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NEWFOUNDLAND.

C O R R E S P O N D E N C E

RELATING TO AN

ARRANGEMENT

BETWEEN

GREAT BRITAIN AND FRANCE,

RESPECTING THE

NEWFOUNDLAND FISHERY QUESTION.

A Map will be found at page 32.

Presented to both Houses of Parliament by Command of Her Majesty.
January 1886.



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1886.

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NEWFOUNDLAND.

CORRESPONDENCE

RELATING TO AN

ARRANGEMENT

BETWEEN

GREAT BRITAIN AND FRANCE,

RESPECTING THE

NEWFOUNDLAND FISHERY QUESTION.

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CONTENTS.

Serial No.	From or to whom.	Date.	Subject.	Page.
1	To Governor Sir J. H. Glover.	June 12, 1884.	Explaining the details of the Arrangement entered into by the British and French Commissioners for the settlement of the Fishery Question, and expressing the hope that the Colonial Ministers, will in common with Her Majesty's Government, view the arrangement as a most advantageous one to the interests of the Colony, and as affording a means of avoiding the recurrence of those irritating questions which have so constantly arisen in connexion with the Fishery Question.	1
2	Governor Sir J. H. Glover.	July 16, 1884. (Rec. July 24, 1884.)	Transmitting copy of a Minute from Ministers on the subject of the Joint Arrangement of the 26th April.	15
3	Ditto - -	July 16, 1884. (Rec. July 24, 1884.)	Transmitting copy of a Minute from Ministers setting forth the reason for not holding a special session of the Legislature as suggested in the Secretary of State's Despatch of 12th June.	16
4	To Governor Sir J. H. Glover.	Aug. 9, 1884.	Observing that Her Majesty's Government will use their best endeavours to procure the acceptance by the French Government of the modifications in the Arrangement suggested by the Government of Newfoundland.	16
5	Ditto - -	Nov. 22, 1884. (Telegraphic.)	Requesting him to report whether his Government agree to one guardian for each harbour, except in the case of large harbours where French establishments are at a distance from each other, and to ask Ministers to suggest a wording of the article to meet this case.	17
6	Governor Sir J. H. Glover.	(Rec. Nov. 24, 1884.) (Telegraphic.)	Reporting that his Government are willing to agree to the suggested modification as to guardians in the case of large harbours, and suggesting the wording of the necessary article.	17
7	To Governor Sir J. H. Glover.	Jan. 31, 1885. (Telegraphic.)	Asking for an assurance that the Colonial Legislature will agree to the Arrangement of 26th April subject to the specified modifications.	17
8	Governor Sir J. H. Glover.	Feb. 5, 1885. (Rec. Feb. 6, 1885.) (Telegraphic.)	Stating that his Government raise an objection to the proposed alteration of the modifications suggested by them with regard to wharves and buildings.	18
9	To Governor Sir J. H. Glover.	Feb. 10, 1885. (Telegraphic.)	Describing the modification of Article 2 which Her Majesty's Government would propose to the French Government.	18
10	Governor Sir J. H. Glover.	Feb. 11, 1885. (Rec. Feb. 12, 1885.) (Telegraphic.)	Defining the meaning of the words "buildings within prescribed limits in harbours not tinted red on map."	18
11	Foreign Office - -	Dec. 18, 1885.	Transmitting copy of a letter to the British Commissioners upon the termination of their labours, with copy of a Despatch to Her Majesty's Minister at Paris bearing testimony to the conciliatory spirit shown by the French delegates.	19

Serial No.	From or to whom.	Date.	Subject.	Page.
12	To Sir Clare Ford and E. B. Pennell, Esq.	Dec. 27, 1885.	Stating that the Arrangement relating to the Newfoundland Fisheries, which was signed at Paris on the 14th ultimo, has been approved by Her Majesty's Government subject to future ratification.	20
13	Foreign Office - -	Jan. 16, 1886.	Transmitting copy of a Despatch from Her Majesty's Minister in Paris on the subject of the conciliatory spirit shown by the French delegates to the Joint Commission.	20
14	To the Officer Administering the Government.	Jan. 26, 1886.	Recapitulating the negotiations on the subject of the French fishery rights, and transmitting copy of the Arrangement signed at Paris on the 14th November 1885, and instructing the Administrator to lay the Arrangement before his Ministers with a view to its being submitted to the Legislature, and to the passing of the necessary laws to enable it to come into operation.	21

Correspondence relating to an Arrangement between Great Britain and France respecting the Newfoundland Fishery Question.

