went into Committee thereon—

The Honorable Mr. RIDLEY in the Chair.

16th and 17th March, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, Governor.

After some time the House resumed.

The Chairman reported that the Committee concurred in the Resolutions. Reported and concurred in.

Ordered—That the said Report be received and adopted.

Whereupon a Message was transmitted to the House of Assembly by the Master-in-Chancery, acquainting that House that the Council concurred in, and has passed the said Resolutions.

On motion made and seconded, the House adjourned until tomorrow, at half-past 2 o'clock, P. M. House adjourns.

TUESDAY, 17th MARCH, 1857.

The House met pursuant to adjournment.

House meets.

PRESENT :

The Honorable LAURENCE O'BRIEN, *President.*

Members present.

“ JOHN MUNN
 “ THOMAS H. RIDLEY
 “ JAMES CORMACK
 “ JAMES TOBIN
 “ JAMES J. ROGERSON
 “ JOHN ROCHFORT
 “ SAMUEL CARSON

The Minutes of yesterday evening were read.

On motion of the Honorable Mr. TOBIN, the following Address to the Governor was read and adopted :—

17th March, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

*To His Excellency CHARLES HENRY DARLING,
Esquire, Governor and Commander-in-
Chief in and over the Island of Newfound-
land and its Dependencies, and Vice-Ad-
miral of the same.*

Address to the Govern-
or respecting Dele-
gates from the Council
being nominated to
proceed to England.

MAY IT PLEASE YOUR EXCELLENCY ;—

The Legislative Council having considered it desirable that two of their Members should proceed to England as Delegates, for the purpose of opposing the enactment of any Law to give effect to the Convention entered into between Great Britain and France, on the 14th January last ; and to bring under the consideration of Her Majesty's Government the great disadvantage under which the Trade of this Colony labours in consequence of the heavy Duties imposed upon the produce of the Fishery of Newfoundland by Foreign Nations ; and to press upon the Government the propriety of their adopting the necessary measures to procure the reduction, if not the removal of such Duties ; respectfully beg leave to acquaint Your Excellency, that they have nominated the Honorable Laurence O'Brien, President of the Legislative Council, and the Honorable James Tobin, as the most fitting persons to perform the services to which they have adverted.

(Signed) **LAURENCE O'BRIEN,**
President.

Legislative Council Chamber,
17th March, 1857.

His Excellency the
Governor arrives at the
Council Chamber and
assents to sundry Bills.

At three o'clock, P. M., His Excellency the Governor having arrived at the Council Chamber, and being seated on the Throne, the Gentleman Usher of the Black Rod was ordered to direct the immediate attendance of the House of Assembly at the Bar of this House, and they being come thereto, His Excellency was pleased to give his assent to the following Bills, viz :—

An Act for the Naturalization of Aliens.

17th March, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, Governor.

An Act for the Encouragement of Education.

An Act for granting to Her Majesty a Sum of Money for defraying the Expenses of the Civil Government of this Colony, for the year ending on the 31st day of December, one thousand eight hundred and fifty seven, and for other purposes.

An Act for ascertaining the Population of this Colony, and other Statistical information.

An Act to continue an Act for granting to Her Majesty certain Duties on Goods, Wares, and Merchandize imported into this Colony and its Dependencies.

An Act for granting to Her Majesty a Sum of Money for constructing and repairing Roads, Streets, and Bridges, within this Colony.

An Act to provide for the support and management of Cape Race Light House.

An Act to provide for the Contingent Expenses of the Legislature.

After which His Excellency was pleased to deliver the following

SPEECH :

Mr. President, and Honorable Gentlemen of the Legislative Council:

Mr. Speaker, and Gentlemen of the House of Assembly :

The promptitude with which you have despatched the more urgent business of the Country, enables me to bring the Session to an immediate close.

In adopting this step, I am influenced by the conviction, that although it involves the postponement of measures deserving your best consideration, it will accord with the well understood wish of

His Excellency's
Speech on proroguing
the General Assembly.

17th March, 1857.

THIRD SESSION, SIXTH GENERAL ASSEMBLY, 20th VICTORIA.

all classes of the people, as facilitating the action you have resolved to take in reference to those propositions of the Imperial Government, which since I last addressed you in this place, have been communicated to me; and in distinct recognition of the Rules of Government established in the Colony, were submitted to you, for Legislative concurrence and assent.

I have felt it my duty to intimate to Her Majesty's Government my belief, that in deciding not to accept those propositions, you are supported without a dissentient voice, by the community whose interests are specially confided to your care.

Mr. Speaker, and Gentlemen of the House of Assembly:

I gladly acknowledge the appropriations you have made for the conduct of the Public Service, and your liberal grants for the maintenance of Schools, and the construction and repair of Roads.

Mr. President, and Honorable Gentlemen of the Legislative Council:

Mr. Speaker, and Gentlemen of the House of Assembly:

From the announcement I have already taken occasion to make, you will be aware, that my intercourse with you in General Assembly convened, will terminate with our present meeting. I now desire to assure you, that I shall always revert with satisfaction to the cordiality which has characterized our united efforts, as component Branches of the Legislature, for the promotion of the public good, during an Administration which commenced with the establishment of a new form of Government, and although extending only over a period of less than two years, has not been unmarked by important political measures and results.

I have sincerely rejoiced in those clear indications of the increasing social and fiscal prosperity of the Colony to which I adverted at the opening of the Session; and it would be to me a source of great gratification to learn hereafter, that the apprehensions which now seem—but I trust only for the passing moment—to obscure such hopeful prospects, have been effectually and finally removed.

17th March, 1857.

HIS EXCELLENCY CHARLES HENRY DARLING, ESQUIRE, Governor.

The Honorable the President then said—It is His Excellency the Governor's will and pleasure, that this General Assembly be prorogued to Thursday the twentieth day of August next, to be then and here holden, and this General Assembly stands prorogued accordingly.

The General Assembly
prorogued.

A P P E N D I X

TO THE

JOURNAL

OF THE

LEGISLATIVE COUNCIL.

A P P E N D I X.

APPENDIX, No. 1.

DESPATCH

From the Secretary of State for the Colonies, of the 16th January, 1857, to His Excellency the Governor, enclosing transcript of a Convention between Her Majesty and the Emperor of the French, and other Documents, relative to the Fisheries on the Coasts of Newfoundland and Labrador.

Downing Street,
16th January, 1857.

SIR :—

With reference to former correspondence on the questions so long pending between the British and French Governments respecting the Fisheries of Newfoundland, I have now to transmit to you copy of a Convention, signed on the 14th of this month, and the ratifications of which have been this day exchanged. I could have wished that Her Majesty's Government had had the assistance, as was at one time expected, of one of your principal Advisers in conducting this negotiation. But I believe that the views of the Government and people of Newfoundland have been so fully placed before this Department by the Despatches and accompanying documents of yourself and your predecessors, that nothing was wanting to complete the necessary information on this head ; and the presence of a Gentleman specially entrusted by the French Government with the conduct of the business, rendered it desirable to arrive, if possible, at an understanding without further delay.

You are, as well as your Advisers, so thoroughly versed in the history of this long agitated subject, that the several provisions of the Convention will be readily understood by you without any minute explanation on my part. The detail into which I propose to enter is therefore rather with view to point out

the leading principles which have governed Her Majesty's Government in this transaction, than merely to remind you of well known facts.

The French rights on the Coast of Newfoundland, under former Treaties, were the following :

The exercise during the summer season of a right of fishery, from Cape Ray on the South West, round the Northern point of the Island, to Cape St. John on the North East, comprising, therefore, about half the Coast of the Island.

And the Crown was bound to take the most positive measures for preventing its subjects from interrupting in any manner by their competition (*concurrency*) the fishery of the French during such temporary exercise.

For this purpose the Crown was bound to remove all fixed settlements from the shore.

I will not now recapitulate the discussions which have taken place at various times, as to whether this grant of Fishery rights was "exclusive," as contended by France, or "concurrent" only, as contended by ourselves. Suffice it for the present to say, that the conclusion drawn by yourself in the "Remarks" appended to your Despatch of the 23rd July last, is substantially that at which imperial 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.

In point of fact, it appears that the result corresponded to this view. Under the Treaties, the Declaration of 1783, the particular stipulations (which I have not thought it necessary to cite) respecting the cutting of wood, &c., and the Proclamations by which the British Government sought from time to time to carry the Treaties into effect, the French enjoyed an exclusive fishery along the so called "French Shore," and also the exclusive use of that Shore, for fishing purposes, during their season; and they insisted on the legal right to prevent the settlement of Her Majesty's subjects, and the erection of fixed establishments, on any part of that shore.

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It would no doubt have been more satisfactory to Her Majesty's Government, as well as to the Inhabitants of Newfoundland, if the French Government could have been induced to waive rights so exclusive, and likely to be in some respects so inconvenient. But during the many years over which these negotiations have spread, no opportunity has offered itself of attaining in this manner the desired object. The French Government is not disposed to part with or compromise rights under which a branch of industry, to which it attached considerable value, has grown up. And, in the meantime, not only was great expense entailed on both Governments by the necessity of maintaining naval forces to prevent mutual encroachments, but those encroachments could not always be prevented, and the peaceful relations of the two Countries have been frequently in danger of interruption from disputes which there was little hope of terminating by decision or intervention, since the very indefinite nature of the rights claimed or enjoyed by France in British soil and waters rendered their constant repetition almost inevitable.

Under these circumstances Her Majesty's Government had no alternative except that of endeavouring by negotiation to diminish the chances of collision by defining the disputed points: and at the same time to obtain from France such concessions as were most likely to prove permanently serviceable to the interests of Newfoundland, at the price of such concessions on our side as were least likely to be felt as onerous.

The concessions made by France in the Convention now forwarded are as follows:—

The "exclusive" right of France to the Fishery is limited entirely to the Northern extremity and North Eastern Coast of Newfoundland from Cape Norman to Cape St. John, including the portion of the "French Shore" at present chiefly used by the fishermen of that nation: and to five reserved points on the Western Shore, to which the French attach a value on account of existing establishments and rights there.

The Waters of the entire Western Coast, with these exceptions, are therefore left open to the free concurrence of British fishermen: a concession which it is hoped will be of encreasing importance as population and industry advance.

Along the little tract of shore between the Quirpon Islands and Cape Norman, and also at the five reserved points, the French rights of fishery are

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described as "to the exclusion of British subjects." This phrase requires explanation. It need scarcely be said that Her Majesty's Government could entertain no idea of ceding to any Foreign nation special rights to the exclusion of her own subjects in particular, even on points of such minute geographical importance as these.

No such consequences follow here. But the phraseology was rendered unavoidable by the peculiar position in which this Country was placed by former negotiations. In 1818 the British Government concluded the Convention of October 20th of that year, with the United States, in which it is, among other things, stipulated, that the inhabitants of the United States shall have liberty to take fish "in common with the subjects of His Britannic Majesty," on the Western and Northern Coast of Newfoundland, from Cape Ray to the Quirpon Islands. Now, on the assumption that the French right on that Coast is exclusive, (which, as has been said must be practically the case) the Americans could acquire no right, under the Convention of 1818, during the period of the year occupied by the French fishery. And it is believed that in point of fact, no claim to interfere with the French fishery has ever been sustained by Americans. Nevertheless, Her Majesty's Government are of opinion that in order to preserve consistency with the language of the Convention of 1818, it was necessary to declare the French right, on points between Cape Ray and the Quirpons, to be exclusive "against British Subjects," in order to leave no semblance of interference with nominal, although not in fact exercisable, rights on the part of the United States. It is unnecessary to do more than refer you to the more recent Fishery Treaty with the United States of 1854, as it does not appear to affect the question now before us.

France also abandons her right to the use of the shore, leaving it exclusively in British occupation, from the South Western point of the Island at Cape Ray, to the point known as "Rock Point," in the Bay of Islands, north of the River Humber, with the exception of such of the five "reserved harbors" as lie within this part of the coast. To this point Her Majesty's Government attached particular importance, not so much on account of the immediate value of the concession, as with a view to the future advancement of Newfoundland. They had learnt from various sources, that the shores of the Bay of St. George appeared to furnish by far the most profitable field for future colonization which the Island affords, and were singularly exempt from those disadvantages of climate which have unavoidably retarded agriculture in the South and South East of the Island. They felt, therefore, that it was a

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very serious evil that the French Shore rights, intended only for the protection of their fishery, had the effect of rendering all settlement of this coast illegal : that the subjects of Her Majesty, who, notwithstanding existing prohibitions, had established themselves on it, had but imperfect legal protection for their industry or security for their property. They believe that by this concession on the part of France, the whole of the coast which civilization is likely to reach for many years, will be rescued from its present subjection to French Shore rights, and rendered available for the increasing population of the Island.

The Concessions on the part of Her Majesty's Government (as regards Newfoundland) are simply the following :—

That the traffic in Bait on the South Coast shall be rendered legal. From all the information which has reached this Department, that traffic is already unimpeded in point of fact, and I believe I may add, that whatever assistance it may afford the French in the prosecution of their fisheries, the subjects of Her Majesty who find employment in thus supplying them would equally regret the strict enforcement of the existing legal restrictions on this traffic.

The French Government have required, and Her Majesty's Government have conceded, a contingent right to supply themselves with this article, so indispensable for their purpose, if the supply by purchase should fail. But you will perceive that it depends on the British suppliers of bait, whether this article shall ever come in force or not, and that it cannot do so without the sanction of the British Naval Officer on the Station, whose duty would of course be to communicate with the Government of Newfoundland on such a demand being made by France.

Her Majesty's Government have also acquiesced in the solution, favourable to France, of the disputed question respecting the Islands of South Belle Isle and Groais.

It will be remembered that although these Islands lie within the waters generally considered as belonging to the French Fishery, yet doubts were entertained whether the Shore rights of France extended to them ; and the Law Advisers of your Government were at one time of opinion that English settlement could not be lawfully prevented on these Islands, although none, as I am informed, at present exists.

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These special Articles comprise, it is believed, all the advantages now conceded to France, in respect of the Coasts and Waters of Newfoundland properly so called. But Her Majesty's Government are willing to purchase the benefits above mentioned for Newfoundland by a concession elsewhere of greater importance, and to which France attached considerably greater value, namely: That of a concurrent right of fishery along about 80 miles of the Coast of Labrador (in the Straits of Belle Isle) but without use of the shore; and similar rights on the Coast of North Belle Isle, with use, (but not exclusive) of the shore.

The remaining Stipulations of the Treaty may, as I believe, be classed not as concessions or alterations of existing rights, but as an endeavour to put into as definite a shape as the subject admitted, the rights which usage, founded on the above mentioned Treaties and Proclamations, has already sanctioned.

It would have afforded greater satisfaction to Her Majesty's Government, as well no doubt to the inhabitants of Newfoundland engaged in the Fisheries, if the settlement of these questions had been accompanied by an abandonment on the part of France of her system of Fishery bounties in that quarter. But this is a point on which Great Britain cannot enforce by negotiation its own views on a State in the position of France, possessing already, under former Treaties, such extensive rights on the coasts of your Government. It would not have been politic for this Country to make any absolute and irrevocable concession, in order to obtain the abolition of a protective system which might be indirectly re-established without its being possible to prove a breach of engagement.

It is most assuredly the belief by Her Majesty's Government, that the fundamental impolicy of regulations of this class is becoming daily more and more apparent, in France as elsewhere, and that in the ordinary course of events the industry of Newfoundland, and of Great Britain, will not long have to sustain the unequal competition, although less unequal in reality than in appearances, which they must at present encounter from that of France.

Such are the outlines of the Treaty which I now transmit to you. Deeply anxious as they are to effect the settlement of questions so complicated and so pregnant with possible mischief to both countries, Her Majesty's Government have, nevertheless, not thought themselves justified in departing from that rule

of Colonial Government which is now so firmly established in British North America. They have thought that in regard to matters affecting the soil and the population of Newfoundland, the concurrence of the Legislature of Newfoundland itself should be sought before any treaty stipulations could be put into execution, and that the aid of Parliament (notwithstanding its paramount constitutional power in questions of treaty, affecting as these do, directly or indirectly, the empire at large) ought, except in an extreme case, to be reserved for the purpose of completing whatever the Local Legislature may not have strict legal power to effect.

You are therefore instructed to submit this Treaty to the Legislature of Newfoundland for the enactment of the necessary laws. Your own legal advisers will be better enabled to inform you than myself, what laws may be strictly required; but it would appear that all local restrictions on the sale of bait in the specified localities should be removed; and that force of law should be given to those provisions of the Treaty at all events which relate to the use of the shore in Newfoundland, and authorize the removal of Settlements and erections, and those which confer powers on Commissioners. Probably the simplest course would be to recite the Treaty in a single Act, and give it force of law in the Island so far as this is needed; but this I notice by way of suggestion only.

You will observé, lastly, that although Her Majesty's Government have expressly submitted the Treaty to the assent of the Newfoundland Legislature, they have for their part promised to use their best endeavours to procure the passing of the necessary laws. They are most desirous that these words should be taken as expressing their strong anxiety to effect this arrangement, and their conviction that to miss this opportunity of coming to a settlement will be to cause great inconvenience and probable future loss to Newfoundland. For there can be no doubt that the final failure of a negotiation so long continued will tend to encourage both parties to resort to the full exercise of their existing rights. When the expectation of ultimate agreement upon disputed points is at an end, there will, it must be feared, be little encouragement left for compromise or mutual forbearance.

You are yourself the judge how seriously the mutual enforcement of the powers which each nation now claims, as against the other, would be felt by various interests in Newfoundland.

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Should the necessary laws be passed by the Legislature of Newfoundland in its approaching Session, there will be time to bring the subject under the notice of Parliament for the purpose of removing any difficulties arising on former Imperial Statutes.

I have, &c.,

H. LABOUCHERE.

Governor Darling, &c., &c., &c.
Newfoundland.

CONVENTION

Between Her Majesty and the Emperor of the French, relative to the Rights of Fishery on the Coast of Newfoundland and the neighboring Coasts.

SIGNED AT LONDON, JANUARY, 14th, 1857.

(Ratifications exchanged at London, January 16th, 1857.)

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

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

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tannic Majesty's Most Honorable Privy Council, a Member of Parliament, Her Britannic Majesty's Principal Secretary of State for the Colonies :

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

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

ARTICLE I.

French subjects shall have the exclusive right to fish, and to use the strand for fishery purposes, during the season elsewhere specified (Art. 8), on the east coast of Newfoundland, from Cape St. John to the Quirpon Islands. They shall also have the right to fish, and to use the strand for fishery purposes, during the said season, to the exclusion of British subjects, on the north coast of Newfoundland, from the Quirpon Islands to Cape Norman ; and on the west coast, in and upon the five fishing-harbours of Port-au-Choix, Small Harbour (or Petit Port), Port au Port, Red Island, and Cod Roy Island.—Such exclusive fishing, from the Quirpon Islands to Cape Norman, shall extend to a distance of three marine miles due north from a straight line joining Cape Norman and Cape Bauld, and as regards the five harbours, shall extend to within a radius of three marine miles in all directions from the centre of each such harbour, but with power to the Commissioners or Umpire elsewhere provided for in this Convention to alter such limits for each harbour in accordance with the existing practice.

ARTICLE II.

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

ARTICLE III.

French subjects shall have the right, concurrently with British subjects, to fish on the coast of Labrador from Blanc Sablon to Cape Charles, and of North Belle Isle, together with liberty to dry and cure fish on any of the portions of the coast of North Belle Isle aforesaid, which shall not be settled when this Convention shall come into operation. The British Government, however, retains the right to erect thereon buildings for military or public purposes; and if any settlement for permanent habitation shall be thereafter established on any portion of the coast of the said island, the right of French subjects to dry and cure fish on such portion of the coast shall cease, one season's notice of such settlement having been given beforehand to the French Commander on the station.

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

ARTICLE IV.

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

ARTICLE V.

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

Should any circumstances whatever restrict, in a notorious manner previously established to the satisfaction of both the British and French Naval Commanders on the station, during two seasons, consecutive or not, the said supply by purchase, French subjects shall have the right to fish for bait on the per-

tion of the south coast of Newfoundland comprised between Cape St. Mary and Cape La Hune, during the French fishery seasons; French fishermen not being allowed to use any other nets than those employed for this kind of fishery; but this right shall cease as soon as the causes of the deficient supply shall have disappeared.

ARTICLE VI.

The lateral boundaries of the French rights of Fishing towards the sea shall be as follows :—

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

At Cape Norman, a straight line thence due north ;

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

At Cape Charles, a straight line thence due east ;

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

ARTICLE VII.

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

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

ARTICLE VIII.

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

ARTICLE IX.

The naval officers of the French Government shall be entitled to enforce

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

ARTICLE X.

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

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

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

ARTICLE XI.

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

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

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

ARTICLE XII.

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

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

ARTICLE XIII.

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

ARTICLE XIV.

The British Government shall give the most positive orders to prevent

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

ARTICLE XV.

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

ARTICLE XVI.

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

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

ARTICLE XVII.

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

ARTICLE XVIII.

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

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Whenever a case shall occur in which the said Commissioners may differ in opinion, they shall name some third person to act as an Arbitrator or Umpire therein. If they should not be able to agree in the choice of such a third person, they shall each name a person, and it shall be determined by lot which of the two persons so named shall be the Arbitrator or Umpire. In the event of the death, absence, or incapacity of either of the Commissioners, or of the Arbitrator or Umpire, or of their or his omitting, declining, or ceasing to act as such Commissioner, Arbitrator, or Umpire, another and different person shall be appointed or named in the manner hereinbefore specified to act as such Commissioner, Arbitrator, or Umpire, in the place and stead of the person so originally appointed or named as aforesaid.

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

ARTICLE XIX.

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

ARTICLE XX.

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

ARTICLE XXI.

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

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

Done at London, the Fourteenth day of January, in the Year of Our Lord, One Thousand Eight Hundred and Fifty-seven.

(L.S.)
(L.S.)
(L.S.)

CLARENDON.
HENRY LABOUCHERE.
F. DE PERSIGNY.

NEWFOUNDLAND FISHERIES.

(No. 50.)

*Copy of a Despatch from Governor Sir John Harvey, to Lord Stanley.*Government House, St. John's, Newfoundland,
July 30, 1844.

MY LORD,

I have now the honor to transmit Mr. Thomas's report upon which it may be sufficient for me to observe, that it may be safely assumed as expressing the sentiments of the most enlightened of the mercantile interests of this Island upon the several points involved, and in that light may be regarded as of considerable importance, more especially as on the question of "bait," it exhibits a greater liberality of sentiment than I had ventured to anticipate. For my own part I see no difficulty in establishing and enforcing such regulations in regard to the exportation of our surplus bait to St. Pierre as would effectually protect the interests of our own fishermen, by retaining upon our shores the necessary supply for their use, though I feel convinced of the utter impossibility of putting an entire stop to this traffic.

With these observations I proceed to acquaint your Lordship that the services of Her Majesty's ship "Eurydice" having been placed at my disposal by the Vice-Admiral Commanding, and they not being at present particularly required for the performance of any duties connected with the protection of the fisheries which may not be executed while I am on board, I have been induced to accept and shall avail myself of them, for the purpose of visiting several parts of this Island to which I have not hitherto had any means of access. I propose to visit the whole of the Southern Coast, and that part of the Western within the French fishing limits which has acquired an increased degree of interest from the recent discussions, viz., from Cape Ray to Bonne Bay, and shall continue my tour round the Island. It is my intention to proceed immediately after the dispatch of the Mail shortly expected, in the hope of being back so as to meet the following one. In the present state of public affairs here, I do not anticipate any inconvenience to the public service as likely to arise from my brief absence.

La Fortune, Captain Le Fabvre, sailed from hence yesterday for Croque, and the French national schooner La Fauvette at the same time for St. Pierre.

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Every possible courtesy and hospitality were shewn to the Commanders and Officers of these vessels during their continuance in this port, of which they expressed themselves deeply sensible.

I have, &c.,

(Signed)

J. HARVEY.

The Right Hon. Lord Stanley,
&c., &c., &c.

(Enclosure 1 in No. 50.)

Government House, St. John's, July 10, 1844.

Confidential Memorandum for the Agent to be appointed on the part of British Interests to confer with Captain Le Fabvre on the subject of the Fisheries on the Coast of Newfoundland.

1.—The object for which you have been selected to meet and confer with Captain Le Fabvre as the agent of the French Government is to consider the actual state of the existing intercourse and relation between British subjects and French fishermen on the coast of Newfoundland generally, but more especially in relation to the supply of bait by the former to the latter, and to endeavour to come to some arrangement on the various points which have from time to time disturbed the good understanding which it must consist with the interests as well as the desire of both nations to cultivate and to maintain, and which it is evident can only be done by a due regard to those interests respectively, and not by any reckless sacrifice on either part; in a word, by a fair and equitable exchange of those advantages which each party may have it in its power to concede to the other.

2.—To aid rather than to guide you in arriving at such a result of your discussions as may be beneficial to the great interests involved, and satisfactory to Her Majesty's Government, is the sole object of the following observations, to which it only remains for me to add, that you are strictly prohibited from holding any communication with any other French subject except Captain Le Fabvre, who has agreed that, as the discussions are to be conducted in the French language, you should have the benefit of the services of Captain Elliot (Her Majesty's ship *Eurydice*,) which he has kindly consented to afford, as interpreter.

3.—In addition to the information which will be found in the documents and correspondence which accompany this memorandum, and of which a schedule is annexed, I would impress upon you to bear in your constant recollection, that while it may be desirable that the existing provisions of Law and Treaties by which the supply of bait by British subjects to the fishermen of France is at present regulated should be reconsidered, with a view to their revision, and perhaps relaxation, yet that the protection of the rights and interests of our own fishermen, and of all connected with them, must be regarded by you as the primary object to be kept steadily in view. The real question to be considered may therefore be stated as being “how far we are in a position to make, without injury to our own coast and harbour fisheries, such concessions, with a view to the supply of bait from the British shores of Newfoundland for the use of the French vessels engaged in the prosecution of the bank and deep-sea fisheries, (from which, by their high bounties, they are enabled to exclude, not British fishermen only, but those of all other nations, from successful competition). as may be regarded by them as an equivalent for their withdrawing from certain parts of the North-west Coast of this Island within which they at present enjoy by Treaty the right of taking and curing fish, say, from Cape Ray to Bonne Bay or Green Point.” I do not propose the extension of this concession to us further to the Eastward, because I am convinced it would be resisted. I therefore proceed to state, first, the advantages which would in my opinion result to England from the acquisition of this portion of the Coasts of this Island, from which, although possessing the acknowledged territorial sovereignty, Her Majesty’s authority and that of the law is at present excluded; and, secondly, what are the equivalents I would propose to offer in exchange. 1st—The climate and soil of the district to which I have referred are said to be good; it possesses fine timber, and is in other respects adapted for agricultural, lumbering, and ship-building pursuits; its coast fishery is also good, and it possesses several rivers, and consequently salmon fisheries, particularly at the mouth of the Cod Roy river near Cape Arguille. These are confessedly great advantages: but there is another consideration connected with the acquisition of an uncontrolled possession of this district, which with me has more weight than all those benefits which I have enumerated. It is, that we may be placed in a position to redeem from the most lamentable of all imaginable conditions a British population consisting of many thousands of the natural-born subjects of the Queen, who are at present existing without law, without religion, and setting at open defiance the restraints alike of God and man, and passing from the cradle to the grave in a

state of worse than barbarism or heathenism. To rescue our fellow-countrymen from so bad a state, imposed upon them by the unwise restrictions of impracticable Treaties,—to bring them within the pale of civilised life,—to extend to them the protection and to exact from them obedience to the laws, as well as to open up the treasures of the land and of the sea with which that neglected portion of Newfoundland is known to abound, and thereby to enlarge and increase the revenue of the Colony,—these are some of the most prominent of the considerations which forcibly present themselves to my mind in reference to the subject which you are appointed to discuss.

4.—I have understood that the French fishermen would attach a high degree of value to the privilege of following the cod fish, which at certain seasons of the year strike across from Quirpon, (the North-eastern point of Newfoundland) to the island of Belle Isle, situated in the Straits of that name, but so much nearer to the coast of Labrador than to any part of Newfoundland as to be beyond the present French limits. Those limits I should agree to extend so as to include Belle Isle, and should regard their withdrawal from the part of the coast to which I have alluded, viz., from Cape Ray to Bonne Bay, (both inclusive,) as cheaply purchased by such a surrender on our part. Captain Le Fabvre may not, however, regard this as a sufficient equivalent. In such a case I should consider some relaxation in the laws regulating the supply of bait from the British coasts and harbors opposite to St. Pierre's, for a limited period, and under well considered restrictions, as more free from objection than would be the admission of the French or of any foreign power to any right of taking and drying fish on any part of the "coast of Labrador," though they are virtually, though indirectly, in the enjoyment of that advantage at the present moment.

Finally.—It may be proper to remark, that, although it may be perfectly true that England has nothing to complain of as regards the provisions of the existing treaties in respect to the question of bait, and might at once declare that as far as that question is concerned she has only rigorously to enforce her rights, yet it is necessary to be borne in recollection, that such an open and long-continued infringement has been permitted on her part of the engagement by which the King of England bound himself and his successors in the declaration annexed to the Treaty of 1783 to prevent settlement by British subjects, or to cause the removal of such as had or might attempt to settle themselves on those parts of the coast of Newfoundland within which the French possess by that treaty the right of taking and drying fish, that it might be very inexpedient

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and unwise for us to stand upon our extreme rights in respect to this question, as such a proceeding might only have the effect of inducing our opponents to assert those which they undoubtedly possess under the declaration above referred to, as well as of opposing in limine an unnecessary obstacle in the way of the amicable consideration of any proposition which Captain Le Fabvre may have to bring forward in relation to the west coast.

With these observations, it only remains for me to request that you will put yourself into immediate communication with Captain Le Fabvre, keeping me constantly informed of your proceedings, and referring to me at all times when you may be desirous of receiving my advice or further instructions, of which you are to consider as one that this memorandum, with the whole of the documents which accompany it, are to be returned to me, with your final report.

J. HARVEY.

The Hon. W. Thomas,
Member of H. M. Executive Council
of Newfoundland.

(Enclosure 2 in No. 50.)

Conversation which took place between Monsieur Adolphe Fabvre, commanding the French corvette "La Fortune," and Mr. William Thomas, named by Sir John Harvey, Governor of Newfoundland, on the part of Her Majesty the Queen of Great Britain, on the Subject of an Arrangement for the common Interests of the French and English Fishermen on the Coasts of Newfoundland and Labrador.

Wednesday, July 17, 1844.

No. 1.—Conversation commenced by referring to the concurrent right of fishing by the English on that part of the coast of Newfoundland assigned by treaty to the French. This point was insisted on by Mr. Thomas, but denied by Captain Fabvre, and subsequently reserved for the consideration of their respective Governments.

No. 2.—Captain Fabvre then proposed that a concurrent right of fishing should be admitted by the French on all the French coasts to the westward of

this island, and that a like concurrent right of fishing should be granted to the French on that part of the Labrador coast which is situate in the Straits of Belle Isle, immediately opposite to Newfoundland. This was decidedly objected to by Mr. Thomas, as offering in his opinion no advantage to Great Britain, but tending to increase the difficulties and promote collision between the fishermen of the two nations.

No. 3.—In consequence of this opinion it was proposed by Mr. Thomas to confine the respective fishermen within certain defined limits, and for this purpose he submitted to M. Fabvre as the French limits a line of coast extending from Bonne Bay to Cape St. John, on which coast only the French should have the exclusive right of fishing, the French ceding to Great Britain the exclusive right of fishing from Bonne Bay to Cape Ray.

No. 4.—To this M. Fabvre rejoined, that such an arrangement might be made, provided the French were allowed to retain the exclusive possession of the four ports of Cod Roy, Red Island, Port-au-Port, and Lark Harbour, and further, that the English should not be restricted from the export of bait from Newfoundland to St. Pierre.

No. 5.—Mr. Thomas replied, that if these four ports were reserved France would retain the best fishing ground on the whole Western Coast, while an active competition would be encouraged between the fishermen of the two nations, and the danger of collision become greater than ever.

M. Fabvre then said, that without these four ports he considered the French would be making too great a sacrifice. Mr. Thomas said he considered the obtaining of an exclusive right of fishing on the coast before proposed by him, and perhaps adding to that the exclusive right of fishing on the Island of Belle Isle, together with the great advantage which must accrue to the French from the English being permitted to export to St. Pierre such caplin as they may have to dispose of beyond what may be sufficient to bait our own boats, would be an ample remuneration for any surrender that France might be called on to make under such an arrangement.

Captain Fabvre replied that he did not reject the last proposition, but that he did not consider himself sufficiently authorized by his Government to accept it; and therefore the conversation was concluded by an agreement to refer what had passed to the respective Governments, each party expressing his separate opinion thereon.

WM. THOMAS.

APPENDIX, No. 1.

St. John's, Newfoundland, July 27, 1844.

MAY IT PLEASE YOUR EXCELLENCY,—

In laying before your Excellency the minutes of my conference with Captain Fabvre, held in obedience to your Excellency's commands of the 10th instant, it may be proper for me to accompany them with the following observations, which are made with reference to the several matters as they follow in the minutes from No. 1 to No 5; but I must beg to premise, that wherever exclusive rights are alluded to the privilege of exclusive fishery is alone intended, and not the occupation of the land.

No. 1.—Is on the concurrent right of fishing on the coast of Newfoundland. On this subject I do not presume to offer an opinion.

No. 2.—Reciprocal rights of concurrent fishery on the West coast of Newfoundland and the coast of Labrador in the Straits of Belle Isle.

Great Britain would by such an arrangement cede the right of fishing on the coast of Labrador without receiving any equivalent, if she at present possesses the concurrent right on the Newfoundland shores; and this right would appear to have been acknowledged by France, in permitting so great a number of British subjects to remain in quiet possession of houses and fishing rooms on the Western Coast ever since the Treaties of 1814 and 1815, a period of nearly thirty years, without making to the British Government any application for their removal. These people will doubtless consider themselves to have acquired a sort of prescriptive right, under which their establishments have grown up, and it will therefore seem the greater hardship to be now deprived of it.

No. 3.—*Exclusive Rights.*—It would therefore be more beneficial to both nations if their respective fishermen were kept separate and distinct in their fishing places. By these means all kinds of collision could be prevented, and the facilities for illicit trade would be very much lessened. British subjects would then be made amenable to the laws of their own country, and religious instruction would be imparted to those who are now in a state of moral destitution.

No. 4.—The reservation of the four ports herein named would prevent the carrying out of the principle contained in No. 3.

No. 5.—*Belle Isle*.—The privilege of fishing on Belle Isle may, so far as I am advised, be conceded without present inconvenience, as I am not aware that it is ever used by British subjects, or that there are on it any buildings.—There should, however, be a strict limitation as to how far the French may go from that Island towards Labrador.

No. 6.—*Bait*.—The main object of Captain Fabvre's negotiation appeared to me to be the obtaining an unrestricted supply of bait for the use of the French fisheries carried on from St. Pierre and Miquelon; and provided this could be secured by the free liberty to purchase from British subjects, the other matters of conference might, I conceive, be easily adjusted. The supply of bait to the French is, however, as your Excellency is aware, regarded by the people of this Colony with great jealousy. They are sensible that in restricting that supply they possess to a certain extent the power of setting limits to the fishery of the French, whose growing competition in foreign markets, supported as their fisheries are by large bounties, is far more dreaded than the chance of any collision on the coast, which a protective force on the station could prevent. It is also supposed that by this supply of bait the French have been materially assisted in establishing a system of fishing on the great bank, which the English, unaided by bounties, are unable to compete with; and this belief derives strength from the fact that the bank fishery, once so flourishing, is now reduced to the employment of only three or four British vessels. Moreover, the benefit to be derived from any exclusive rights obtained on the Western Coast would be regarded as a remote and uncertain compensation for an immediate disadvantage.

It cannot, however, be denied, that many of the people on the Southern Coast of this Island (I allude particularly to those of Placentia and Fortune Bays) who have long enjoyed the advantage of selling bait to the French at St. Pierre are unwilling to relinquish this privilege, and would feel great dissatisfaction at any measure that should deprive them of it, and if a law were passed for that purpose I am confident they would violate it as often as opportunity offered.

By the Act 3 and 4, W. 4, cap. 59, sec. 2, the produce of the fisheries is allowed to be exported in British ships; and therefore I apprehend that, unless prevented by the 26 Geo. 3, cap. 26, secs. 14 and 20, the export of Caplin and Herring to St. Pierre, subject to the Custom-house regulations, could not in such ships be deemed illegal.

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Should this conference be followed by any Treaty between the two nations, I may be permitted to suggest the expediency of guarding in the strongest manner against any privilege of purchasing Caplin on the open sea, or anywhere but at St. Pierre. The export should be subject in all such cases, whether in vessels or boats, to the Custom-house regulations, and care should be taken, not only to preserve by proper restrictions a sufficient quantity for the use of our own coast fishery before any exportation is allowed, but also to prevent collision between those British fishermen who take it for their own use and those who take it for exportation.

In conversation with Captain Fabvre, I think I understood from him that a large portion of their shore cured fish was sent to the Mediterranean, and that no bounty was given on fish consumed in France.

I would respectfully suggest to your Excellency, whether, in affording any further advantages to the French than those they now enjoy for the supply of bait, it would be possible to make any stipulations as to the markets to which they should send their fish, or as to the abolition or modification of their bounties.

I have, &c.,

(Signed)

WM. THOMAS.

(Confidential.)

Downing Street,
17th August, 1852.

SIR,—

By my Despatch No. 13, of the 18th May last and its Enclosures, you will have been apprized of the resumption of negotiations between the Governments of France and this Country with a view to a new definition of the rights of the two nations on the Coasts of Newfoundland. By the papers which I now enclose you will be made acquainted with the steps which have been since taken in reference to these negotiations and with the wish of the Department of Foreign affairs to obtain fuller information as to the facts, and a statement of the views of the Authorities on the spot before the negotiations proceed further.

2.—I have to request that you will comply with this requisition, and that

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you will make your report as complete as possible on the whole subject, and state in detail what concessions,—whether those suggested by Sir A. Perrier, or any others which may occur to you,—ought in your opinion to be made on either side, in order to close the existing sources of dispute.

3.—I have to request further, that you will send a Copy of your Report when ready to Sir Gaspard LeMarchant, and another to the Admiral Commanding on the North American Station.

Should you feel it impossible to make your Report satisfactorily without visiting portions of the Coast to which the question relates, you will apply to the Admiral Commanding on the North American Station to ascertain if the exigencies of the service will admit of his placing a Steam Vessel at your disposal for this service, but you will understand that you are not to take this step, unless you have reason to consider it really indispensable.

I have the honor to be, Sir,

Your most obedient, humble Servant,

JOHN S. PAKINGTON.

The Officer Administering
The Government of Newfoundland.

(Enclosure in the “Confidential” of 17th August, 1852.)

NEWFOUNDLAND FISHERY.

Foreign Office, July 19th, 1852.

SIR,—

With reference to my letter of the 19th of May last upon the subject of the Newfoundland Fishery, I am directed by the Earl of Malmesbury to transmit to you for the consideration of Sir John Pakington, copies of a Despatch and of its Enclosure from Sir Anthony Perrier, containing the proposals of the French Government for settling this question.

I have, &c.,

H. U. ADDINGTON.

H. Merivale, Esq.,
&c., &c., &c.

Paris, 5th July, 1852.