No. 1.

The RIGHT HONOURABLE the EARL OF DERBY to GOVERNOR
SIR J. H. GLOVER, G.C.M.G.

SIR,

Downing Street, June 12, 1884.

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

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

I have now the honour to transmit to you a copy of that Arrangement, together with two inclosures accompanying it, which consist of a statement and map referred to in Article 2.

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

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

They are as follows :—

By Article XIII. of the Treaty of Utrecht, 1713, it was agreed that "The island called Newfoundland, with the adjacent islands, shall, from this time forward, belong of right wholly to Britain, and to that end the town and fortress of Placentia, and whatever other places in the said island are in the possession of the French, shall be yielded and given up within seven months from the exchange of the ratifications of this treaty, or sooner if possible, by the Most Christian King to those who have a commission from the Queen of Great Britain for that purpose. Nor shall the Most Christian King, his heirs and successors, or any of their subjects, at any time hereafter lay claim to any right to the said island and islands, or to any part of it or them. Moreover, it shall not be lawful for the subjects of France to fortify any place in the said island of Newfoundland, or to erect any buildings there, besides stages made of boards, and huts necessary and usual for drying of fish, or to resort to the said island beyond the time necessary for fishing and drying of fish. But it shall be allowed to the subjects of France to catch fish, and to dry them on land in that part only, and in no other besides that, of the said island of Newfoundland, which stretches from the place called Cape Bonavista to the northern point of the said island, and from thence running down by the western side, reaches as far as the place called Point Riche. But the island called Cape Breton, as also all others, both in the mouth of the river St. Lawrence and in the gulf of the same name, shall hereafter belong of right to the French, and the Most Christian King shall have all manner of liberty to fortify any place or places there." And by Article V. of the Treaty of Paris, 1763, that "The subjects of France shall have the liberty of fishing and drying, on a part of the coasts of the

“ island of Newfoundland, such as it is specified in Article XIII. of the Treaty of
 “ Utrecht, which article is renewed and confirmed by the present treaty (except what
 “ relates to the island of Cape Breton, as well as to the other islands and coasts in the
 “ mouth and in the Gulf of St. Lawrence); and his Britannic Majesty consents to leave
 “ to the subjects of the Most Christian King the liberty of fishing in the Gulf of St. Law-
 “ rence on condition that the subjects of France do not exercise the said fishery but at
 “ the distance of three leagues from all the coasts belonging to Great Britain, as well
 “ those of the continent as those of the islands situated in the said Gulf of St. Law-
 “ rence. And as to what relates to the fishery on the coast of the island of Cape
 “ Breton, out of the said gulf, the subjects of the Most Christian King shall not be
 “ permitted to exercise the said fishery but at the distance of fifteen leagues from the coast
 “ of the island of Cape Breton; and the fishery on the coasts of Nova Scotia or Acadia,
 “ and everywhere else out of the said gulf, shall remain on the foot of former treaties.”
 And by Article VI. of the same treaty, “ The King of Great Britain cedes the islands
 “ of St. Pierre and Miquelon in full right to His Most Christian Majesty, to serve as a
 “ shelter to the French fishermen; and His said Most Christian Majesty engages not to
 “ fortify the said islands; to erect no buildings upon them but merely for the conveni-
 “ ence of the fishery; and to keep upon them a guard of fifty men only for the police.”
 And by Article IV. of the Treaty of Versailles, 1783, that “ His Majesty the King of
 “ Great Britain is maintained in his right to the island of Newfoundland and to the
 “ adjacent islands, as the whole were assured to him by the 13th Article of the Treaty
 “ of Utrecht, excepting the islands of St. Pierre and Miquelon, which are ceded in full
 “ right by the present treaty to His Most Christian Majesty.” And by Article V. of
 “ the said last-named treaty that “ His Majesty the Most Christian King, in order to
 “ prevent the quarrels which have hitherto arisen between the two nations of England
 “ and France, consents to renounce the right of fishing, which belongs to him in virtue
 “ of the aforesaid article of the treaty of Utrecht, from Cape Bonavista to Cape
 “ St. John, situated on the eastern coast of Newfoundland, in 50° north latitude; and
 “ His Majesty the King of Great Britain consents, on his part, that the fishery assigned
 “ to the subjects of His Most Christian Majesty, beginning at the said Cape John,
 “ passing to the north and descending by the western coast of the island of Newfound-
 “ land, shall extend to the place called Cape Ray, situated in 47° 50' latitude. The
 “ French fishermen shall enjoy the fishery which is assigned to them by the present
 “ article as they had the right to enjoy that which was assigned to them by the Treaty
 “ of Utrecht.” And by Article VI. of the said last-named treaty that, “ With regard to
 “ the fishery in the Gulf of St. Lawrence, the French shall continue to exercise it con-
 “ formably to the Vth Article of the Treaty of Paris.” And by a declaration of His
 “ Britannic Majesty, dated the 3rd day of September, 1783, it was declared that “ The
 “ King, having entirely agreed with His Most Christian Majesty upon the articles of the
 “ definitive treaty, will seek every means which shall not only insure the execution
 “ thereof, with his accustomed good faith and punctuality, but will besides give, on his
 “ part, all possible efficacy to the principles which shall prevent even the least foundation
 “ of dispute for the future.

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

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

“ The King of Great Britain, in ceding the islands of St. Pierre and Miquelon to
 “ France, regards them as ceded for the purpose of serving as a real shelter to the
 “ French fishermen, and in full confidence that these possessions will not become an

“ object of jealousy between the two nations, and that the fishery between the said islands, and that of Newfoundland shall be limited to the middle of the channel.”

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

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

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

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

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

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

1. An exclusive right of fishery on that portion of the coast of Newfoundland between Cape St. John and Cape Ray, passing round by the north of the island.
2. That all British fixed settlements, of whatever nature, on that portion of the coast are contrary to treaty.

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

1. That British subjects have a right to fish concurrently with the French, so long as they do not interrupt the latter.
2. That the undertaking in the Declaration of 1783, to cause the removal of fixed settlements, referred only to fixed fishing settlements, and that fixed settlements of any other kind are not contrary to the declaration.

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

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

The Government of France each year during the fishing season employ ships of war to superintend the fishery exercised by their countrymen, and in consequence of the

divergent views entertained by the two Governments respectively as to the interpretation to be placed upon the treaties, questions of jurisdiction, which might at any moment have become serious, have repeatedly arisen.

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

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

Your Government are aware that the present Commission is the eighth which has been appointed since the year 1846 for a settlement of the Newfoundland Fishery question, and it may be useful here to recapitulate briefly the various terms which have been proposed in the previous negotiations as a basis of settlement, in order to show distinctly how much more favourable to the Colony is the present arrangement as compared with the terms proposed on any previous occasion.

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

Captain Fabvre, commander of the French naval station, and Mr. Thomas, President of the Chamber of Commerce at Newfoundland, were, in consequence, appointed by their respective Governments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The French negotiator offered no objection to the plan of recognizing the French "exclusive right" on a diminished extent of coast; but he contended for the retention of a "concurrent right" on that portion of the coast on which their exclusive claim might be renounced, and for other advantages as well, such as admission, concurrently with British fishermen, to the fisheries of Labrador and North Belle Isle, and to the "bait fishery" on the southern coast, all of which, he maintained, were necessary, as an equivalent for admitting British subjects to a free "concurrent right" on the lower portion of the western coast.

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

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

The negotiations were continued in the year 1856 by Captain Pigeard, who arrived in London in the month of July of that year, and by Mr. Merivale, the Under Secretary of State for the Colonies. The basis of these negotiations was founded upon the counter proposals made by Sir A. Perrier, and also upon the draft of the treaty proposed by Mr. Labouchere. The negotiations finally terminated by the signature of a Convention in London on the 17th January 1857.

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

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

With regard to the question of fixed establishments, the Convention of 1857 stipulated that no British buildings or inclosures should be erected or maintained on the strand reserved for French exclusive use. It was provided, however, that buildings which had stood for five successive seasons previous to the date of the Convention,

* Convention of 1857.

without objection on the part of the French Government, should not be liable to removal without equitable compensation to the owners from the French Government. By the Convention a limited right of jurisdiction was conceded to the French, and French naval officers were to have the power to enforce the French exclusive rights of fishing by the expulsion of vessels or boats attempting concurrent fishing, in the case of there being no British cruising vessel in sight or made known to be present within a distance of five marine miles. French naval officers were likewise entitled to take such measures as occasion might require to put French fishermen in possession of any portion of the strand of which their exclusive use for fishery purposes was recognised by the Convention.