MY LORD,—

Monsieur de Bon having this morning received authority from the Minister of Marine to communicate to me his proposal for the settlement of the conflicting rights of British and French fishermen on the Coasts of Newfoundland, the said proposal was read at this morning's conference, a minute of the proceedings of which I have the honor to enclose.

The French Government offers 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 consider themselves entitled by the Treaty of 1783.

In return for this concession they demand

1st.—The right to purchase and fish for Herrings and Caplin on the South Coast of Newfoundland without any hindrance or retribution.

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

3rd.—The right of fishing at Belle Isle in the Straits, which they enjoyed (according to their assertion) up to 1841, without any demur on the part of Great Britain.

Having stated to M. de Bon my desire not to enter into any discussion on this proposal until I shall have communicated it to Her Majesty's Government, he said that being charged with an urgent mission along the coasts of France, he could not wait in Paris the result of my communication, and therefore that our meetings had better be suspended until his return, of which he will give me timely notice.

Monsieur de Bon's mission is to inspect all the French fisheries between Dunkerque and Bayonne. He is to leave Paris to-morrow to commence from Havre, having already visited the Fisheries between that port and Dunkerque.

Under these circumstances I shall proceed to London at the end of this week, unless I receive instructions from your Lordship to do otherwise.

I have, &c.,

(Signed) ANTH. PERRIER.

The Earl of Malmesbury,
&c., &c., &c.

(COPIE.)

Anjourd'hui cinq Juillet 1852, M. de Bon, Commissaire du Gouvernement Français en vertu de l'autorisation qu'il en a reçue ce matin du Ministre de la Marine, a communiqué a Monsieur Perrier, Commissaire du Gouvernement Britannique, la proposition suivante.

Proposition faite par le Commissaire du Gouvernement Français au Commissaire du Gouvernement de la Grande Bretagne, pour modifier dans un intérêt commun, l'exercice des droits de Peche des citoyens des deux Pays a l'Ile de Terre Neuve et dans les Parages adjacents.

De la part du Gouvernement Français.

Concession aux sujets de la Grande Bretagne du droit d'habiter dans la Baie de St. Georges (Ile de Terre Neuve) et d'y pratiquer la peche en commun avec les citoyens Français, ou, en d'autres termes, abandon du droit *exclusif* de peche que le traite de paix de 1783 assure a la France dans cette Baie.

De la part du Gouvernement de la Grand Bretagne.

1.—Concession aux citoyens Français du droit d'acheter et de pecher le Hareng et le Capelan a la Cote, Sud de l'Ile de Terre Neuve, sans etre assujettis a aucune taxe ni retribution quelconque.

2.—Concession au citoyens Français du droit de peche pendant deux mois chaque annee sans pouvoir preparer la Marne a terre, sur les points de la Cote du Labrador ci-apres designes l'Ile Verte, l'Anse de Loup, la Baie Noire, et les Iles St. Modeste.

3.—Reconnaissance du droit des citoyens Français de pecher a Belle Ile du Detroit, droit qu'ils ont exerce sans contestation jusqu'en 1841.

Après avoir pris lecture de cette proposition, le Commissaire Anglais a fait connaitre a son Colleeue, qu'il desirait la communiquer a son Gouvernement avant d'entamer la discussion.

Monsieur de Bon a fait remarquer a Monsieur Perrier qu'étant chargé d'une mission urgente sur le littoral il ne pouvait attendre a Paris le resultat de cette communication, et qu'en consequence il y avait lieu d'ajourner leurs reunions a l'époque de son retour dont il le tiendrait informe.

(Signe)

DE BON
A. PERRIER.

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(Enclosure with "Confidential" of 17th August, 1852.)

(COPY)

Foreign Office,
July 31st, 1852.

SIR,—

With reference to Mr. Addington's letter of the 19th instant, respecting the French proposal for settling the Newfoundland Fishery question, I am directed by the Earl of Malmesbury to transmit to you copies of a despatch and its enclosure from Sir Anthony Perrier, the British Commissioner employed on this matter, suggesting a course for the adoption of Her Majesty's Government; and I am to request that you will move Secretary Sir J. Pakington to instruct the authorities of Newfoundland, and also to request the late Governor of that Colony to report upon the expediency of adopting Sir Anthony Perrier's suggestions.

I am, &c.,

(Signed) STANLEY.

H. Merivale, Esq., &c., &c., &c.

9, Cumberland Terrace,
Regent's Park, July 26, 1852.

MY LORD,—

In compliance with your Lordship's verbal instructions, I placed myself in communication with the Colonial office on the subject of the late French proposal for the settlement of the Newfoundland Fishery question, and I now have the honour to report to your Lordship, that after several interviews with Mr. Strachey, the gentleman to whom I was referred, and our joint examination of the various points connected with this affair, we agreed upon the following propositions, which I beg leave to submit to your Lordship's consideration.

It is evident that in order to negotiate, with any prospect of success, for an advantageous settlement of this affair, it will be necessary to be prepared to offer to the French other advantages than those recommended by Mr. Thomas, President of the Chamber of Commerce at St. John's, which have been refused.

The concessions to France, some or all of which might be granted

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without detriment to the interests of this country and of the Colony, appear to be four :

1st.—A right of Fishery on the Island of Belle Isle, in the Straits.

2dly.—A right of Fishery on some part of the Coast of Labrador, where it would not materially interfere with British interests.

3rdly.—A further removal of the restrictions on the sale of Bait ; and

4thly.—The reservation of certain spaces or Islands to the exclusive use of the French during the Fishery season (for the purpose of drying fish,) on that Southern portion of the Coast over which they would be called upon to give up their other rights.

These concessions to be made in return for the French giving up all rights (except those reserved by the 4th Concession) over that Southern portion of the district from which the British are at present by Treaty excluded. This portion to commence at least as high as Bonne Bay, and to include that Bay.

The information now in the possession of Her Majesty's Government does not appear to be sufficiently complete to warrant their proposing a settlement of this question on such a basis without further inquiry into the facts.

Advantage might be taken of the short time Sir G. Le Marchant has to remain in the Colony, and instructions sent to this Governor to report fully on all the points upon which further information is necessary.

This proceeding would not be productive of any unnecessary delay in the negotiations with France, as the present fishery season will be over before any decisive measures could be adopted.

Captain Milne (one of the Lords of the Admiralty) drove the French away from Belle Isle in 1841. As he is fully acquainted with the fisheries on those coasts, I thought it right to consult him on the expediency of admitting the French to fish at Belle Isle and on the coast of Labrador. His opinion is that the abandonment of French rights to the Southward of Bonne Bay, would more than compensate for any losses that would fall on British fishery interests in consequence of French fishery on the coasts of Belle Isle and Labrador.

He informed me that Vice-Admiral Sir G. Seymour, Commander-in-chief of that station, is about to proceed to Newfoundland. I therefore beg leave

to suggest that the Lords of the Admiralty be requested to direct Sir George to confer with the Governor on this matter, and to report his own opinion upon the abovementioned concessions. Sir George has already been on the Newfoundland station, and is fully aware of all the difficulties arising from French encroachments in that quarter.

I had prepared the enclosed memorandum to serve in my communications with the Colonial Office, and I have the honor to submit its conclusions to your Lordship's consideration.

I have, &c.,

(Signed) ANTHONY PERRIER.

The Earl of Malmesbury,
&c., &c., &c.

P. S.—Since writing the foregoing, I have been informed that Sir G. Le Marchant has been authorised to leave Newfoundland and to proceed to Halifax.

MEMORANDUM

On the Newfoundland Fishery Negotiations.

Subsequently to the reports made by Sir A. Perrier to the Earl of Aberdeen on the 5th of September, and the 8th November, 1843, conferences were held at Newfoundland by Mr. Thomas,—President of the Chamber of Commerce, and Captain Fabore, Commander of the French Naval Station.

The proceedings at these conferences may be briefly recapitulated.

Captain Fabore commenced by proposing that a concurrent right of fishery should be admitted on the French coasts to the Westward of Newfoundland, and a similar concurrent right on the Labrador coast in the Straits of Belle Isle immediately opposite.

This was decidedly objected to by Mr. Thomas as being likely to increase difficulties and promote collisions. Mr. Thomas then proposed to allow to the French an exclusive right of fishery on the coasts of Newfoundland, extending from Bonne Bay to Cape St. John, and on the Island of Belle Isle; and also

that bait, (capeling and herrings) should be sold at St. Pierre, under certain restrictions at exportation from the coast of Newfoundland.

Monsieur Fabore approved of these limits, reserving, however, to France, the exclusive possession of four points to the Northward of Bonne Bay, viz., Cod Roy, Red Island, Port a Port, and Lark Harbor.

M. Fabore also thought that France should have a concurrent right of fishery on that part of Labrador situated in the Straits of Belle Isle.

He concluded by stating that he did not reject Mr. Thomas's proposal, but that he did not consider himself sufficiently authorized by his Government to accept it.

This matter having been taken into consideration by the two Governments, it was agreed that a Commission should be held in Paris to endeavour to come to a definite settlement of the question.

Captain Fabore was named on the part of France, and Sir A. Perrier was appointed by Her Majesty's Government.

The Commissioners met in Paris in March 1846.

Captain Fabore proposed a reciprocal right of Fishery on the West Coast of Newfoundland and on the coast of Labrador opposite, subject to regulations to be enforced by Government Cruizers of both nations.

Sir A. Perrier could not admit this proposal, for the same reasons which had caused it to be rejected by Mr. Thomas.

Sir A. Perrier then reproduced the proposal made by Mr. Thomas to Captain Fabore at Newfoundland.

Captain Fabore replied that the new instructions he had received did not admit of his entering into this arrangement, but that he would make another proposal later.

Whether from difference of opinion between the Marine and Foreign Departments, or from some other cause, Captain Fabore could not get the Minister for Foreign Affairs to consent to his proposal being brought forward, so that in May, 1847, Lord Palmerston ordered Sir A. Perrier to return to his post at Brest.

In July, 1851, application was made by the French Ambassador in London for a renewal of the Newfoundland negotiations broken off in 1847, and Lord Palmerston directed Sir A. Perrier to hold himself in readiness to meet the Commissioner about to be appointed by the French Government. The Commission was opened in Paris last month, and the French Commissioner, (Monsieur de Bon) presented a proposal of which the following is a literal translation :

“ On the part of the French Government Concession to British subjects of the right to inhabit St. George’s Bay (Newfoundland) and to fish there *in common* with the French citizens, or, in other words, relinquishment of the *exclusive* right of fishery in that Bay, guaranteed to France by the Treaty of Peace of 1783.

On the part of the British Government,

1st.—Concession to French citizens of the right of purchasing and fishing for herrings and caplin on the South coast of Newfoundland, without being subject to any tax, or retribution whatsoever.

2nd.—Concession to French citizens of the right of fishery, without curing on shore, during two months of each year, on the following points on the coast of Labrador, viz., Green Island, l’Ance a Loup, Black Bay, and Modeste Islands.

3rd.—Recognition of the right of French citizens to fish at Belle Isle in the Straits, which right they exercised without its being put in question until 1841.

This proposal is so different from anything that could have been expected from Captain Fabore’s communications that it cannot but be considered as totally inadmissible.

Sir A. Perrier will therefore submit to Her Majesty’s Government the expediency of his making a counter proposal embodying all the conditions contained in Lord Aberdeen’s instructions of March 14, 1846. He will also suggest that he be instructed to hold out (in the event of refusal to entertain the English proposal, or of the French Government insisting upon the removal of British settlers from within the French limits) that Her Majesty’s Government will enforce the strict observance of all the stipulations of the several Treaties which concede to France a temporary right of fishery upon certain

parts of the coast of Newfoundland, that the French will be restricted from fishing, curing and drying, and to board Stages and Huts necessary for these purposes, that they will be prevented taking * Salmon or any other fish, in any part of the rivers, streams, or other waters *not bona fide on the coast* §—that nothing but what is indispensable for fishing, or to the necessities of the fishermen, will be allowed to be landed without payment of duty ; and lastly, that these measures will be enforced by cruizers and Custom House Officers, who will remain stationary with the French ships during their stay at Newfoundland, and follow them until their departure at the close of the fishing season. Moreover it might be notified that the sale of herrings and caplin to French fishermen would be prohibited.

(Signed) ANTHONY PERRIER.

9, Cumberland Terrace,
Regent's Park, July 21, 1852.

(No. 3.)

Government House, Newfoundland,
22nd September, 1852.

SIR,—

1.—I have the honor to acknowledge the receipt of your Confidential Despatch of the 17th August, transmitting certain Documents having reference to Negotiations between France and Great Britain with a view to a new definition of the rights of the two Nations on the Coast of Newfoundland, and requesting from me a Report on the whole subject, and my opinion as to what concessions—whether those suggested by Sir A. Perrier, or what others,—should be made on either side, in order to close the existing sources of dispute.

2.—I have not failed to give my earnest attention to a subject which is of such vital importance to the interests of this Colony, and to seek the opinions of those most calculated to form a right judgment thereon, and I proceed to lay before you the conclusions at which I have arrived.

* In the last Decree for apportioning the Fishery Stations on the Coast of Newfoundland the French have provided for allotment of the Salmon Fisheries. This is an encroachment never before attempted.

§ *Coast*—the edge or margin of the Land next the Sea ; the Shore. It is not used for the Banks of less waters.

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3.—I will commence by adverting to the assumption on the part of the French Commissioner, of the right to an exclusive Fishery on certain parts of the Coast of this Island, founded, I presume, on the declaration of His late Majesty George III., appended to the Treaty of 1783, and which right, although exercised by them on a part, and a part only, of what is generally termed the French Shore, has never been admitted by us.

4.—The very terms of the Declaration in question, whilst forbidding the English Fishermen to interrupt by their competition or to injure the Stages, &c. of the French, recognizes their presence; and the whole question would appear to be settled by the concession on the part of our Government, to the citizens of the United States, in the Treaty of 1818, of the same rights which had been conceded to the French in that of 1783.

5.—Before proceeding to notice more particularly the propositions made by the French and English Commissioners respectively, I would observe that the Settlements in St. George's Bay and on other parts of the French Shore, have grown up without protest or complaint on the part of the French—that they have hitherto been of no service to this Colony, adding neither to our Revenue or resources; and that the concession to us of any part of this coast would not be of sufficient value to warrant a compliance with any of the propositions of the French Commissioner. In fact there is only one concession to be made by the French Government which would prove of real advantage, and that is the doing away with their Bounties;—but so far from any disposition to this proceeding being manifested, the present Government of France is reported to have so altered them as to make them press with more injurious force than heretofore on the Trade of this Colony.

6.—I would respectfully repeat that, with this exception, France has nothing of value to yield to us, and that the only prospect of sustaining our Trade in foreign markets against Bounties equal in amount to what would be considered a remunerative price for the Fish, is by such a vigilant and efficient protection of our existing rights as will tend materially to reduce the quantity of Fish caught by the French Fishermen, and consequently ensure a more extended market for our own catch.

7.—I will now proceed to notice the propositions of Monsieur Bon, which are that the French Government will recognize settlement, and concede to us a concurrent right of fishery in St. George's Bay. This concurrent right we already claim to possess, but it is little used or recognized—our fishing grounds

already in use being sufficient, if protected from encroachment, to supply the wants of the markets, especially so long as they are so largely supplied by our foreign rivals.

8.—In return Monsieur Bon proposes—1st.—That the French shall have the right of purchasing and fishing for Herring and Caplin on the Southern coast without being subject to any tax or retribution whatever. This concession would be fraught with ruinous results to our fishery, as the power of, in some degree, preventing their procuring bait, is the only or principal means of averting the fatal disadvantages our Trade labours under in competing with that of the French, sustained as it is by enormous bounties.

2d.—That they shall have the right to fish during two months of the year (without curing or drying on shore) on that part of the coast of Labrador between the Isles Vertes and the Isle St. Modeste, both included. That is, to establish as a right what has been one of their most injurious encroachments—to guard against which, the Colony has this year, at considerable expense, fitted out a protective force, and to the action of which force great importance is attached. The period of two months to which they offer to confine themselves, being the whole period during which fish is caught on this part of the Labrador coast.

3dly.—The right of fishing at Belle Isle, in the Straits, which they enjoyed (according to their assertion) up to 1841, without any demur on the part of Great Britain.

This assertion may, to some extent, be true, as it is only since the very injurious effects on our Trade, of the French bounty-sustained fishery, have been severely experienced, that the importance of confining that fishery to its own proper limits has been so deeply felt.

The Belle Isle fishery is usually very good; nothing that could be offered us, (except the giving up bounties) would, in the view of those interested in our fisheries, be deemed an equivalent for allowing the French a participation in its benefits.

9.—It is true that when in 1845 some negotiation took place between Capt. Fabore on the part of the French Government, and Mr. Thomas then President of the Chamber of Commerce, and a member of the Executive Council, on our behalf, it was proposed by the latter gentleman that in consideration of the

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French giving up their right to fish on a part of the Western coast, they should have an exclusive right on the remaining part of what is termed their shore, and including Belle Isle ; but, as I have already stated, the operation of the French bounties has, since that time, been so ruinously felt, and the West coast would be so little service to us, that it would be considered as no equivalent for such a surrender.

10.—In the foregoing observations I have anticipated Sir A. Perrier's proposals, the adoption of which, I am compelled to say, would cause deep dissatisfaction in the Colony, as the strongest objections would be felt to the yielding the right of fishery in the Island of Belle Isle, or on any part of the Labrador coast, or to the removal of any restrictions on the sale of bait.

11—I trust you will not think that I am raising any uncalled for objections to the different propositions made with reference to the settlement of this most vital question—the interest in which is, at this moment, felt with greater intensity, from the ruinous results of the shipments of Fish during the last year, arising from the competition in foreign markets of the French, whose bounties enabled them to sell their Fish at a price that must bring ruin to our Trade, except the quantity caught by them can be diminished.

12.—The only mode of doing this is by preventing their procuring bait from our Shores, or encroaching on our Fishing Grounds.

Nothing they can offer would be a compensation for any relaxation on either of these points ; and I would respectfully observe, that any negotiation, founded on any other view, would be not only without advantage, but absolutely prejudicial to our Trade.

13.—From the information I have derived from those most competent to furnish it, and from the experience I have gained in a long residence during which I have visited every part of the Colony, I have not deemed it necessary to avail myself of your permission to apply to the Admiral Commanding for a Steamer to enable me to visit any part of the coast.

14.—I shall, in obedience to your directions, transmit a Copy of this Report to His Excellency Sir John Gaspard LeMarchant, and to Admiral Sir George F. Seymour.

I have the honor to be, Sir,
Your most obedient, humble Servant,

[No Signature.]

The Right Hon. Sir J. S. Pakington, Bart.,
&c., &c., &c.

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(Confidential.)

Downing Street,
19th August, 1853.

SIR,—

With reference to my predecessor's confidential despatch of the 17th August, 1852, and Mr. Crowdy's reply of the 22nd September, 1852, on the subject of the proposed revision of the engagements subsisting between this country and France, with respect to the Newfoundland fisheries, I annex for your information and guidance a copy of a communication from the department of Foreign affairs, which will place you in possession of the present state of the question, and the wish of her Majesty's Government to receive a further and final report upon it from the spot.

2.—I have to draw your most particular attention to the concluding remarks of Mr. Addington's letter, and I have to request that you will use your best endeavours to suggest a practicable settlement of the question, which, if left in its present state, can only lead to collision between this country and France, without any advantage to Newfoundland, and which, if no settlement of it can be suggested from the spot, Her Majesty's Government, at whatever disadvantage as to local information, must then proceed to deal with in the best way that may occur to them, out of regard to the momentous considerations adverted to by the department of Foreign affairs.

3.—Mr. Archibald, the Attorney General of Newfoundland, as you will observe from the papers, has taken an important part, during his late visit to this country on leave of absence, in the discussions which have taken place, and will be able to give you such further particulars respecting them as you may require.

4.—Her Majesty's Government do not consider that the abandonment by the French of their system of bounties could be proposed to them with any prospect of success ; but they cannot by any means concur in the opinion, expressed by Mr. Crowdy, in the despatch above referred to, that the abandonment of that system is the only basis on which it can be of advantage to British interests to treat. Whatever the objects of the negotiations on the subject of the Newfoundland fisheries may have heretofore been, the main object of Her Majesty's Government in now continuing them, is to remedy by such well balanced mutual concessions as may be made without serious detriment to the interests of either party, the hazardous complication of ill-defined and conflicting rights

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which is involved in the Treaties in their existing shape. And there is obviously no necessity for introducing the subject of bounties into an arrangement for such a purpose, great as the advantage would undeniably be, from obtaining their abrogation.

5.—I add for your information, with reference to the report from Sir A. Perrier, of the 10th June, which is enclosed in Mr. Addington's letter, a copy of a further communication from Sir A. Perrier, dated the 30th June, in explanation of some parts of that report.

I have the honor to be, Sir,

Your most obedient, humble Servant,

(Signed) NEWCASTLE.

Governor Hamilton, &c., &c., &c.

(Enclosure with "Confidential" of 19th August, 1853.)

(COPY)

Foreign Office,
June 26th, 1853.

SIR,—

With reference to your letter of the 18th ultimo, respecting the Newfoundland Fishery question, and suggesting that Sir Anthony Perrier should put himself in communication with Mr. Strachey, and Mr. Archibald, the Attorney General of Newfoundland, and should discuss with them the course to be pursued in the further negotiations between Great Britain and France, I am directed by the Earl of Clarendon to acquaint you, for the information of the Duke of Newcastle, that Sir Anthony Perrier has reported to Lord Clarendon the result of his interviews with the above-mentioned gentlemen. Of that report I enclose herewith a copy. With that report before him, Lord Clarendon has again attentively examined the question in all its bearings; and, considering the material difference which exists between the opinions of the Newfoundland authorities as expressed in 1844, and those now put forward by the Attorney General for the Colony, it appears to His Lordship that there will be little utility in pursuing the pending negotiations with France until a distinct and conclusive exposition of the views and wishes of the Colony, confirmed by the

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opinion of the Secretary of State for the Colonial Department, shall have been made known to Lord Clarendon in such a shape as to enable him to act securely and finally upon it with reference to the propositions to be made to the French Government.

Lord Clarendon proposes therefore to announce to the French Government, that circumstances have arisen which render it necessary to make further reference to Newfoundland, before the discussion between the English and French Commissioners can be resumed with any prospect of coming to a satisfactory arrangement. In the meantime His Lordship would suggest that it should be clearly stated to the Government of Newfoundland, that great embarrassment cannot fail to arise from any vacillation or uncertainty which may be exhibited by the authorities of that Colony with regard to the propositions to be submitted to France for a final settlement of the Newfoundland Fishery question; and it would also, in Lord Clarendon's opinion, be desirable to intimate to the Colonial Government, that if obstacles were thrown in the way of a fair settlement, by mutual compromise, of this difficult and hazardous question, Her Majesty's Government might find themselves compelled, in justice to the interests of the mother country, either to leave to the Colony the future expense of the protection of the Colonial fisheries, or to negotiate with France, without further reference to the Colony, for the adjustment of differences the continuation of which is fraught with serious danger to the amicable relations now subsisting between Great Britain and France.

I have, &c.,

(Signed) H. U. ADDINGTON.

Herman Merivale, Esq.,
&c., &c., &c.

(COPY.)

NEWFOUNDLAND FISHERY.

London, June 10th, 1853.

MY LORD,—

In compliance with the instructions contained in your Lordship's despatch of the 20th ultimo, I immediately entered into communication with Mr. Archi-

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bald, Attorney General of Newfoundland, and Mr. Strachey, of the Colonial Office, upon the subject of the negotiations with France, for a settlement of the question of fishery rights around that Island.

After our second meeting, it became evident that the opinions of the three parties were so much at variance, as not to admit of any prospect of an unanimous decision. It was therefore agreed that Mr. Archibald and Mr. Strachey should discuss the matter between themselves, and communicate to me the result of their deliberations.

I have the honor to enclose a letter from these gentlemen, with the amendments which they propose, accompanied by their explanatory notes.

When, six weeks ago, I waited upon the Duke of Newcastle, I explained to His Grace, that the proposals made last year by the French being totally inadmissible, your Lordship was of opinion that a counter-proposal (to be final) should now be made, offering such equitable conditions as could be received, and would, in the event of refusal, cast upon the French Government the breaking up of negotiations, in which case things would remain in the favorable position wherein they have been placed by the protective measures adopted last year. I also stated that the project of instructions for the British Commissioner was prepared in this spirit, and that I felt convinced that these proposals would be rejected, being so much below the French pretensions.

I gave the same explanation to Messrs. Archibald and Strachey, who have taken a very different view of the matter, having considered as a project of Treaty that which was only intended as a project of instructions for proposals.

The amended project transmitted by these gentlemen is not, in my humble opinion, such as can meet your Lordship's views. It offers nothing more than a confirmation of some of the advantages of which the French are, and long have been (whether right or wrong) in real possession, whilst it would deprive them of many benefits they now virtually enjoy. Therefore, as all would be loss to them without any compensation, it cannot be expected that these propositions would be accepted.

The present local interests of the Newfoundland merchants seem to be the sole object kept in view, without any consideration whatever for the international difficulties in which H. M. Government are involved by a long toleration of the French interpretation of treaties made at remote periods, when the

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British Settlements at Newfoundland did not extend beyond a small portion of the Southern and Eastern coasts of the Island;—when the best Fishery (that on the Banks) was entirely carried on by Ships from Great Britain, and the Colonial Fishery was confined to the long-shore fishing on the Southern and part of the Eastern Coasts; and when the fisheries on the Western and Northern Coasts, and along the Shores of Labrador, were of little or no importance to the Colony.

I must, however, exempt Mr. Strachey from this last observation. He is aware of the difficulties to be contended with, for he admits “that much has passed to commit the British Government to the more enlarged interpretation respecting *fixed Settlements*, adopted by Mons. de Bon.” He also acquiesces in proposing the cession to the French, of a right of Fishery at Belle Isle in the Straits, a measure which Mr. Archibald strongly opposes.

With reference to the sale of bait to the French on the Southern Coast, the total rejection of this measure* is not in accordance with the pressing solicitations from the Colony for a free and reciprocal Trade and right of Fishery, with the United States. The Americans frequent the Bank Fishery for which they are obliged to bring bait from the Coast of America.—When they acquire the right to take it themselves on the Coast of Newfoundland, they are likely to become much more formidable competitors in Foreign Markets than the French—for the produce of their Bank fishery will soon cut out, by its well-known superiority, the small fish of Newfoundland catch, taken along the Coasts of the Island and of Labrador.

With respect to a further reference to the Legislature of Newfoundland before coming to a final decision on the proposals to be made to France, it is entirely a matter of consideration for your Lordship; but I should consider myself deficient in my duty were I not to state the impression left on my mind that this suggestion, emanating from the Newfoundland Attorney General, is, that the proposed delay is with the view of keeping back the question of sale of bait as a means of bargaining with H. M. Government for Free Trade with the United States.

It would be trespassing too much on your Lordship's time to continue refuting the objections contained in the enclosed documents, and to renew the

* Notwithstanding this rejection, Messrs. Archibald and Strachey think that “if the proposed Treaty of Reciprocity with the United States takes place, there can no longer be the same motive, nor indeed could it be equally practicable, to restrict the French supply of Bait.”

(Enclosure No. 1, page 24, in Messrs. Archibald and Strachey's despatch.)

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oft-repeated arguments against the concurrent right of fishery proposed to be offered to the French on the Coast between Cape Ray and Bonne Bay; but there remains one proposal of these Gentlemen which is of too serious a nature not to be noticed, namely, the admission by Treaty of a sort of French jurisdiction in places reserved to French fishery.

The end may be obtained without this sacrifice of principle; for when warned that they must not fish nor trespass within the French boundaries, British transgressors will have no right to complain of any act of the French to uphold their privileges.

These acts may, without inconvenience, be overlooked; but it would, I conceive, be a dangerous precedent to concede, by Treaty, the exercise of any right pertaining to the sovereignty of the Island.

I have, &c.,

(Signed) **ANTHONY PERRIER.**

The Right Hon. the Earl of Clarendon, K. G.,

&c., &c., &c.

Foreign Office.

(Enclosure with Confidential Despatch of 19th August, 1853.)

(copy)

Colonial Office, Downing Street,
4th June, 1853.

SIR,—

In pursuance of the instructions given to us by the Duke of Newcastle to take into consideration the project of Treaty which you have suggested for negotiation with France in reference to the Newfoundland Fisheries, and communicate with you on the subject, we transmit to you herewith a statement of such amendments of the project as we think, after the discussions which we have had with you, to be advisable,—together with observations in explanation of them.

We have, &c.,

E. M. ARCHIBALD.
W. STRACHEY.

Sir A. PERRIER.

(Enclosure 1 in letter to Sir A. Perrier.)

Dated, 4th June, 1853.

Project of Proposal to France for the settlement of the Newfoundland Fishery question.

The proposal made on the 5th July last, by Monsieur De Bon, on the part of the French Government, cannot be accepted for the following reasons :—

1st.—The right of inhabiting St. George's Bay already belongs to Her Majesty's subjects ; for although they are debarred by the terms of the Treaty of 1783 from forming Fishing Establishments on the coasts where French subjects may fish during the season, they are nevertheless entitled to establish themselves for all other purposes on all parts of the coast of Newfoundland. This is one of the territorial rights belonging to the sovereignty of the Island, none of which rights (except that of temporary fishing) has ever been conceded or can be conceded by Her Majesty's Government.

2d.—Concurrent fishery cannot be carried on by British and French subjects without mutual interruptions. This would inevitably lead to a renewal of those quarrels to prevent which the Treaty of 1783 was expressly made.

1st.—That the terms "établissements sédentaires," or fixed settlements, in the declaration, were understood at the time of the treaty to have reference only to fixed or permanent fishing establishments, appears from Governor Campbell's Proclamation of September, 1784, as well as from the act of 1787, quoted by Sir A. Perrier ; at the same time it is right to bear in mind that much has passed to commit the British government to the more enlarged interpretation of the phrase adopted by Monsieur De Bon.

2d.—The effect of this paragraph appears to be an indirect admission of an exclusive right of fishery in the French, and is at variance with what we have always contended for and maintained on this point. (See Lord Palmerston's note to Count Sebastian, July 10th, 1838.) It is only where a concurrent fishery would actually interrupt the exercise of the French right of Fishery that it would be inconsistent with the treaty and declaration. Moreover we think the impracticability of carrying on a concurrent fishery without mutual interruption too broadly stated in this paragraph. We believe that it is quite

possible, and that it has been the actual practice both before and since the treaty of 1783 for both parties to use on amicable terms parts of the coast not greatly frequented by either, as for example between Cape Ray and Bonne Bay. We think it advisable, therefore, on these grounds, to omit this paragraph.

3rd. — For the same reason the French cannot be permitted to fish for bait on the Southern coast of Newfoundland.

3rd.—The power to concede to the French permission to fish for bait on the Southern coast of Newfoundland is vested solely in the Imperial Government ; but as local interests are deeply involved in the question of such a concession, and as representations have been made from time to time by the commercial body and the Legislature of Newfoundland, complaining of the great injury arising from the encroachments of the French in fishing for bait, and as it appears from the late acting Governor's answer to the recent reference that the local objections to giving the French any facilities for obtaining bait still continue, we think that the concession should be refused for these reasons rather than on the ground of inconvenience from a concurrent fishery.

The granting permission to purchase bait without hindrance is more peculiarly matter of local concern, and a concession which there would be legal difficulties in making without the concurrence of the Local Legislature, which not only possesses in common with other Colonial Assemblies (under recent Imperial Acts) full power to levy duties independently of Parliament, but passed in 1845, with concurrence of the Queen in Council, an act (8th Vic., c. 5) imposing a high export duty on bait for the purpose of checking the traffic in it. This Act is still in force, and the most recent accounts do not show

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any disposition on the part of the Local Legislature to repeal it.

The Imperial Parliament has, without doubt, the power of regulating the traffic in bait, in supercession of all local laws, but this would be an unusual stretch of authority.

For these reasons we think Monsieur De Bon's proposition must be rejected as regards not merely the fishing for bait, but the traffic in it also.

4th.—Neither can they be admitted to any participation in the fishery on the coast of Labrador, where, (especially in the Belle Isle Straits) British fishermen resort in great numbers.

4th.—This paragraph, if our preceding views are adopted, may be introduced thus: Her Majesty's Government also find that British interests do not admit of any participation by the French in the fishery, &c.

5th.—The Island of Belle Isle in the Straits, being a British possession not included in any of the concessions made to France by Treaty, no French right to fish there can be recognized.

Her Majesty's Government being desirous of bringing the Newfoundland fishery question to a prompt and satisfactory solution, authorize Sir A. Perrier to make the following propositions:

We think it would be advisable to state to the French government rather more fully the reasons why our own proceeds to authorize a counter project. For the terms we would suggest, see the preamble of the draft project in our separate paper.

1st.—British subjects shall not fish during the season on any part of the coasts of Newfoundland where French subjects enjoy by Treaty the right of fishery.

It is advisable to define a sea limit within which British subjects shall be prohibited from fishing on the coast. We therefore suggest that this proposition should be amended to the terms of Article 1, of the separate paper.

2nd.—The term coast (the literal meaning of which is the shore or margin of the sea) being vague and open to con-

tradictory interpretation, it is proposed to determine its signification with reference to the fishery rights in question, as follows:—

The word coast, so far as it relates to French fishing, curing, or drying, and erection of scaffolds and huts for fishery purposes at Newfoundland, shall be understood to mean the strand and the ground extending inland one quarter of a mile from high water mark; and where any river, creek, arm of the sea, or other opening less than three miles wide, intervenes, then a straight line drawn from headland to headland, across that aperture, shall be considered as equivalent to high water mark.

3rd.—No British fixed settlement of any kind shall be made in the districts reserved to France nearer to the sea than the coast limits of a quarter of a mile.

We would suggest, in place of the first part of this proposition, Article 3 of our separate paper.

This latter part of the proposition would shut out the French from several of the harbors now used by them. But as between Cape John and Bonne Bay there are no large rivers, nor any in which we understand the tide flows beyond a short distance, we suggest, instead of this latter passage, the insertion of a provision that the right of fishery shall in no case be enjoyed by the French in any creek, river, or stream, above the flow of the tide, and shall be limited to salt water only, as in Article 2 of the separate paper.

We fear, with Sir A. Perrier, that the French having acquired by the Declaration of 1783, a right to the removal of fixed settlements, will not be satisfied unless this right is maintained in the present Convention, and interpreted in some more general sense than one confined to fishing establishments only.

But an obligation on our part to remove settlements in a general sense would obviously be very inconvenient to us, if not completely beyond our power to discharge. It would, therefore, we think, be advantageous to both parties to concede to the French themselves an authority in certain cases to prevent encroachments, but under such limitations as shall not prejudice our rights of sovereignty, or our claim to consider the *existing* duty of removal as applicable to *fishing* establishments only.

We think it politic, also, to provide that an acquiescence on the part of the French, for a specified period, in any erection made to the prejudice of their fishery rights, shall cast upon them the payment of compensation in case of the subsequent removal at their instance of any such erection.

In the same manner we think it advisable to give the French a certain authority to protect their rights against British vessels or boats trespassing on the fishing grounds assigned to the French.

The general effect of the authority we thus propose to confer on the French by land and water would simply be to legalize and regulate an irregular interference of the French with our settlements and vessels which already exists in practice, and which, in the absence of police arrangements on the part of the British government, obviously cannot be prevented. It will, probably, not be convenient to introduce such arrangements on the greater part of the coast assigned to the French within any given time.

But according to our plan such arrangements, whenever made by the British government, would at once and entirely supersede, within their range, the authority otherwise conferred on the French.

We believe that an authorized system of this kind would be far less productive of collision than the continuance of a practice of French control, which British subjects have a legal right to resist, but of which the British government, so long as it gives the French no active protection of its own, has no just ground to complain.

For the terms we would propose, see Articles 4, 5 and 6, of the separate paper.

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4th.—All Fisheries inland of the coast limit are entirely British.

This seems hardly necessary, and may be construed as an indirect admission that they are not ours already.

5th.—French subjects shall not make use of any mode of fishery at the entrance of rivers and creeks, (nor any where else on the coast) of Newfoundland, which would be illegal (on the coasts or) in the rivers of France.

Very advisable provision as to rivers—but should not restrict the French in their fishery on the open coast.—Amend as in Article 2, of the separate paper.

6th.—The right of Hook and Line Fishing, and of curing and drying at Belle Isle, in the Straits, shall be conceded to French fishermen during the season, but they must not use seines or any other kind of nets. During the time of French fishery British subjects shall neither fish, cure, nor dry, on the said Island.

If it is thought expedient to concede to the French a right of fishery at Belle Isle, we would suggest that the proposition should be introduced as in Article 12, of the separate paper—but upon the question of making the concession—see our concluding remarks.

7th.—The French right of fishery along the Straits of Belle Isle, so far north as the Island of Belle Isle, shall extend half way across from the shores of Newfoundland and Belle Isle, towards the coast of Labrador.

The substance of this provision is embraced in the Draft of Article 1, in the separate paper.

8th.—The right of fishery on these parts of the coasts of Newfoundland where the French may fish under treaty, shall commence on the first day of May, and end on the last day of October in each year.

We would suggest a slight change in the wording of this proposition, as in Article 7, of the separate paper.

9th.—The boundary between the British and French fishery limits on the East coast of Newfoundland, shall be the

We understand that such a boundary was agreed upon, as here assumed, and that a map of it is in the possession of the Local Government,

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point near Cape St. John, agreed upon by Capt. Darley, of Her Majesty's ship "Electra," and Capt. Fabvre, in 1843.

10th.—British Fishermen shall be allowed to sell herrings, caplin, and any other kind of bait to the French.

11th.—In exchange for the above mentioned concessions, France shall cede to Great Britain all fishery rights whatever on the coasts between Cape Ray and Point Verte, (the Northward of Bonne Bay) on the West coast of Newfoundland.

but we are unable to hear of there being any document in the public offices in this country to admit of this subject being included in the propositions to the French, if made at this moment. On the facts being ascertained, we would suggest an amended proposition as in Article 10 of the separate paper, having reference to the boundaries on both sides of Newfoundland.

We suggest the omission of this proposition, for the reasons above stated.

We think there could be no objection to permitting the French to fish concurrently with the British, and to dry and cure fish in unoccupied places on shore, until a year's notice shall have been given to them by the British government. Under such an arrangement, by which we should have the power of withdrawing the privilege in the event of its being abused, or of our requiring the exclusive use of this coast for ourselves, it is probable the French would continue without detriment to British interests, to derive almost as extensive advantage from this part of the coast as that which they now enjoy. We therefore propose an addition to this proposition as in Article 8, of the separate paper.

To remove doubts and prevent disputes it will be well to insert at this place a proposition recognizing the right of the French during the season to a fishery at Groais Isle and Belle Isle South, in like manner as on those parts of the coast of Newfoundland assigned to them.

Whatever the claim of the French from occupancy may be, it is not quite clear that those Islands were com-

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prised in the original concession to the French. For the terms we would suggest, see Article 9, of the separate paper.

We suggest for security a provision as in Article 11, of the separate paper, to the effect that the French rights of fishery shall stand on the footing of former treaties in all particulars not altered or modified by this convention.

We, also, suggest a final provision as in Article 13 of the separate paper, for fixing a time for bringing the convention into operation.