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

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

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

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

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

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

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

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

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

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

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

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

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

* Proposed Convention of 1860 with Joint Instructions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The result under its provisions will be :—

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

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

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

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

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

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

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

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

I may here observe that a Convention,* a copy of which is inclosed, was signed in 1881 at The Hague by the Representatives of certain Maritime Powers for the regulation of the fisheries in the North Sea. This Convention contains very useful provisions for the orderly prosecution of the fisheries in common by fishermen of different nationalities, and

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

some of its provisions have been considered applicable to the case of the Newfoundland fisheries.

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

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

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

Any inconvenience which might possibly be entailed by this arrangement would be obviated, if necessary, by a closer supervision being exercised on the part of Her Majesty's cruisers of those portions of the coast where the cruisers of the French navy may be stationed, and, indeed, it is contemplated that two of Her Majesty's cruisers should in future cruise more especially off the northern portion of the coast, where the French are in the habit of carrying on their principal fisheries.

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

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

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

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

Sir John Glover.

I have, &c.
(Signed) DERBY.

Enclosure in No. 1.

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

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

ARRANGEMENT.

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

ARTICLE 1.

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

ARTICLE 2.

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

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

ARTICLE 3.

It is understood that French citizens shall retain in full on all those parts of the

* The map and statement here referred to are identical with those annexed to the subsequent arrangement of 14th November 1885. See No. 14, pp. 30-32.

ARRANGEMENT.

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

ARTICLE 1er.

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

ARTICLE 2.

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

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

ARTICLE 3.

Il est entendu que les français conserveront dans sa plénitude sur toutes les

coast, comprised between Cape Saint John and Cape Raye, the right as it is defined by treaty of fishing, of drying and curing their fish, &c. as well as of cutting wood, in all parts, except on enclosed property, necessary for fishing stages, huts, and fishing boats.

ARTICLE 4.

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

ARTICLE 5.

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

ARTICLE 6.

The commanders of cruisers of each nation shall notify mutually to one another any infractions which may be committed by the ships or boats of the other nation of the regulations set forth in the preceding article.

ARTICLE 7.

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

ARTICLE 8.

On a complaint being made by French fishermen or on a demand being made by them with a view to their being enabled to exercise their right of fishing, the commanders of the English cruisers shall oppose, and, in case of no English cruiser being in sight, the commanders of the French cruisers may oppose, every fishing

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

ARTICLE 4.

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

ARTICLE 5.

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

ARTICLE 6.

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

ARTICLE 7.

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

ARTICLE 8.

Sur la plainte des pêcheurs français ou sur leur demande tendant à pouvoir user de leur droit de pêche, les commandants des bâtiments croiseurs Anglais s'opposent, et, s'il n'y a aucun croiseur Anglais en vue, les commandants des bâtiments croiseurs français pourront s'opposer à toute opération de pêche des sujets Britanniques

operation of British subjects which may interrupt the industry of such French fishermen; they shall remove the boats or ships causing the obstruction to such industry.

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

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

ARTICLE 9.

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

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

ARTICLE 10.

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

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

qui gênerait l'industrie des dits pêcheurs français; ils éloigneront les bateaux ou navires qui seraient un obstacle à cette industrie.

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

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

ARTICLE 9.

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

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

ARTICLE 10.

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

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

taken thereon so far as their powers extend by the commanders of the cruizers of the nationality to which the offending party belongs.

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

ARTICLE 11.

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

ARTICLE 12.

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

ARTICLE 13.

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

ARTICLE 14.

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

ARTICLE 15.

French fishermen shall be exempt from the payment of any duties on the importation into that part of the Island of Newfoundland comprised between Cape Saint John and Cape Raye, passing by the North, of all articles, goods, provisions,

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

ARTICLE 11.

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

ARTICLE 12.

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

ARTICLE 13.

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

ARTICLE 14.

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

ARTICLE 15.