Sir A. Perrier will announce to the French Commissioner that it is the intention of Her Majesty's Government to keep Cruisers on the coast, and to establish stations on the shore at Belle Isle in the Straits, and at any other places where it may be deemed expedient.

Proper in any event.

The following further concessions may be agreed to by Sir A. Perrier, if he can thereby bring his French colleague to a final adjustment of this question.

1.—Half a mile to be the coast limit, instead of a quarter of a mile.

A quarter of a mile appears to us sufficient, but we see no particular objection to half a mile, if desired by the French.

2.—Fishery at Belle Isle without confining the French to hook and line fishery.

As to the 2d point, see our concluding remarks.

3.—Cape St. Gregory to be the French boundary, instead of Point Verte, thus leaving Bonne Bay as a harbor of refuge to the French.

As to the 3rd, considering that the reports from the colony have almost invariably represented Bonne Bay as a part of the coast on which it is an object to get rid of the French rights, we think it would not be advisable to leave it out.

April 23rd, 1853.

BELLE ISLE.

CONCLUDING REMARKS.

Upon the question of ceding to the French the Fishery on Belle Isle North, restricted or not to hook and line,—we find a difficulty in coming to a distinct conclusion: indeed there is some difference of opinion between us.

It is obvious that, unless this cession in one or other shape be made, or some other concession be substituted, no equivalent will have been given to the French for their cession of rights on the West Coast.

But the question is whether the cession of the Belle Isle Fishery, even if restricted to hook and line, would not turn the balance of advantage too much the other way.

The reasons of one of us (Mr. Archibald) for thinking this would be the case; (and, also, for thinking that the Fisheries at Belle Isle should, under any circumstances, be restricted to hook and line) are stated in a paper annexed.

We are neither of us prepared to recommend any substitute. But we would mention, as deserving of consideration, the alternative of giving the French a permanent instead of terminable right to fish concurrently with the British on the Coast between Bonne Bay and Cape Ray.

On the whole we consider the point to be one on which a further reference to the Local Government is desirable. That Government, we think, will be able to remove much of the doubt which now exists upon it, and possibly to suggest some substitute in the shape of a concession on the bait question, now that the aspect of that question is so much altered by the desire, recently expressed by the Assembly of Newfoundland, that the Colony should be included in the proposed Treaty of Reciprocity with

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the United States. There could no longer be the same motive, nor, indeed, could it be equally practicable, to restrict the French supply of bait if the Americans should be admitted to a participation in the Fishery and trade in fish without any exception as to bait.

We would anticipate much advantage in other respects from the further reference to the Colony now suggested. The Government here is, we believe, at present, not in possession of the particulars of the Agreement between Captains Darley and Fabvre, (as we have elsewhere observed) nor of correct statistical information as to the extent and nature of the settlements on the French shore, the participation of the settlers there in the fishery—the extent and value of the catch of fish on the West coast (between Bonne Bay and Cape Ray) and on Belle Isle respectively, and other topics on which and on the whole question we are persuaded that much additional light would be thrown if the subject were brought once more under the consideration of the Local Government in the shape at which it has now arrived.

The reference would certainly involve no real delay. The Convention could not take effect except upon the authority of an Act of Parliament. To negotiate the Convention and pass the Act, all in the remainder of the present session, is hardly possible, or if accomplished, would only be so at so late a period in the present fishing season, as not to admit of the Convention taking effect till the next. Consequently the result, as regards the time of bringing the arrangement into operation, will be the same if the Convention is concluded before the next Session of Parliament opens, and the Act passed in the early part of that Session.

(Enclosure No. 2 in letter to Sir A. Perrier, dated 4th June, 1853.)

Mr. Archibald dissents from the proposition that a right of fishery at Belle Isle be ceded to the French, for the following reasons :—

1st.—Because taking into account the additional privileges and concessions proposed to be granted to the French on the coast between Cape John and Bonne Bay, we should receive no equivalent for the cession of Belle Isle, in the relinquishment by the French of their right of fishery on the coast between Bonne Bay and Cape Ray.

For all purposes of agriculture on the Western coast we have full enjoyment of it already. The fisheries within the mouths of rivers are ours. The Cod Fisheries here are much less valuable than on any other part of the coast of Newfoundland, and the annual catch of Codfish by British subjects does not exceed a few hundred quintals.

The Herring Fishery, which is followed to a considerable extent, principally in St. George's Bay, is carried on, for the most part, before the commencement and after the close of the season when the French resort to this coast, and is not practically an interruption to their fishery. Moreover, from the superior productiveness of their fishing grounds on the North and East coast, the fishery here has never at any time been extensively resorted to by them.

But we have always exercised concurrent fishery on part of the West coast, from the time of the treaty (as we were entitled) without remonstrance on the part of the French ; and no argument against our concurrent right, here at least, is to be drawn from her having forborne to exercise it on other parts of the coast on which the French enjoy a right of fishery. And a concurrent fishery can continue to subsist here without any actual interruption or hindrance of the French.

2dly.—The proposed concession is impolitic ; because the uncontrolled use of the fishery at Belle Isle will so interrupt and hinder the natural migration of the shoals of fish towards the Labrador as materially to injure our fishery on that coast ; and therefore it ought not to be in the hands of foreigners. Because the facilities of the encroachments of the French on the Labrador will be increased by their possession of this important neighbouring outpost. Because of the greatly superior value and productiveness of the fishery at Belle

Isle, as shewn by the Report of Commander Cochrane, of Her Majesty's Ship "Sappho," last year. The increase of the French catch by the large quantity of fish drawn from thence would not alone be a reduction, by so much, of our fishery, but would enable them to introduce an almost equal additional quantity of fish into markets from which their bounty-sustained competition is already gradually excluding us; and lastly, because the most effectual, in fact the only available, means of counteracting the injurious influence on our trade of the bounties in question, is the reduction by every legitimate means of the amount of the French catch.

Rather than cede the fishery at Belle Isle, Mr. Archibald suggests, in addition to the exclusive privileges proposed to be granted to the French on the coast between Cape John and Bonne Bay (by one of which British subjects will be henceforth excluded from the private use, *for any purpose*, of the wide strand reserved to the French), that the latter be permitted to continue to fish, as at present, concurrently with the British, on the coast between Bonne Bay and Cape Ray.

Under any circumstances a Seine fishery should not be permitted at Belle Isle, if the fishery be never conceded to the French. The use of Seines at this point is most prejudicial to the fishery on the Labrador coast, by intercepting and disturbing the tribes of fish in passing through the Straits; as well as by the indiscriminate destruction of the old and young fish. On the Eastern coast of Newfoundland, reserved exclusively to the British, the decline of the fishery is attributed in no small degree to the use of Seines, and strenuous efforts have been made by a numerous body of fishermen to procure the enactment of a law for prohibiting the use of Seines entirely.

(Signed)

E. M. A.

June 4th, 1853.

(Enclosure 3 in letter to Sir A. Perrier, dated 4th June, 1853.)

DRAFT PROJECT.

Her Majesty's Government being unable to accede to the proposals of Monsieur de Bon, for the reasons stated, but being as desirous as the Govern

ment of France to preclude by every possible means the disputes between the two Governments to which the existing Treaty stipulations, on the subject of the Newfoundland Fisheries, have been shewn by experience to tend, more particularly in consequence of the ambiguity of some of the leading provisions; and being of opinion that the ambiguous rights admit of a compromise not interfering with the main advantages at present realized by the respective parties, empower Sir A. Perrier to make the following propositions :

1.—British subjects shall not fish during the season hereafter specified within ——— marine miles of the coasts of Newfoundland or the coasts of the adjacent Islands on which French subjects shall continue to enjoy (or shall acquire*) the right of fishery under this convention, or as regards such of those coasts as are separated from British coasts not so assigned to the French by a channel not exceeding ——— marine miles in width—not nearer than the middle of such channel.

2.—The right of fishery shall in no case be enjoyed by the French in any creek, river or stream, above the flow of the tide, and shall be limited to the salt water only. The French shall not make use of any mode of fishing in or at the entrance of any creek, river, or stream, which would be illegal in France.

3.—The operations in connection with the fishery which the French shall have a right to conduct on shore shall be limited to a strand bordering upon the waters in which the French shall have a right to fish as above defined, and extending inland a quarter of (or half) an English mile from high water mark. The French shall however be allowed to cut wood for the purpose contemplated in the British Declaration attached to the treaty of 1783, upon unoccupied land, at such further distance inland from the strand as may not be inconvenient to the British Government.

4.—No erection obstructive of the exercise of the French rights of fishery, whether a fishing establishment or a building or enclosure of any kind, shall be allowed on the strand assigned to the French; save works or erections made or occupied for the purposes of defence, or other public use or purpose, under the immediate direction of the British Government.

5.—As the British Government may not possess Officers of its own on

* NOTE.—These words to be used if a Fishery at Belle Isle be conceded to the French.

parts of the coast on which it may be necessary to enforce the preceding article, its enforcement shall devolve under such circumstances upon the French Commandant on the Station of Newfoundland;—and accordingly he and the Officers or Agents authorized in writing by him, shall be at liberty to abate or remove any building or enclosure on the strand assigned to the French, if deemed by such Commandant to be obstructive of the exercise of the French rights, in the event of there being no duly empowered British authority established within 5 English miles of such erection. But no erection shall be so abated or removed by French Officers or Agents until two months after notice in writing has been given to the occupant or occupants, and to the Governor of Newfoundland.

And if within the period of such notice, or at any time before the intended proceeding shall have been carried into effect, the Governor of Newfoundland shall signify his desire that the question of removing or abating any such erection should be referred to the consideration and determination of the respective Governments, in Europe—the French Commandant shall stay the intended proceeding pending such determination; and if it be authorized by such determination, shall not be competent to carry it into effect except on the expiration of a further notice of one month to the occupant or occupants, and to the Governor of Newfoundland.

Nor shall any building or enclosure, for the removal of which the French authorities may have refrained in three successive fishing seasons from taking the steps within their competence, be subject to removal until after equitable compensation, to be arranged between the British and French Governments, has been paid by the latter, for the loss which such removal may occasion to the parties interested.

6.—In like manner the Officers commanding French vessels of war on the Newfoundland Station shall be at liberty to remove British vessels or boats from the waters assigned to the French, as defined by this convention, if fishing in those waters in the event of there being no duly empowered British authority established within five English miles of the place of such act of encroachment.

7.—The season during which the French shall be entitled to exercise their rights of fishery shall not commence earlier than the 1st day of May, nor end later than the last day of October in each year.

8.—In consideration of the concessions on the part of Great Britain in-

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volved in the above arrangements, France relinquishes to Great Britain all fishery rights whatever on the coast and Islands between Cape Ray and Pointe Verte (to the Northward of Bonne Bay) but the French shall be permitted to fish concurrently with the British, and to cure and dry fish on unoccupied parts of the shore on those coasts and islands until the close of any fishing season next after the expiration of a year's notice to be given by the Government of Great Britain to the Government of France.

9.—The coasts upon which the French shall retain their fishery rights shall be recognized to include those of the Islands of Groais and Belle Isle on the Eastern coast of Newfoundland, and of all the other Islands smaller than these which are adjacent to the Island of Newfoundland between Cape John and Pointe Verte.

10.—The boundary of the French fishery on the East coast of Newfoundland shall be the point at Cape St. John and the line thence extending seaward agreed upon in 1843 between Captain Darley, of H. M. S. “*Electra*,” and Captain Fabvre, of the French Navy; and the similar boundary on the West coast shall be a line carried seaward from Pointe Verte in a direction due West.

11.—The French rights of fishing shall stand on the footing of former treaties in all particulars not altered or modified by this Convention.

12.—In consideration of the concessions on the part of France involved in the above arrangements, the French shall enjoy the same fishery rights, whether as to land or water, on the coasts of the Island of Belle Isle in the Straits of that name, as the latter shall enjoy, as above defined, on the coasts of Newfoundland; except that they shall be restricted to a hook and line fishery only, and shall not use seines or nets of any kind in the waters round Belle Isle thus assigned to them.

13.—This Convention shall take effect from the commencement of the fishing season of 1854.

(COPY.)

Government House, St. John's, Nfld.,
25th September, 1853.

No. 67. [Executive.]

MY LORD DUKE,—

I have the honor to acknowledge the receipt of your Grace's Despatch of the 19th ultimo, marked Confidential, transmitting the copy of a communication from the department of Foreign Affairs, with other documents in reference to a contemplated revision of the subsisting engagements with France, respecting the Newfoundland Fisheries; and expressing the wish of Her Majesty's Government to receive a further and final report upon the subject from this Government.

2.—In obedience to your Grace's commands, I have given my earnest consideration to this important matter, in order that I might be the better able to furnish your Grace with a distinct exposition of the views and wishes of the inhabitants of the Colony in regard to it. I have considered it desirable to submit the substance of your Grace's communication, confidentially, to the members of my Council, and to elicit from them, for my information, the expression of their views upon the subject matter in question. I have also received from the Attorney General an explanation of the particulars of the discussions which took place between Sir A. Perrier, Mr. Strachey and himself.

3.—In now reporting to your Grace what are the views and wishes of the Colony in reference to this question, and in submitting the proposals of such an adjustment of it as, in the opinion of the Council, would be the least detrimental to British rights, I must beg your Grace's permission to offer some preliminary observations, the freedom of which, I trust, will be pardoned, in consideration of the magnitude of the interests involved.

4.—I assure your Grace, that I by no means undervalue the importance of effecting a settlement of the question, and of preventing, by any practicable means, further disputes. Still, while I feel that the consideration of the subject ought to be approached in no merely commercial spirit, but with a due regard to the maintenance of the honor of the Crown, in the faithful observance of the treaties which guarantee to the French the enjoyment of their privileges,

I am also sensible that there are involved in the consideration of the question circumstances affecting in the highest degree the prosperity of this Colony, whose interests have been confided to my care, and which are of hardly less importance to all Her Majesty's subjects concerned in its fisheries, requiring the exercise of great vigilance in the maintenance of our existing rights, and of firmness in resisting the demands of our rivals for further concessions to which they have no equitable claim.

5—I do not now propose to enter into a discussion of the claim of the French to an *exclusive* right of fishery on that part of the coast on which a right of fishery was assigned to them by the treaties of Utrecht and Versailles. The absence of any information for such a claim is so unanswerably shewn, and the true interpretation of the treaties so clearly laid down, in Lord Palmerston's note of June 10th, 1838, to the French Ambassador, Count Sebastiani, as to render unnecessary any further argument on this point. The assertion of the claim is, I have reason to believe, of comparatively recent date; and, from the reference made to it in the occasional correspondence of the French Naval Officers on this station, appears not to be founded on the words of the treaty, but rather on the proclamation of Sir Charles Hamilton, of 1822. This proclamation, as well as two preceding ones in 1802 and 1788, were issued under an Act 23, Geo. 3, Cap. 35, passed not until five years after the treaty of Versailles, (in consequence, it would appear, of the lawless conduct of British subjects) in order to give our Government power, if necessary, to enforce the terms of the treaty, and to restrain by extreme measures, British subjects from interrupting the French fishery. For, if the Ministerial Declaration on the part of Great Britain, annexed to the treaty of Versailles, be relied on as the foundation of the French assumption, it must be taken as a whole; and the terms, the "13th Article of the Treaty of Utrecht, and the method of carrying on the fishery, which has at all times been acknowledged, shall be the plan upon which the fishery shall be carried on there; it shall not be deviated from by either party;" must have some meaning.

The whole history of the fishery from the time of the Treaty of Utrecht, furnishes the construction to be put upon these terms. Under that Treaty, the fishery was always concurrent. The mode in which that fishery has been carried on, concurrently by the two nations, is clearly evidenced by the Proclamations of Governors Palliser,* Shuldam,† and Duff,‡ set out in the printed pa-

* Palliser, 19th June, 1764—27th July, 1765. † Shuldam, 24th June, 1772—27th July, 1773. ‡ Duff, 7th July, 1775. [Vide pages 133, 139, 140, and 141, of printed papers.]

pers accompanying your Grace's despatch. Again, the ministerial declaration is in this respect in accordance with the 5th Article of the Treaty, which is the more important document, and which declares, that "the French fishermen shall enjoy the fishery which is assigned to them by this present article, as they had the right to enjoy that which was assigned to them by the *Treaty of Utrecht*."

6th.—In reference to the meaning of the terms "fixed settlements," and the proper construction of the Declaration that "His Majesty" would cause them to be removed, I have derived much information from two members of my Council who have been in this Island for upwards of half a century, both of them, for a long period of years after their arrival, and one still, largely engaged in the trade and fisheries. During the war which ended in 1783—and the same circumstances occurred during the subsequent wars ending respectively in 1801 and 1814—the fishery was engrossed by the British; and fishing establishments of a substantial nature had been fixed by them in all the various harbours on the coast on which the French were assigned a right of fishery, to such an extent as effectually to prevent the fishery being carried on as it had been under the Treaty of Utrecht; and hence the necessity of their removal, to admit all parties to the fair enjoyment of their rights. At this time we had little or no fishery at the Labrador. At the close of the last war, and for some years afterwards, British subjects still retained exclusively their fishing establishments, and, after the lapse of about seven years a further Proclamation* was found necessary, and was issued accordingly. The French soon resorted to the coast in such numbers as to prevent by force the British fishermen from occupying their former locations, and, under these circumstances, the latter, with few exceptions, abandoned the fishery and betook themselves to the Labrador. There are, nevertheless, on the North East coast, within the limits assigned for the French fishery, as well as in St. George's Bay and elsewhere on the West coast, not a few British subjects who, and whose ancestors, without hindrance or interruption to the French, have exercised a concurrent fishery continuously, since the treaty of Versailles. The right of British subjects to reside on the coast, for which purpose permanent habitations and buildings must be occupied, is in no manner prohibited by the treaty. But the assumption by the French of an exclusive right of fishing in the waters off the coast, and at such distance from the coast as they may arbitrarily prescribe—for no limit is defined in the treaty—is still more unfounded; and it has never been

* Sir C. Hamilton, 12th August, 1822.

admitted, since it would be productive of the most injurious consequences to British subjects.

7.—My object in briefly adverting to these particulars is not for the purpose of arguing a proposition which has been disposed of so conclusively by Lord Palmerston in his note above referred to, but rather to shew, in reference to the arrangement which I shall presently suggest, that British subjects are entitled to the enjoyment of valuable rights on the whole of that part of the coast, and in the adjacent waters where the privilege of fishery has been conceded to the French ; which rights ought not to be renounced on even a limited part of the coast, without a commensurate equivalent.

8.—But while the British government, from a sincere desire to carry out the treaty with the utmost advantage to the French, have discouraged British subjects from resorting to the greater part of the ‘ French Shore’ as it is called, the policy of the French has, in return, been constantly aggressive, and their fishermen have been guilty of incessant violations of the treaty in various ways, and of the most serious encroachments on fishing grounds to which they have no pretence of claim ; the resistance and prevention of which have involved, and still involve, great trouble and expense on the part of Her Majesty’s Government.—These encroachments and violations of the treaty have been the subject of reiterated complaints from the Legislature and the Commercial Body of this Island, and are noticed in the yearly reports of the Naval Officers appointed to inspect and protect the fisheries. Among the more prominent of these causes of complaint, I may mention, first, the practice of cutting and taking away without stint from the Bays of the Southern coast of the Island, the most valuable timber*, a privilege which they had permission to enjoy in the Bays of Fortune and Despair only, for one or at most two years after the last treaty of Peace ;—the practice of fishing on that part of our coast opposite to the Islands of St. Pierre and Miquelon, in many cases to the absolute exclusion and expulsion of our fishermen ; the still more injurious practice of fishing for bait in the harbors and coves of Placentia and Fortune Bays, and of digging for shellfish on our shores—a practice which, together with the illicit traffic in bait with our people, is not only absolutely destroying the fishery in those Bays, but, what is worse, likely to lead to the extermination of the Bait itself—their extensive encroachments until very recently at Belle Isle and the Labrador—their usurpation of the Salmon fisheries in almost all the rivers and

* Injuries arising from this encroachment are referred to in pages 179, 181, 185, and 211 of printed papers—also in Sir T. Cochrane’s Despatch No. 5, of 11th April, 1828, at page 150.

streams running into the sea within the coast limits assigned to them ;—the erection of buildings and establishments not authorised by Treaties—the very injurious effects upon our shore fishery of their practice of bultow fishing on the Banks, not authorized, it is contended, by the Treaty of Utrecht ;—and other minor matters which, although it is true we have not formally complained of them, ought not to be excluded from consideration under present circumstances.

9.—On the other hand, notwithstanding that the French Naval Authorities charged with the protection of the fisheries, use the utmost vigilance in preventing any interference with their rights by our people, complaints from thence against British subjects are limited almost entirely to occasional larcenies from the French establishments, while their owners are absent from the coast. In fact, during the fishing season, their means of preventing by force any fishing by British subjects are such as effectually to discourage all attempts of the kind.

10.—I can, therefore, assure Your Grace, that it is the unanimous feeling of the Inhabitants of this Colony, that so far from the French having any just ground of complaint, and from being entitled upon a revision of existing treaties to ask any further concession, it is rather British subjects who are entitled to indemnity for injuries to our fisheries, direct and consequential, resulting from the encroachments of the French, and their abuse of the privileges conferred upon them, no less than from the forbearance of the former to exercise rights to which the letter of the treaty entitled them—rights which, though they may have been suspended in some localities, have never been surrendered.* And I may add that I feel confident, that, injurious to their interests as have been the operations of the existing treaties with France, the Inhabitants of this Colony would deprecate extremely any alteration by which their rivals might obtain privileges of fishing upon any other parts of the shore of this Island or its Dependencies. Such, indeed, is the nature of the struggle which they now have to maintain in their competition in foreign markets with the French, owing to the effect of their bounties, that any additional advantage conceded to the French would effectually turn the scale against us and be ruinous to the trade and fisheries of this Colony.

11.—Whatever may be the opinions formed by Her Majesty's Government in consequence of the communications of my predecessors on this subject, the

*Vide 20th paragraph of Lord Palmerston's note to Count Sebastiani, page 220 of printed papers.

A P P E N D I X, No. 1.

current of events during late years has so developed the effects of the aggressive policy of the French, and the consequent gradual increase of their fishery, and corresponding decline of ours, that I should be wanting in candour if I did not state my conviction, that any further concession would be viewed with extreme dissatisfaction, not alone by the Inhabitants of this Colony, but by those of the neighbouring Provinces entitled to participate in our fisheries. Such, indeed, is the prevailing sentiment on this point, that I feel no hesitation in saying that this Colony, while it still confides in the power of Britain for the protection of its just rights, and the maintenance of its true position, as an integral part of the empire, would, however, if called upon, accept the alternative referred to in Mr. Addington's letter, of incurring the expense of protecting its fisheries, rather than consent to any extension of privileges to the French.

12.—Having said thus much in exposition of the views and wishes of the Inhabitants of this Colony, I will, in corroboration of them, state my own opinion, that in any modification of the existing Treaties which may be made, it would be extremely unwise to cede to the French a right of fishery at Belle Isle. In regard to the material difference on this point between the opinion of the Newfoundland Authorities, as expressed in 1844, and those put forward by the Attorney General, to which Mr. Addington refers, I may observe that the contemplated proposition to cede the fishery there, at that time, was made at the instance of Sir John Harvey alone, without consulting with his Council, and from an over estimate of the value to us of excluding the French from the Fishery on the West coast; and that notwithstanding the importance of the retention of the fishing at Belle Isle was not so well understood as at present, still I have reason to believe that such an exchange and concession would at that time have caused general dissatisfaction. I feel it due to the Attorney General to say that the objections offered by him to this proposition are such as I am sure are concurred in by the whole Colony; and are confirmed by the Addresses of the Legislature on this subject, which have since been transmitted by me* to Your Grace.

13.—When it is borne in mind that the Americans as well as British subjects from the neighbouring Colonies, in addition to the people of this Colony, fish on the Labrador Coast, employing in all not fewer than 1000 vessels yearly; and how prejudicial to the fishery there would be the possession by the French

* Governor Hamilton to Duke of Newcastle, in No. 39, of 1st June, 1852.

of the fishery at Belle Isle, where, from its peculiar position, and the use of seines and possibly of bultows, they would most effectually diminish the supply of fish upon the Labrador; the impolicy of such a concession—apart from the value of the fishery at the Island itself—will be further apparent. Again, as it is the close proximity of the Islands of St. Pierre and Miquelon, to our Southern coast, which has led to the very serious injuries to our fisheries in that quarter, of which so many complaints have been made, so, the possession by the French of Belle Isle would greatly facilitate encroachments on the neighbouring coast of Labrador, and lead to many of the same evils there.

14.—The maintenance of the integrity of our fisheries is now of the utmost importance to this Colony. I have lately had occasion, in transmitting the Blue Book Returns for 1852, to call Your Grace's attention to the extent and value of the Seal fishery, and to the necessity of sustaining and fostering it.—Its connection with, and dependence upon the Labrador fishery, which was not then pointed out, is a consideration also of the first importance. During the last year no fewer than 127 vessels were added to the trade of this Colony; and of these about 70 were of the larger class employed in the Seal fishery, in which there are now employed, in all, from this Island, about 400 sail, which (the greater number of them at least) afterwards during the season find employment in the fisheries at the Labrador. While, therefore, the damage to the fishery on the Labrador, by the cession of Belle Isle, would be a just ground of complaint by the Inhabitants of the United States, and of the other North American Colonies, it would be especially felt by the Inhabitants of Newfoundland; and the renunciation by the French, in return, of their right of fishery between Cape Ray and Bonne Bay, would be very far short of an equivalent.

15.—I may further observe, that the fishery and trade carried on by British settlers at St. George's Bay—the fishery being chiefly in herrings caught in the months of April and May, and the trade being carried on almost entirely with Nova Scotia and the other Provinces, are of but little value to the general commerce of the rest of this Island, which is now, as I have shewn, so dependent on the Labrador fisheries.

16.—I must next advert to the proposition of Sir A. Perrier, that the French shall be permitted to purchase bait from British fishermen; by which of course is meant that they may purchase it without restriction. The injury to our trade and fisheries of this traffic have been so often and so forcibly

pointed out in the petitions from this Colony, and in the reports of Naval Officers on the station, that it is needless to repeat them. In any new convention that may be made, it should be a *sine qua non*, if the sale of bait is made a stipulation, that the right of purchase must be subject to such regulations as may be made by the Local Legislature for the protection of the breeding and the preservation of the bait; regulations that are now imperatively demanded, and without which the bait in our Southern Bays, will in time be exterminated. As regards the effect upon this part of the question of embracing Newfoundland in any treaty of reciprocity between the North American Colonies and the United States, by which the Americans may be admitted to a participation in our fisheries, it should, as I have no doubt it will, be provided that the citizens of the United States shall, equally with British subjects, be subject to such Legislative regulations as may be established for the protection and preservation of bait. Regulations of this nature would, under such circumstances, be obviously matters of common interest to all. On this subject, which in the present state of our fisheries, and in anticipation of any change of our Commercial system, is one of great importance, I shall probably again take leave to address Your Grace.

17.—The observations which I have now made, it will be seen, have reference to the two points of concession in Sir A. Perrier's draft proposals which he recommends being offered to the French, together with the exclusive right of fishery on that part of the coast between Cape John and Bonne Bay, as an equivalent for their renunciation of their right of fishery on the rest of the coast between Bonne Bay and Cape Ray. I have stated to Your Grace the extreme dissatisfaction which would be caused in this Colony by any such exchange; and from the best information I have been able to gather from various sources, I can only reiterate my own opinion that the gain to us as respects the fishery, and the corresponding loss to the French, would be of little value. But by embracing in the compromise the cession to them of the fishery at Belle Isle, and the unrestricted purchase of bait, we should offer decidedly preponderating advantages to them, attended with consequential injury to our fisheries, which cannot now be easily estimated. To offer these in the expectation entertained by Sir A. Perrier, that they will be refused, and so lead to the breaking up of the negociation, unless we are prepared to yield them in any event—and in my judgment they certainly ought not to be ceded—is hardly safe as regards ourselves, and hardly fair as respects the French. Moreover, a distinct offer now of concessions which have never been formally offered before, will, even if re-

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fused, carry with it admissions as to the nature of their claims, which ought not to be made, and will, in any future negotiation, furnish them with a justification for reiterating their demands for these concessions.

18.—The last propositions suggested by Mr. Archibald and Mr. Strachey, I mean the giving to the French an exclusive fishery on part of the coast, and a concurrent fishery on the residue, are considered by the Council as altogether too liberal to the French. In view of the contingency that public affairs in Europe might, at no very remote period, permit our people to resume the active enjoyment of their former fishery on the 'French Shore,' so much more valuable than that at the Labrador; the Council is opposed to even a mutual exchange of rights, or to any modification of the treaties by which British subjects shall absolutely renounce their right of fishery on any part of the coast. But if the Imperial policy requires that such an exchange should be proposed, the Council thinks it should be confined to our yielding all right of fishery on that part of the coast between Cape John on the East, and the 50th degree of Latitude on the West coast, the French renouncing their right of fishing from thence to Cape Ray.

19.—If this proposition be approved of as a basis, I would suggest of course in accordance with the terms contained in the draft proposals transmitted to me, that British subjects be excluded from fishing within 3 marine miles of the coast assigned to the French; that the fishery at Belle Isle South and Groais, and other smaller Islands adjacent to the coast, be conceded to them; their fishery in the mouths of rivers not to be above the flow of the tide; a certain width of strand, subject to the use of any portion of it by the British government for public purposes, to be assigned to them, and no mode of fishing at the mouths of rivers to be used, which is illegal in such cases in England.

20.—The right of the French, under certain limitations, to expel intruders, as proposed by Mr. Archibald and Mr. Strachey, it is unnecessary to concede; although in practice I do not apprehend it would be attended with any ill consequences, the proposal being guarded by a provision for superseding the exercise of the right, by the appointment of authorities under the direction of the British government.

21.—As a mode of compromise, the arrangement above suggested will leave the French in the absolute possession, for the purpose of the fishery, of the

greater part of the coast between Cape John and Cape Ray, and of almost the whole of it upon which the Cod-fishery is of value. On the other hand, it would be less injurious to the general trade and fishery of this Island, and, I believe, to the general interests of the British fisheries in these seas, if—extreme as the alternative may appear to those at a distance—British subjects were absolutely prevented from fishing at all on the West coast or occupying fishing stations there during the season in which the French are entitled to resort to it, than to concede to the latter the further privileges contemplated in Sir A. Perrier's proposals. But the course I have alluded to could not now be adopted without considerable difficulty, nor without indemnifying those British subjects whose existing rights would be abrogated.

22.—In conclusion, in submitting the foregoing observations to Your Grace: which I have done with the freedom necessary for your Grace's information: I am sensible that I have not suggested what is in consonance with *all* the views expressed in the letter of the Under Secretary of State of the Department of Foreign Affairs to the Under Secretary of State of the Colonial Department, accompanying Your Grace's Despatch to myself. But it has been my duty frankly to state to Your Grace the public sentiment here, as well as my own views and opinions, upon the points to which my attention has been called. A review of the whole of the facts of the case will show, that if the merits of the causes of complaint on both sides are fairly weighed, the French are in the enjoyment of privileges which are not supported by the terms of the treaties; that, in reality, it is British subjects, and not the French, who have ground to complain of the infraction of the treaties; and, that the duty of reciprocal respect on the part of the French for the terms of Treaties, some of the provisions of which concede to them privileges involving, in fact, detriment to the principle of the Sovereignty of the territory of this Colony, needs to be insisted upon. The recent, and I believe I may add premeditated, act of aggression on the part of the French at St. George's Bay, to which I called Your Grace's attention in my Despatch No. 60 of the 3rd instant, will, as it appears to me, impose on her Majesty's Government the necessity of declaring once more the inadmissibility of the French claim to an exclusive Fishery, as the treaties now stand. The principle involved in such a remonstrance will apply within the entire district assigned for the French Fishery. Consequently a revision of the subsisting engagements between England and France, on the basis suggested in the 18th, and referred to at the commencement of the preceding paragraph of this Despatch, will include a concession of solid advantage to the

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French—a concession indeed which, in the opinion of the Council and the Colony, is too large. But our scrupulousness in abstaining for a series of years from exercising on parts of the Coast rights from which we are not debarred by Treaty, in order that the French might by this means have the more beneficial enjoyment of their privileges, cannot in reason be urged as an argument why we should make still further concessions.

I have, &c.,

(Signed) **KER B. HAMILTON.**

His Grace the Duke of Newcastle,
&c., &c., &c.

P. S.—I append a copy of the document and sketch, remaining in the Governor's Office, relative to the boundary between the British and French fishery limits on the East coast of Newfoundland agreed upon by Captain Darley, of H.M.S. "Electra," and Captain Le Febvre, in 1843,—referred to in Article No. 10, of "separate paper," by Messrs. Archibald and Strachey.

Cape St. John.

The French have kept clear of our fishing grounds to the Southward of Cape St. John this year ; indeed they have had no temptation to exceed their own limits from the abundance of fish which has appeared on them ; there is a slight difference of opinion as to the exact position of the Cape. The headland forms itself into three points, as shewn in the annexed sketch ;—N forming the North—M the Middle and S the South points, G is Gull Island, and R Bishop's Rock, lying to the Eastward of the Cape, about a mile distant.—Captain Le Febvre, the senior officer of the French squadron, has endeavoured to settle the question, and to this arrangement I should think no reasonable objection can be made. He fixed Cape St. John at M, and drawing a line from M to R he makes that the French boundary ; accordingly, he has given strict injunctions to the French fishermen not to pass to the Southward of it.

(Signed) **A. DARLEY.**
1843.

[Here follows the sketch above referred to.]

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(COPY.)

Downing Street,
5th May, 1856.

No. 37.

SIR,—

I have received and laid before the Queen the Address to Her Majesty from the Legislative Council and House of Assembly of Newfoundland, transmitted with your Despatch, No. 20, dated 1st ultimo, on the subject of the fishery relations with France, and I have to inform you that Her Majesty was pleased to receive the same very graciously.

I have, &c.,

(Signed) H. LABOUCHERE.

Governor Darling, &c., &c., &c.
Newfoundland.

Copy of Despatch to Mr. Labouchere, upon the Bait Question.

Newfoundland,
Government House, St. John's,
9th June, 1856.

No. 50. [Legislative.]

SIR,—

By your Despatch, No. 1, of the 22nd November last, you were pleased to invite me to offer any observations which a perusal of the Report upon the Fisheries by Commander Purvis, of Her Majesty's Steam Sloop "Argus," copy of which is therein enclosed, may suggest with reference to the alleged evasion of the Colonial Law by the illicit traffic in bait, and the means thus afforded to the fishermen inhabiting that part of Newfoundland which is opposite the French Island of St. Pierre, to obtain provisions and clothing at the latter Island at a cheaper rate than that at which English traders are willing to supply them.

2.—In accordance with the usual practice, and in order that I might have

the advantage of any expression of opinion either by the Legislative Houses, or by individual Members of those Bodies, I caused a copy of your Despatch, with its enclosure, to be communicated to the Legislature, at an early period of its recent Session ; but although the subject of the fisheries generally, engaged the attention of both Council and Assembly, and the joint address to Her Majesty, which I had the honor to forward with my Despatch, No. 20, of 1st April last, praying that Her Majesty will not sanction the concession of any fishery privileges beyond those at present enjoyed by the subjects of the Emperor of the French, elicited discussion in both Chambers ; yet the sale of Bait is not specially referred to in that Document, and was only casually noticed as a question of Revenue in the Debates which preceded its adoption.

3.—I have already, in my Despatches, No. 26, of the 8th July last, (paragraph 7) and No. 60, of the 29th September last, (paragraph 3) offered my opinion that the admission of American Citizens to the extensive rights of fishery which they now enjoy under the Reciprocity Treaty, including the right to take Herring and Caplin Bait upon that precise part of the Coast of Newfoundland in which it is found in the greatest abundance, and the proximity of which to St. Pierre and the Banks of Newfoundland (from which it is only distant about ten hours' sail) makes the traffic in that article so highly advantageous to our fishermen resident in that locality, would render it inexpedient, and might even have said, oppressive, to attempt to enforce the Local Law by which it was intended to prevent that traffic ; since, if the sale of bait be half so profitable a pursuit as it is alleged to be, it will probably be entered upon by the Americans, even in competition with our own people, and if the latter were effectually debarred from it, would assuredly become a monopoly in the hands of the former.

4.—The law to which I refer (8 Vic., Cap. 5) imposes an Export Duty of three shillings a cwt. upon “ all fresh herrings and caplin and upon all salted or pickled herrings and caplin, in bulk,” exported from the Colony ; and by a subsequent enactment (12 Vic., Cap. 7) the restriction was repealed so far as it 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.

5.—It would be irrelevant to the practical question, to enter upon a discussion as to whether the terms of these enactments could in strict literal construction, be applied to herrings or caplin caught at some distance from the shore, and sold on the water without having been ever brought into a Newfoundland Harbour—since there is no doubt that the sole intention of the law was to prevent such a proceeding. For two years after the law came into operation, some trifling Revenue was collected under it by the aid of a Revenue Cruizer, maintained at the cost of the Colony. In 1846 three hundred and twenty-six pounds (£326) was collected, while the cost of the Cruizer was about four hundred and sixty pounds (£460) sterling, (530 cy.) In the following year, 1847, sixty pounds (£60) was received, and the expense of the Cruizer was about the same as before. Since that period no attempt has been made on the part of the Colonial Authorities to collect the Revenue, or to interfere with the inhabitants of the South coast of Newfoundland, in the prosecution of a branch of industrial occupation, from which they derive so large a proportion of their means of subsistence.

6.—A proposal to repeal the existing law by which the Export Duty is levied, would probably give rise to a discussion in the Legislature upon the general question, which could answer no good purpose, and which it is therefore desirable to avoid; but on the other hand, I have great doubt if the imposition of the Export Duty for the avowed purpose of restricting the sale of herring and caplin bait to the French, were now proposed for the first time, whether it would be carried in the House of Assembly, in which body the interests of the inhabitants of the locality referred to are fully represented; and the claims of the operative classes are probably more regarded than was usual when the Members of that body were fewer in number than at present.

7.—The price which the French give for the herring would seem indeed to render the Export Duty, as a measure of restriction or prevention, utterly nugatory. This year, from twenty-five to forty francs, equal to an average of from twenty-six to twenty-seven shillings, sterling, per barrel, has been paid for herring sold for bait. The barrel containing about 200 lbs., the duty would be somewhat below six shillings sterling in amount; which, if duty paid, would still leave a profit of from twenty to twenty-one shillings per barrel—while the price per barrel given for herring by our own Exporters for legitimate exportation, is, I am informed, about seven shillings currency, or six shillings and one penny sterling.

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8.—I have indeed heard it stated, that the Shore fishery in 1846, when the Revenue Cruiser was on her station early in the year, was unusually good—that the French were impeded in obtaining their supply of bait; and were late in commencing their Bank fishery; and that from this cause a more abundant supply of Cod is supposed to have reached our coast. The latter result seems at least natural, since the great advantage of using herring and caplin on the Banks consists not only in its superiority as a bait for the actual catch of the Cod; but also in the fact of its enticing the fish to remain upon the Banks as feeding ground, instead of striking shorewards in search of their prey.