Les pêcheurs français seront, exempts de toute taxe pour l'introduction dans la partie de l'Île de Terre Neuve comprise entre le Cap Saint Jean et le Cap Raye, en passant par le Nord, de tous objets, matières, vivres, &c., nécessaires à leur

&c., which are necessary for the prosecution of their fishing industry, for their subsistence, and for their temporary establishment on the coast of this British possession.

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

ARTICLE 16.

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

ARTICLE 17.

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

ARTICLE 18.

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

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

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

ARTICLE 19.

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

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

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

FRANCIS CLARE FORD.
EDMUND BURKE PENNELL.

industrie à leur subsistence et à leur établissement temporaire sur la côte de cette possession Britannique.

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

ARTICLE 16.

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

ARTICLE 17.

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

ARTICLE 18.

Tout bateau de pêche, tout canot, tout objet d'armement ou de grément de bateau de pêche, tout filet, ligne, bouée ou engin quelconque, qui aura été trouvé, ou recueilli, devra aussitôt que possible être remis aux autorités compétentes de la nation du sauveteur. Les objets sauvés seront rendus aux propriétaires ou à leur représentants par les soins des dites autorités compétentes et sous réserve de la garantie préalable des droits de sauveteurs.

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

ARTICLE 19.

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

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

Fait à Paris en double exemplaire le 26 Avril 1884.

CH. JAGERSCHMIDT.
J. BIGRELL.

No. 2.

GOVERNOR SIR J. H. GLOVER, G.C.M.G., to the RIGHT HON. THE EARL OF DERBY, K.G. (Received July 24, 1884.)

MY LORD,

Government House, July 16, 1884.

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

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

I have, &c.

The Right Hon. the Earl of Derby,
&c. &c. &c.

(Signed) JOHN H. GLOVER,
Governor.

Enclosure in No. 2.

EXTRACT FROM MINUTES OF COUNCIL, 15th July 1884.

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

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

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

Reciprocating the solicitude of Her Majesty's Government for the attainment of the object in view, the Council confide in the assurance of the Right Hon. Lord Derby in his Despatch above quoted, that under the proposed arrangement the claim of the French to an exclusive right of fishery is withdrawn, and the concurrent right of British fishermen recognised to fish everywhere on the coast between Cape St. John and Cape Ray, provided they do not actually interfere with or molest French fishermen in the exercise of their fishing industry.

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

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

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

harbours. Such erections could not interfere with or incommode the fishing operations of the French. The sites to be determined by the British and French Commanders of cruisers on the coast.

Article 17 appears to be objectionable on the ground that it would operate as a basis for the formation of the permanent settlement of a French population on the coast. The guardians indicated should be limited to one French guardian and his family for each harbour, for the purpose of taking care of French property during that period of the year when the French, by treaty, are to be absent from the coast.

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

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

E. D. SHEA,
Clerk, Executive Council.

No. 3.

GOVERNOR SIR J. H. GLOVER, G.C.M.G., to the RIGHT HON. the EARL OF
DERBY, K.G. (Received July 24, 1884.)

MY LORD,

Government House, July 16, 1884.

I HAVE the honour to forward herewith a Minute of Council agreed upon by my Ministers, setting forth the reason for not holding a special Session of the Legislature, as suggested in your Lordship's secret Despatch of the 12th June 1884.*

I have, &c.

The Right Hon. the Earl of Derby,
&c. &c. &c.

(Signed) JOHN H. GLOVER,
Governor.

Enclosure in No. 3.

MINUTE of the EXECUTIVE COUNCIL, held on the 16th July 1884.

THE present circumstances of the Colony are very unfavourable to the holding of a special Session of the Legislature.

2. The recent trials in the Supreme Court, consequent on the disturbances in Harbour Grace, have produced a great and unwonted agitation of the public mind, and sectarian feeling is active and widespread. In this state of things it is exceedingly improbable that the very important matter now in question would receive dispassionate consideration. The Council therefore regret that they are obliged to deem the proposal of an extra Session inexpedient, and that in this respect they are unable to meet the desire of Her Majesty's Government.

(Signed) E. D. SHEA,
Clerk.

No. 4.

The RIGHT HON. THE EARL OF DERBY, K.G., to GOVERNOR SIR J. H.
GLOVER, G.C.M.G.

SIR,

Downing Street, August 9, 1884.

I HAVE the honour to acknowledge the receipt of your secret Despatch of the 16th of July,† enclosing a Minute of Council respecting the Arrangement for the settlement of the Newfoundland Fishery Question.