On the other hand, it is alleged, that in 1847 the Cruiser having been late in reaching her ground, the French were amply supplied with bait, and the Newfoundland Shore Fishery was comparatively bad.

9.—In so far, however, as this belief depends upon statistical facts, it will not stand the test of examination. The export of dried Cod from the year 1845 to the year 1855, both years inclusive, was, according to Custom House Returns, as follows:—

			Quintals.
1845	....	....	1,000,233
1846	....	....	879,075
1847	....	....	837,973
1848	....	....	920,366
1849	....	....	1,175,167
1850	....	....	1,089,182
1851	....	....	1,017,152
1852	....	....	972,921
1853	....	....	922,718
1854	....	....	774,717
1855	....	....	1,107,388

And it will be seen that the very years, viz., 1846 and 1847, in which the Cruizer was employed, present, with the exception of the year 1854, the lowest figures in the series.

10.—From other sources of information, it may be concluded that the operation of the Export Duty on bait in 1846, had no effect whatever upon the Outfit for the French Bank Fishery

By a Return appended to the Report of a Committee of the National Assembly of France, dated on the 3rd May, 1851, it appears that the Tonnage fitted out for that Fishery was, in the year

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			Tons.
1845	18,030
1846	18,869
1847	18,767
1848	19,767
1849	18,324
1850	18,548*

Either showing that the outfit for 1847 was not affected by any apprehension of the consequences of our Export Duty on bait, arising from the experience of its operation in the previous year, or leading to the alternative conclusion that if the working of that duty had any practical or appreciable influence upon the supply of bait and the catch of Cod upon the Banks ; that injurious result was more than neutralized by some other cause, probably by the large bounties paid by the French Government upon grounds of National policy, to all concerned in the Cod-fishery.

11.—Without entering here into the details of the bounty system referred to, the extent to which the French Cod-fishery alone was supported by the state, and the nature of the competition to which the Newfoundland trader and fisherman are consequently exposed, may be judged of by the simple fact, that the amount of bounties of both kinds, viz., to the sailor and on the export, paid during the 9 years from 1841 to 1850, was at the rate of 338 francs, or about £14 per annum, or, it might be more correctly said, for the fishing season of each year, to every man engaged in that fishery.

12.—Against premiums on such a scale neither private capital nor the revenue of a dependent Settlement, based as that revenue is upon the very trade the adverse competition in which is thus artificially fostered and encouraged, can possibly contend ; and if the permanent abolition of the bounty system could be secured, even by the admission of the French to the same rights of fishery in these seas and on the shores of British America as the citizens of the United States now enjoy, I believe that the general interests of the British Empire and the local interests of Newfoundland, would thus be more effectually promoted, than by the most rigid enforcement of restrictions, operating as those restrictions now do, against the French only, and not against the Americans, which would be found practicable so long as the competition of the French should continue to be supported and stimulated by the Government to its present extent.

* NOTE.—See Israel D. Andrews' Report to the Senate of the United States, in 1852—part 13.

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13.—The fact that the inhabitants of the South coast of Newfoundland, in the more immediate vicinity of the French Islands, obtain provisions and clothing from the Merchants settled at St. Pierre, has long been notorious, and was made a subject of complaint so far back as the year 1844 in a memorial of the House of Assembly to Her Majesty, bearing date the 24th April, and transmitted with Sir John Harvey's Despatch, No. 28, of the 7th May in that year.

14.—That these articles are obtained at much lower rates than from the traders resident in the Outports of Newfoundland I can have no doubt; from my own knowledge of the effects upon prices which are produced by the joint action of a comparative monopoly of supply and a credit system; but whether this branch of the traffic is illicit as respects the Law of this Colony, depends, of course, upon the fact whether the articles thus obtained evade the payment of the prescribed duty on their import or not.

15.—Measures for accomplishing a more rigid collection of the Revenue in our Outports are now engaging the active attention of the Government; and I beg to assure you that this particular branch of the question shall receive all the attention which it so clearly calls for.

I have, &c.,

(Signed) C. H. DARLING.

The Right Hon. H. Labouchere, M.P.,

&c., &c., &c.

Copy of Despatch from Governor Darling to Mr. Labouchere, respecting further Concession of Fishery Rights to the French.

Newfoundland,
Government House, St. John's,
23rd June, 1856.

No. 66. [Political.]

SIR,—

The question of the Colonial Fisheries, and of the relative rights of France and Great Britain upon the coasts of Newfoundland, under existing treaties,

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has naturally engaged my attention from the moment of my assumption of the Government; and my recent voyage round the Island, including a visit to the Labrador coast, has afforded me opportunities of personal observation and information which have enabled me either to correct or confirm the opinions on this subject which I had previously been led to form.

2.—Under the impression that the negotiations with France upon this question, which were brought under the notice of my predecessor, in the Duke of Newcastle's Confidential Despatch of the 19th August, 1853, and upon which Mr. Hamilton reported in his Despatch No. 67, of the 28th September, in that year, have been actively resumed since the conclusion of the general peace, I think it my duty respectfully to submit to Her Majesty's Government the conclusions at which I have myself arrived after a careful consideration of the various points involved, and with a considerable knowledge of the opinions of those whose interests are largely concerned in any change which should materially alter the position in which that question at present stands.

3.—In the first place I must beg to observe, that I am dealing with the whole question upon a very different basis from that adopted by my predecessor. Mr. Hamilton refrains from any discussion of the claim of the French to an exclusive right of fishery within the limits assigned to them by treaty; observing that he considers it unanswerably shown by documents to which he refers that that claim is without any foundation.

4.—In this conclusion I find myself unable to concur; and as, after examining the question to the best of my ability, and considering it by the light of such documents as are within my reach in the Colony, I have drawn up the rationale of my opinion—I take the liberty of transmitting a copy of that paper herewith.

5.—The mere question of right, however, does not appear to be of much importance, since the latest Instruction of Her Majesty's Government, conveyed by Lord Stanley's Despatch to Governor Sir John Harvey, No. 104, of the 29th July, 1843, lays down for the guidance of the Local Government, the decision that "Great Britain is bound to permit the subjects of France to fish during the season, in the districts specified by the treaty and declaration of 1783, free from any interruption on the part of British subjects; but that if there be room in these districts for the fishermen of both nations to fish without interfering with each other, this Country is not bound to prevent her subjects

from fishing there." And further, that as there is "no limitation in the *treaty* as to the description of fish which the French are entitled to take, their claim to fish for salmon must also be admitted to its full extent." This decision is based upon the opinion of the Crown Law Officers, dated 30th May, 1835, to the effect that the French "have the exclusive right of fishery," modified by their subsequent statement of the 17th April, 1837, that in their previous opinion, they (the Crown Law Officers) have gone further than the circumstances of the case fairly warrant, and that they thought "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," and adding 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 appears, however, from the report of Admiral Sir P. Halket, that this is hardly practicable; and we are of opinion that according to the true construction of the treaty and declaration, British subjects are precluded from fishing, if they thereby cause any interruption to the French Fishery."

6.—At the present time, as at the period of Sir P. Halket's report, and at that of Sir T. Cochrane's report on the 26th November, 1830, there is unquestionably no room for the fishermen of both nations to fish and dry fish within the French limits without interfering with each other—and the French have therefore always had, and have at present, the right practically to enjoy their fishery, to the exclusion of British subjects, as completely as if that right was confirmed to them in express terms.

7.—Starting, then, from this point, I conceive that the French are entitled to expect, that not only all fixed settlements should be removed, but that all British subjects should be required to depart from their limits, during the annual period of their temporary occupation of the coast for fishing purposes.—If this be conceded and enforced, every demand which the French have even the color of a *right* to address to Great Britain upon the ground of treaty obligation, will have been complied with. But on the other hand, a similar rigid compliance with the letter of the treaties, and the interpretation given to them as shown by the proclamations of the Governors of Newfoundland, would of course be required on the part of the French. And Her Majesty's Government may be assured, that as this mutual obligation would involve sacrifices on the part of Commercial Associations in France, in connection with a system

founded on national policy far greater than they could entail upon the interests of English subjects, and those subjects very few in number, no such rigid proceeding would be insisted upon. The French Establishments upon the coast, although in most cases, of a temporary character, yet far exceed in extent and variety, mere "stages and huts necessary and usual for drying fish,"—and the residence of British subjects has been always deliberately encouraged by the French; since in them they find the necessary "Gardiens" for their Establishments when they themselves return to Europe at the close of the Fishing season.

8.—In negotiating therefore with the French upon this point, I believe that if the principle of "the treaties, the whole treaties, and nothing but the treaties," is insisted upon, and seriously proposed to be enforced, it will be found there is no bona fide desire to disturb the existing irregular state of things, which has not only never occasioned the slightest real infringement upon the privileges and advantages conceded to the French, but on the contrary, has operated very much to their benefit and convenience. Within the scope of these observations, I distinctly include the settlement at St. George's Bay, which has sprung up not merely without encouragement upon the part of the British Government, but in defiance of numerous proclamations from the British Authorities in Newfoundland, issued at various periods since the peace of 1783. The Address of Governor Sir John Harvey, to the inhabitants of this Bay, so late as the year 1844, (see his Despatch of the 2nd September of that year) clearly refers to the very equivocal nature of the circumstances under which that settlement had attained its then existing dimensions, and affirms the temporary nature of the residence of its inhabitants.

9.—This rigid enforcement of the treaties, according to the French construction of them, being conceded, the objects which the French now seek to obtain can only be regarded as additional advantages for which they offer what they must be presumed as considering to be an equivalent. The proposed advantages to be conferred upon the French are—

1st.—The right to purchase and fish for herrings and caplin on the South coast of Newfoundland.

2nd.—The right to fish during two months (without curing or drying on shore) on a part of the Labrador.

3rd.—The right of fishing at Belle Isle at the Northern extremity of the

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Straits of that name. The equivalent concession on their part was to be an admission of the right of British subjects to inhabit St. George's Bay, and to carry on the fishery there *in common* with French citizens.

10.—When it is borne in mind that the fishery in the Bay of St. George is simply a herring fishery; that so far as it is carried on by the French, it is so carried on solely for the purpose of obtaining bait for their Cod fishery on the coast, North and South, in the immediate neighborhood of the Bay of St. George—that they now obtain this bait to any extent which they desire; and that it is well known that in other respects the existence of the settlement is a convenience and advantage to them; their expectation of obtaining in return the absolute right to purchase and fish for bait for the prosecution of their Bank Fishery; and in addition to the present exclusive privileges on about four hundred miles of the coast of Newfoundland, (including some of its best fishing grounds) a participation in the valuable fisheries of Labrador and off the Island of Belle Isle,—I must say that the French have put forward pretensions which can only be looked upon as perfectly preposterous; and have been very properly regarded as such by Sir Anthony Perrier, Mr. Archibald and Mr. Strachey—their proposition may indeed be justly described when regarded in its national bearing as one of which the advantage is wholly on the French side.

11.—As it is notorious that the French never fail to obtain a supply of bait upon the South coast to the value of at least £20,000 a year, an admission to which effect has occasionally been made by French officers and authorities—there can be little doubt that their main object in the specific proposals put forth in 1852, is to secure an acknowledged footing on the coast of Labrador and off Belle Isle. During my recent tour, when at Croq, and Cape Rouge Harbors, I had more than one opportunity of testing the great importance the French attach to the fishery at Belle Isle, and they were all well informed of the fact that the Colonial Government had appointed a Cruiser to protect that fishery during the present season.

12.—I have already on more than one occasion, expressed my opinion that under the operation of the Reciprocity Treaty with the United States, it will be impossible to prevent the French from obtaining ample supplies of herring and caplin bait—but if their desire to possess a right to purchase it from the British fishermen on the South coast, be a bona fide one (and I think it would be very unjust to our fishermen to give, under any circumstances, a right to the

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French to *fish for bait* beyond the Mid Channel as at present prescribed ;) the British government will of course be in a position to demand some equivalent advantage ; and in that case it might be proposed to the French to surrender their exclusive right in St. George's Bay, viz., on the coast between Cape St. George and Cape Anguille, without any restriction as to purchasing bait there—and from Cape Anguille Southward to Cape Ray.

13.—By such an arrangement the only Cod fishery they would be asked to abandon, would be that at Codroy, to the Southward of Cape Anguille ; while they would retain those to which they attach much importance to the Northward of Cape St. George, viz., Red Island, Port a Port, and Lark Harbor.—If the point of difficulty should be found to consist in the surrender of the Fishery at Codroy, and appear insurmountable, the proposal might be eventually limited to the Coast of St. George's Bay, viz., between Cape St. George and Cape Anguille.

14.—If, however, the French, comprehending the facility with which, as I assume, they may in future obtain Bait through the Americans, should abandon altogether that question, as one of no importance, and although the prospect of the cession of their temporary rights in St. George's Bay, and its neighbourhood, should altogether fall with that abandonment, I must still very strongly urge my opinion against any further privilege or advantage being conceded to the French beyond those which they now enjoy by Treaties, and which I would propose should be reciprocally enforced in all their details according to the views I have already explained—but above all I would earnestly protest against any grant of *concurrent* or *common rights*, for I am confident that no arrangement could be more dangerous to the preservation of good understanding and concord between the subjects of both nations.

15.—I may here remark that any argument as to an equitable claim on the part of the French to be admitted to the fishery at Belle Isle, which may be advanced upon the ground that they were tacitly permitted to enjoy it until 1841, is wholly untenable. That Island formed no part of the additional coast the right to fish on which was ceded in 1783, by the Treaty of Versailles ; and even so far back as 1763, Governor Hugh Palliser issued a proclamation* in consequence of French boats having persisted in resorting to that Island, notifying that all French vessels or boats which should hereafter be met there, would be seized and confiscated.

* Papers relating to the Fisheries of British North America. Page 139.

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16.—In respectfully offering these opinions upon the French proposals, I have reference to no other Documents upon the subject than the Confidential Despatches of the Secretary of State to my Predecessor, dated 17th August, 1852, and 19th August, 1853, respectively, with their Enclosures; and I am therefore of course unaware whether any concessions of national importance, apart from the Newfoundland Fisheries, have been offered by the French to counter-balance the greatly increased advantages they have sought for themselves in connection with those fisheries—or whether considerations of State Policy may be deemed to render it expedient, that such advantages should be yielded without equivalent concessions.

17.—It would be beyond my province to deal with considerations of that nature even if any such exist; and I can neither surmise what may be the circumstances which constitute the question a difficult and hazardous one, as represented in Mr. Addington's Letter to Mr. Merivale, of the 26th June, 1853—nor am I acquainted with any differences that have occurred in recent years connected with the Newfoundland Fisheries, which are calculated to endanger the amicable relations subsisting between Great Britain and France.

18.—There is certainly one large point of view, in which the whole question presents itself, to which I shall, I trust, be pardoned for adverting.

19.—A glance at the map shows the position which this Island occupies in the Territorial expanse of the British Empire—lying considerably nearer to the Mother Country than any other of Her Transatlantic Possessions—distant in fact, at the present rate of locomotion, only about 104 hours' steaming from the nearest point of the British Islands—commanding by its situation the ocean approaches to those splendid Provinces, whose resources and spirit of enterprise are rapidly bringing them up to a level with States dignified with the name of "Nation." The effort about to be made—and there is just ground for hoping—made, too, with success, to place it by means of Electric communication within a few minutes' reach of the Instructions of the Imperial Government.—Its shores abounding with fine harbors, and its surrounding seas with the sources of wealth, while its inhabitants are a manly and energetic race, derived for the most part from those portions of the United Kingdom which are nearest to the Colony itself. It may fairly be regarded as being, for all political and commercial purposes, in as close connection with the Parent State, as Ireland and the Channel Islands were at the close of the last century. Yet, the political position of a Dependency thus favored is such that a Foreign State enjoys

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—and cherishes with a full appreciation of its value and importance—a right to the use of at least one half its line of coast, and avails itself of the right in such a manner, as effectually to close that portion of the coast, for all practical purposes, against the people of the State to which the soil of the Colony belongs.

20.—England possesses an abundance of wealth, which she seems never reluctant to pour out for a truly national object; and the object of redeeming this valuable possession from its present unnatural position might not be deemed altogether unworthy of the consideration of the Imperial Government and Parliament; while such a consummation would, without violating any principle of commercial freedom, assuredly augment to an incalculable extent the profits of the national capital employed in this quarter of Her Majesty's Dominions.

I have, &c.,

(Signed)

C. H. DARLING.

The Right Hon. H. Labouchere, M.P.,

&c., &c., &c.

(Enclosure with Governor Darling's Despatch to Mr. Labouchere,
No. 66, 23rd July, 1856.)

REMARKS

Upon the Claim of the French to an exclusive Right of Fishery on the Western, Northern, and Eastern Coasts of Newfoundland, so far South as Cape St. John, under the Treaties between France and Great Britain.

The claim of the French to the exclusive right of fishery upon part of the coasts of Newfoundland, including all kinds of fish, rests upon the 13th Article of the Treaty of Paris, (30th May, 1814,) which are as follows :—

Article 13th—“ 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 Gulph of St. Lawrence, shall be replaced upon the footing in which it stood in 1792.”

The first point for enquiry then is, what was the footing in which the French right of fishery stood in 1792 ?

The treaty of Versailles and the declarations of the Kings of England and France in 1783, established the *principles* upon which the French Fishery was conducted in 1792, and the view which was taken by either nation of the practical operation of these principles must be gathered from the Acts and Records of the respective Governments, rather than from the claims put forth, asserted and attempted to be enforced, by their subjects.

If it can be satisfactorily shown, that the English Government, by their acts and proceedings, about the year 1792, acknowledged an exclusive right on the part of the French—and identical with that which they now claim—as a legitimate consequence of the treaty and declarations of 1783, we have, I think, a fair exponent of the footing in which the French right stood in 1792, and which was fully and indisputably confirmed to them in 1814.

First, then—With regard to the principles established by the treaty and declarations of 1783, the King of Great Britain, by the

5th Article of that Treaty, assigned to the French "The Fishery from Cape St. John, passing to the North and descending by the Western coast of Newfoundland to Cape Ray"—and assured to the French fishermen, that they shall enjoy the fishery so assigned to them, as they had the right to enjoy that which was assigned to them by the treaty of Utrecht.

The treaty of Utrecht is of no further importance in the question, than as it defines the right of fishery which the French enjoyed under that treaty; or the mode in which they enjoyed that right.

The right which the treaty of Utrecht confers on the French in this regard appears to be simply "to catch fish and to dry them on land,"—permission being at the same time given to the French to erect "Stages made of boards" and "huts necessary and usual for drying of fish," and to resort to the said Island for the time "necessary for fishing and drying of fish."*

*This permission, it is true, is not given expressly; but as an exception to general prohibitions, its practical effect is however, as above stated.

It is at once obvious, that this statement in the treaty of Utrecht, of the right possessed by the French to enjoy the fishery assigned to them by that treaty, of itself by no means justifies the claim to an exclusive right.

It clearly only gives permission to take and dry fish upon a specified part of the coast; and could not be interpreted as depriving British subjects of their natural right to follow the same pursuits, and on the same part of the coast.

Several proclamations of the Governors of Newfoundland, between the years 1763 and 1783, warning British subjects against improper interference with the French, in the exercise of their rights, advert to these rights as rights "in common," or "concurrent" rights, with those of British subjects.

Gov. Palliser, 19th June, 1764.

Printed papers relative to the Fisheries of British North America, page 139.

Gov. Shouldham 24th June, 1772. Printed papers, page 140.

Gov. Shouldham 27th July, 1773. Printed papers, page 140.

Gov. Duff, 12th July, 1775. Printed papers, page 140.

But on the part of the French, the claim to an exclusive right had been set up, even before the treaty of Paris in 1763, and had never, I believe, been expressly abandoned, while it was *deliberately*

asserted just five years before the treaty of Versailles in 1783, in their treaty with the United States of 1778, in the following words —“ that the United States, their Citizens and Inhabitants, should never disturb the subjects of the Most Christian King in the enjoyment and exercise of the right of fishing on the Banks of Newfoundland ; nor in the indefinite and exclusive right which belonged to them on that part of the coast of that Island which is designated by the treaty of Utrecht ; nor in the rights relative to all and each of the Isles belonging to His Most Christian Majesty ; the whole conformable to the true sense of the treaties of Utrecht, and of Paris.”

Now although the indefinite and inexplicit character of the treaty of Utrecht in the points referred to, was, by the very terms of the treaty of Versailles, necessarily communicated to that treaty also ; yet, this defect was materially remedied by the language of the British declaration, accompanying the latter treaty ; and it seems to me impossible to consider that declaration carefully and impartially, without arriving at the conclusion, that although imperfect for the purpose, it was intended to be a practical settlement of this disputed point, and to obviate the recurrence of differences between the subjects of the two nations which might arise from it.

This document sets out by declaring that the King of England will not only seek *every means which shall ensure the execution of the treaty 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.”

If it had been possible to employ stronger language than this, that possibility was realized by the adoption, in the French copy of the declaration, of the term “germe de dispute,”—the English equivalent of which may, I believe, be fairly given as “*origin* or *source* of dispute.”

“ To *this end*”—the declaration proceeds—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.”

“ For this purpose,” namely, to prevent British subjects from *interrupting in any manner by their competition* the fishery of the French—“ His Britannic Majesty will cause the fixed settlements which shall be formed there (namely, on the coasts of Newfoundland) to be removed.”

But removal of British settlements would not, of itself, afford the French the means of drying their fish, and accordingly, His Britannic Majesty next declares that he 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 French seem thus to have acquired the right to cut wood without any restriction as to quality or quantity, or the limits inland from which it might be obtained, so long as it was necessary for the repair of the scaffolds, huts, and vessels used in their fishery—and it is worthy, I think, of remark, that as this fishery included any quantity of fish which the French could catch upon the Banks, as well as upon the coasts, and find sufficient space upon the coasts for drying, the right of cutting the wood necessary for that purpose, is obviously one not intended to be confined to the coast ; and may not unfairly be supposed to extend to any point in the interior whence it might be convenient to obtain it.

The British declaration next proceeds to prescribe the plan upon which the fishery shall be carried on upon the coast of Newfoundland, and which shall not be deviated from by either party, namely, according to the 13th Article of the Treaty of Utrecht, and the method of carrying it on which has at all times been acknowledged, and defines this method in the following points.

The French fishermen shall build only their scaffolds—confine themselves to the repair of their fishing vessels, and not winter on the coast—while the English subjects shall not, in any manner, mo-

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lest the French fishermen during their fishery, nor injure their scot-folds during their absence.

Such being the language and terms of the treaty and declaration of 1783, the next point for enquiry would seem to be, what interpretation was placed upon those instruments by the British Government, upon the treaty first coming into operation. It appears, then, that in the next year after the conclusion of the treaty, namely 1784, a proclamation was issued by the Governor of Newfoundland reciting the Articles of the treaty and terms of the declaration; and calling upon all British subjects who have fixed settlements upon the coast of Newfoundland between Cape St. John and Cape Ray, to remove them without loss of time, and also upon all *others residing or being in any way employed* upon the said coast, between the said Capes, to conform themselves in every particular, to the Articles and declaration.

Gov. John Campbell,
16th Sep. 1784. Printed
papers, page 141.

This proclamation was probably not sufficiently imperative in its terms, and left too much latitude as to what “conformity” to the *treaty* involved.

It is, I believe, historically true, that it failed of its purpose—that British fishermen continued to compete with and molest French fishermen, and that the powers of the Local Government were found inadequate to maintain the conditions of the treaty and declaration which were so highly favourable to the French. But there is, at any rate, no doubt that in the year 1778, the power of Parliament was invoked, and the 28th Geo. 3, Cap. 35, was passed. By this Act, His Majesty is empowered to give such orders and instructions to the Governor of Newfoundland, or any officers on the station, as should be deemed proper and necessary to fulfil the purposes of the treaty and declaration—even “if it shall be necessary, to that end,” “to remove or cause to be removed, any stages, flakes, train vats, or other works whatever for the purpose of carrying on fishery, erected by His Majesty’s subjects,” and also all ships, vessels, and boats belonging to His Majesty’s subjects, which shall be found within the limits aforesaid, and, “in case of refusal to depart from within the limits aforesaid, to compel any of His Majesty’s subjects to depart from thence; any law, usage, or custom to the contrary, notwithstanding.”

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The view taken by the British Parliament of the meaning and object of the treaty, seems sufficiently ascertained by this enactment, and without specific reference to the orders, which may have been given by His Majesty, with the advice of his Council, to the Governor of Newfoundland, it is only necessary to refer to the proclamation issued by the Governor, immediately after the passing of the Act, giving effect to its very stringent provisions in the precise language of the Act itself.

Gov. J. Elliott, 26th July, 1788. Printed papers, page 142.

In 1802, after the peace of Amiens, the Governor of Newfoundland again issued a proclamation, not only directing the destruction of all stages and other works erected by British subjects, within the French limits—(no doubt during the war terminated by that treaty)—the removal of all ships, vessels, and boats belonging to them, and their own departure therefrom—but “strictly forbidding them to take charge of, preserve, or prepare any boat, stage, flake, or erection whatever for the purpose of the fishery, on account, or for the use of any French citizen for the ensuing fishing season.

H. E. Admiral Gambier, 8th June, 1802. Printed papers, page 143.

From these documents, it can hardly fail to be concluded, that the Government and Parliament of Great Britain recognized, and enforced the exclusive right claimed by the French, *whenever we were at peace with that nation*, from the year 1783, to the date of the last mentioned proclamation of Governor Gambier, in “1802,” and therefore that exclusion of the British was clearly acknowledged as the “footing in which it (the right) stood in 1792,” and upon which it was replaced by the treaty of Paris in 1814.

The strong point appears to be, that the Act of Parliament, 28 Geo. 3, Cap. 35, and the subsequent proclamations of Governors Elliott and Gambier, not only direct the destruction of works erected on shore, and the removal of ships and boats; but *the departure of His Majesty's subjects themselves* from the prescribed French limits; and this for the avowed purpose of enforcing the notice to them that they are not to “interrupt in any manner by their competition” the fishery of the French within these limits—thus presenting a marked contrast to the language of the predecessors of those Governors, already referred to, before 1792, which uniformly refer to the French right as being “common” or “concurrent.”

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As to the practical effect of the measures taken by the British Government for the purpose of excluding their subjects from participation in the fisheries on the French Shore, very little evidence exists, or at least is within my reach at the present moment. But as two references I am enabled to make, seem conclusive upon the point, it may be desirable briefly to notice them.

The Report of a Committee of the House of Commons on the state of the Newfoundland Trade, reported by Mr. Dudley Ryder, on the 26th March, 1793, gives the evidence of Mr. William Newman, then, as now, a leading mercantile name in the Colony—thus, “Mr. Newman being asked—If our Merchants caught any and what fish in that part of Newfoundland where the French have a right to fish?—he said, They did ; but he did not know the quantity. And being asked if they did now?—he said, They do not. And being asked for what reason they do not?—he said, For fear of the Boats and Ships being taken from them by the French.”

Again, Mr. Peter Ougier, examined before the same Committee, and stating that he was deputed by the Merchants of the county of Devon and the inhabitants of Newfoundland, to represent their interests, being asked—“If he knew anything of the French Trade since the last war, says that the French possessions in some parts were exchanged much against the interests of the British fishery, by which means they are in possession of a situation, the best in the Island, and we, in exchange, have got the very worst, inasmuch as that the French Government did assist by bounty or otherwise ; those people carry on fisheries in that former situation which we now possess ; and it gives them a preference at the Spanish markets, as that situation produces the largest fish, which is preferred in Spain. The situation of the French fishermen, by the treaties of Utrecht and Paris, were such as put them in a situation so as to envy us in our advantages ; since which they have regularly, from time to time, received encouragements.”

“By the treaty of Paris they consider themselves as carrying on fisheries by leave, on a British Island ; the people of France consider themselves subject to British laws, when that part of the Island which was common to both, was under the direction of Fish-

ing Admirals ; this he has seen, and has also seen the advantages of such authority and power ; the indulgences given to the French prevented him, in 1768, or thereabouts, and many others, from continuing, or rather establishing extensive fisheries in that part.”

“ And being subsequently asked, If he meant the French have an advantage from their possessions under the last treaty of peace, or from our fishermen being restricted by an Act passed in 1787, forbidding them fishing from Cape Ray to Point Riche?—he said, They certainly have the advantage by enjoying the treaty of peace ; but that advantage was greatly increased by the Act of Parliament alluded to ;” and being further asked, “ Should we carry on the fishery there again if that Act was repealed, he said, Those in a situation near it would acquire an immediate advantage, both in the Salmon fishery and the Fur trade. With respect to the Cod fishery it would be hazardous, from the apprehension of being removed at a returning peace.”

Had that situation been possessed by Great Britain alone in the late peace, he himself had prepared the establishment for a trade there, which, had not the burthens complained of been laid on the fishery, would have employed, by this time, full one thousand two hundred men, that would have gone from Europe, and returned again annually.

That the right conferred must be taken to include all kinds of fish, that could be caught upon the coast, seems scarcely to admit of doubt, since the British fishermen themselves are not permitted to remain on the coast conceded to the French for fishing purposes, during the temporary occupation of it, for those purposes, by the latter.

Such fish, whether salmon or otherwise, as they might be able to catch during the absence of the French in the winter months, that is, according to immemorial practice from about the 10th October to the 15th April, they would seem not to be prohibited from catching ; but this *remnant* of a right, as it may be justly described, would practically be of little importance.

There is one point, which perhaps properly belongs rather to a philological discussion, than to an enquiry of this nature ; but which is still deserving of attention, since much stress is laid upon it by the French. In the British declaration accompanying the treaty of Versailles, the French counterpart contains the word “ concurrence,” as corresponding to the English word “ competition.”

The Lexicographical Authorities of 1783, are not within my reach ; but in Dictionaries intended for our guidance in these days, I find that the French word “ concurrence” bears as a “ technical term” the meaning “ joint right,” “ common claim”—and Dr. Webster assigns to the word “ competition,” as its very first meaning, “ the act of seeking or endeavouring to gain what another is endeavouring to gain at the same time.”

Now, if either of these meanings be accepted, if the declaration ran that His Britannic Majesty will prevent His subjects from interrupting in any manner the fishery of the French by their “ joint right” or “ common claim,” or by “ seeking or endeavouring to gain” what the French are “ endeavouring to gain” at the “ same time,” no sort of doubt or degree of ambiguity would exist as to the meaning of the declaration.—His Britannic Majesty would have promised that His subjects should not interrupt the French by the assertion of their “ joint right” or “ common claim,” or by seeking or endeavouring to catch fish on those coasts of Newfoundland, the temporary occupation of which was assigned to the French.—The object in view being to ascertain the footing on which the French right stood in 1792, as recognized by the British Government, and to which it was restored in 1814 ; it is unnecessary for that purpose to pursue the enquiry further.

It may be remarked, however, that in 1824 the Prince De Polignac appears to have complained of alleged depredations committed since the year 1820, against the French on the East and West coasts of Newfoundland, and the Governor, Sir C. Hamilton, in reply to a reference made to him by the Under Secretary of State for the Colonies, as proof of the efforts he had used, refers to a proclamation issued by him on the 12th August, 1822, enforcing in the same language as that employed by his predecessors in 1788, and

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1802, the removal of buildings, vessels and persons from the coast assigned to the French.

In 1824, also, the Act of Parliament, 5 Geo. 4, Cap. 51, renewed for five years the full powers of removal originally granted to the Crown by the 28th Geo. 3, Cap. 35, adopting the very words of the last named Act.

(Signed)

C. H. D.

20th July, 1856. Newfoundland.

(COPY.)

Newfoundland,
Government House, St. John's,
28th July, 1856.

[Executive.] No. 70.

SIR,—

I have the honour to report that Mr. P. F. Little, the Attorney General, and Senior Member of the Executive Council, has availed himself of the usual vacation leave of six weeks, and proceeds to England in the "Propontis," steamer, with the present intention of returning to Newfoundland by the "Cleopatra," the first of a line of Steam Vessels advertised to trade directly between Liverpool and St. John's, Newfoundland, and between St. John's, Halifax, and the Town of Portland, in Maine, United States. The "Cleopatra" is announced to leave England upon the 23rd of next month.

2.—Since I had the honour to address you my Despatch, No. 66, of the 23rd inst., I have communicated its contents to my Council, and I am enabled to state, that they unanimously concur with me in the recommendation I have ventured to make with respect to further concession of fishery rights to the subjects of France.

I have no doubt that Mr. Little will be found capable of supplying any information on points of detail in which my Despatch may seem deficient.

3.—Her Majesty's Steam Corvette "Pylades" having been sent by Admiral Fanshawe to replace the "Argus," on this part of the station, with

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order to the Officer commanding (Captain D'Eyncourt) to visit the principal fishing harbours on the South coast, I propose to avail myself of the opportunity thus presented to complete the tour of inspection of my Government; and I have arranged accordingly to embark to-morrow, the 29th inst., expecting to be absent from St. John's about ten days. This visit to the South coast may probably afford me the means of ascertaining with more accuracy than I have hitherto had personal opportunity of doing, the present bearings of the question of the supply of bait to the French.

I have, &c.,

(Signed) C. H. DARLING.

The Right Hon. H. Labouchere, M.P.,

&c., &c., &c.

Copy of Despatch to Mr. Labouchere, respecting French Fishery Claims and Proceedings.

Newfoundland,
Government House, St. John's,
August 31st, 1856.

No. 75. [Executive.]

SIR,—

I have the honor to transmit herewith the copy of a letter addressed to me by Captain D'Eyncourt, commanding H. M. S. Corvette 'Pylades,' informing me of his proceedings upon the coast of Labrador, and enclosing the copy of a correspondence between himself and Commodore Mazeres, commanding the French Naval Squadron on the coast of Newfoundland, relative to the case of certain French vessels which Captain D'Eyncourt had discovered engaged in fishing off the Labrador contrary to the stipulations of existing treaties.

2.—The allusion which is made in Commodore Mazere's letter of the 21st instant, to the fact of his having given permission to English vessels to fish in the Bay of St. George, and the supposition that the Masters of the vessels who were found fishing in the Labra-

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dor, may have been guilty of that breach of the treaties under an erroneous belief that they had a right to do so in consideration of the indulgence so granted to English vessels; is quite in accordance with the general principle upon which the views of the French on the question of the Newfoundland fisheries are based, as adverted to in my Despatch, No. 66, of the 23rd ultimo. Its tendency is to imply that the fisheries on the Labrador, and those in St. George's Bay, are of the same description and value—and that the rights of enjoying these fisheries respectively, are such as may be fairly exchanged against each other.

3.—I think it necessary, therefore, to remind Her Majesty's Government, that this "permission" to fish in the Bay of St. George, has been for many years habitually given to residents in that Bay by the French Naval Officers; that it confers only the privilege to take herring and salmon during the French fishing season; that a portion of the catch is frequently given as the price of such permission; and that it does not extend to the cod fishery, which is not carried on by either English or French in the Bay of St. George as an Export Trade; that fish not frequenting the Bay in sufficient abundance for the purpose—on the other hand, the cod are found in considerable numbers on that particular part of the Labrador coast on which the trespassing vessels were encountered by Captain D'Eyncourt.

4.—With reference to the settlement at the Bay of St. George, the population of which, collected from Nova Scotia, Cape Breton, and from other quarters, and many of whom are the descendants of old French Acadians, now amount to about 1500; it seems proper to mention that there are several persons established in trade there, who are understood to be natural born subjects of France, and have married women who may be regarded as natives of the place—the names of four of the principal of these are given in the margin.—They chiefly trade with Halifax and Canada, and are not, I believe, connected with mercantile establishments in France, but they originally settled in St. George's Bay, after deserting from, or quitting the "Equipage" of the French fishing fleet some years ago; and their permanent residence may be fairly adduced as being far

Francois Feltra.
Romain.
Francois Halbert,
Lesguades.

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more in contravention of treaties, should a question on that subject arise, than that of the British Colonial fishermen, by whom they are surrounded, and with whom they trade—in fact there can be no doubt that, however little claim the inhabitants of St. George's Bay may have to British protection, as against any alleged infringement of treaties which their residence there during the fishing season may seem to justify the French in advancing—yet it cannot be denied that that settlement has been suffered to attain its present extent, and permanent character, with the connivance of the French, and so far as I am aware, without any effort to obstruct its progress by a formal appeal or representation to the British Government.

5.—This course may have been the result of design or of mere indifference; but the belief that in the present state of the settlement, it is an object with Her Majesty's Government to obtain exclusive possession of the Bay, is, I have no doubt, the ground of the proposals of the French Government, by which they hope to obtain additional fishery privileges of no mean importance.

6.—I feel some confidence that the aggressions on the French fishing grounds by British subjects, to which Commodore Mazerés alludes, have been committed by persons who are employed by the French to take care of the scaffoldings and buildings connected with their fisheries during their absence from Newfoundland; but I have deemed it right to request the Commodore to give me more detailed information on the subject, and I have accordingly addressed to him a letter, of which I have the honor to enclose a copy herewith.

30th August, 1856.

I have, &c.,

(Signed)

C. H. D.

The Right Hon. H. Labouchere, M.P.,

&c., &c., &c.

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Government House, St. John's,
Newfoundland,
30th August, 1856.

(Enclosure to the foregoing.)

SIR,—

Captain D'Eyncourt, of Her Britannic Majesty's Ship "Py-
lades," having communicated to me the correspondence which recent-
ly passed at Croc Harbor, between you and himself, upon the subject
of the encroachments of certain French vessels upon the fishing
grounds on the coast of Labrador; I have learnt with concern from
your letter of the 21st instant, that you think you have reason to
complain of similar trespasses committed by British subjects.

I am desirous of exerting the authority of the Colonial Govern-
ment to put an end to such irregular practices, of the existence of
which I had not before been made aware; and I shall feel much
obliged to you accordingly if you will favour me with such informa-
tion as it may be in your power to give, with reference to the names
and usual places of residence of the persons whom you have thought
it necessary to arrest, particularly stating the cases in which those
persons may have been employed to take charge, during the winter
months, of the scaffoldings and other erections used by the subjects
of France in the fishing season—an occupation which it is not un-
natural they should consider as justifying their participation in the
produce of the coastal fishing grounds during the Summer.

I have, &c.,

(Signed)

C. H. DARLING.

Commodore Mazerés,
Commanding French Naval Division
On Coast of Newfoundland.

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(COPY.)

Newfoundland,
Government House, St. John's,
14th October, 1856.

[Executive.] No. 88.

SIR,—

With reference to my despatch, No. 75, of the 31st August last, in which I had the honor to transmit for your information, the copy of a letter addressed by me to Commodore Mazerés, Commanding the French Naval Squadron on the coast of Newfoundland, relative to the alleged aggressions of British subjects on the French fishing grounds, I have now the satisfaction to enclose a copy of the reply which I have received from the Commodore.

Commodore Mazerés
to Governor Darling,
1st October, 1856.

2.—It will be perceived from Mons. Mazerés' Letter, that the conjecture which I had formed (as stated in the 6th paragraph of my Despatch, No. 75) as to the nature of the aggressions referred to, and the occupation of the persons by whom they were for the most part committed, was well founded. On this point I would remark, that however desirable it might be to extend the protection of Law to the property of a friendly people which is left upon our coast during the winter, notwithstanding that the strict Letter of the treaties guarantees nothing more than that British subjects shall not injure "their Scaffolds during their absence;" yet it would be impossible to effect that object through our present Judicial or Police organization, which is necessarily limited by our strictly Colonial requirements; nor can the obligations of National Comity be fairly regarded, I conceive, as calling for the interference of the Colonial Government to protect the French against the pilfering and embezzlement of employes selected by themselves, in places to which the Colonial Institutions do not practically extend.

3.—I am aware that cases have occurred in which the crews of vessels bound to the Labrador and on Sealing voyages, have landed and recklessly done injury to buildings and property on the coast.—A representation to this effect was made to me on my recent visit to Cape Rouge Harbor, and I propose to issue at the proper time a

A P P E N D I X, No. 1.

proclamation, cautioning the Crews of such vessels against the legal consequences of misconduct of this nature being established against them.

I have, &c.,

(Signed) C. H. DARIING.

The Right Hon. H. Labouchere, M.P.,
&c., &c., &c.

(COPY.)

Newfoundland,
Government House, St. John's,
15th November, 1856.

[Executive.] No. 96.

SIR,—

In compliance with the request of the Members of the Executive Council, I have the honor to transmit herewith, an Extract Minute of the Proceedings of that body, containing an expression of their views in reference to the Negotiations which it is understood are at present proceeding with the Government of France, on the subject of the Fisheries of this Island, and on the Coast of Labrador.

2.—Two Members of the Council, the Honorable Laurence O'Brien, and the Solicitor General, were absent from the Meeting at which the Resolution referred to, was adopted ; but it is my duty to state, that there is no doubt they would have concurred in it, had they been present.

3.—I understand that some apprehension has been created upon the subject of the Resolution, by reports brought from the "French Shore" of Newfoundland, to the effect that the French Fishermen have expressed their confident expectation of obtaining additional privileges as the result of the pending Negotiations ; and the Council have therefore conceived it to be due to the Colonial Interests to convey to Her Majesty's Government their explicit opinion upon the inexpediency of granting further concessions of this nature.

A P P E N D I X, N o. 1.

4.—You will perceive that I informed the Council, that I was not myself aware of the nature of these negotiations since their resumption ; and I have ascertained, in reply to an enquiry made by me in Council upon the point, that the reference to “injurious effects resulting from Imperial Treaties heretofore concluded,” in the resolution, is to be understood especially as applying to the course pursued at the peace of 1814, when the French right of fishery was restored to the footing on which it stood before the war in 1792, instead of securing to British subjects the extended advantages they had enjoyed during the continuance of the war.

5.—My own views of the probable effect of further concessions upon the interest of the inhabitants of Newfoundland, have already been respectfully submitted to her Majesty’s Government.

I have, &c.,

(Signed) C. H. DARLING.

The Right Hon. H. Labouchere, M.P.,
&c., &c., &c.

Extract from Minute of Council, of 14th November, 1856.

Resolved,—Whereas the Executive Council have reason to believe that negotiations are proceeding between the Imperial Government and the Government of France, in relation to the fisheries of this Colony : and from the injurious effects resulting from Imperial treaties heretofore concluded on this subject—

Resolved,—That in the opinion of the Council it would be most inexpedient and injurious to the interests of this Colony, to make any further Concessions to the French on our coasts, or for the Imperial Government to conclude any treaty on the subject without first obtaining the opinion of the Local Legislature on the particulars thereof ; and that His Excellency the Governor be respectfully requested to communicate this Resolution to the Right Honorable the Secretary of State for the Colonies.

APPENDIX, No. 2.

DESPATCH

*From His Excellency the Governor to the Secretary of State, transmitting an Address from the Legislative Council and House of Assembly to Her Majesty, praying that no further privileges in respect to rights of fishery prejudicial to the interests of her Majesty's subjects in Newfoundland, may be conceded to the French.**

(COPY)

Newfoundland,
Government House, St. John's,
1st April, 1856.

[Legislative.] No. 20.

SIR,—

I have the honor to transmit herewith, an humble Address to Her Majesty the Queen, which has been passed by the Council and Assembly of this Colony, praying, that no further privileges in respect to rights of fishery which may be prejudicial to the interests of Her Majesty's subjects in Newfoundland, may be conceded to the subjects of the Emperor of the French, and to request you will be pleased to cause the same to be laid at the foot of the Throne.

I have, &c.,

(Signed) C. H. DARLING.

The Right Hon. H. Labouchere, M. P.

* See Appendix, No. 10, in Journal of 1856.

APPENDIX, No. 3.

DESPATCH

From Lord Stanley, of 29th July, 1843, to Governor Sir John Harvey, with Enclosures.

NEWFOUNDLAND FISHERIES.

(COPY.)

Downing Street,
29th July, 1843.

No. 104.

SIR,—

I have the honor to acknowledge the receipt of your Despatch of the 11th of last November, relative to the claim of the French to the exclusive right of fishing on those parts of the Island of Newfoundland, on which a right of fishing for and curing Cod has been conceded to French Subjects by treaty.

Having referred this Despatch for the consideration of the Earl of Aberdeen, I have received two letters in answer, dated the 28th of February, and the 19th of this month, which convey His Lordship's opinion, that Great Britain is bound to permit the Subjects of France to fish during the season in the districts specified by the Treaty and Declaration of 1783, free from any interruption on the part of British Subjects; but that if there be room in these Districts for the fishermen of both Nations to fish without interfering with each other, this country is not bound to prevent her subjects from fishing there. It is further His Lordship's opinion, that, as there is no limitation in the Treaty as to the description of fish which the French are entitled to take, their claim to fish for Salmon must also be admitted to its full extent.

As this is a subject of great interest and importance, and one which may be hereafter forced on the attention of yourself or your successors in the Government of Newfoundland, I think it desirable to furnish you with copies of the correspondence which has lately passed between Lord Aberdeen and myself, respecting it, and also with copies of the opinions of the Law Officers of the Crown, which are therein referred to, dated the 30th May, 1835, and the 17th April, 1837; but you will be careful to preserve this correspondence amongst

the Confidential Records of your Government. Adverting to your Despatch of the 13th June, which I have received within the last few days, in which it is remarked that the French Naval Officer has protested against the claims of British subjects to a concurrent right of Salmon fishery within the French limits, merely *pro forma*, and for the object of sustaining the construction by the French of the word "competition," in the declaration of 1783, I do not see that there is at present any necessity for taking any step which shall revive a discussion as to the description of fish which the French Fishermen are entitled to catch. You will, on all occasions, avoid as much as possible raising any question as to the rights of Great Britain to the Fisheries of Newfoundland, on those coasts on which the French are by Treaty entitled to fish, free from interruption by the competition of the British fishermen; but if any formal and energetic remonstrance be addressed to you by the French Commandant on the Station, I am of opinion that you would have no alternative, except to regulate your conduct by the deliberate opinions expressed in these papers.

I have, &c.,

(Signed) STANLEY.

Lieut-Governor
Sir J. Harvey.

(Confidential.)

(Enclosure with No. 104, '43, of 29th July.)

(COPY)

Doctors' Commons,
May 30th, 1835.

MY LORD,—

We are honored with your Lordship's commands, signified in Mr. Backhouse's letter of the 19th of July last, stating that he was directed to transmit to us the accompanying letter from the Board of Trade, relative to the right of British subjects to the fishery on certain parts of the coast of Newfoundland, where the right is now claimed by the subjects of France exclusively; and re-

A P P E N D I X, N o . 3.

questing that we would take into our consideration the subject of this letter, together with the treaties to which it refers; and that we would report to your Lordship our opinion as to the claim which Great Britain may have to a *share* of the fishery in question, and as to the expediency of proposing to the French Government to commence negotiations for the purpose of effecting some amicable adjustment of the respective rights of British and French subjects upon the coast of Newfoundland.

In obedience to your Lordship's commands, we have the honor to report, that having taken into consideration the above mentioned letter from the Board of Trade, together with the treaties to which it refers, 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 the 5th Article of the definitive treaty, signed at Versailles on the third of September, 1783.

We have, &c.

(Signed)

**JOHN DODSON,
J. CAMPBELL,
R. W. ROLFE.**

Viscount Palmerston,
&c., &c., &c.

(Confidential.)

(Enclosure with No. 104, 1843, of 29th July.)

(COPY.)

Doctors' Commons,
April 17th, 1837.

MY LORD,—

We are honored with your Lordship's commands signified in Mr. Backhouse's letter of the 1st inst., transmitting two notes received from Count Sebastiani, the French Ambassador at this Court, and a copy of your Lordship's answer to the first of those notes relative to certain collisions which Count Sebastiani states had occurred between British and French fishermen on the coast of Newfoundland, arising out of the interference of the former with the fishery on that part of the Newfoundland coast, on which the French claim to have the

exclusive right of fishing ; and in consequence of which collisions Count Sebastiani calls on Her Majesty's Government for a formal disavowal of the claim of British subjects to a right of fishing concurrent with that of the subjects of France upon the coast in question, and requests that instructions may be given to the British Authorities, and Naval Officers on the Newfoundland station, defining and enforcing the exclusive right of France under the declaration annexed to the treaty of September 3rd, 1783.

Mr. Backhouse also encloses a copy of Prince Talleyrand's note of 19th May, 1831, to which Count Sebastiani refers, in his note of the 21st October last.

Also, a copy of a letter from the Foreign Office to the Colonial Department, referring for Lord Glenelg's consideration a draft of the answer which your Lordship proposed to return to Count Sebastiani.

2ndly.—The previous letters therein referred to, on the subject of Mr. George Handley's, received from the Colonial Office and from the Admiralty.

3rdly.—A letter and its enclosures from the Colonial Office on the subject of your Lordship's proposed answer to Count Sebastiani, and a second letter of the same date with reference to Mr. Handley's case.

4thly.—The letter from the Board of Trade in 1834, and the report of the Law Officers of the Crown, in 1835, thereupon, which are referred to in the letter from the Colonial Office above mentioned.

And 5thly.—A memorandum prepared in the Foreign Office upon the question of the right of the French to an exclusive fishery.

And requesting that We would take these papers into consideration, and report to your Lordship our opinion thereupon.

In obedience to your Lordship's commands we have attentively perused and considered the above mentioned papers, and have the honor to report that, in referring to the opinion expressed in our report of the 30th of 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.

APPENDIX, Nos. 3 and 4.

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

We have, &c.,

(Signed)

J. DODSON.
J. CAMPBELL.
R. W. ROLFE.

Viscount Palmerston,
&c., &c., &c.

APPENDIX, No. 4.

NEWFOUNDLAND FISHERIES.

NOTE

Of Lord Palmerston, of 10th July, 1838, to Count Sebastiani, the French Ambassador.

(COPY.)

Foreign Office,
July 10, 1838.

M. LE COMPTE :

I have the honour to acknowledge the receipt of your Excellency's note of the 7th November, 1836, in answer to that in which, on the 4th of the same month, I expressed a wish that your Excellency would furnish me with a statement of the particular transactions, or acts of collision, which were referred to in your note of the 21st of October, as having arisen out of the pretensions of English fishermen to participate in the Cod fishery upon that part of the coast

of Newfoundland on which the French Government claim for French subjects an exclusive right of fishing.

Your Excellency states that in consequence of frequent collisions having taken place between the French and English fishermen off the coast of Newfoundland, the French Admiral upon that station had been ordered to communicate with the Governor of the Islands of St. Pierre and Miquelon, with a view to make some arrangement for preventing French vessels from violating the limits of the English fisheries; and that the Governor and Admiral, having met for that purpose, had an interview with Captain Bennett, commanding the British Ship-of-War "Rainbow," and invited that officer to exact, on the part of the English fishermen, the same respect for treaties which would be required on the part of the French: that at this interview, which took place on the 17th of June, 1836, Captain Bennett officially announced pretensions on the part of the Legislative Assembly of the Island of Newfoundland, which your Excellency considers as being contrary to the text of the declaration annexed to the treaty of the 3rd September, 1783; and it appears that the pretensions above mentioned are comprised in the opinion which the Legislative Assembly entertains, that the phrase in the declaration, in which the French word "concurrency" is employed, does not take from English subjects the right of fishing in the waters adjoining to the coasts, but only obliges them not to do so in such a manner as thereby to interrupt the French fishermen in their occupations.

Your Excellency then proceeds to state that Captain Bennett supported the opinion of the Legislative Assembly of Newfoundland; but that nevertheless, he and the French Officers separated with the understanding that they would exert their efforts in common to preserve peace between the fishermen of the two nations; but that notwithstanding this agreement, the English fishermen, set on by the Merchants of Newfoundland, and encouraged by the opinion of the Legislative Assembly, had, in the year in which your Excellency's note is written, again visited the points reserved to the French boats, and that collisions had consequently taken place between the fishermen of the two nations before the ships-of-war of the two countries arrived at the station; that the French fishery had been interfered with, particularly in the harbours of Cod Roy and St. George, and that a collision had been the consequence; that thereupon the French Agents and Captain Bennett had had a fresh conference, at which Captain Bennett again supported, as on the former occasion, the opinion of the Legislative Assembly in favour of the English right of fishing in those parts.

Your Excellency concludes by expressing your expectation that collisions so injurious to the interests of French commerce will be put a stop to by a faithful interpretation of the treaty of 3rd September, 1783, on the part of the British Government.

In answer to your Excellency's representation, I beg, in the first instance, to observe, that the only specific case of collision mentioned by your Excellency is that which is stated to have taken place in the harbors of Cod Roy and St. George; and that I infer from the manner in which it is mentioned that the case alluded to is that in which a Mr. Handley, an English subject, was concerned, who has stated that his vessels were assaulted, and his fishing occupations forcibly interrupted by the French ship "Furieux," on the 1st of June, 1836.

This case had already been brought under the notice of His Majesty's Government by the British Colonial and Naval Authorities, and it had been made the subject of representation to the French Authorities by Captain Bennett, at the interview of the 17th June, to which your Excellency has referred.

The case, as at first described to the British Government by Mr. Handley, appeared to be an act of unjustifiable interference on the part of the French Naval Officer, and there seemed to be fit ground for making a representation upon the subject to the French Government, and this impression was strengthened by the contents of the letter of the 16th July following, from the Governor of St. Pierre to the Commander of the British Sloop-of-War, the "Rainbow." But a further investigation, the result of which has recently been communicated to the British Government, has shown that the cause of the interruption complained of in this case, was not that the vessels of Mr. Handley were fishing in a place where they had no right to fish, or were interrupting the French fishermen, but that those vessels were fishing in a manner irregular and injurious to the fisheries of both parties, and were using a particular kind of net which is not generally employed at that period of the fishing season when Mr. Handley's vessels were fishing; and further, it appeared that it was at the express request of British as well as of French subjects, that the Commander of the "Furieux" seized the nets of the English vessels, and interrupted their proceedings. These facts appear upon affidavit.

Under these circumstances there appeared to be no just reason for making this case the subject of complaint against the French Authorities, and I need

not now trouble your Excellency with any further particulars respecting it, as the French Government are no doubt in possession of the correspondence and of all the facts relating to the case, the Governor of St. Pierre having assured Captain Bennett that he would forthwith transmit the affidavits to France, and report the affair to his government.

The British Government cannot but regret that any such collision should have taken place, but at the same time it is satisfactory to know that on that occasion the greatest harmony subsisted between the English and French inhabitants, and that the most amicable and unreserved communication took place between the British and French Naval Commanders. And I need scarcely add that it is the earnest desire of Her Majesty's Government, while, on the one hand, they protect the rights of British subjects, to take care on the other hand that the French right of fishery, as guaranteed by treaty, shall not be unlawfully obstructed.

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 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 coasts 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, have 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 of 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 and 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 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 Cod-fish, 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 Govern-

APPENDIX, Nos. 4 and 5.

ment, 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.

I have, &c.,

(Signed) **PALMERSTON.**

His Excellency Count Sebastiani.

APPENDIX, No. 5.

DESPATCHES

From the Secretary of State for the Colonies, explanatory of the views of Her Majesty's Government on the Reciprocity Treaty, and enclosing a Representation from the Minister of the Hanse Towns, on the subject.

(COPY)

No. 21.

SIR,—

Downing Street,
6th February, 1856.

I transmit herewith the copy of a note from the Hanse Towns Minister at this Court, requesting that certain advantages enjoyed by the trade of the

APPENDIX, No. 5.

United States with Newfoundland, under the Reciprocity Treaty, may be extended by the Government of that Colony to the Commerce of the Hanse Towns. I have to request that you will bring Mr. Rucker's note under the consideration of your Council, in order that their views upon the subject may be communicated to the Government of the Hanse Towns.

I have, &c.,

(Signed) **H. LABOUCHERE.**

Governor Darling, &c., &c., &c.
Newfoundland.

(COPY.)

London, 48, Brook Street,
Grosvenor Square, January 28, 1856.

MY LORD,—

I have the honor to apply to your Excellency, under the instructions of the Senate of Hamburg, in the following circumstances.

By the treaty between Her Majesty and the United States of America relative to the fisheries, commerce and navigation, signed at Washington, June 5th, 1854, it has been agreed in Art. III., that certain articles enumerated, principally provisions and raw materials, being the growth and produce of the British Colonies or of the United States, shall be admitted into each country respectively free of duty. In Article VI. of the above mentioned treaty, it is further agreed that the stipulations of the treaty shall extend to the Island of Newfoundland, as far as they are applicable to that Colony.

At the ratification of the treaty the Provincial Parliament of Newfoundland has carried this treaty into effect as far as regards that Colony, by enacting that the articles enumerated in the treaty shall be admitted free of duty in Newfoundland, when they are the growth and produce of the United States.—A similar enactment has extended the same advantages to the produce imported to Newfoundland from Great Britain and the British Colonies in North America, the duties on the importation of other Countries remaining the same as before.

By the great number of persons resorting to the coast of Newfoundland on account of the fisheries, and supplying themselves there with provisions, a considerable commerce with provisions is carried on to that coast. In former times all foreign countries were excluded from this commerce, but the liberal policy of Great Britain after the year 1820 admitted the vessels and the produce of foreign countries without distinction to supply the fishery stations at Newfoundland. The Hanse Towns, and especially Hamburg, have taken an active part in this commerce, as may be judged by the commercial statistics of the commerce of Hamburg for 1853; in that year 31 vessels were bound from Hamburg to these British Possessions, carrying principally provisions, as breadstuff, butter, cheese, salted meats, pork, &c.

The recent change of the Newfoundland Tariff, introduced in consequence of the above mentioned treaty, threatens to put an end to this commerce, as the provisions imported to Newfoundland from the Hanse Towns will have to pay the duty, those from America and Great Britain entering duty free. I beg leave to state, that by the present Tariff of Newfoundland (Revenue Act, 21st July, 1855,) the following articles are admitted free of duty, when they are the produce of the United States, or of Great Britain and the British Colonies, viz. : Bread stuffs, smoked and salted Meats, Butter, Cheese, Tallow, Lard—whereas the duty on importation from other countries is as follows: for Bacon, Hams, smoked Beef, the cwt. 7s. 6d., Beef, salted and cured, the barrel 2s. Biscuit, the cwt. 3d., Butter, 3s., Cheese, 5s., Flour, the barrel 1s. 6d., Pork 3s. These duties have the effect of differential duties to the prejudice of the other countries, rendering their competition nearly impossible.

For the commerce of the Hanse Towns to Newfoundland it would be of importance to partake of the advantages, which have in this respect, been granted to the importations from the United States and Great Britain, to that Colony. It may also be assumed to be in the interest of Newfoundland, that the commercial relations which it has hitherto had with Hamburg be undisturbed. For besides the supply of provisions, Hamburg has carried on in Newfoundland some business in other articles, which will likewise suffer when the principal branch of commerce is impeded. It is especially stated, that a not inconsiderable number of vessels used to be employed in bringing fish cargoes from the coast of Newfoundland to Brazil, from whence they take Brazil produce to Hamburg, and then return from Hamburg to Newfoundland with provisions. By subjecting the latter importation to discriminatory duties the whole transaction will be disturbed.

A P P E N D I X , N o . 5 .

The Senate of Hamburg instructed me to submit this matter respectfully to the consideration of your Excellency, with the request that Her Majesty's Government may be pleased to cause the Colonial Government of Newfoundland to extend the advantages of the above mentioned tariff change to the Hanse Towns, so as to admit the articles enumerated in Art. III. of the Fishery Treaty free of duty on their importation from the Hanse Towns.

I have, &c.,

(Signed) A. RUCKER.

The Earl of Clarendon, K.G.,
&c., &c., &c.

(COPY.)

No. 60.

SIR,—

Downing Street,
29th July, 1856.

The treaty of 1854, commonly known as the Reciprocity Treaty between Great Britain and the United States, was concluded under circumstances of political exigency, with the immediate object of terminating questions in dispute as to rights of fishery, and at the same time with the desire on the part of the British Government to secure commercial advantages for the British North American Provinces.

At the time when the treaty was concluded, many of the articles enumerated in the treaty were subject to duty in the North American Colonies equally when brought from Great Britain, the British Colonies, and from Foreign Countries, so that the immediate effect of the treaty was to establish differential duties on such of the enumerated articles as were before subject to duty, to the disadvantage of the United Kingdom and the British Colonies as well as of foreign countries. To meet this in some measure, special provision has been made in Colonial Acts. Thus, in Newfoundland the Governor is authorized, by proclamation, to declare some of the articles enumerated to be admissible duty free, when the produce or manufacture of the United Kingdom or of the British North American Colonies, and others of them to be so only when the produce of the latter Colonies.

APPENDIX, No. 5.

By an Act, 15 Vic., cap. 2, passed in contemplation of the Reciprocity Treaty, but before its conclusion, the Governor of Nova Scotia is authorized to declare, by proclamation, that articles being the produce of any foreign nation entitled to trade with Nova Scotia on the same terms as the United States, shall be free from duty in Nova Scotia if the same articles are free when the produce of the United States, and the wording of the section seems to imply that this proviso is to come into force for countries which shall admit ANY of the enumerated articles duty free, and is not restricted to those countries which shall admit them all.

Other modifications have been made in the Tariffs of the North American Provinces, which go far to remove any practical inconvenience which might have arisen under the operation of the treaty, still it must be admitted that so long as any articles are admitted duty free from the United States which are subject to duty when the produce of the United Kingdom, the British Colonies, or other Foreign Countries—this treaty clashes with the provisions of several existing commercial treaties with other countries, while at the same time it presents an exception to the whole course of recent legislation; a state of things which certainly tends to encourage other propositions equally at variance with economical principles, such for instance as that which has been put forward for the mutual abolition of duties between the West Indies and the North American Provinces.

All the accessible documents in this office, and especially the Customs Returns for the North American Provinces, have been examined with a view to discover what actual amount of duty would be sacrificed in the North American Provinces by completely abolishing the duties upon all the articles enumerated in the Treaty, from whatever country imported.

But, owing to the incompleteness of the available information, it is not possible to arrive at perfectly accurate results. It is however most probable, that in nearly every instance the operation of the treaty has been greatly to diminish if not to put an end to the import of the enumerated articles from places other than the United States, so that any estimate of the loss which might follow from the complete opening of trade in enumerated articles, derived from the returns of imports before the treaty came into complete operation, are probably much in excess of the truth.

Previously to the negotiation of the Reciprocity Treaty most of the enumerated articles were liable to duty when imported into Newfoundland, and the

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Legislature seems to have apprehended a considerable loss of Revenue by the operation of that measure. In consequence, the Tariff of last year provides for an increase of import duties on most of the chief articles of consumption.

The following Table gives the estimated produce of the duties of 1855, calculated on the imports of 1854, which will of course be in excess of the real amount :—

Articles.	United Kingdom.			West Indies.			Foreign Countries excluding United States.			Total.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Bacon and Hams	17	0	0				82	10	0	99	10	0
Beef	free			4	10	0	6	10	0	11	0	0
Butter	free						518	0	0	518	0	0
Cheese	22	10	0				26	0	0	48	10	0
Coal	190	0	0				8	10	0	198	10	0
Oatmeal	free						6	5	0	6	5	0
Peas	free						23	10	0	23	10	0
Flour	free						30	10	0	30	10	0
Fruit, dry	255	0	0				42	0	0	297	0	0
Fruit, other							24	0	0	24	0	0
Pitch, &c.	52	0	0				22	0	0	74	0	0
Pork	free						35	0	0	35	0	0
Potatoes	free						10	0	0	10	0	0
Stone and Slate	34	0	0							34	0	0
	£570	10	0	£4	10	0	£834	15	0	£1409	15	0

If the result of opening the trade in the enumerated articles were to entail

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on the finances of Newfoundland the sacrifice of the entire amount shown in the above table, Her Majesty's Government would hesitate to urge so considerable a change ; but it seems nearly certain that by far the greater portion of Revenue formerly derived from these articles has already been lost, and the deficiency is probably made up by the additional duties imposed last year.

I have therefore to request, that you will consult with your Council upon this subject, and report to me your opinion as to the expediency of proposing to the Legislature of Newfoundland the complete abolition of the remaining duties on the enumerated articles.

I have the honor to be, &c.,

(Signed) H. LABOUCHERE.

Governor Darling, &c., &c., &c.
Newfoundland.

(COPY)

Downing Street,
29th July, 1856.

No. 61.

SIR,—

I have to acknowledge the receipt of your Despatch, No. 51, of the 9th June last, enclosing an extract from the minutes of the Executive Council, in which they express their opinion, that in the present state of the Revenue of Newfoundland, it would not be expedient to comply with the application of the Minister of the Hanse Towns, for the admission into the colony of articles of trade from Hamburgh free of duty.

Irrespective of the proposal of the Minister of the Hanse Towns, the question involved in his application has for some time engaged the attention of Her Majesty's Government, and on this subject I have to refer you to my Despatch of this day's date, No. 60.

A communication of a similar character has been addressed to the Governors of the other North American Provinces.

A P P E N D I X, No. 5.

There is nothing in the particular relations between this country and the Hanse Towns, which would induce Her Majesty's Government to recommend to the Legislatures of the North American Colonies, an exceptional course of Legislation in their regard; but the reasons which seem to recommend a complete abolition of duties on the articles enumerated in the Reciprocity Treaty, would no doubt apply to the imports from those Towns, so far as they comprise the enumerated articles.

From the letter of the Receiver General, enclosed in your present Despatch, it would appear, that the proposed change would not effect the most considerable article of import from Hamburgh, viz., Bread, upon which at the present rate of duty the quantity imported in 1855 would produce very nearly One Thousand Pounds (£1000) of duty. With regard, however, to the other articles named, it will be for the consideration of the Legislature of Newfoundland whether the effect of the Reciprocity Treaty will not be very speedily to destroy the existing Trade with Hamburgh in the articles which may be imported free of duty from the United States; and whether, the practical effect of maintaining the duties on those articles, when imported from other foreign countries, will not be to limit the supply in a manner disadvantageous to consumers in the Colony.

I have, &c.,

(Signed)

H. LABOUCHERE.

Governor Darling, &c., &c., &c.
Newfoundland.

*APPENDIX, No. 6.**APPENDIX, No. 6.***DESPATCHES**

In Reply to a Memorial of the Council praying that Saint John's may be made a Port of Call for Transatlantic Mail Steamers.

(COPY.)

No. 46.

Downing Street,

25th June, 1856.

SIR,—

I have to acknowledge the receipt of your Despatches, No. 33, of the 30th April, No. 41, of the 12th, and No. 45, of the 28th of May last, on the subject of making the town of St. John's a Port of Call for the Transatlantic Mail Steamers.

Having referred these despatches for the consideration of the Lords Commissioners of the Admiralty, their Lordships have apprised me that as a matter of course they cannot interfere with existing contracts which do not provide for the steamers calling at St. John's, and that they entertain great doubts whether the Harbour of St. John's is to be approved with sufficient safety at all times of the year to render it advisable to make it imperative on any vessel to call there. You will communicate the subject of this despatch to the Legislative Council, and also to the Merchants and other Inhabitants of the Town of St. John's, in reply to their Memorials enclosed in your despatches.

I have, &c.,

(Signed)

H. LABOUCHERE.

Governor Darling,

&c., &c., &c.

APPENDIX, No. 6.

(COPY)

Downing Street,
18th July, 1856.

No. 55.

SIR,—

With reference to my Despatch No. 46, of the 25th June last, I transmit a copy of a letter from the Board of Trade expressing the opinion of the Lords of the Committee of Privy Council on the proposal for making the Town of St. John's a Port of Call for the Transatlantic Steamers, and also on the proceedings of the New York and Newfoundland Telegraph Company.

I have, &c.,

(Signed) H. LABOUCHERE.

Governor Darling, &c., &c., &c.
Newfoundland.

(COPY.)

Office of Committee of
Privy Council for Trade,
Whitehall, 11th July, 1856.

SIR,—

I am directed by the Lords of the Committee of the Privy Council for Trade, to acknowledge the receipt of your letter of the 14th ultimo, transmitting copies of despatches with enclosures, from the Government of Newfoundland on the subject of making the Town of St. John's a Port of Call for the Transatlantic Mail Steamers, together with copy of a despatch relative to the proceedings of the New York and Newfoundland Telegraph Company.

In reply, I am to request that you will lay the following observations on the subject before Mr. Secretary Labouchere.

It appears from these papers that there are two distinct propositions.

1.—To make St. John's (Newfoundland) a Port of Call, for the Packets between England and New York.

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2.—To establish a line between England and St. John's (which it is proposed to make the terminus of a Telegraph Wire from New York) as a means of conveying information rapidly between the two countries.

My Lords are of opinion that the first of these propositions would be objectionable, inasmuch as there would be a delay of at least a day in the delivery of the Mail each way, and occasionally more, owing to the interruptions of ice, the frozen state of the Harbor, and the drift ice about the Port—passengers would be unwilling to be carried out of their course and to incur the increased peril which would attend to so Northerly a route in the Winter and the Spring months especially,—American Packets running direct would therefore be preferred and render this line unproductive.

As regards the second proposal there can be little doubt that if vessels suitable to the voyage were placed upon the line from St. John's to the nearest Port on the Western Coast of Ireland and a Wire continued from St. John's to New York on the one side, and from the Port of Dublin on the other, information would be occasionally transmitted with greater celerity between England and New York than could be obtained by the present established line of Packets. The communication by this route would, however, be liable to occasional delay from ice and fog, and during the Winter months there would perhaps be days on which it would not be possible to approach St. John's in which case the Packet must proceed to Trepassy, or some other Port. Considerable danger would also arise if the speed of 16 knots an hour as contemplated by the Governor of Newfoundland were attempted to be maintained.

Although experience would no doubt soon teach the Captains where to expect to meet with ice, nevertheless, great caution would be always necessary in certain months, and in particular localities, wherereby the transmission of information would be rendered irregular to some extent in Winter as well as in Summer.

I have, &c.,

(Signed)

T. EMERSON TENNENT.

Herman Merivale, Esq.,

&c., &c., &c.

Colonial Office.

APPENDIX, No. 6.

(COPY)

Newfoundland,
Government House, St. John's,
19th April, 1856.

[Miscellaneous.] No. 27.

SIR,—

I do myself the honour to transmit for your information the copy of a letter which I have thought it right to address to the Governor General of Canada, in reference to the undertaking which is now approaching its completion, for establishing communication by Electric Telegraph between St. John's in this colony and the Continent of America.

2.—Since I addressed to you my confidential letter of the 2nd inst., the Managing Director of the Telegraph Company to whom I referred in that communication has arrived, accompanied by Engineers and persons skilled in the work of laying Telegraphic Wires, and the result of a lengthened interview which I had with that gentleman yesterday is, to confirm in a most satisfactory manner all that I have stated to you, and to the Governor General of Canada, in respect to the progress and probable completion of the Line.

3.—It is confidently anticipated that a message will be conveyed from St. John's to New York before the next Winter sets in, and as the posts and wires already established have not, I am informed, received any material injury although the Winter now terminating has been of unusual severity during which a far more than average depth of snow has fallen and remained upon the ground, it may be fairly presumed, that the line will not be subject to peculiar accidents arising from that cause, a point upon which I understand apprehensions have been hitherto entertained.

4.—With respect to the initiation of a system of Direct Steam Communication between Great Britain and St. John's, it does not appear that arrangements have as yet been definitively effected with any Company at present engaged in Transatlantic Steam Navigation, or for the formation of a new Company for that purpose; but the interests of the Telegraph Company so clearly require that this experiment should be tried, that I feel assured, that the exertions they are now making with this view will not be without a practical result.

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5.—I may here beg to express the hope I confidently entertain, that the latter question as connected with the transmission of the Mails will receive the fullest consideration on the part of Her Majesty's Government, and to observe that the present state of the Telegraphic enterprise seems to warrant an appeal to the expectation in this regard held out to the Legislature of the Colony in Earl Grey's Despatch No. 204, of the 28th July, 1851.

6.—Bearing in mind the reluctance which might naturally be entertained on the part of Her Majesty's Government to resort to the power reserved in the existing Mail Contract, by which that contract may be determined at any time upon twelve months notice. They will no doubt be equally unwilling, at a period when so much importance, both in a political and commercial point of view, is universally attached to the receipt of intelligence at the earliest moment which the progress of practical science has rendered attainable, to overlook the fact, that whatever communication may reach St. John's, from any part of the Eastern or Western hemisphere will, if the voyage be performed in a period at all proportionate to that now occupied in the passage to and from Halifax, reach its ultimate destination by the Telegraph Company Line between two and three day's sooner than by any other means.

7.—Regarding the question in this light, I venture indeed to think, even admitting the obstruction from ice at particular periods of the year to be as formidable as it has been represented, or at any rate such as to render direct intercourse by steam with America throughout the year via Newfoundland unprofitable as a pecuniary investment, it might be well worth the consideration of Her Majesty's Government whether the simple transmission of intelligence would not be of sufficient importance to justify them either in establishing for that purpose at the public cost, or in subsidizing any Company which might be formed for establishing a Line of Steam Despatch Boats of as small a size and inexpensive a character as should be constant with the attainment of the greatest speed, and the greatest capability of contending with the ice. The period during which these Boats should run might be limited in the first instance to those months in which the ordinary Steam Packets are considered to be exposed to greater risk in approaching our coast.

8.—With respect to the objection which has been urged on the shore of the prevalence of fogs, I have directed such a record to be kept at the Light House at the South Head of the Harbor of St. John's as will enable me to furnish accurate information on the subject in the course of a few weeks.—

APPENDIX, No. 6.

Guns are fired half-hourly at that Light House, whenever Cape Spear which is situated to the South East, about 3 miles, is enveloped in fog, and by the register now before me for the months of November, December and January last, I find that there were only

					Guns.	Guns.
2	days on which were fired		....		9	18
3	ditto	ditto	....	....	8	24
2	ditto	ditto	....	....	6	12
4	ditto	ditto	....	....	4	16
1	ditto	ditto	....	....	3	3
2	ditto	ditto	....	....	2	4
2	ditto	ditto	....	....	1	2
						79

indicating about 40 hours of fog during the three months referred to. I am quite aware, that in the months of May and June, the register will exhibit a less favorable aspect, but I am at the same time confident from my own observation during last year, that the result will be by no means so discouraging as is generally supposed.

9.—With respect to the contemplated Telegraphic connection of America with Europe, I am now enabled to transmit for your information a copy of the contract effected by the New York, Newfoundland and London Telegraph Company with the Transatlantic Submarine Telegraph Company for that purpose. I am informed by the Director of the former Company whom I have before mentioned in this despatch, that the Transatlantic Cable has not yet been put in hand, the existence of war upon a large scale having been unfavorable to the commencement of such a manufacture; and the accident which occurred to the Mediterranean Cable, as well as to that which was attempted to be laid between Cape Breton and Newfoundland last year, having induced the Contractors to enter upon experiments as to the possibility of reducing the cost and risks of undertakings of this nature. These experiments have, I learn been eminently successful; it having been ascertained, that a Cable with stronger conducting power than those hitherto in use can be constructed to weigh only one ton to the mile, instead of eight tons as formerly. The Cable between Spezzia and Corsica is, I understand, of this description.

10.—If the successful accomplishment of this branch of the project in the

beginning of the year 1858, could be confidently anticipated, comparatively little importance, in a public point of view, would attach to the establishment of Direct Steam Communication with Newfoundland; but as the probability of such success can only be ascertained from the Transatlantic Company with whom I have not the opportunity of communication, and as I confess myself to be sanguine, that the consequence of the initiation of Direct Steam Communication will be the discovery, that it would be both feasible and profitable as a continuous system, greatly to the advantage of the colony whose interests it is my duty to advocate whenever I can do so, without involving injury to other portions of the Empire, I should be exceedingly glad to learn, that such a project would receive the support and encouragement of Her Majesty's Government.

11.—I beg leave to enclose a copy of the clause which has been introduced into the Bill, for amending the Telegraph Company's Incorporation Act, to which I referred in my confidential letter, of the 2nd instant, for specifically conferring the privilege of a preferential transmission of intelligence, upon the Governments of the other North American Colonies. It has passed through the Assembly, and will no doubt, be carried through the Council without any opposition.

I have, &c.,

(Signed) C. H. DARLING.

The Right Hon. H. Labouchere,
&c., &c., &c.

(COPY.)

Government House, St. John's,
30th April, 1856.

[Executive.] No. 32.

SIR,—

With reference to my Despatch, No. 27 of the 19th inst., I now beg to put you in possession of such further information as I have been able to obtain since that date, in reference to the projects and proceedings of the New York and Newfoundland Electric Telegraph Company.

2.—It appears that an engagement has been entered into, by which a Steam vessel with the Newfoundland and Cape Breton Cable on board, will leave England under heavy penalties for delay, on the 5th of June next, and proceed direct to the neighbourhood of Cape Ray. After the laying of the Cable shall have been completed, she will visit the port of St. John's in this colony, and it is hoped proceed thence on her return to England on the 15th July next.

3.—The Company's Steamer "Victoria" left the harbor of St. John's on the 26th inst., conveying engineers and skilled workmen who are to be landed at convenient points upon the Southern Coast, for the purpose of immediately proceeding with the Land Operations.

4.—The Representative of the Company, at present here, seems to entertain no doubt, that a message will be transmitted through to the United States in the month of August next. As this confidence is shared by the gentleman (Mr. F. N. Gisborne,) who was formerly the Chief Engineer of the present, as well as of the original Company, (is now re-appointed to that office); and has perfect practical acquaintance, as well with the difficulties to be overcome, as with the resources at his command—I am inclined to think, that the expectation entertained on this point, will be realized.

5.—With reference to the views which I have already submitted in my despatch above referred to, on the subject of establishing direct communication between the British Islands and St. John's, in order to ensure the fullest advantage from the connection of Newfoundland by Electric Telegraph with the main land of America, at the earliest possible moment, I beg leave to transmit herewith the copy of a printed statement, drawn up by Mr. Cyrus Field, a Director and Shareholder of the Telegraph Company, to which is annexed a chart, exhibiting in geographical miles, and, I believe, upon competent authority, the distances between St. John's and various points in Great Britain and Ireland.

6.—The number of miles between St. John's and Galway is there given as One Thousand Six Hundred and Forty-seven (1,647). The distance to Valentia, which it will be observed, is the point of contact with Ireland, assumed upon the chart for the Submarine Cable, is stated upon the authority of Lieutenant Maury of the United States Navy, the well-known Hydrographer, at One Thousand Six Hundred and Forty (1,640) miles.