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

Sir J. H. Glover.

I have &c.
(Signed) DERBY.

No. 5.

The RIGHT HON. the EARL OF DERBY, K.G. to GOVERNOR SIR J. H. GLOVER,
G.C.M.G.

TELEGRAPHIC.

22nd November. With respect to the proposed Fisheries Arrangement the French Commissioners are ready to agree to one guardian for each harbour except in the case of large harbours where their establishments are at a distance from each other. Reply as soon as possible whether your Government agree, and ask them to suggest a wording of the article to meet this case. The British Commissioners hope to be able to carry the modification desired by your Government as regards the question of wharves in harbours.

No. 6.

GOVERNOR SIR J. H. GLOVER, G.C.M.G. to the RIGHT HON. THE EARL OF
DERBY, K.G. (Received November 24, 1884.)

TELEGRAPHIC.

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

No. 7.

The RIGHT HON. THE EARL OF DERBY, K.G., to GOVERNOR SIR J. H. GLOVER,
G.C.M.G.

TELEGRAPHIC.

31 January 1885.—Fishery question. There is every prospect of obtaining modification in respect of guardians in accordance with text suggested by Colonial Government and modification in respect of wharves as worded in following draft article to follow Article 2: "As often as and notwithstanding the prohibition stipulated at the end of the second paragraph of the preceding article, and in the case in which a mine shall be discovered in the vicinity of any one of the parts of the coast comprised in the statement annexed to the present Arrangement, the Government of the French Republic engages not to raise any objection against the persons interested enjoying for the working of such mine facilities compatible with the free exercise of the French fishery. With this object a wharf may be constructed on a point of the coast to be specified by common agreement between the commanders of the cruisers of the two nations, all the buildings necessary for the working of the mine, of whatever description they may be, storehouses, magazines, workman's houses, &c., shall be erected on that part of the territory situated beyond the limits specified in the annexed statement. They may be connected to the wharf by one single railroad of one or two lines, no construction other than that of a wharf, and the railroad above-mentioned shall, in conformity with the last stipulation of the second paragraph of the preceding article, be erected on that part of the coast set aside for the fishing within the limits fixed in the annexed statement"; end of proposed article; statement referred to accompanies Article 2.

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

No. 8.

GOVERNOR SIR J. H. GLOVER, G.C.M.G., to the RIGHT HON. THE EARL OF DERBY, K.G. (Received February 6, 1885.)

TELEGRAPHIC.

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

No. 9.

The RIGHT HON. THE EARL OF DERBY, K.G., to GOVERNOR SIR J. H. GLOVER, G.C.M.G.

TELEGRAPHIC.

February 10, 1885. Object of French Government is to discourage population where French fishery establishments particularly situated. Her Majesty's Government regard as hopeless to endeavour to induce French Government to agree to buildings within prescribed limits in harbours not tinted red on map unless it is stipulated that they shall not be used as residences. They could propose, if this would meet views of your Government, that with the above reservation, constructions necessary for shelter of mining apparatus and storage of minerals might be permitted within those limits on sites to be approved by common agreement between the commanders of cruisers of two nations. Would your Government suggest wording of article in this sense?

No. 10.

GOVERNOR SIR J. H. GLOVER, G.C.M.G., to the RIGHT HON. THE EARL OF DERBY, K.G. (Received February 12, 1885.)

TELEGRAPHIC.

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

No. 11.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, December 18, 1885.

I AM directed by the Marquis of Salisbury to transmit to you herewith, for the information of Her Majesty's Secretary of State for the Colonies, copy of a Despatch which his Lordship has addressed to the British delegates to the Newfoundland Fishery Commission upon the termination of the labours of the Commission, together with a copy of a Despatch to Her Majesty's Minister at Paris, bearing testimony to the conciliatory spirit shown by the French delegates throughout the recent negotiations.

I am, &c.

The Under Secretary of State,
Colonial Office.

(Signed) J PAUNCEFOTE.

Enclosure in No. 11.

The MARQUIS OF SALISBURY to SIR CLARE FORD and MR. PENNELL.

GENTLEMEN,

Foreign Office, December 12, 1885.