7.—If therefore, it be true, that the Screw Steam Despatch Boats, recently constructed for H. M. Service, average a speed of sixteen miles an hour, as I perceive is affirmed in the public journals, it follows, that the Transatlantic Passage could be accomplished by vessels of that class in about One Hundred and Three (103) hours. In this case, from all points in Europe, Asia, and Africa, which may be connected by Electric Wire with either of the places upon the coast of Ireland just referred to, intelligence might be transmitted to all points in America similarly connected with St. John's in this Colony, in the time stated, with no greater addition than may result from the delay occasioned by the land wires being in possession of various companies, which circumstance would require the re-institution of the messages at the different points where the respective lines commence, or from the necessity of renewing the electric current in cases where the wires of the same company extend through beyond the distance which experience may prove can be safely relied upon for perfect and thorough transmission.

8.—There cannot, I venture to think, be any doubt, that the Governments of the European Nations and of the United States would be found ready to contribute to the support of a Line of Boats established for the purpose referred to, and which, if occasionally prevented by ice from reaching the Harbor of St. John's, would experience little difficulty in making that of Trepassay, and at least communicating with the shore at that point.

9.—Aware that Her Majesty's Government will be fully alive to the importance of the facilities of communication thus on the eve of establishment, it is the more necessary, I should state, that although the Ocean Cable is that part of the undertaking upon which the New York and Newfoundland Telegraph Company mainly rely for profitable return, the transmitting power of that Cable being (at the rate of 2s. a word) equal to producing a Revenue of about Fourteen Thousand Pounds a-day—yet I have good reason for believing that so long as the New York and Newfoundland Company are satisfied, the Transatlantic Company are bona fide pressing on the completion of the Ocean Cable with reasonable speed, they will not insist upon the terms of the contract which require that it should be in actual operation in January, 1858.—The date at which that Cable may be available is thus rendered in some degree indefinite—and it is scarcely I think the language of exaggeration to say, that the adoption of other means for the rapid conveyance of messages between the European and American Land Wires, pending its completion, is a matter of interest and importance to the whole civilized world.

10.—The existing monopolies in Transatlantic Steam Mail Conveyance, the apprehension entertained of danger in approaching the coast of Newfoundland, a danger which I conscientiously believe to have been generally—and sometimes I fear designedly exaggerated—may have the effect of delaying, and certainly will discourage the efforts making for the accomplishment of this object by means of merchant steamers, with whose owners the prospects of pecuniary profit must form an important consideration. Nor should it fail to be borne in mind, that to give full effect to the advantages which the Telegraphic connection of Newfoundland with the American Continent presents, the utmost attainable speed and regularity in the performance of the ocean voyage, are the ends to be held in view. These ends, I submit with much deference, are not likely to be so completely effected by any other means as by the direct action of the Government, or by that of some stimulus applied by Government to the origination of a scheme which should be subject to its effectual supervision and control.

11.—But even as regards the advantages which direct communication offers to merchant steamers, I have upon enquiry found no reason to question the general correctness of the statements in Mr. Field's pamphlet, with the exception of that at page 6, as to the infrequency with which the harbor of St. John's has been known to freeze entirely over. That event happens, I believe, almost every year, although sometimes only for a day, but it may be very safely asserted, that it does not occur so often nor does the harbor remain in that state so continuously, as to prevent the arrival of vessels even during those months which are most unfavourable on account of the obstruction from that cause.

12.—I have before me a Customs House Return which shows, that in the months of March and April this year, when the weather has been unusually severe and the access to the harbor more than ordinarily impeded, no less than thirty-five ships have entered inwards at St. John's, from Great Britain, Portugal, Spain, and Hamburgh, exclusive of Coasting and Sealing vessels; while in the month of May, last year, thirty-five vessels entered from the same Ports.*

13.—With respect to Port Charges, to which Mr. Field adverts, I may observe, that their present rate is one shilling instead of sixpence a ton, as stated by that gentleman; but a measure is before the Legislature by which it is proposed to limit the total amount in the case of any one vessel to £25, and

* Sealers alone in the months of April and May, 1855, amounting to 212 Vessels.

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I do not anticipate that there would be any difficulty in obtaining the exemption of Steamers from both Light Dues and Pilotage, if these charges should be represented as a grievance or as imposts to which the Mail Steamers are not now exposed at Halifax.

14.—The facts in favor of St. John's as a Port of Call, have been clearly put in a speech recently delivered by Mr. Robt. Prowse in the House of Assembly. This gentleman has long been a resident in the Colony, and is acquainted with its Outports and Southern Coast, and as I have taken care to ascertain that his opinion and statements have been correctly reported, I beg leave to transmit a copy of his remarks for your information.

15.—In continuation of the details respecting the occurrence of Fogs, which I furnished in my Despatch No. 27, I now beg to state, that during the three months terminating to-day, it appears by the Return that one hundred and twelve guns only were fired at the Fort Amherst Light-house.—This in the least favorable point of view would imply the existence of Fog for fifty-six hours; but in cases where only one gun is fired, or where a greater number have not been fired continuously at half hour intervals, it does not of course follow that the fog obscured Cape Spear (the envelopment of which, as I have explained in my previous despatch, affords the rule for firing the fog signal) for more than a few minutes.

16.—Since I had last the honor of addressing you on this subject, the Local Government have concluded an agreement (copy enclosed) with the Telegraph Company, by which the Company has obtained an eligible office in the Public Building wherein the Supreme and other Courts hold their sittings, the Governor of Newfoundland receiving as an equivalent the right to transmit a certain number of messages annually, so far as the Company's Lines extend. This right, if the contract continue in force, would ultimately include the Ocean Cable; and during the present year, if the expectations of the Company are realized, will extend from St. John's in this Colony, to Port Hood in Cape Breton.

17.—The necessary arrangements have been made by the New York and Newfoundland Company, with the Telegraph Companies in Nova Scotia, New Brunswick, Canada, and the United States, to ensure the transmission of messages through to New York. I am informed also, that the New York and Newfoundland Company have secured a preference in those lines for their messages over those of a mere local character.

A P P E N D I X, N o. 6.

18.—In conclusion I have the honor to report, that the Bill for amending the Telegraph Company Incorporation Act, to which I have referred in my former Despatches on this subject, has been passed through the Legislative Council and awaits my assent.

I have, &c.,

(Signed) C. H. DARLING.

The Right Hon. H. Labouchere,
&c., &c., &c.

(COPY.)

Newfoundland,
Government House, St. John's,
30th April, 1856.

[Miscellaneous.] No. 33.

SIR,—

I have the honor to transmit herewith the copy of a Memorial signed by all the most eminent and influential residents of the city of St. John's, praying that I will urge upon Her Majesty's Government, the adoption of such steps as may constitute that port a point of Call for the Transatlantic Mail Steamers.

2.—The despatches I have already had the honor to address to you in reference to this subject, seem to render it unnecessary that I should do more on the present occasion, than point out how strongly the representations of the Memorialists corroborate the statements which I have felt it my duty to submit to Her Majesty's Government in those communications.

3.—In earnestly recommending the views of the Inhabitants of St. John's to your favorable consideration, I would beg to assure you that I do not take that course in the particular interest alone of the Colony, whose advantage it is no less my duty than my desire to promote; but in those general interests of all the European and American Communities, the advocacy of which at the present moment seems to be a necessary incident of the position I have the honor to occupy as Her Majesty's Representative in this Colony.

I have, &c.,

(Signed) C. H. DARLING,

The Right Hon. H. Labouchere, M. P.
&c., &c., &c.

(COPY.)

Newfoundland,
Government House, St. John's,
12th May, 1856.

[Commercial.] No. 41.

SIR,—

I do myself the honor to transmit herewith a Memorial addressed to you by the Legislative Council of Newfoundland, praying that Her Majesty's Government will adopt the necessary measures for causing the Town of St. John's to be made a Port of Call for the Transatlantic Mail Steamers, and also an Address from the House of Assembly, which has a similar object.

2.—The facts which appear to these bodies to justify, and to call for this alteration in the existing arrangements, are explained in considerable detail—I believe them to be stated with accuracy, and while requesting permission to refer to my Despatches Nos. 27, and 32, of the 19th and 30th April last, in relation to the same subject, I beg leave respectfully, to recommend the representations I now forward to your favorable consideration.

3.—With reference to my Despatch No. 32, of the 30th ultimo, (paragraph 13) I have now the satisfaction of reporting, that the Acts of the Session which has just terminated, provide for the exemption of Mercantile Steamers from all Dues except those of Pilotage; and that even Pilot Dues, while levied at the rate of sixpence a horse-power, are not in the case of any single steam vessel, to exceed Ten Pounds.

I have, &c.,

(Signed)

C. H. DARLING.

The Right Hon. H. Labouchere, M.P.,

&c., &c., &c.

APPENDIX, No. 6.

(COPY)

Newfoundland,
Government House, St. John's,
28th May, 1856.

[Commercial.] No. 45.

SIR,—

Owing to inadvertence in the office of the Clerk of the Assembly the Address from that body which I had the honor to transmit with my Despatch No. 41, of the 12th instant, was not accompanied by the Return relative to the prevalence of Fogs, to which the Address referred.

2.—I now beg leave to transmit the Return in question, together with a similar Return for the three months preceding those to which the Address of the Assembly refers, and which I am informed it was the intention of that body should have been attached to their representation. I beg to state, that these returns are the documents alluded to in my Despatches No. 27 of the 19th ult. and No. 32 of the 30th ult.

3.—I avail myself of this occasion to forward four copies of the pamphlet which I transmitted with my Despatch No. 32, and to invite your attention to the enclosed account extracted from the *New York Herald*, of a Printing Telegraph Instrument which has been patented in the United States, and of which the New York and Newfoundland Telegraph Company have, as I was informed by Mr. Cyrus Field, secured the use. This account has been sent to me by Mr. Field, from whom I also received, when he was recently in this Colony, a specimen of the printing effected by the machine, which I also have the pleasure of enclosing for your inspection.

4.—The operations of the Telegraph Company in the Island are proceeding vigorously, and the Steamer with the Cape Breton and Cape Ray Cable on board is expected about the 15th proximo.

I have, &c.

(Signed) C. H. DARLING.

The Right Hon. Henry Labouchere,

&c., &c., &c.

APPENDIX, No. 7.

DESPATCH

Enclosing copy of a Circular Instruction addressed by Mr. Marcy to the Collectors of Customs in the United States.

(COPY.)

Downing Street,

No. 64.

15th August, 1856.

SIR,—

With reference to Sir George Grey's Despatch of the 19th October, 1855, I now enclose for your information and guidance, the copy of a Circular Instruction addressed by Mr. Marcy to the Collectors of Customs in the United States, relative to the observance, by the Fishermen of that Country, of the Laws enacted by the British Provinces for the preservation of the Coast Fisheries.

I have, &c.,

(Signed)

H. LABOUCHERE.

Governor Darling, &c., &c., &c.

(CIRCULAR.)

Department of State,
Washington, March 28, 1856.

To Charles H. Peaslee, Esq.,
Collector of the Customs, Boston.

SIR,—

It is understood that there are certain Acts of the British North American Colonial Legislatures, and also perhaps Executive regulations, intended to prevent the wanton destruction of the fish which frequent the coasts of the Colonies, and injuries to the fishing thereon. It is deemed reasonable and desirable that both United States and British Fishermen should pay a like respect to such laws and regulations, which are designed to preserve and increase the productiveness of the fisheries on those coasts. Such being the

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object of these laws and regulations, the observance of them is enjoined upon the citizens of the United States in like manner as they are observed by British subjects. By granting the mutual use of the inshore fisheries, neither party has yielded its right to civic jurisdiction over marine league along its coasts.— Its laws are as obligatory upon the citizens or subjects of the others as upon its own. The laws of the British Provinces not in conflict with the provisions of the Reciprocity Treaty, would be as binding upon citizens of the United States within that jurisdiction as upon British subjects, should they be so framed or executed as to make any discrimination in favor of the British Fishermen, or to impair the rights secured to American Fishermen by that treaty, those injuriously affected by them will appeal to this Government for redress. In presenting complaints of this kind, should there be cause for doing so, they are requested to furnish the Department of State with a copy of the law or regulation which is alleged injuriously to affect their rights, or to make an unfair discrimination between the fishermen of the respective countries, or with a statement of any supposed grievance in the execution of such law or regulation, in order that the matter may be arranged by the two Governments. You will make this direction known to the masters of such fishing vessels as belong to your port, in such manner as you may deem most advisable.

I am, &c.,

(Signed) W. L. MARCY.

It is believed that the principal Regulations referred to above, are the following, from the Revised Statutes of New Brunswick, vol. I, title 22, chapter 101.

7.—The Wardens of any country shall, when necessary, mark out and designate in proper positions “gurry grounds,” putting up notices thereof describing their limits and position, in the several School Houses and most public places in the parish where the said “gurry grounds” are marked out, publishing the like notice in the *Royal Gazette*, and no person, after such posting and publication, shall cast overboard from any boat or vessel the offal of fish into the water at or near the said parish at any place except the said “gurry grounds.”

12.—Within the parish of Grand Manau, West Isles, Campo Bello, Pennfield, and Saint George in the County of Charlotte, no seine or net shall be set across the mouth of any Haven, River, Creek, or Harbour, nor in such

A P P E N D I X , N o s . 7 a n d 8 .

place extending more than one third the distance across the same, or be within forty fathoms of each other, nor shall they be set within twenty fathoms of the shore at low-water mark.

15.—No Herrings shall be taken between the 15th day of July and the 15th of October, in any year, on the spawning ground at the head of the Great Manau, to commence at the eastern part of Seal Cove at a place known as Red Point, thence extending westerly along the coast and around the southern head of Beadford's Cove, about five miles, and extending one mile from the shore; all nets or engines used for catching Herring on the said ground within that period shall be seized and forfeited, and every person engaged in using the same shall be guilty of a misdemeanor, and punished accordingly.

A P P E N D I X , N o . 8 .

DESPATCH

From the Secretary of State, and Extract from Governor Darling's Despatch No. 34, in reply to a Memorial of the Legislative Council, praying that the Military Force may be augmented, and St. John's Port restored to its position as a Naval Station.

(COPY.)

No. 53.

SIR,—

Downing Street,

10th July, 1856.

I have to acknowledge the receipt of your Despatch, No. 34, of the 30th April, transmitting a Memorial from the Legislative Council, to the effect that the Military and Naval Force to be stationed at Newfoundland may be increased, and that the Port of St. John's may be restored to the position which it formerly held as a Naval Station.

The respective Departments of Government having carefully considered the subject of this Memorial, together with the documents in connection with

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it, annexed to your despatch, are of opinion that there exists no necessity, at all events for the present, for adding to the Military Establishment of the Island; and that as there is already a Naval Establishment at Halifax, it is unnecessary under present circumstances, to incur the expense of forming another so near to that Station.

I have, &c.,

(Signed)

H. LABOUCHERE.

Governor Darling, &c., &c., &c.

(COPY.)

(Extract.)

Newfoundland,
Government House, St. John's,
30th April, 1856.

[Military.] No. 34.

SIR,—

I have the honor to transmit herewith a Memorial addressed to you by the Legislative Council, bringing under your consideration the circumstances which appear to that Body to render it expedient as a matter of Imperial concern, that the number of Her Majesty's Troops serving in this Colony should be increased, and that the Port of St. John's should be restored to the position which it formerly held as a Naval Station.

2.—An Address from the House of Assembly with a similar object has been presented to me. I beg leave to enclose a copy of that document, and to acquaint you, that my Executive Council entirely concur in the views thus expressed by both branches of the Legislature.

3.—In so far as the decision of Her Majesty's Government upon this application will be influenced by national considerations, the advantages in a political point of view, which attach to the position of Newfoundland as commanding the Gulf of St. Lawrence, and forming as it were the advanced post of British America, are fully understood and universally acknowledged.

4.—These facts present themselves, however, with some additional weight at the present moment, from the character which the Colony is about to assume

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as the base of Telegraphic communication between Europe and America. This circumstance would render it perhaps at all times, but especially in the event of apprehended hostilities, of no inconsiderable importance, that the points at which the Electric Cable will touch Newfoundland should be sufficiently guarded against surprise or treachery.

5.—The course which the Emperor of the French is pursuing in fortifying the Island of St. Pierre, will also perhaps have some weight with Her Majesty's Government in deciding upon this question.

* * * * *

12.—Adverting to considerations of a more local nature, I beg leave to transmit the copy of a Report from Colonel Law, the Commandant of the Troops, which that Officer has sent in, in compliance with my request in regard to various points upon which it seemed desirable, that you should be furnished with detailed information.

13.—With respect to the cost of maintaining Troops in this Colony *

* * * * *

there can, I think, be little doubt that it will be lower than heretofore, as the re-establishment of Peace will give full and fair operation to the provisions of the Reciprocity Treaty, under which flour, animals and meat are admitted duty free, from the British American Provinces, and the United States.

14.—The facilities of obtaining intoxicating Liquors, upon which Colonel Law so strongly and justly remarks, are indeed much to be lamented—I do not however know, that they are greater than in Canada, while opportunities for successful desertion, which has at times constituted a serious evil in the Continental American Provinces, could scarcely any where be less than in this Island, and the superior salubrity of the climate is admitted without dispute.

15.—I will not close this reference to circumstances connected with the welfare of the Troops in this command without recording, that whatever effect drunkenness may have upon the interior discipline of the Royal Newfoundland Companies, nothing can be more exemplary than their demeanour amongst their fellow citizens, and their entire exemption from participation in broils, or occurrences of any kind which bring them in contact with the civil power. The heartiness and efficiency with which they render assistance upon those frequent occasions of Fire to which the city of St. John's is so conspicuously subject,

APPENDIX, No. 9.

have lately received the special acknowledgment of the House of Assembly, who have addressed me to request that the necessary steps may be taken for compensating all the non-commissioned officers and men who may suffer damage to their clothes when rendering similar services in future.

I have, &c.,

(Signed) C. H. DARLING.

The Right Hon. H. Labouchere, M.P.,
&c., &c., &c.

APPENDIX, No. 9.

DESPATCH

*Enclosing Letter from the Board of Trade on the subject of the Act for
"Establishing the legal value of certain British and other Coins."*

(COPY.)

No. 80.

Downing Street,

17th November, 1856.

SIR,—

With reference to the Act passed by the Legislature of Newfoundland on the 12th May last, for establishing the legal value of certain British and other Coins in that Colony, I transmit the accompanying Letter addressed to the Board of Trade by desire of the Lords Commissioners of the Treasury.

Concurring generally in their Lordships' views I have to instruct you to bring the important suggestions contained in this Letter under the consideration of your Council, and in the mean time I shall refrain from tendering any advice to Her Majesty on the subject of this Act.

I have the honor to be, &c.,

(Signed) H. LABOUCHERE.

Governor Darling, &c., &c., &c.
Newfoundland.

(COPY)

Treasury Chambers,
3rd November, 1856.

SIR,—

I am commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you for the information of the Lords of the Committee of Privy Council for Trade, that my Lords have had under their consideration the Newfoundland Act, No. 204, entitled "An Act for establishing the value of certain British and other Coins in this Colony."

I am to request that you will observe to their Lordships of the Committee of Privy Council for Trade, that, as the object of this enactment is to give permanency to the currency of the Colony, on the principle of the arrangement which has been in force under annual enactments since 1853, and as the gold Coins of this Country and the United States are correctly rated on the basis of the Local Currency at the rate of One Pound Four Shillings to the Pound Sterling, there would not appear to be any *prima facie* objection to the confirmation of the Act.

The subject is however of so much importance to the future interests of the Colony that my Lords are led to recommend the postponement of a decision upon it for the purpose of inviting the Local Administration to some general considerations, to which their Lordships will presently advert, in the hope that they may be disposed to review the principle on which the proposed settlement is founded.

The only observation which my Lords think it necessary to make with respect to the rating of the gold coins is, that the average contents of pure gold in the doubloon is, as they apprehend, 362 grains instead of 363 grains, as stated in the 8th Section of the Act, and that, even assuming the contents to be only 362 grains, that coin is rather undervalued in the rate assigned to it.

Their Lordships do not, however, attach much importance to this point, as they are not aware of any reason for encouraging the circulation of the Doubloon in that Colony.

The considerations to which my Lords desire to call the attention of the Local Government, regard the question of the permanent adoption of the existing rate of One Pound Four Shillings to the Pound Sterling, as the basis of the Local Currency.

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It cannot be necessary for their Lordships to enter into details on the subject of the inconvenience which has arisen from the various rates assigned to coins in the different Colonies, which resulted in the anomaly, that in each of the British Colonies in North America, the nominal Pound Currency, represented a different value. At the time of the declaration of the Independence of the United States, such conflicting valuations existed in the several States, and were after many years reconciled by the adoption of a State Currency based on the Spanish Dollar which, from circumstances arising from the attempt to carry into operation a double Standard of Gold and Silver has resulted in the present Law now in force, by which the Eagle representing Ten Dollars of Gold, has become the Standard of value in the Country.

In the various Colonies in the West Indies, similar anomalies existed which were adjusted by remedial measures, taken by the Imperial Government in 1838, leading to the general adoption, in those Colonies, of the Sterling Coins of Great Britain, as the money of account.

In the several remaining Colonies of North America, however, the Local Currencies have remained in a discordant state; and this Board, on the occasion of the revision of the Currency of Canada, took occasion to point out the advantages which would arise from the adoption of an uniform system throughout those Colonies. Their Lordships being of opinion that with the increasing intercourse, which must arise from the advancement of their wealth, and the promotion of Marine and Railway Communication, the discrepancies arising from conflicting valuations of Coins in nominal Currencies would become a growing inconvenience, the more difficult of adjustment the longer the adoption of remedial measures might be postponed.

The main desiderata in fixing the Currency of a country, are

1st.—That the value of the several Coins circulating should be accurately defined, according to their intrinsic contents of precious metal.

2nd.—That the source for supplying them, according to the wants of the community, should be free and accessible.

3rd.—That the money of account should correspond with, or be readily convertible into the money value of the Coins circulating.

Having regard to these desiderata, this Board was at first disposed to think that the conflicting values represented by the nominal currencies of the several

North American Colonies might be most readily adjusted by the adoption in them, as in the case of the West Indies, of British Sterling as the money of account, as although the local denominations of £ s. d. differed in each Colony from the rest, the relation of each to the Pound Sterling was well understood, and the denomination of British Money, therefore, represented a common value to which the whole referred.

Their Lordships at the same time proposed that the Gold Coins of the United States should be rated for circulation according to their intrinsic value as compared with British Money, in order that the source of supply from the Mints of the United States might be open to the Colonies.

The Province of Canada, however, urged reasons for the retention of their Local Currency on the ground that their money of account coincided by a mere conversion of terms with the Gold Dollar of the United States, and that from the proximity and constant intercourse between the two Countries, there was an obvious advantage which superseded all other considerations in retaining a denomination which greatly facilitated the monetary transactions between them.

This Board assented to these views, and the Currency of Canada was accordingly fixed on the basis of One Pound Four Shillings and Four Pence to the Pound Sterling, and at this rate the relative value of the Eagle is Two Pounds Ten Shillings Currency, which renders Five Shillings Currency, exactly equivalent to the Gold Dollar.

The same principle was adopted by the Colony of New Brunswick, by an Act passed in the Fifteenth Year of Her Majesty, rating the Pound Sterling at One Pound Four Shillings and Four Pence Currency, and the United States Eagle at Two Pounds Ten Shillings Currency.

Previously to the passing of this Act the New Brunswick Currency had been founded on the basis of One Pound Four Shillings Currency to the Pound Sterling, as is at present the case in Newfoundland, and the change was adopted for the same reasons as those which governed the Canadian Legislature.

At the time of the passing of the Acts relating to the Currency of these two Colonies, the views of this Board on the general subject of the Currency of the North American Colonies were embodied in a minute dated 29th June, 1852, which the Secretary of State was requested to communicate to the several Governors thereof.

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Adverting to the views stated in that Minute, it becomes in the opinion of my Lords, a question for the consideration of the Legislature of Newfoundland, whether, with regard to the important principle of uniformity, it may not be desirable to adopt in that Colony the arrangement already in force in Canada and New Brunswick.

So far as concerns the immediate effect of the change in the nominal value of the Newfoundland Currency, which would arise from the adoption of the Canada rate, my Lords do not apprehend that much inconvenience would ensue, and whatever might be the extent of that inconvenience, they consider that it could be only temporary. Existing contracts might be easily adjusted to the altered denomination, and in retail transactions the change, which would involve a depreciation of no more than one and one-third per cent., would have hardly a perceptible effect on prices.

As regards the convenient adaptation of the Coins in circulation to the Money of Account, it does not appear to my Lords that one rate is preferable to the other, so far as British Coins are concerned; but, with respect to the Coins of the United States, the Canada Currency of One Pound Four Shillings and Four Pence, possesses the advantage which has already been pointed out.

My Lords see no objection to the provisions in the Act for giving legal tender in the Colony to such Coins as Her Majesty may direct to be struck in conformity with the enactment, and imposing a limit on the tender of the Copper and Silver Coins, which may be struck in pursuance thereof, but their Lordships may remark with reference to the preceding observations, that in the event of the extension of a Local Coinage to any of the North American Colonies, it will be an obvious convenience, that they should be of an uniform value, so as to admit of their being mutually interchangeable.

As the Act has a suspending clause, it will not come into operation before Her Majesty's approbation thereto shall have been signified, and my Lords recommend that the suggestions above stated should be communicated through the Secretary of State, to the Lieut. Governor of Newfoundland, and that no steps should be taken for obtaining the signification of Her Majesty's pleasure on the Act until the receipt of his reply.

I am, &c.,

(Signed) C. E. TREVELYAN.

James Booth, Esq.,
&c.; &c., &c.

APPENDIX, No. 10.

APPENDIX, No. 10.

DESPATCHES

In relation to previous Correspondence on the subject of the Maintenance of the Light House on Cape Race.

(COPY.)

No. 57.

Downing Street,
23d July, 1856.

SIR,—

With reference to Sir William Molesworth's Circular Despatch of the 1st of September last, I transmit for your information and guidance a copy of a letter from the Board of Trade, enclosing the Draft of an Order in Council imposing a toll upon certain Ships that will derive benefit from the Light House on Cape Race.

You will observe, that the toll which it is intended to impose can only be levied upon certain classes of vessels, with the consent and aid of the Local Government; but I cannot doubt that the respective Provinces interested in the maintenance of the Light will cheerfully co-operate with Her Majesty's Government in giving effect to the proposed measure.

You will, therefore, bring the subject under the early consideration of your Council, and you will transmit to me full information on the several points adverted to in the letter from the Board of Trade, so far as the Colony under your Government is concerned.

I have, &c.,

(Signed)

H. LABOUCHERE.

Governor Darling,

&c., &c., &c.

APPENDIX, No. 10.

(COPY.)

Office of Committee of
Privy Council for Trade,
Whitehall, 9th July, 1856.

SIR,—

I am directed by the Lords of the Committee of Privy Council for Trade, to transmit to you for the consideration of Mr. Secretary Labouchere, the enclosed copy of a Draft Order in Council, imposing a toll upon certain ships that will derive benefit from the Light House upon Cape Race, Newfoundland. The toll is to be levied under the provisions of the Merchant Shipping Act Amendment Act, 1855 (18 and 19 Vic., Cap. 91) which empowers Her Majesty in Council to impose a toll in respect of any new Light House erected in or near the coasts of any British Possession by or with the consent of the Legislative authority of such place.

My Lords calculate that the cost of erecting the Light will be about £5,160, and that the cost of maintaining it will be somewhat over £400 per annum. Assuming that the cost of erection is to be paid off in five years, or thereabouts, it will be necessary to raise by the toll a sum of about £1,500 a year, to be reduced as soon as the cost of erection is paid off. From returns which have been furnished in this Country and by the Colonial Governments, it appears that the annual amount of Shipping that will pass or derive benefit from this Light, is about 5,500,000 tons; which, at the sixteenth of a penny per ton, will give the required income. My Lords therefore propose to fix the toll to that amount.

It will be observed, that the Order in Council extends to Ships navigating between Ports in the United Kingdom and certain Ports in North America, and also to Ships navigating to and from Ports in British North America upon transatlantic voyages from and to Ports not in the United Kingdom. Upon the former of these classes the toll can be collected in this Country; upon the latter the toll can only be levied in the respective Colonies with the consent and by the help of the Colonial Governments; the two classes are, however, so far as regards the benefit to be derived from the Light, precisely in the same position, and my Lords trust therefore that there will be no difficulty on the part of any of the Colonies in levying and accounting for the toll thus imposed.

There are however two other classes of vessels which will derive benefit from the Light, viz., 1st—Ships engaged in the coasting trade of the Colony of Newfoundland. 2ndly—Ships engaged in the inter-Colonial trade of the British Colonies in North America, and passing the Light.

With regard to these two classes my Lords do not think it desirable to make any provision by the Order in Council, until they learn precisely in what manner and to what extent the several Colonial Governments are disposed to concur in imposing and collecting the toll. In the case of Newfoundland, my Lords understand that the Colonial Government are willing to tax Coasters to the same extent for which they are taxed for Cape Pine, but they think it desirable to know the exact terms which the Colonial Government propose for the purpose before embodying them in any Order in Council, if indeed it be necessary to do so at all.

As regards the mode of collecting the tolls imposed by the Order in Council, it appears desirable that they should be collected, whenever it is possible to do so, at the Port of Clearance before the vessel sails. My Lords propose, accordingly, that they shall be so collected in the Ports of the United Kingdom in the case of vessels departing from those ports, whilst in the case of Ships arriving in the United Kingdom, my Lords propose that they shall not be demanded if a Colonial Receipt showing that the toll for the voyage has been paid in the Colony before starting, is produced. As regards the management of the Light, it appears to my Lords that it may very properly be entrusted to the Board of Works mentioned in the Despatch of the Governor of Newfoundland, of the 8th of January last, which was transmitted to this Board in your letter of the 20th February. And my Lords will be prepared to make arrangements for the remitting of the tolls and for providing thereout the funds necessary for maintaining the Light, after learning the arrangements made for collecting and accounting for the tolls to be taken in Newfoundland and the other Colonies, and the particulars of the Measures which the Board of Works propose to adopt for maintaining the Light.

The convenient course will probably be that an account should be rendered quarterly to this Department, from the Colony of Newfoundland, of the cost of the management and also of the amount of tolls received in that Colony, with the particulars of the vessels which have paid the tolls, giving the name of the vessel and the Port to which she belongs, her tonnage, rate of toll, and amount paid by each vessel. If there is a balance due to the Colony upon

such account it may be settled by a draft upon the Accountant to the Board of Trade; but if the receipts are more than the payments, the balance should be remitted to Her Majesty's Paymaster General, to be placed to the credit of the account for Colonial Light Houses. The balance from the other Colonies should be remitted in like manner.

As regards the proposal contained in the Despatch of the Governor of Newfoundland above referred to, to the effect that the Light House on Cape Pine, and the tolls for that Light, should be placed upon the same footing as the Light House on Cape Race and its tolls,—

My Lords direct me to state, that as soon as they have concluded the arrangements for Cape Race and have seen how they answer, they will be prepared to consider the proposal, but they think it better to defer its consideration for the present.

As the Light House on Cape Race will soon be in a condition for exhibiting the Light, it is desirable that the Order in Council should be submitted for Her Majesty's sanction as early as possible. My Lords will therefore be glad to be favoured with Mr. Secretary Labouchere's opinion, at his earliest convenience, whether there is any objection to the Order in Council as proposed to be framed; and they would be glad to receive, also, the required information upon the several points before adverted to with reference to the Colonies, so soon as Mr. Labouchere has had the opportunity of making the necessary communication with the Colonial Governments.

With reference to Dues to be levied in the Colonies, I am to call your attention particularly to the 3rd Section of the Act above mentioned.

I have, &c.

(Signed) JAMES BOOTH.

H. Merivale, Esq.,
&c., &c., &c.

Whereas, by the Merchant Shipping Act Amendment Act, 1855, it is enacted, that upon the erection of any new Light House in or near any of the coasts of the British possessions, by or with the consent of the Legislative authority of such possession, Her Majesty may, by Order in Council, fix such

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toll in regard thereof to be paid by the Master or Owner of any Ship which passes the same or derives benefit therefrom, as Her Majesty may deem reasonable.

And whereas, a Light House is, by and with the consent of the Legislative authority of the Colony of Newtoundland, now being erected on Cape Race, in the said Colony :

And whereas, the erection of such Light House will soon be completed and the Light thereof will shortly be exhibited :

And whereas, the several classes of Ships following, that is to say :

All Ships, whether sailing Ships or steam Ships, navigating from any Port or Ports in the British Colonies in North America to any Port or Ports in the United Kingdom.

All Ships, whether sailing Ships or steam Ships, navigating from any Port or Ports in the United Kingdom to any Port or Ports in the British Colonies in North America.

All Ships, whether sailing Ships or steam Ships, bound for any Port or Ports in the British Colonies in North America, upon any Transatlantic voyage.

All Ships, whether sailing Ships or steam Ships, arriving at any Port or Ports in the British Colonies in North America, after any Transatlantic voyage.

All Ships, whether sailing Ships or steam Ships, arriving at any Port or Ports in the United Kingdom from New York or any Port in the United States, north of New York.

All steam Ships leaving any Port or Ports in the United Kingdom for New York, or any Ports in the United States north of New York, will pass the said Light House, and will, when the Light is exhibited therein, derive benefit therefrom.

Now, therefore, Her Majesty, in exercise of the Powers vested in Her by the said recited Act, by and with the advice of Her Majesty's Privy Council, is pleased to direct, that upon and after the lighting of the said Light upon Cape Race, there shall be paid for every such Ship aforesaid, except Ships

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belonging to Her Majesty, her heirs and successors, the toll of one sixteenth of a Penny per ton of the burthen of every such Ship, for every such voyage as aforesaid.

And the Right Honorable, &c., &c.

(COPY)

No. 79.

Downing Street,

13th November, 1856.

SIR,—

I have to acknowledge the receipt of your Despatch, No. 79, of the 15th of September, and to acquaint you that the subject of the maintenance of the Light on Cape Race, adverted to in the Minute of your Council, will receive the early consideration of the Lords of the Committee of Privy Council for Trade.

With respect, however, to the issue of the Order in Council, the Draft of which accompanied my Despatch of the 23rd of July, I am apprised that the Law Officers of the Crown have advised, that under the language of the Merchant Shipping Amendment Act, 1855, the Local Legislature must "consent" to the erection of the Light House before any Order in Council can issue, and of course before any tolls can be levied for the maintenance of the Light. Although, from your Despatch of the 15th September last, I infer that such consent will be, if it has not already been obtained, yet there is no such evidence of it as would satisfy the view of the Law Advisers.

You will therefore bring the subject again before your Council with a view to the insertion of a clause in the Bill, which you state they are prepared to introduce into the House of Assembly, expressing the formal assent of the Legislature both to the erection of the Light House and the levy of the tolls.

I have, &c.,

(Signed)

H. LABOUCHERE.

Governor Darling, &c., &c., &c.
Newfoundland.

APPENDIX, No. 11.

DESPATCH

Containing a Report of the Colonial Land and Emigration Commissioners, on certain Regulations for granting Licenses of Search for, and Leases to work Minerals.

(COPY.)

No. 58.

SIR,—

Downing Street,

25th July, 1856.

I have to acknowledge the receipt of your Despatch, No. 53, of 10th of June, enclosing a copy of Regulations for the grant of Licenses to search for, and Leases to work Minerals on the Crown Lands in Newfoundland.

I consider it desirable to consult the Colonial Land and Emigration Commissioners respecting these Regulations, and I now transmit the accompanying copy of a Report containing their views upon the subject.

I have, &c.,

(Signed)

H. LABOUCHERE.

Governor Darling,

&c., &c., &c.

(COPY.)

Emigration Office,

11th July, 1856.

SIR,—

We have to acknowledge your letter of the 2nd inst., enclosing a Despatch from the Governor of Newfoundland, accompanied by an Order made by him in Council, to establish Regulations for the grant of Licenses to search for, and Leases to work Minerals on the Crown Lands in that Island.

2.—Governor Darling explains, that these Regulations have been so framed as to encourage enterprise in searching for Minerals and to discourage speculation in the acquisition of Mineral Lands without the intention of working

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them. With this view it is provided, that the Governor in Council may grant an exclusive License to search for Minerals during two years, over an area not exceeding five miles, with the privilege of selecting therein a block of one square mile, and a License to work such selected block, or any other block of the same size which may be applied for, without the previous searching License, on payment of a sum of £10; the working License to be converted at the end of the two years into a 999 years' Lease, if effective operations be made in opening the Mines and working the Minerals.

3.—These Regulations will probably attain the object in view during the periods for which the searching and working Licenses are respectively in force. The principal risk, we should apprehend, is that after the working License has been converted into a Lease, the Lessees might cease to work the Mines, and might yet be indisposed to part with their right to others, so that the public might be deprived of the advantage which the Regulations are intended to confer on them. This risk would be obviated either by providing, that if a Mine remained unworked for a certain period, the Lease should be forfeited and the Mine revert to the Crown, or by requiring a fixed annual rent to be paid whether the Mine was worked or not, but to be allowed for in the calculation of the Royalty to be received within the year. If either of these courses be adopted it would be for the Local Government to settle the detail, viz., in the first case to determine what should be considered an effective working; or in the second, what should be the amount of rent.

4.—In other respects we see nothing in the Regulations which requires remark.

We have, &c.,

(Signed)

T. W. C. MURDOCK
C. ALEXANDER WOOD.

Herman Merivale, Esq.
&c., &c., &c.

Order of the Governor in Council, of the 31st May, 1856.

C. H. Darling, Governor.

MINERAL REGULATIONS.

1.—The Governor in Council may grant an exclusive right of searching for Mines and Minerals to any Person or Company making application in writing therefor, containing a description of the locality, for a period not exceed-

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ing Two Years, over any space, not more in any License than five Square Miles, with the privilege of selecting One Square Mile thereof in one block, for the purpose of working the Mines or Minerals therein: provided that the sum of £5 stg. shall be paid for each right of search.

2.—Upon such selection being made, the applicant shall, within the said Two Years, file a full description of the block selected in the office of the Surveyor General, and pay to him a sum of £10 sterling for a License of occupation to work the Mines or Minerals within the said space; and if effective operations be made in opening the Mines and working the Minerals therein, within Two Years from the date of the said License, a Lease for 999 Years shall be granted of the said block of Mineral Ground, provided the same be applied for in writing within the said period of Two Years; but if such operations be not commenced within the said period, and continued, the License, or Lease, and Ground, shall revert to the Crown.

3.—Any Person applying to the Governor in Council for a License of occupation to work Mines or Minerals, where no License of search shall have been previously applied for, shall be entitled to the same, for an area not exceeding One Square Mile, in one block, upon filing a description thereof in the office of the Surveyor General, with his application, and paying a sum of £10 sterling, subject to the terms and conditions stated in Regulation No. 2: Provided that no block of One Square Mile Licensed or Leased under these Regulations shall be of less width in any one place than One Quarter of a Mile.

4.—All Licenses, Leases and Grants of Mines and Minerals shall be made subject to the payment to the Crown, for the use of the Colony, of a Royalty of five per cent. on the produce thereof, payable yearly from such time as shall be stated therein.

5.—Before any Lease, Grant, or License of Occupation of Mineral Lands shall be given, a Survey thereof shall be made under the authority of the Surveyor General at the cost of the Applicant.

6.—In making any Mineral Lease or Grant, sufficient waste Crown Land shall be conveyed thereby for the erection of Buildings, the making of Roads and other necessary purposes for working the Mines, which Land shall be paid for at the Government valuation of Wild Land in the locality at the time.

7.—There shall be a Map of the Colony kept in the Surveyor General's Office, with all the Mineral Grounds Granted or Leased marked thereon, which shall be open to the inspection of the public.

APPENDIX, No. 12.

8.—Nothing in these Regulations shall be construed to interfere with the private rights of parties; and in any Mineral License, Lease or Grant to be made, a right shall be reserved therein to the Public or the Inhabitants of any locality, to the use of any Beach, Sea-shore, Harbor, Cove or Ship's Room, for the purpose of the Fishery.

By His Excellency's Command,

J. KENT,
Colonial Secretary.

*APPENDIX, No. 12.***CIRCULAR**

Recommending the adoption of a recent Statute, 18 and 19 Vict., Cap. 90.

(CIRCULAR.)

Downing Street,
6th December, 1856.

SIR,—

I wish to call your attention to the provisions of a recent Statute, 18 and 19 Vict., Cap. 90, intituled "An Act for the payment of Costs in Proceedings instituted on behalf of the Crown in matters relating to the Revenue, and for the Amendment of the procedure and practice in Crown Suits in the Court of Exchequer."

The provisions of this Statute, especially Sections 1 and 2, although confined to the United Kingdom, are of general interest and importance; and, as circumstances have led me to suppose that they are not generally known in Her Majesty's Colonial Possessions, I recommend it to your consideration (with the advice of your Council) whether they may not be properly adopted by the Legislature of the Colony under your Government.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed) **H. LABOUCHERE.**

Governor Darling, &c., &c., &c.

APPENDIX, No. 13.

CIRCULAR

Relative to a notification being sent to the Board of Trade in all cases in which the Colony intends to erect Light Houses, &c., without assistance or advice from the Home Government.

(CIRCULAR.)

Downing Street,
8th January, 1857.

SIR,—

You have already been apprized that the Lords of the Committee of Privy Council for Trade have undertaken the duty, as far as the Home Government is concerned, of superintending the erection of Colonial Lighthouses.

In cases where Funds are to be found for the purpose of erecting or maintaining any such Light, by levying tolls under the Merchant Shipping Act Amendment Act, 1855, or by means of a Grant from the Imperial Parliament, applications will of course be made to the Board of Trade, and they will then have an opportunity of considering the character and position of the Light in question, with reference to other Lights in the neighbourhood. But when a Light is erected in a Colony without application to the Lords of the Committee, it may happen that their Lordships receive no notice of the Light until the completion is notified to the public in the usual way.

It is evident that this may in some cases lead to great difficulty and confusion. It is of course of the utmost importance that all the Lights on a coast should be arranged on one system, and with reference to each other, and if, whilst one Colony is erecting a Light on its own coast, the Board of Trade are erecting a second Light on the Coast of an adjoining Colony without notice of the former Light, the result may be that the Lights are made similar in character, and may thus prove impediments instead of aids to safe navigation.

The benefits to be derived from an arrangement under which the Colonial authorities may obtain the advantage of the experience of the nautical advisers of the Board of Trade, and of the three Lighthouse Boards of the United Kingdom, are so fully adverted to in previous correspondence on the subject, that it is unnecessary to advert to them further.

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But I am especially desirous of impressing upon you that, in all cases where the Colony under your Government intends or wishes to erect Light Houses, or to alter Lights already erected, without assistance or advice from the Home Government, it is most desirable that a full intimation of such intention, and of the plans by which it may be proposed to carry it into effect, should be transmitted to the Board of Trade at the earliest possible period.

I have the honor to be, Sir,

Your most obedient, humble servant,

(Signed) H. LABOUCHERE.

Governor Darling, &c., &c., &c.

A P P E N D I X, No. 14.

EXTRACT

Of a Despatch from His Excellency the Governor, of 19th August, 1856, to the Secretary of State for the Colonies, referring to Despatch, No. 70, of the 28th July.

Newfoundland,
Government House, St. John's,
19th August, 1856.

SIR,—

With reference to my Despatch, No. 70, of the 28th ult., I regret to say, that upon my return to St. John's, on the 9th inst., in H. M. S. "Pylades," I found that Mr. Attorney General Little's illness, on account of which he had intended to obtain change of air by the usual vacation leave of absence, had become so serious, that he was unable to proceed to England, as proposed, in the "Propontis" steamer.

2.—My absence from the Seat of Government did not exceed twelve days. During that period I visited the Settlements of Trepassey, St. Mary's, Pla-

centia, Burin, Great St. Laurence, Lamaline, Grand Bank, and Harbor Briton, landing at each, and holding communication with the Magistrates, Clergy, and principal Inhabitants of the several places, and inspecting the Court Houses, Gaols, Churches and Schools, in all cases where such Buildings and Institutions exist, or were in operation.

3.—I was prevented, by dense fog, from proceeding so far to the Westward, as I had intended, being unwilling to incur delay ; and from the same cause, I was unable to land either at La Poile, or the Burgeo Islands, off the the former of which the “Pylades” lay twenty hours, and off the latter sixteen hours, in hopes of accomplishing that object.

4.—By this visit of inspection, however, in conjunction with my former tour to the Northward, I have been enabled to acquire a personal knowledge of the character of the settlements upon the whole Coast, whether Mercantile Establishments, or Fishing Villages, which cannot but be useful in leading to just and independent conclusions upon those commercial and social questions, which the circumstances and pursuits of the Inhabitants of the Colony generally involve.

5.—From information which I personally obtained, and from somewhat minute data which were submitted to me, I am satisfied that the Herring Fishery in the Bay of Fortune alone, is of considerably greater value than that which is usually ascribed to the collective Herring Fisheries of the Colony. The value of Bait sold this year to the French, is estimated by a competent authority, who has taken pains to obtain reliable information, at not less than £58,000.

APPENDIX, No. 15.

REPORT

Of Captain D'Eyncourt, of H. M. S. Ship "Pylades," to His Excellency the Governor, on Labrador Fisheries.

(COPY)

H. M. Steam Ship "Pylades,"

St. John's, Newfoundland,

24th August, 1856.

SIR,—

I have the honor to acquaint Your Excellency, that since my leaving St. John's on the 12th instant, I have visited the different Fishing Stations between Blanc Sablons, Chateau, and Belle Isle.

As Your Excellency so lately visited most of these Stations, I need not recapitulate what came under your own observation.

At Blanc Sablons, the Jersey Merchants, of which there are few, occupy the trade. The intensely foggy season had, however, prevented their getting the fish dried, consequently they had a large stock in hand.

On my arrival the fog had then lasted ten days.

Twenty-five miles to the Westward of this is Sablon Bay, where several American vessels have been this year, and where occasionally 200 or 300 tierces of Salmon are caught during the Season.

At Blanc Sablons, East and West Modeste Islands, Black Bay (in this latter is an abundant supply of fish) I found French vessels fishing. Subsequently I touched at Croc Harbour, and represented these encroachments to Commodore Mazerres, commanding the French Naval Division on the Coast of Newfoundland, and I beg to transmit to your Excellency a copy of the correspondence between that Officer and myself.

I must in justice however add, that it appears to me, the French and English Fishermen have come to a perfect understanding in the places I have named in my letter to the Commodore, inasmuch that the French present the livers of all the Cod they catch to the English, as the price of their connivance and in fact permission to fish.

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At all the Stations the fishermen complain of a bad season except at Chateau, where they appear to have been successful. Here, however, several members of their families appear to be sick and have been sometime without medical advice or medicine, both of which I supplied them.

The Light House on L'ance Amours Point (Fortune Bay) is to be finished by the end of September ; that on Belle Isle not till next year ; this latter will stand on an admirably elevated position on the S.W. end of the Island.

I have the honor to be, Sir,

Your Excellency's most obedient, humble servant,

(Signed) E. TENNYSON D'EYNCOURT,

Captain.

His Excellency Charles Henry Darling,

&c., &c., &c.

Governor of Newfoundland.

(COPY.)

Her Britannic Majesty's Ship "Pylades,"

Croc Harbour, Newfoundland,

21st August, 1856.

SIR,—

Herewith I beg to transmit a list of French vessels and the localities in which I discovered them, on the 16th and 17th instant, fishing on the Coast of Labrador in defiance of the Treaties established between France and Great Britain.

I desired these several vessels to depart immediately, as they rendered themselves liable to severe penalties, which were not put into execution ; at the same time they were warned that they would be reported to their own Government Authorities, as I feel certain that due notice will be taken of their proceedings.

I have, therefore, the honor to request you may be pleased to take the necessary steps to apprize those French vessels belonging to the district of

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Newfoundland, of their having trespassed on this occasion on the British Shores, of the liabilities attached to the infringement of the Treaties, and of the leniency that has been extended to them.

I have, &c.

(Signed) **E. T. D'EYNCOURT.**

Commodore Mazeres, &c., &c., &c.
 Commanding French Naval Division
 On the Coast of Newfoundland.

Blanc Sablons—2 Schooners.

Number 42.—The “Josephine,” of St. Pierre, about 40 tons, with 2,000 lbs. of Cod Fish, last from des Fleurs, 3 days at Blanc Sablons fishing.

Number 464.—“La Marie,” about 60 tons, 3,000 lbs. of fish on board, had been 15 days on the Labrador Coast, and had caught 500 lbs. of Cod Fish at Modeste Island, in the entrance of Black Bay.

West Modeste Island—3 Schooners.

1.—No name,	Bezzard,	Master.
2.—The Seabird.	Motia,	Master.
3.—No name	Mulot,	Master, with 500 lbs. of fish caught

on the Labrador Coast.

East Modeste Island.

2 Schooners, names unknown, fishing.

Black Bay.

Standing out of the Bay, with several boats in tow, brig “Maria,” about 200 tons, Grilbeaud Master, with 8000 lbs. of fish, last from St. Malo.

(COPY.)

A bord de la *Serieuse a Croc*, le
21 Aout, 1856.

Division Navale de Terre Neuve

No. 21.

MONSIEUR LE CAPITAINE,

J'ai l'honneur de vous accuser reception de la lettre que vous m'avez adresse aujourd'hui.

J'ai vu avec regret que des batiments du commerce Francois aient depasse leurs limites de peche et se soient mis en contravention en allant pecher sur des fonds dont l'usage ne leur etaient pas permis d'apres les traites en rigueur.

Il a ete commis par ces batiments une faute grave, sans doute, et dont J'aurai soin de rendre compte a Son Excellence le Ministre de la Marine.

Moi Meme, des qu'ils rentrent a St. Pierre. Je repremanderai severement des Capitaines qui, par une interpretation qu'ils n'avaient pas le droit de faire, se sont peutetre crus autorises a aller pecher sur des fonds appartenant aux cotes du Labrador, parceque J'avais accorde la permission de pecher dans la baie de St. Georges aux batiments Anglais qui en avaient fait la demande.— Ils n'etaient point les Juges de cette question de reciprocite qu'ils se sont arrobe le droit de decider en leur faveur, et, dans tous les cas, ils auraient du demander l'autorisation de pecher aux autorites charges de la surveillance des cotes.

Malheureusement, il en est partout ainsi; Chaque jour, Je suis moieme force d'arreter des sujets de Sa Majeste Britannique qui se livrent a la peche sur les fonds dont l'usage est exclusivement reserve a La France, et de faire desarmer leur filets. Mais combien est grand le nombre de ceux qui echappent a une surveillance qui ne saurait atteindre partout a la fois.

Veillez agreer Monsieur la Capitaine l'assurance de ma parfaite consideration.

LE CAPITAINE DE VAISSEAU,

Commandant en chef le Division Navale de Terre Neuve.

(Signed)

G. MAZERES.

Monsieur le Capitaine de la Corvette
de la Majeste Britannique "Pylade."

APPENDIX, No. 16.

REPORTS

(Seven in number) from the Superintendent of Fisheries and Acting Sub-Collector of Revenue on the Coast of Labrador and in the Straits of Belle Isle.

(COPY.)

H. M. Hired Brigantine Charles,
1st September, 1856.

SIR,—

I have the honor to acquaint you, for the information of His Excellency the Governor, that my appointment for two and one-half months, of Acting Superintendent of Fisheries in the Straits of Belle Isle and the Island of that name, and also of Acting Sub-Collector of the Revenue for the Coast of this Island, from Cape John to the Bay of Islands on the West Coast and on all the Coast of Labrador within the jurisdiction of the Governor of this Colony, expired on the 31st August last past, and is fully completed and ended.

I have, &c.,

(Signed) JAMES L. PRENDERGAST, J.P.

Honorable John Kent,
Colonial Secretary.

(COPY.)

H. M. Hired Brigantine Charles,
1st September, 1856.

SIR,—

I have the honor to acquaint you, for the information of His Excellency the Governor, that in the discharge of the duties of superintending the protection of the Fisheries on the Coast of Labrador, the Straits of Belle Isle and about the Island of that name, I called at Crouse, where I was informed that in every harbor or Fishing port occupied by the French, the oldest or most experienced fishing Captain, was appointed Prud'homme, authorised to hear and settle all differences and disputes which may arise; and in cases of refusal to

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comply with his decision, or where the subject matter may exceed his jurisdiction, to report the same to the Commodore.

I acquainted the Prud'homme of the nature of my duty, and handed him a Proclamation.

I made my next call at Croque, expecting to meet the Commodore, who I found had not arrived. I therefore waited on the Prud'homme of the Port, and acquainted him of the particular duty in which I was engaged, and presented the Proclamation of His Excellency the Governor, requesting that he would please acquaint the Commodore on his arrival of my specially calling at Croque to wait upon him.

Whilst making preparations to leave, the French War Steamer "Cossende" came in ; I perceived the Prud'homme immediately waited on the Captain, who acquainted him that the "Charles" was on Her Majesty's Service. The Captain sent an Officer inviting me on board ; after the usual introductions I presented the Captain with a Proclamation, informing him of the determination of the Government of Newfoundland to protect their fisheries from encroachment, and requested that he would acquaint the Commodore of the "Charles" being on the Station in the service of the Government, and of the mode and manner in which the duties were to be performed.

Proceeding to Belle Isle and meeting a head wind, put into St. Antonee, waited on the Prud'homme of the Port, and made him acquainted of the service in which I was engaged, handed him also a copy of the Proclamation.

At Belle Isle, I found at Black Joe Cove, at the N.E. end of the Island, a stage and dwelling, and two boats at anchor belonging to Messrs. March and Knight, the only part of the Island where a boat may for a time lay in safety. The Island is generally covered with fog, and subject to sudden gusts or squalls of wind ; it is not considered safe for a vessel to lay near the Island for any length of time, therefore touched at Cape Charles on the coast of Labrador, a distance of about twelve miles from the Island.

I was informed whilst at Cape Charles, that the French seldom resort to Belle Isle before the latter end of July, or about the period when the Caplin forsake the Coast.

Proceeding along the Coast, I found in the Straits of Belle Isle, principally at L'Anse Sablon, West St. Modest, Pinware or Black Bay, and East

St. Modest, nearly one hundred and fifty schooners engaged catching fish, chiefly belonging to Nova Scotia, Magdalene Islands, and George's Bay, amongst which three only belonged to the United States; another, the crew of which were Frenchmen, on enquiring I was informed by a respectable resident at East St. Modest, that they were residents of the Newfoundland Coast.— During the last years, the French did not attempt to fish on that Coast unless they first obtained permission from the resident inhabitants; in no instance were they permitted to use the seine. Shortly after leaving the Straits, I was informed that two French vessels were fishing at Pinware. I understood that after I left that part of the Coast the residents gave them permission.

I visited Belle Isle previous to my departure for Sandwich Bay, and was informed by the crew authorised to protect that part that a French shallop put in there, the master being made acquainted that the French would not be allowed to fish about the Island, that the "Charles" was on the Coast, and a War Steamer expected. Shortly after a schooner and several boats, the crews consisting of about forty men, came into the harbor for the purpose of fishing; being informed by the officer they could not fish, they left the place immediately.

Having made it a subject of enquiry whether the French fishing at Belle Isle injured in any way the fishery of those located on the Shores of Labrador; a gentleman, and others residing at Battle Harbor, asserted that they were of opinion that were the French permitted to fish at Belle Isle it would not affect their catch or fishery whatever. Others, of considerable experience, residing at Cape Charles, boldly contended that whenever the French fished at Belle Isle it severely injured their catch and fishery, and caused a very sensible change whilst so engaged; opinions so much at variance caused me to enquire respecting it. I obtained some very satisfactory information on the subject from an intelligent and experienced person, Mr. Caleb Young, who resided at Black Joe Cove for two seasons—he stated he was particular in his observations, and believes the caplin and fish in the early part of the Spring first touch Belle Isle and in abundance, at the time easily taken with hook or seine. At the accustomed period, the caplin moved onwards towards the coast, the fish following in pursuit, and remained during what is termed the Caplin Scull—very little then could be caught at Belle Isle, and that only of a very small description. About the end of July the caplin forsook the coast, the fish and caplin reappeared abundantly at Belle Isle. The Caplin does not land at Belle Isle. About the end of the first week in August the Caplin rising on the water goes

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off and totally disappears—the herring then makes its appearance ; believes that it also first touches Belle Isle—often observed large sculls move onwards towards the coast, and a large body of large sized fishⁿ in pursuit; such is called the Herring Scull. An immense body of fish remains and which is easily taken either with the seine or jigger ; the latter does not either disturb or frighten the fish off the ground. Observed that when a seine was used there, at or after the first of August, that the fish went off into deep water and did not return, and is of opinion from actual observation that the seine only injures the fishery on the Coast ; he noticed in one instance, when the French were using the seine there, the fishermen at BlackJoe Cove could not catch a fish, he observed an immense quantity of fish lying on the bottom, believes it to be mother fish. It was all or nearly of that description which was taken at the latter end of the season, it had not spawned up to the last of August.

It may not be out of place to observe here, that the fish that resort and is taken in the straits of Belle Isle, comes from the Westward.

It is reasonable to conclude from what is here stated, that the Government heretofore were justified in making the outlay for the protection of the fisheries.

It is just to state that Captain William Cox, in the discharge of his duty, displayed a thorough knowledge of the coast, a prudent and skilful seaman, together with considerable experience, which afforded great satisfaction in the performance of the duties in which the Brigantine “ Charles ” was engaged.—The size and appearance, with the other necessary requisites she possessed, rendered her particularly suited for the service.

I feel great satisfaction in stating, that the arrangement placing an Officer on the Island has been most judicious, and has rendered the protective service completely effective.

I have, &c.,

(Signed)

JAMES L. PRENDERGAST,

Acting Superintendent.

Honorable John Kent,
Colonial Secretary.

(COPY.)

H. M. Hired Brigantine Charles,
1st September, 1856.

SIR,—

I have the honor to acquaint you, for the information of His Excellency the Governor, that on my arrival on the coast of Labrador, I proceeded to Battle Harbor and requested the Agent of Messrs. J. & D. Slade to report and enter the several vessels consigned to their establishment the past season, as well as the brig John and Thomas which just arrived from Poole. I handed him the Proclamation of His Excellency the Governor. In reply he stated, that his present instructions did not warrant him either to give the information I required or pay duties—about fifteen years since a similar demand was made by the Government of Newfoundland; the parties interested in the trade on the coast of Labrador, applied to the Imperial Authorities by petition and otherwise, on that subject, since which no demand was made by the Government of Newfoundland. It was considered, the right then asserted to collect duties on the coast, was abandoned. It was, therefore, why he had no instructions relative to that subject; previous to my arrival he became acquainted that it was the determination of the Government to collect the duties on the coast of Labrador, which he immediately communicated to his employers by way of New York, asking instructions to guide him in the matter. In reply to some questions put to me touching the representation of the coast of Labrador in the Legislative Assembly of Newfoundland, and providing for the religious and moral education of the people, I simply stated that the objects of my visit were to see, to enquire, and to report, and that I felt assured the Government was most anxious that the population residing on the coast should enjoy and participate in as full a manner its benefits as any people under its Government.

The Schooner “Hibernia,” of Halifax, Sullivan, master and owner of vessel and cargo, put in the same evening. I acquainted him of the object of my calling, and made the usual demand; he objected to comply on the ground that the Proclamation was issued after he had disposed of the greater part of his cargo. He has been engaged in that trade the last seven years; there was notice at the Customs of Halifax, of an intention of the Government of Newfoundland to exact duties on the coast of Labrador; he was not desirous to give opposition, but until it became general he considered the demand unreasonable.

APPENDIX, No. 16.

At Henley Harbour Mr. Kennedy has an establishment there chiefly engaged in the Salmon fishery ; a schooner also belonging to him was there loaded with goods of every description, which he intended to send bartering on the coast. I desired him to report her cargo and pay the duties ; his refusal was nearly in the same terms as the one before stated.

L'Anse Sablon.—I waited on the Agent of Messrs. De Quittville, acquainted him of the nature of my visit, and required that he would report the several vessels and cargoes which were consigned to that firm ; his objections were couched in terms most respectful, similar to that of the agent at Battle Harbour ; he assured me he would lay the Proclamation of His Excellency the Governor, with the Revenue Act, before his employers. There are two branches of that establishment, one at Isle au Bois, the other at Forteau, both of which are subject and under the control of the Agent at L'Anse Sablon.

The same evening the Schooner Belle Isle, Taylor, master, vessel and cargo owned by Daniel Cronan, Esq., of Halifax, came in. I went on board, made the necessary demand of the master, who said he understood when at Halifax no duties were required on the Coast of Labrador ; he had no instructions from his owners relative to it, he could not comply, but would not give any opposition, so that I may act as I may deem proper, stating that the chief part of his cargo was delivered on the Coast above. On examination I found that nearly all the cargo was landed. I seized and marked one puncheon of molasses, two boxes manufactured tobacco, and two chests tea, desiring to note my proceedings on his log ; he said Mr. Cronan would be on the Coast shortly in the schooner Labrador ; I did not then remove the articles.

Isle au Bois.—I went to the Agent of Messrs. Boutileer Brothers, and requested he would make entry of the shipments he received during the Spring, as well as the vessel which just arrived from Liverpool. He made similar objections as the Agent of Messrs. DeQuittville, and informed me their chief establishment was at Gaspé, and that there was another branch of their establishment at Forteau, under the management of a nephew of the owners ; he promised to communicate the object of my visit to his employers.

Forteau.—I called on the Agent of Messrs. DeQuittville, and on the Agent of Messrs. Boutileer Brothers ; presented each a copy of the Governor's Proclamation, who said that either did not receive this season a direct importation. The same evening a schooner belonging to Mr. Cronan, of Halifax, came in. I went on board, stated the object of calling, to the Supercargo,

Mr. Pitts, a nephew of Mr. Cronan's—his answer was similar to the reply of Captain Taylor, of the Belle Isle.

L'ance a Loup.—I waited on the Agent of a large establishment there, acquainted him of the particular object of my call; he referred me for the information and other matters I required to Messrs. Stabb, Row & Holmwood, of St. John's, Newfoundland, who were the sole owners and suppliers of the establishment.

Carrol's Cove.—The expected schooner Labrador, of Halifax, owned by Mr. Cronan, was there at anchor. I found that Mr. Cronan was not on board, and that a change of masters took place. Captain Taylor, late of the Belle Isle, was then in charge of the Labrador; he informed me that the Belle Isle was loaded with Oil, Skins and Fur, the collection of himself and Mr. Pitts, that she went off for Halifax—the Labrador was loaded with a variety of articles; he said Mr. Cronan did not come down in the Labrador, as he expected, he was not then in a better position to comply with my request than before.

Red Bay.—The schooner Endeavour, of Halifax, Captain Flick, came in the day after I arrived. I went on board, demanded the duties on the cargo; he said he was told by his suppliers, Messrs. Allison & Co., that there was no Customs established on the Coast, that no duties would be required; being under that impression he could not at present comply, wishing me to understand that he gave no opposition, and that two other schooners were on the Coast supplied by the same Merchants.

Cape Charles Harbour.—I waited on Mr. Neil, to whom a vessel from Halifax had arrived. I made the customary demand, to which he replied that it was his desire and wish to comply, but as others on the Coast, he was aware, refused for one reason or other, it could not be expected that he only should pay, more particularly when all his supplies except that cargo was received in Newfoundland and paid the duties required; he hoped the question would shortly be settled, and that all parties trading or supplying on the Coast would stand equal.

Spear Harbour.—The schooner Margaret Anne, of Halifax, Drake, master, supplied by T. B. Hay, Esq., of Halifax, was in that port when I arrived.—The master, in reply to my demands said, he was not bound to discharge cargo. I then said I would lock up his hatches under seal—he then made his objec-

tions, which were similar to those already stated, and that he sold under the impression that duties would not be demanded ; he was rather confirmed in that impression from the circumstance of the Officers of Customs at Halifax giving him blank certificates to be filled up and signed by persons on the Coast, as no person authorised by the Government of Newfoundland was known to them.—The certificate was for the purpose of obtaining drawback, &c., &c.

St. Frances Harbour.—I went over to the Agent of Messrs. Hunt & Henley, and required that he would furnish me with a detail of the importations and exportations of that establishment during the Spring ; he declined furnishing either, as he did not feel authorised by his instructions without further communicating with his employers.

Venison Island.—I called on the Agent of Messrs. J. & D. Slade, who said he was acting under the instructions of the Agent at Battle Harbor, to whom he respectfully referred me.

Indian Island.—I waited on Mr. Warren, who said he knew that no one on the Coast would pay the duties ; he respectfully declined doing so for the present.

Gready.—I called on Mr. Lamore, making the usual demand, who said he purchased the chief part of his supplies at St. John's, Newfoundland, which paid duty ; he did so in preference to importing, to guard against disappointment ; he had no objection to the demand for what he did import, and would readily pay when or at such time as it may become general, saying it would cause him to put it on each article in addition to his present charge.

I called on the Agent of Messrs. Hunt & Henley, who said he received all his supplies from the chief establishment at Cartwright, and was under the direction of the Agent there.

Long Island.—I called on the Agent of Messrs. Hunt & Henley, who made a similar statement as the Agent at Gready.

I expected to meet Mr. Goodridge, the Agent of Messrs. Hunt & Henley's establishment at Cartwright ; he left the morning of my arrival. I was anxious to meet him, being informed that Mr. Goodridge was notified by the Agent of the Hudson Bay Company when he accepted the appointment of a Magistrate from the Governor of Newfoundland, requesting that he may not act thereon, and that the Company was prepared to appoint under a Commission Magistrate

A P P E N D I X , N o . 1 6 .

of Labrador. I requested Mr. Lamore to obtain from Mr. Goodridge a copy of the said notice, for the service of the Governor, believing the Company must have misunderstood the wording of the Charter, the Governor's Commission is simple all the Coast of Labrador and the Islands adjacent ; also, Her Majesty by treaty gave the right to the subjects of the United States to fish and go on shore and dry it on the Coast.

On every application I presented His Excellency the Governor's Proclamation, notifying each to consider and receive the Proclamation a direct notice from the Government of Newfoundland, of its determination to collect the Revenue on all goods and merchandise imported to the coast of Labrador.

Whilst on the French Shore I was informed that a person named Buck, from Halifax, resorts White Bay trading ; he says he enters his vessel and cargo at Greenspond, and pays the duties there. I had no opportunity of enquiring of the Collector of the fact. Another, named Charles Higgins, of Halifax, resorts White Bay, French Shore, and each side of the coast on the Straits of Belle Isle.

I have, &c.,

(Signed) **JAMES L. PRENDERGAST,**
Acting Collector.

Honorable John Kent,
Colonial Secretary.

H. M. Hired Brigantine Charles,
1st September, 1856.

SIR,—

I have the honor to acquaint you, for the information of His Excellency the Governor, that the Canadian Government is erecting on L'anse Amour Point, or Cape Shallop, a Light House, the tower of which is to be ninety five feet, the dwelling large and capacious, intended for refuge of shipwrecked seamen ; it is nearly completed, and will be put in full operation this Fall.— Another Light is erecting on the S.W. end of Belle Isle, by the same Government ; the tower is to be forty five feet ; it is raised at present one-half the height, and it will be completed and also put in operation this Fall. Three Engineers arrived from France with Lanthens.

During the month of August a Steamer was sounding and making a survey about the Island of Belle Isle, particularly at the N.E. end.

A French War Steamer surveyed several Harbors on the French Shore and about the Coast ; the French Captains told me that the charts of the Coast were not satisfactory, the same complaint is made with more reason by those who must resort the coast of Labrador to fish ; many rocks and shoals are not noticed on the charts of that Coast.

It is, perhaps, seeing the exertions made by other Governments for the convenience and safety of their people, making and correcting surveys of the Coast and erecting Light Houses, that have attracted their attention and causes dissatisfaction, being compelled to frequent a Coast the dangers of which are unexplored.

I have, &c.

(Signed) JAMES L. PRENDERGAST, J.P

Honorable John Kent,
Colonial Secretary.

H. M. Hired Brigantine Charles,
1st September, 1856.

SIR,—

I have the honor to acquaint you, for the information of His Excellency the Governor, that in compliance with instructions to ascertain the transitory and resident population on the coast of Labrador, I found that to obtain the number of the transitory population would take more time, even should I succeed, than my limits would permit ; I was therefore compelled to abandon that part of my duty. The easiest and least expensive mode would be, at the several ports of entry of the Island, masters of vessels, when given a clearance for the fishery, may be required to report the number of Crews, &c., which may be corrected if necessary on application to the several supplying merchants.

During my stay on the French Shore, I obtained a list of the permanent residents from Cape John to Ferole, including St. John's Island, many of

whom deplored the want of means to educate their children ; a Roman Catholic Clergyman occasionally visits some of the most populous harbours.

Whilst at several harbours on the Coast of Labrador, I was enabled to make nearly a correct list of the permanent residents from L'Anse Sablon to Sandwich Bay, both inclusive, including Belle Isle, many of whom as well as those on the French Shore, formerly resided in Newfoundland.

Within the last few years two Clergymen of the Church of England have settled on the Coast, one at Forteau, the other at Battle Harbour, and visit from L'Anse Sablon to Seal Islands, both inclusive ; within that limit there are four Protestant and two Catholic Churches, the foundations of two others are laid, one of which is Protestant and the other Roman Catholic ; also a Protestant Chapel, nearly completed, at Indian Island, which I was given to understand is building at the expense of Mr. Warren ; two Roman Catholic Clergymen have visited the Coast of Labrador this Season.

I beg most respectfully to annex the lists of the permanent population of the French Shore and Coast of Labrador.

I have, &c.

(Signed) JAMES L. PRENDERGAST, J.P.

Honorable John Kent,
Colonial Secretary.

APPENDIX, No. 16.

A LIST

Of the resident Population on the French Shore, from Cape John to Ferole, including St. John's Island.

Names of Places.	No. of Dwellings.	Population.	Protestant.	Roman Catholic.	Protes. Churches.	R. C. Churches.	Prot. Clergymen.	R. C. Clergymen.	Schools.
La Scie	3	14		14					
Round Harbor or Brents Cove	4	20		20					
Pacquet	1	3		3					
Mings Harbor	1	10		10					
Coachman's Cove	2	25		25					
Horse Island	2	12	12						
Fleur de Lis	2	15		15					
Lobster Harbor	3	19		19					
Seal Cove	2	23	23						
South Arm	6	35	18	17					
Middle Arm	5	30	16	14					
Western Arm	2	10	6	4					
Wiseman's Cove or Otter Cove	1	3	3						
Peerbeck Cove	3	17	12	5					
River Head.	3	11	6	5					
Lops Arm	3	19	14	5					
Jackson's Arm	3	20	11	9					
Coney Arm	3	18	10	8					
Cot Cove	1	3		3					
Grandfathers' Cove or Grand Vache Cove	2	14	14						
Hooping Harbor	2	11	11						
Canada	2	16	8	8					
Canada Bay	2	5	5						
Englee	9	80	79	1					
Hillyard's Harbor or Botiteau	1	4		4					
Couch	13	110		110		1			
Cape Rouge Harbor or Crouse	3	28	8	20					
Grey Island	1	10		10					
Croque	3	26		26					
Fishot	6	45		45					
Harbor de Vue	2	12	5	7					

APPENDIX, No. 16.

A List of the resident Population of French Shore, from Cape John to Feroë, including St. John's Island. (Continued.)

Ireland Bight	1	8	8				
Stark's Bight	1	8	8				
Grand Swan	7	50		50			
Celect	3	25		25			
Belvey Bay	3	12	12				
Goose Cove	6	56	16	40			
Cremellia	1	10	10				
St. Antonie	13	80	80				
Braha	2	16		16			
Little Braha	2	10	10				
St. Lienaires	4	29	27	2			
Criquet	1	7	7				
Little Criquet	1	5	5				
Fortune	1	5	5				
Pigeon Cove	1	4		4			
Degrat	1	2	2				
Quirpon	9	61	51	10			
Noddy Bay	1	9	9				
Western Head Cape Onion	1	7	7				
L'anse a Medeau	1	10	10				
Brandy Harbor	2	13		13			
Eddy's Cove	2	8	8				
West Pit Brook	1	7	7				
Green Island	2	7	7				
Poverty Cove	2	14	14				
Savage Cove	1	17	17				
Flour Cove	6	27	20	7			
French Island Harbor	4	17	15	2			
Bear Cove	2	8	5	3			
Dead Man's Cove	1	9	9				
Anchor Point	3	16	15	1			
Black Duck Cove	2	14	14				
Forrester's Island	3	12	12				
Seal Cove	1	6	6				
St. John's Island	6	30	30				
Total	194	1287	707	580	1		

H. M. Hired Brigantine Charles,
1st September, 1856.

JAMES L. PRENDERGAST, J. P.

APPENDIX, No. 16.

A LIST

Of the resident Population on the Coast of Labrador, from L'Anse Sablon to Sandwich Bay, both inclusive, including Belle Isle.

Names of Places.	No. of Dwellings.	Population.	Protestant.	Roman Catholic.	Protes. Churches.	R. C. Churches.	Prot. Clergymen.	R. C. Clergymen.	Schools.
L'Anse Sablon	4	16	7	9					
Isle au Bois	3	14	14						
L'Anse a Cotier	3	17	9	8					
L'Anse St. Clair	2	8		8					
Forteau	8	55	52	3	1		1		
L'Anse Amour	1	5	5						
L'Anse Amour Point or Cape Shallop	1	23		23					
Fox Cove	1	7	6	1					
L'Anse a Loup	5	30	25	5					
Capson Island	3	18	18						
L'Anse au Diable	3	13	10	3					
West St. Modeste	4	18		18					
Penware or Black Bay	2	12		12		1			
East St. Modeste	2	16	10	6					
Carrol's Cove	2	12		12					
Red Bay	11	72	72						
Green Bay Cove	2	10	10						
Chateaux	12	68	38	30					
Henley Harbor	7	43	27	16					
Belle Isle	1	25		25					
Kennedy Head or Admiral's Cove	2	18	18						
Shoal Cove	2	10	10						
Camp Islands	8	46	38	8					
Cape Charles Harbor	7	29	29						
Battle Harbor, Matthew's Cove	31	204	174	30	1	1	1		
Indian Harbor	1	5	5						
Mary's Harbor	1	1	1						
Lewis River	1	2	2						
Fox Harbor	2	14	14						
Deep Water Creek	3	15	15						
Petty Harbor	3	24	11	13					
Salmon Bight	1	8	8						

APPENDIX, No. 16.

A LIST

Of the resident Population on the Coast of Labrador, from L'Anse Sablon to Sandwich Bay, both inclusive, including Belle Isle. (Continued.)

Spear Harbour	8	50	42	8				
Seal Bight	4	23	21	2				
Murry's Harbour	3	17		17				
Little Harbour	3	16	9	7				
Williams Harbour	2	14	14					
Fish Cove	2	11	11					
Starvation Cove	2	4	4					
St. Francis Harbour	1	6	6		1			
St. Francis Bight	14	99	83	16				
George's Cove	3	20	20					
Fishing Ship Harbour	2	10	10					
Square Islands	5	25	25					
Venison Island	6	49	49					
Styles	1	6	6					
Shoe Cove	3	12	9	3				
Bolster Rock	4	21	20	1				
Salt Pond	1	5	5					
Comfort Bight	1	3	3					
Hiscock Island	2	10	9	1				
Seal Islands	5	34	19	15	1			
Black Bear Bay	1	6	6					
Sandy Islands	2	12	6	6				
Batteaux	1	3	3					
Gregeau	2	21	21					
Spotted Islands	4	22	22					
Fox or Salmon Point	1	10	10					
Indian Island	3	11	11		1			
Sandy Hills	1	6	6					
Table Bay	5	29	21	8				
Cartwright, Eagle River	22	140	139	1				
Sandwich Bay								
Total	253	1553	1238	315	5	2	2	

H. M. Hired Brigantine Charles,
1st September, 1856.

JAMES L. PRENDERGAST, J. P.

APPENDIX, No. 16.

(COPY.)

H. M. Hired Brigantine Charles,
1st September, 1856.

SIR,—

I have the honor to acquaint you, for the information of His Excellency the Governor, that in the discharge of the duties of a Magistrate, I have much gratification in stating that not a single complaint of a breach of the peace was preferred.

At Venison Island a complaint was made of a different nature, by a widow named Elizabeth Gisias, who was shortly before delivered of a female bastard child. I caused the reputed father to pay Twenty Pounds, which I placed in the hands of Mr. G. G. Brockway, agent of J. & D. Slade's establishment, to be appropriated for the support of the child, and that he should not, in any one payment, exceed ten shillings per month.

I was happy to learn that such cases were of very rare occurrence, and that the morals of the resident population are much improved, owing probably to the influence of the resident and visiting Clergymen.

I have, &c.,

(Signed) JAMES L. PRENDERGAST, J. P.

Hon. John Kent,
Colonial Secretary.

H. M. Hired Brigantine Charles,
1st September, 1856.

SIR,—

I have the honor to acquaint you, for the information of His Excellency the Governor, that in accordance with his desire, I made the state of the general health of the residents of the French Shore and the coast of Labrador, a subject of peculiar enquiry; and I found that not only on the French Shore, but also on the coast of Labrador, that many were afflicted with the Scurvy.

In compliance with instructions, I gave a copy of Dr. King's printed Circular, and communicated the instructions contained in the letter of the Hon.

APPENDIX, No. 16.

Dr. Carson, addressed to me. I gave to each that applied a portion of Lime Juice, Vinegar, and Gargle or Wash, for the sore mouth ; two gallons of Lime Juice and two gallons of Vinegar only were put on board the Charles, which was not sufficient, and I could not therefore carry out the benevolent intentions of the Governor.

I learned that the appearance of Scurvy on that Coast is greatly owing to the disuse of Spruce Beer ; that in the large establishments where it is made a common and daily drink, not a single person has been afflicted with it, and in general enjoy good health.

It was stated to me that they (the residents on the coast) were generally attacked in the Spring with the epidemics that prevail in Newfoundland, particularly the influenza, when the people from the Southward arrive there.

I have, &c.

(Signed) **JAMES L. PRENDERGAST, J.P.**

Honorable John Kent,
Colonial Secretary.

APPENDIX, No. 17.

APPENDIX, No. 17.

STATEMENT

Of the Affairs of the "St. John's Marine Insurance Company," for the Year ending 10th January, 1857.

	1856.	1857.	
	£ s. d.	£ s. d.	£ s. d.
To Stock paid up and accumulated	10,000 0 0		By Monies on Hand and Securities
January 10—Amount reserved to meet claims and for risks unexpired	8,182 6 5		18,182 6 5
	£18,182 6 5		

Errors Excepted.

St. John's, Newfoundland,

10th January, 1857.

Audited and found correct.

THOMAS R. SMITH

LEWIS TESSIER

Auditors

JOHN BUTLER BULLEY,

Agent.

APPENDIX, No. 18.

GENERAL ABSTRACT

Of the Affairs of the Newfoundland Marine Assurance Company, as they existed at 3 o'clock on Thursday, the 8th day of January, 1857.

Dr.	£	s.	d.	Cr.	£	s.	d.
To Capital Stock paid up	5,000	0	0	By Investments in Union Bank	5,000	0	0
Balance to credit of Provincial Insurance Company	437	14	4	Cash deposits in ditto	111	18	4
Premiums on unexpired Risks	3,057	2	9	Bills receivable	1,591	8	10
Balance to meet current Claims	2,302	11	3	Balances of Accounts	4,094	1	2
	<hr/>				<hr/>		
	£10,797	8	4		£10,797	8	4

APPENDIX, No. 18.

Aggregate amount of risks taken under policies of this Company since January 10th, 1856.	£473,690 10 0
Aggregate amount of premiums charged upon said policies.	13,548 0 10
Aggregate amount of current risks at this date.	45,913 0 0
Aggregate amount of premiums charged for said current risks.	3,057 2 9
Aggregate amount of losses paid by this Company since January 10th, 1856.	12,589 3 5
Amount of Bonds for unpaid Capital as per share-list marked A, herewith.	20,000 0 0

WE, the undersigned Directors of the Newfoundland Marine Assurance Company, do certify that the Books of the said Corporation indicate the facts above stated by the Secretary thereof, and that we have full confidence in the truth of this return.

ROBERT PROWSE, President.
J. MACGREGOR
LAURENCE O'BRIEN
WALTER GRIEVE
JAMES S. CLIFT
DAVID STEELE
W. M. BARNES
P. G. TESSIER
 Directors.

I, EDWARD L. JARVIS, Secretary of the Newfoundland Marine Assurance Company, do swear that the Return hereunto annexed exhibits a true state of the affairs of the said Company up to the time therein named.

EDWARD L. JARVIS,

Sworn to before me at St. John's,
 this 15th day of January, 1857,
 P. W. Carter, J. P. }

APPENDIX, No. 18.

[A]

PARTICULAR STATEMENT

Shewing the names of the Stockholders in the Newfoundland Marine Assurance Company, on the 8th day of January, 1857, the number of Shares held by each, the amounts paid up, the amounts secured by Bonds and the names of the Sureties respectively.

Stockholders.	Shares	Paid	Sureties.	Bonds.
Laurence O'Brien	60	£300	James Furlong	£1200
James J. Grieve	40	200	James Cormack	800
Robert Prowse	60	300	H. K. Dickenson	1200
Henry K. Dickenson	60	300	R. Prowse	1200
John Munn	40	200	William Donnelly	800
Kenneth McLea	15	75	William Donnelly	300
James S. Clift	30	150	William M. Barnes	600
James Furlong	59	295	L. O'Brien	1180
T. Harrison Ridley	20	100	John Munn	400
W. Henry Ridley	20	100	John Munn	400
William Donnelly	20	100	John Munn	400
John I. Roddick	20	100	John Munn	400
Peter G. Tessier	20	100	William H. Mare	400
William L. Solomon	20	100	Alexander Mitchell	400
John Barron	20	100	James W. Prowse	400
James J. Rogerson	10	50	W. M. Barnes	200
Philip Duggan	20	100	Nicholas Cusack	400
William M. Barnes	20	100	James S. Clift	400
Patrick Tasker	30	150	David Steele	600
John Bond	20	100	James McLaughnan	400
David Steele	20	100	Patrick Tasker	400
Richard O'Dwyer	20	100	L. O'Brien	400
Nicholas Cusack	20	100	P. Duggan	400
James Cormack	20	100	James J. Grieve	400
Robert Pack	20	100	James J. Rogerson	400
James Crowdy	12	60	Joseph Crowdy	240
Joseph Crowdy	12	60	James Crowdy	240
Nicholas Mudge	10	50	John Bond	200
Alexander Mitchell	10	50	John McGregor	200
John O'Mara	10	50	J. L. Geran	200
Laurence Maccassey	10	50	William Hogan	200
William Hogan	10	50	L. Maccassey	200
Forward	778	£3890	Forward	£15560

APPENDIX, No. 18.

[A]

PARTICULAR STATEMENT

Shewing the names of the Stockholders in the Newfoundland Marine Assurance Company on the 8th day of January, 1857, the number of Shares held by each, the amounts paid up, the amounts secured by Bonds, and the names of the Sureties respectively. (Continued.)

Stockholders.	Shares	Paid	Sureties.	Bonds.
Forward	778	£2890	Forward	£15560
Edward White	10	50	Thomas B. Job	200
W. W. LeMessurier	10	50	James B. Wood	200
William H. Mare	10	50	P. G. Tessier	200
E. L. Jarvis	10	50	Robert Prowse	200
James McLaughnan	10	50	John Bond	200
William Parsons	10	50	John Munn	200
John H. Cozens	6	30	Henry Winton	120
Philip Hutchins	6	30	John Bowring	120
James Chalmers	6	30	John McGregor	120
James Cullen	4	20	Richard O'Dwyer	80
Walter Dillon	2	10	Patrick Hearn	40
Henry Winton	2	10	J. H. Cozens	40
Thomas Avery	20	100	J. R. Smith	400
Charles Crowdy	10	50	Joseph Crowdy	200
Edward Bowring	10	50	James S. Clift	200
John McGregor	15	75	James Chalmers	300
Lewis Tessier	10	50	W. H. Mare	200
John J. Geran	10	50	John O'Mara	200
Joseph Noad (in trust)	4	20	E. L. Jarvis	80
Nicholas Stabb	2	10	Ewen Stabb	40
Robert H. Prowse	18	90	H. K. Dickenson	360
James W. Prowse	17	85	H. K. Dickenson	340
Walter Grieve	20	100	James Cormack	400
Totals	1000	£5000		£20000

E. L. JARVIS,

Secretary.

APPENDIX, No. 19.

APPENDIX, No. 19.

GENERAL STATEMENT

*Of the Affairs of the Union Bank of Newfoundland, for the year ending 31st
May, 1856.*

LIABILITIES.

Capital Stock paid up	....	....	£50,000	0	0
Bank Notes in circulation	....	....	59,352	0	0
Deposits, &c., including amount on Interest	....	....	74,783	5	0
Unclaimed Dividends	....	....	87	0	0
Dividend No. 3, payable 18th June, 1856	....	....	1,500	0	0
Reserve Fund	....	....	3,763	0	0
			<hr/>		
			£189,485	5	0
			<hr/>		

ASSETS.

Gold, Silver, and Copper Coins, in the Vault of the Bank			43,805	6	11
Notes of other Banks	....	....	1,719	0	0
Bills Discounted, Balances due by Agents, &c.	....	....	143,960	18	1
			<hr/>		
			£189,485	5	0
			<hr/>		

APPENDIX, No. 19.

Average amount of Notes in Circulation and Specie on hand, for the year ending 31st May, 1856.

1855.		Circulation.		Specie.
June	....	£29,441 Cy.	....	£49,484 Cy.
July	....	24,670	....	50,596
August	....	26,127	....	42,872
September	....	34,508	....	39,554
October	....	41,024	....	41,995
November	....	59,119	....	39,452
December	....	53,779	....	39,480
1856.				
January	....	47,914	....	42,855
February	....	44,328	....	52,525
March	....	41,739	....	52,071
April	....	50,647	....	47,205
May	....	60,866	....	43,490

WE, the undersigned Directors of the Union Bank of Newfoundland, hereby certify to the best of our knowledge and belief, that the within is a true and correct statement of the affairs of the Bank.

St. John's, Newfoundland, 31st May, 1856.

(Signed)

**WALTER GRIEVE.
LAURENCE O'BRIEN.
THOMAS ROW.
EWEN STABB.
JOHN MACGREGOR.
ROBERT PROWSE.**

St. JOHN'S, }
to wit. }

John W. Smith of St. John's, Manager of the Union Bank of Newfoundland, maketh Oath and saith, that the within statement is just and true in every particular, to the best of his knowledge and belief.

(Signed)

JOHN W. SMITH,

Manager.

Sworn to before me the 9th June, A.D., 1856.

Signed

PATRICK DOYLE, J.P.

APPENDIX, No. 20.

REPORT.

Of the Cashier of the Newfoundland Savings' Bank, for the year ending 31st December, 1856.

The business of the Institution for the past year, as regards both its deposits and its discounts, has been considerably larger than upon any previous one, and the results as satisfactory as could have been anticipated.

The Deposits on the 1st January amounted to £93,458 0 4, since when to the 31st December £36,733 17 11 was deposited, and £21,106 18 0 withdrawn, shewing the amount of Deposits at the end of the year to be £109,085 0 3, an increase of £15,626 19 11 since the commencement of the year, which includes the sum of £2,854 5 2 added to the depositors' accounts for interest.

The following is a synopsis of the Accounts :—

			£	s.	d.	£	s.	d.
214	Accounts under £20	average	9	1	1	1,937	13	6
173	Ditto	from 20 to 40 ditto	28	12	4	4,947	19	8
84	Ditto	from 40 to 50 ditto	40	3	1	3,372	17	7
305	Ditto	from 50 to 100 ditto	65	1	1	19,841	14	2
270	Ditto	from 100 to 200 ditto	132	5	4	35,712	1	11
93	Ditto	from 200 to 300 ditto	214	17	7	19,983	15	0
15	Ditto	from 300 to 400 ditto	348	9	8	5,227	4	11
10	Ditto	from 400 to 500 ditto	432	11	0	4,325	10	2
18	Ditto	from 500 upwards ditto	763	5	9	13,736	3	4
1182						£109,085	0	3

The amount of interest received on Colonial Debentures and discount on Bills and Notes for the year amounted to £5,784 0 2, of which £2,854 5 2 was passed to the depositors' accounts for interest, and the sum of £2,198 11 4 was carried to the account of accumulated profit.

The profit of the Institution to the last of December, 1855, was £12,241 4 2, to which now has been added the net profit of 1856, namely £2,198 11 4, making the total at the credit of that account £14,355 7 2.

APPENDIX, No. 20.

Statement of Liabilities and Assets.

ASSETS.

			£	s.	d.
Bills and Notes under discount	....	....	48,884	18	7
Bills over-due secured by mortgage	....	....	4,487	0	0
Bills over-due on personal security	....	....	75	2	10
Colonial Debentures and Securities	....	....	56,503	14	11
Colony for the balance of P. Morris's (late Treasurer) account			4,148	15	10
Cash in the Union Bank at the closing of the Accounts			9,399	15	1
			<hr/>		
			£123,499	7	3

LIABILITIES.

Amount due to Depositors	....	....	109,085	0	3
Surplus	....	....	£14,414	7	0
Carried to accumulated profit account		14,355	7	2	
Carried to Disbursements reserve fund		58	19	10	14,414 7 0
			<hr/>		

The Statement from the Harbor Grace Branch on the 31st December shews :

29 Depositors	£1,013	13	7
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Which sum is thus accounted for—

To the credit of the Branch at the Head Office	£944	10	8			
In the hands of the Cashier at Harbor Grace	69	2	11			
	<hr/>			£1,013	13	7

Respectfully submitted,

EDWARD MORRIS,
Cashier of the Newfoundland Savings' Bank.

Certified by

A. SHEA.	}	Directors.
JAMES J. ROGERSON.		
P. F. LITTLE.		

APPENDIX, No. 21.

STATEMENT

Of the Liabilities and Assets of the Colony of Newfoundland, on the 31st December, 1856.

LIABILITIES.

Outstanding Warrants	....	£9182 18 9	
Outstanding Interest	....	4766 8 3	
Balance due Light House Account	....	3255 0 3	
Treasury Notes in circulation	....	260 0 0	
		—————	17,464 7 3
Unexpended Grants	....	6664 14 11	
Unpaid Debentures	....	1868 14 8	
Outstanding Contracts, Post Office, Lock-up, and Hospital	....	330 0 0	
		—————	8,863 9 7
Balance in favor of the Colony			£15,234 19 11
			—————
			£41,562 16 9
			—————

ASSETS.

Cash in the Union Bank	....	£22,044 16 11	
Customs Bonds Outstanding	....	19,517 19 10	£41,562 16 9
		—————	—————

THOMAS GLÉN,

Receiver General.

APPENDIX, No. 22.

APPENDIX, No. 22.

FINANCIAL STATEMENT

Of the Affairs of the Colony of Newfoundland, for the year 1857.

EXPENDITURE.

GOVERNMENT DEPARTMENTS.

The Governor, £3000 payable in dollars at 4s. 2d.	£3,120	0	0	
Private Secretary	200	0	0	
Gate Keeper, Government Lodge	60	0	0	3380 0 0

COLONIAL SECRETARY'S OFFICE.

The Colonial Secretary	500	0	0	
Two Clerks	400	0	0	
Office Keeper	60	0	0	
Messenger	60	0	0	1020 0 0

RECEIVER GENERAL'S OFFICE—TREASURY DEPARTMENT.

The Receiver General	500	0	0	
Clerk	150	0	0	650 0 0

CUSTOMS DEPARTMENT.

The Assistant Collector	300	0	0	
Landing and Tide Surveyor	250	0	0	
Two Landing Waiters	400	0	0	
1st Clerk and Warehouse keeper	200	0	0	
2nd Clerk	150	0	0	
3rd Clerk	150	0	0	
Two Lockers	115	0	0	
Tide Waiters and Boatmen	1200	0	0	
Allowance to Unofficial Members Board of Revenue	50	0	0	
House Keeper	40	0	0	
Incidental Expenses	150	0	0	3005 0 0
Carried forward				<u>£8055 0 0</u>

APPENDIX, No. 22.

Brought forward			£8055	0	0
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SUB-COLLECTORS.

Harbour Grace	160	0	0			
Trinity	150	0	0			
LaPoile	135	0	0			
Carbonear	125	0	0			
Fogo	.....	125	0	0		
Greenspond	.....	125	0	0		
Lamaline	.....	100	0	0		
Gaultois	.....	100	0	0		
Brigus	.....	100	0	0		
Placentia	.....	100	0	0		
Burin	.....	100	0	0		
Harbor Briton	100	0	0	1420	0	0

PREVENTIVE OFFICERS.

Bay Bulls	.....	50	0	0		
Ferryland	.....	50	0	0		
Burgeo	.....	50	0	0		
Twillingate	.....	50	0	0		
Channell	.....	50	0	0		
Oderin	.....	50	0	0		
Little Placentia	.....	50	0	0		
St. Mary's	50	0	0	400	0	0
Per Centage on Duties to Sub-Collectors and others					500	0	0

FINANCIAL SECRETARY'S OFFICE.

The Financial Secretary				300	0	0
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BOARD OF WORKS.

The Surveyor General	400	0	0			
Secretary	200	0	0	600	0	0

Carried forward				£11275	0	0
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APPENDIX, No. 22.

Brought forward				£11275	0	0
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CROWN LANDS ACT.

Superintendent Public Buildings	50	0	0			
Chainman to Surveyor General	40	0	0			
Repairs of Government House	.....	350	0	0			
Deputy Surveyors and Incidentals	.....	300	0	0			
Mrs. Westcott's Pension	.....	30	0	0	770	0	0

COLONIAL BUILDING.

The Keeper	.....	60	0	0			
Repairs	.....	300	0	0			
Fuel and Light	.....	250	0	0	610	0	0

CUSTOM HOUSE.

Repairs	.....	60	0	0			
Fuel and Light	.....	60	0	0	120	0	0

COURT HOUSES AND GAOLS.

Repairs of Court House, St. John's	.....	250	0	0			
Repairs of Court Houses, Out Harbors		300	0	0			
Gaol Expenses	.....	850	0	0			
Ordinary Repairs of Court Houses and Gaols		200	0	0	1600	0	0

ST. JOHN'S HOSPITAL.

Repairs of Building, Fencing, Draining		250	0	0			
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MISCELLANEOUS IN AID OF ESTABLISHMENTS.

Expenditure under Street Act	1000	0	0			
Printing and Stationery	.....	750	0	0			
Postages and Incidentals	.....	100	0	0			
Insurance on Public Buildings	.....	200	0	0			
Fuel and Light, Government House	200	0	0			
Unforeseen Contingencies	500	0	0	2750	0	0

Carried forward				£17125	0	0
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APPENDIX, No. 22.

Brought forward	£17125 0 0
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JUDICIAL DEPARTMENT.

SALARIES.

Chief Justice, £1,200 payable in Dols. at 4s. 2d.	1248	0	0
Two Puisne Judges £1,400	do.	do.	1456 0 0
Attorney General	....	500	0 0
Solicitor General	....	200	0 0
Sheriff Central District £300, Bailiff £50....	....	350	0 0
Sheriff Northern District	....	300	0 0
Sheriff Southern District	....	200	0 0
Chief Clerk and Registrar Supreme Court, including Clerk and Stationery	....	420	0 0
Chief Clerk and Registrar Northern Circuit Court	....	200	0 0
Do. do. Southern	....	200	0 0
Crier and Tipstaff St. John's	....	60	0 0
Do. do. Harbor Grace	....	20	0 0

MISCELLANEOUS.

Crown Prosecutions	....	300	0 0
Coroners	....	200	0 0
Circuit of Judges	....	400	0 0
			6054 0 0

POLICE DEPARTMENT.

SALARIES.

Three Magistrates	....	900	0 0
Clerk of the Peace	....	300	0 0
Inspector of Police	....	80	0 0
Sergeant of do.	....	50	0 0
Constables—14 at £45 is £630, and Clothing £70	....	700	0 0
Gaolers	....	150	0 0
Stipendiary Magistrates, Clerks of the Peace Constables and Gaolers in Outports, as per detailed statement	....	3437	0 0
			5617 0 0
Carried forward	....		£28796 0 0

APPENDIX, No. 22.

Brought forward £28796 0 0

RELIEF OF THE POOR.

SALARIES.

Commissioner of the Poor	....	250	0	0
District Surgeon, St. John's	....	200	0	0
Ditto Conception Bay	....	100	0	0
Gaol Surgeon ditto	....	30	0	0
Physician Lunatic Asylum	....	200	0	0
Medical attendance St. John's Hospital	....	250	0	0

MISCELLANEOUS.

Permanent and Casual Poor St. John's & Outports	7000	0	0	
Servants and Paupers St. John's Hospital	1700	0	0	
Servants and Paupers Lunatic Asylum	2000	0	0	11730 0 0

EDUCATION.

Amount to be distributed under Act	....	7880	0	0
General Repairs of Schools	....	200	0	0
				8080 0 0

ACADEMY ACT.

Master Roman Catholic Academy	....	250	0	0
Ditto Episcopalian ditto	....	200	0	0
Ditto General Protestant ditto	....	150	0	0
Ditto Harbor Grace ditto	....	150	0	0
Ditto Carbonear ditto	....	150	0	0
				900 0 0

FERRIES.

Estimated amount for support of that service 270 0 0

RETIRED ALLOWANCE ACT.

PENSIONS.

James Crowdy, late Colonial Secretary	....	400	0	0
E. M. Archibald, late Attorney General	....	350	0	0

Carried forward £49776 0 0

APPENDIX, No. 22.

Brought forward	....			£49776	0	0
Joseph Noad, late Surveyor General	....	285	0	0		
H. A. Emerson, late Solicitor General	....	90	0	0		
Benjamin G. Garrett, late Sheriff	275	0	0	1400	0	0

POST OFFICE DEPARTMENT.

Post Master General	....	275	0	0		
Chief Clerk	....	130	0	0		
Assistant	....	50	0	0		
Messenger and Assorter	....	50	0	0		
Post Masters in Outports	....	290	0	0		
Way Masters	....	52	0	0		
Conveying Mails	....	1353	0	0		
Incidentals	100	0	0	2300	0	0

MISCELLANEOUS GENERAL.

Men Stationed at Fort Amherst	....	36	10	0		
Duties on Wine, Military Mess	....	50	0	0		
Gas Company Lighting Streets, St. John's		100	0	0			
Ditto ditto Harbor Grace		50	0	0			
Water Company St. John's	....	100	0	0		
Shipwrecked Crews	....	200	0	0		
Dorcas Society St. John's	....	50	0	0		
Ditto Harbor Grace and Carbonear £25 each		50	0	0			
Mechanics' Institute	....	50	0	0		
Orphan Asylum Industrial Department	....	50	0	0		
Reading Room	....	25	0	0		
Agricultural Society	....	250	0	0		
Allowance to Robert Smith	....	10	0	0		
Keeper Half-way House, Salmonier	....	35	0	0		
Conception Bay Steam Packet Company	....	500	0	0		
Phoenix Fire Company £100 and others £50		150	0	0			
Almanack, Newfoundland	....	25	0	0		
Pumps and Tanks	....	200	0	0		
Factory £100, and Repairs £250	....	350	0	0		
General Repairs Roads and Bridges	....	200	0	0		
Amount of Account for Postage Stamps	414	8	1	2961	18	1
Carried forward				£56437	18	1

A P P E N D I X, N o . 2 2 .

Brought forward	....		£56437 18 1
Protection of Fisheries, Cape John and Belle Isle	1000	0 0	
Estimate for new Gaol	....	3000 0 0	
Estimate for taking a Census and other Statistics	2000	0 0	
Delegation to London	....	500 0 0	6500 0 0

INTEREST OF PUBLIC DEBT.

Amount of Public Debt	....	167,258 18 0
Interest payable half-yearly	....	9000 0 0

SINKING FUND.

2 per Cent. on amount of Consolidated Stock			
say on £37,604 5 4	....	752 1 8	

ROADS AND BRIDGES.

Estimated amount of appropriation for Roads	10000 0 0
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LEGISLATIVE CONTINGENCIES.

Estimated amount of Expenditure	5000 0 0	
Balance in favor of the Colony	10145 0 2	34897 1 10
			£98084 19 11

ASSETS.

Balance from 1856	....		15234 19 11
Estimated amount of Revenue from Customs			
Duties	....	80000 0 0	
Ditto ditto Crown Lands	....	750 0 0	
Ditto ditto Licenses, Fines, Fees, &c.	....	1500 0 0	
Ditto ditto Post Office	....	600 0 0	82850 0 0
			£98084 19 11

THOS. GLEN,

Receiver General.

STATEMENT

Of Light House Account for the Year 1857.

Inspector of Light Houses	....	130	0	0	
Keeper Cape Pine Light House	....	95	0	0	
Assistant Keeper Cape Pine Light House		70	0	0	
Keeper Cape Spear Light House	....	95	0	0	
Keeper Harbor Grace Island Light House		105	0	0	
Keeper Harbor Grace Beacon	....	31	0	0	
Keeper Cape Bonavista Light House	....	95	0	0	
Keeper Fort Amherst Light House	....	70	0	0	
Keeper Green Island Light House	....	100	0	0	
Keeper Cape Race Light House	....	100	0	0	
Assistant Keeper Cape Race Light House		70	0	0	
Oil Supplies, &c.	. . .	1300	0	0	2261 0 0
Estimated Balance for the Erection of Light Houses					5494 0 3
					<hr/> £7,755 0 3

ASSETS.

Balance from 1856	....	3255	0	3	
Estimated amount of Light Dues for 1857		4500	0	0	
					<hr/> £7755 0 3

THOMAS GLEN,

Receiver General.

APPENDIX, No. 23.

ESTIMATE

For Defraying part of the Public Expenditure of Newfoundland, for the Year 1857.

MISCELLANEOUS SALARIES.

Private Secretary to the Governor	....	£200	0	0	
Two Clerks Colonial Secretary's Office	....	400	0	0	
Clerk Receiver General's Office	....	150	0	0	
Keeper Colonial Building	....	60	0	0	
Office Keeper Colonial Secretary's Office	....	60	0	0	
Messenger	“ “	60	0	0	
Keeper Half-way House, Salmonier	....	35	0	0	
Gate Keeper, Government Lodge	....	60	0	0	1025 0 0

JUDICIAL DEPARTMENT.

SALARIES.

Chief Clerk and Registrar Supreme Court, including Clerk and Stationery		420	0	0	
Chief Clerk and Registrar Northern Circuit Court		200	0	0	
Do. do. Southern do.		200	0	0	
Sheriff's Bailiff, Central District	....	50	0	0	
Crier and Tipstaff, St. John's	....	60	0	0	
Do. do. Harbor Grace	....	20	0	0	

MISCELLANEOUS.

Crown Prosecutions	....	300	0	0	
Coroners	....	200	0	0	
Circuit of Judges	....	400	0	0	1850 0 0

POLICE DEPARTMENT.

SALARIES.

Three Magistrates	900	0	0	
Inspector of Police	80	0	0	

Carried forward				£2875 0 0
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APPENDIX, No. 23.

Brought forward		£2875	0	0
Sergeant of do.	50	0	0	
Constables—14 at £45 is £630, and Clothing £70		700	0	0	
Gaoler	....	150	0	0	

OUTPORTS.

Stipendiary Magistrates, Clerks of the Peace, Gaolers and Constables, as per detailed statement	3437	0	0	5317	0	0
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RELIEF OF THE POOR.

SALARIES.

District Surgeon, St. John's	200	0	0		
Ditto Conception Bay	100	0	0		
Gaol Surgeon ditto	....	30	0	0		
Physician Lunatic Asylum	....	200	0	0		
Medical attendance, St. John's Hospital	....	250	0	0		

MISCELLANEOUS.

Permanent and Casual Poor, St. John's & Outports		7250	0	0			
Servants and Paupers, Lunatic Asylum	....	2000	0	0		
Servants and Paupers, St. John's Hospital		1700	0	0	11730	0	0

COLONIAL BUILDING.

Repairs	300	0	0			
Fuel and Light	250	0	0	550	0	0

CUSTOM HOUSE.

Repairs	60	0	0			
Fuel and Light	60	0	0	120	0	0

Carried forward				£20592	0	0
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APPENDIX, No. 23.

Brought forward			£20592	0	0
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COURT HOUSES AND GAOLS.

Repairs St. John's Court House	250	0	0		
Repairs Outport Court Houses and Gaols		300	0	0		
Expenditure of Court Houses and Gaols	....	850	0	0		
Ordinary Repairs of do. do.	200	0	0	1600	0 0

ST. JOHN'S HOSPITAL.

Repairs, Fencing, Draining, &c.				250	0 0
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FERRIES.

At Great Placentia	30	0	0		
At Salmonier	25	0	0		
At Portugal Cove	25	0	0		
At Trinity	30	0	0		
At Harbor Grace to South Side	....	30	0	0		
At Little St. Lawrence	....	10	0	0		
At Burin to Mud Cove, 2 Ferries	....	25	0	0		
At Holly Rood, North and South Side, £15 each		30	0	0		
At Aquaforte	....	15	0	0		
At Mortier Bay, 2 Ferries	....	25	0	0		
At Colinet	....	25	0	0	270	0 0

MISCELLANEOUS IN AID OF ESTABLISHMENTS.

Printing and Stationery	....	750	0	0		
Postages and Incidentals	....	100	0	0		
Insurance on Public Buildings	....	200	0	0		
Carrying out Crown Lands Act	....	300	0	0		
Fuel and Light, Government House	....	200	0	0		
Unforeseen Contingencies	....	500	0	0	2050	0 0

MISCELLANEOUS GENERAL.

Men Stationed at Fort Amherst	36	10	0		
Duties on Wine, Military Mess	50	0	0		

Carried forward				£24762	0 0
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APPENDIX, No. 23.

Brought forward		£24762	0	0
Gas Company Lighting Streets St. John's		166	0	0	
Do. do. do. Harbour Grace		50	0	0	
Water Company St. John's	....	100	0	0	
Dorcas Society do.	....	50	0	0	
Do. do. Harbour Grace	....	25	0	0	
Do. do. Carbonear	....	25	0	0	
Mechanics' Institute	....	50	0	0	
Orphan Asylum Industrial Department	....	50	0	0	
Factory	....	100	0	0	
Reading Room	....	25	0	0	
Agricultural Society	....	250	0	0	
Phoenix Fire Company, £100 and others £50		150	0	0	
Conception Bay Steam Packet Company	....	500	0	0	
Allowance to Robert Smith	....	10	0	0	
Shipwrecked Crews	....	200	0	0	
General Repairs Roads and Bridges	....	200	0	0	
Pumps and Tanks	....	200	0	0	
Almanac for 1857, St. John's	....	25	0	0	2262 10 0
Amount of Account for Postage Stamps	....	414	8	1	
Repairs of the Factory Building	....	250	0	0	
Estimate for New Gaol	....	3000	0	0	
Estimate for taking the Census and other Statistics		2000	0	0	
Protection of Fisheries, Cape John and Belle Isle		1000	0	0	
Delegation to London	....	500	0	0	7164 8 1
					£34,188 18 1

THOMAS GLEN,

Receiver General.

APPENDIX, No. 23.

DETAIL

Of Salaries and Allowances to Stipendiary Magistrates and Constables, Clerks of the Peace and Gaolers, in the undermentioned Outports, for the Year 1857.

Outports.	Magis- trates.	Clerks of the Peace.	Constables.		Gaolers	Total.
			No.	Salary.		
Petty Harbor			1	20		20
Torbay			1	20		20
Portugal Cove			1	20		20
South Shore			1	12		12
Harbor Main			1	12		12
Cats Cove			1	12		12
Brigus and Port-de-Grave	150	60	2	50		260
Bay Roberts			1	12		12
Harbor Grace	200	150	{ 1 2 }	{ 50 50 }	90	540
Carbonear	150	60	3	75		285
Bay de Verds			1	12		12
Western Bay			1	12		12
Hants Harbor			1	12		12
Perlican	130		1	12		142
Hearts Content			1	12		12
New Harbor			1	12		12
Trinity	150	60	2	37	25	272
Catalina			1	25		25
Bonavista	150	45	1	25	10	230
Tickle Cove			1	12		12
King's Cove			1	12		12
Salvage			1	12		12
Greenspond			1	12		12
Twillingate and Fogo	130	45	3	49	10	234
Exploits Bay			1	12		12
Bay Bulls	100		1	25		125
Witless Bay			1	12		12
Toads Cove			1	12		12
Brigus, South			1	12		12
Cape Broyle			1	12		12
Caplin Bay			1	12		12
Ferryland	100		1	25	25	150
Aquaforte			1	12		12
Fermews			1	12		12
Carried forward	£1260	£420	42	£735	£160	£2575

APPENDIX, No. 23.

DETAIL

Of Salaries and Allowances to Stipendiary Magistrates and Constables, Clerks of the Peace and Gaolers, in the undermentioned Outports, for the Year 1857. (Continued.)

Outports	Magis- trates.	Clerks of the Peace.	Constables.		Gaolers	Totals.
			No.	Salary		
Brought forward	1260	420	42	735	160	2575
Renews			1	12		12
St. Mary's			1	25		25
Placentia	130		1	25	25	180
Little Placentia			1	12		12
Oderin			1	12		12
Merasheen			1	12		12
Burin	150	35	1	25	25	235
St. Laurence			1	12		12
Lamaline			1	12		12
Grand Bank	130		1	12		142
Jersey Harbor			1	12		12
Harbor Briton	100	35	1	25		160
Burgeo Islands			1	12		12
Hermitage Bay			1	12		12
Spaniards Bay			1	12		12
Total	£1770	£490	57	£967	£210	£3437

RECAPITULATION.

13 Magistrates	....	....	£1770	0	0
8 Clerks of the Peace	....	....	490	0	0
7 Gaolers	....	....	210	0	0
57 Constables	....	....	967	0	0
			<hr/>		
			£3,437	0	0

APPENDIX, No. 24.

Port of St. John's, Newfoundland.

A CONSOLIDATED ACCOUNT

Of Dutiable Goods imported in the Year ended 31st December, 1856, shewing the aggregate Quantities and Value of the various Articles, and amount of Duty collected thereon.

Articles Imported.	Quantity.	Value.	Duty.
		£ s. d.	£ s. d.
Ale, Porter, Cider, Perry, viz.			
in bottles	1910 doz.	599 13 6	71 12 6
in casks	46008 gals.	3229 17 11	575 2 0
Animals, viz.,			
Horses			
Oxen and Cows	24	215 10 0	6 0 0
Sheep, Swine & Calves	27	23 0 0	1 7 0
Apples	131½ brls.	26 1 0	9 17 3
Bacon, Hams, Tongues, Smoked Beef and Sausages	271-3-3 cwt.	1148 12 10	101 18 1
Beef (salted and cured)	131 brls.	414 9 4	13 2 0
Biscuit	72676-3-0 cwt.	89076 18 10	908 9 4
Butter	6579-3-24 "	25744 2 9	985 14 2
Cheese	179-2-1 "	635 4 4	44 17 6
Chocolate and Cocoa	2890 lbs.	74 0 7	12 0 10
Cigars	197050 M.	686 12 0	98 10 6
Coals	7634½ tons.	6087 9 6	381 14 6
Coffee	205305 lbs.	4285 15 2	855 8 9
Feathers	51236 "	1514 17 7	213 9 8
Flour	8270 brls.	17712 17 1	620 5 6
Fruit (dried)	77469 lbs.	1824 7 8	322 15 9
other descriptions . .		696 19 2	69 14 0
Lumber	194425 feet	678 17 0	24 6 1
Leather (manufactures of)		40920 15 2	4092 1 6
Molasses	912190 gals.	66666 2 3	9499 3 9
Oatmeal and Indian Meal	1113 brls.	1324 4 6	27 16 6
Pork	1195 "	5424 15 6	179 5 0
Ready-made Clothing . .		32586 0 0	3258 12 2
Salt	41628½ tons.	31230 0 10	1040 14 3
Shingles	4835 M.	1897 19 3	241 15 0
Carried forward		£334734 14 7	£23655 13 7

APPENDIX, No. 24.

A CONSOLIDATED ACCOUNT

Of Dutiable Goods imported in the Year ended 31st December, 1856, shewing the aggregate Quantities and Value of the various Articles, and amount of Duty collected thereon. (Continued.)

Articles Imported.	Quantity.	Value.	Duty.
Brought forward		£334734 14 7	£23655 13 7
Spirits, viz.,			
Brandy, Gin and Cordials	25004 gals.	8437 1 3	5000 2 10
Rum	165641 "	25016 7 7	12423 1 6
Sugar, viz.,			
Refined	1086-3-15 cwt.	3169 4 7	649 9 1
Unrefined	15459-2-13 "	20406 19 1	5797 10 1
Bastard	164-0-6 "	258 10 0	61 10 3
Tea	420448 lbs.	20092 12 0	6976 16 10
Timber	480 tons.	692 10 6	24 0 3
Tobacco (manufactured)	434448 lbs.	11517 0 8	5430 0 4
Stems			
Vinegar	1802 gals.	158 13 3	22 10 7
Wines, viz.,			
in bottles	766 "	565 13 0	191 10 0
not in bottles, viz., Port, Madeira, Hock, Bur- gundy and Claret	6166 "	2315 10 0	1233 4 0
Sherry	8533 "	1659 8 0	1122 5 11
Other Wines	3751 "	999 16 5	375 2 0
Goods, Wares, and Merchandize enumerated to pay five per cent.		92276 4 6	4613 16 2
Goods which pay duty at the rate of seven and a half per cent.		53818 19 11	4036 8 5
Silk (Manufactures of)		6569 2 6	656 18 3
Goods not otherwise enumerated or described		147262 5 3	14726 4 6
Totals		£730,041 2 3	£86,996 4 7

THOMAS GLEN,

Receiver General.

Custom House, 31st December, 1856.

APPENDIX, No. 24.

Port of St. John's, Newfoundland.

A CONSOLIDATED ACCOUNT CURRENT OF RECEIPTS AND

DR.

1856.

Dec. 31.—To Outport balances from last year, viz.,

Fogo	. . .	127	4	2		
Trinity	....	162	6	6		
Carbonear	....	260	11	9		
Harbor Grace	....	1146	1	8		
Burin	....	190	0	1		
Harbor Britoa	....	214	4	6	2100	8 8
To Duties, viz.,	....				
Outports	....	15379	0	7		
St. John's	....	71617	4	0		
10 per cent.	....	7161	14	4		
Local Distillation	....	305	19	8	94463	18 7
To Light Dues, viz.,						
St. John's	....	3080	9	11		
Outports	....	1954	5	7	5034	15 6
To Copyright Duties	....				1	15 1
Colony's Share of Seizures					49	1 4
Proceeds of Sale of Barque Canada					134	5 7
Surcharges on Outport Accounts					17	5 10
Board of Revenue					324	8 0
Thomas Birkett (balance on account of seizures)					456	19 11
Balance due the following Outport Officers, viz.,						
Sub-Collector, Lamaline		6	0	0		
Preventive Officer, St. Mary's		7	6	9	13	6 9

£102,596 5 3

We do hereby Certify that we have duly Audited the foregoing Account, and that we have finally settled and closed the same.

Custom House,
4th March, 1857.

M. J. KELLY
CLEMENT BENNING
JOHN BEMISTER.

APPENDIX, No. 24.

PAYMENTS for the YEAR ENDED 31st DAY OF DECEMBER, 1856.

CR.

1856.

Dec. 31.—By remittance from Placentia, charged			
in account current, quarter ended			
31st Dec. 1855.	....		17 6 8
By Drawbacks, (St. John's)	....		2579 19 8
(Outports)	....		24 18 0
Return Duties	....		312 13 6
Over Entries	....		218 0 1
Incidental Charges and Repairs of Building			370 17 6
By Salaries, viz.,			
Reserved	....		5782 9 1
By Customs, viz.,			
St. John's	....	2830 3 9	
Outports	....	2191 18 11	5022 2 8
Superintendent of Distilleries	....		26 0 0
Expenses of Cruizer	....		192 6 4
By Treasury, viz.,			
Cash	....	21017 4 4	
Bonds	....	64128 16 7	85146 0 11
By Outport Balances to next quarter			
Trinity	....	525 8 7	
Carbonear	....	211 16 9	
Harbor Grace	....	1486 15 5	
Placentia	....	30 13 0	
Burin	....	164 11 10	
Harbor Briton	....	39 17 10	
Gaultois	....	388 16 9	
Little Placentia	....	55 5 8	2903 10 10
			£102596 5 3

I Certify that the foregoing Account is just and true in every particular, to the best of my knowledge and belief.

Custom House, 31st Dec., 1856.

THOS. GLEN,
Receiver General.

Financial Secretary's Office.
Examined and found correct.

JAMES TOBIN,
Financial Secretary.

APPENDIX, No. 25.

MEMORIAL

Of the Commercial Society of St. John's, Newfoundland.

To the Honorable the Legislative Council, in Session Convened :

SHEWETH :

That your Memorialists, deeply impressed with the importance and necessity of maintaining, at this time, the rights of British subjects on those parts of the coast of this Colony where a concurrent right of Fishing exists with the subjects of France, and of preventing encroachments on other portions of the Shore, on the Coast of Labrador, and at Belle Isle, where the right belongs exclusively to the British,—

Pray that your Honorable House will take such measures as shall be best calculated to protect and secure the Fishermen of this Colony from any invasion of their rights and privileges ; and your memorialists, as in duty bound, will ever pray.

WALTER GRIEVE,

President of the Commercial Society.

St. John's, Newfoundland,
March 3rd, 1857.

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OF THE

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