I HAVE received with much satisfaction from Her Majesty's Secretary of State for the Colonies a copy of the Arrangement relative to the Newfoundland fisheries, which was signed by you on the 14th ultimo, jointly with your French colleagues, and which you were authorised to conclude, subject to its acceptance by the Legislature of the Colony and to its final ratification by Her Majesty's Government and the Government of the French Republic.

The controversy between Great Britain and France concerning the Newfoundland fisheries has been carried on for more than 100 years. It may be said, indeed, to date back to a period considerably anterior to the Treaty of Versailles of 1783, by which it was hoped that a lasting solution of the question would have been effected. Differences of opinion arose, however, almost immediately afterwards, with regard to the proper construction of the new Treaty stipulations dealing with the French rights of fishery, and, as time went on, the question became still further complicated by the increase of the fixed population on that part of the shore where these privileges were exercised. The matter was first brought before the Foreign Office by a Despatch from Count Sebastiani to Lord Palmerston in 1836; but formal negotiations were not opened till ten years later, in 1846; which resulted, eleven years later, in 1857, in the signing of a Convention between England and France, by which it was hoped that all difficulties would be adjusted. But it fell to the ground through the opposition of the Newfoundland Legislature, and attempts of a similar character which were made in 1859-60, 1868, 1874, and 1881, have, for various reasons, proved equally abortive.

The actual negotiations in which you have recently been engaged have extended over a period of nearly two years, and your labours in connexion with this important question having now come to a close, I avail myself of the opportunity to express to you my entire approval of the manner in which you have performed the duties intrusted to you, and my high appreciation of the tact and ability you have displayed in the conduct of these long and delicate negotiations.

I trust that the new "Arrangement" which you have concluded, will be found to afford a practical solution of the many difficulties surrounding the question of the Newfoundland fisheries, and that it will provide a satisfactory means of settlement for the constantly recurring disagreements between British and French subjects in Newfoundland, which have for so many years formed the subject of correspondence between the two Governments concerned, whilst at the same time I believe that it will satisfy the legitimate needs of the inhabitants of the coast of Newfoundland, and allow of the development of the agricultural and mineral resources of the Colony.

If these anticipations should be realised the object sought by the two countries will have been attained.

I cannot conclude this Despatch without placing on record my acknowledgment of the conciliatory spirit shown by your French colleagues throughout the late negotiations,

which has largely facilitated the task with which you were charged, and contributed in no slight degree to its successful issue.

I am, &c.
(Signed) SALISBURY.

Enclosure 2 in No. 11.

The MARQUIS OF SALISBURY to SIR J. WALSHAM.

SIR, Foreign Office, December 15, 1885.
I transmit to you herewith, for your information, copy of the papers marked in the margin relative to the proceedings of the Newfoundland Fishery Commission, and to the Arrangement lately signed in Paris by the British and French Commissioners.

I have to request that you will take advantage of the first favourable opportunity that may present itself to express to the French Government the high sense entertained by Her Majesty's Government of the conciliatory spirit shown by the French delegates throughout the recent negotiations, which has contributed in an important degree to the harmonious action of the Mixed Commission, and to the conclusion of the Arrangement signed on the 14th ultimo.

I am, &c.
(Signed) SALISBURY.

No. 12.

COLONIAL OFFICE to SIR F. CLARE FORD, K.C.M.G., C.B., and
E. B. PENNELL, Esq.

GENTLEMEN, Downing Street, December 27, 1885.
I AM directed by Colonel Stanley to acknowledge the receipt of your letter of the 15th of November,* enclosing (with other documents) the "Arrangement" relating to the Newfoundland fisheries which was signed at Paris by yourselves and the French Commissioners on the previous day, and reporting your proceedings in connexion therewith.

Colonel Stanley forwarded copies of your report with its enclosures to the Secretary of State for Foreign Affairs, and he now desires me to inform you that Her Majesty's Government approve the "Arrangement" as signed by you on the 14th of November, subject to future ratification, and they also approve the proceedings which you have reported.

The Marquis of Salisbury has forwarded to this office a copy of the Despatch dated the 12th instant,† which he addressed to you on the termination of the labours of the Commission upon which you have been engaged, and Colonel Stanley desires me to state that he has pleasure in conveying to you the expression of his entire concurrence in the remarks made by his Lordship.

Sir Clare Ford.
E. B. Pennell, Esq.

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

No. 13.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR, Foreign Office, January 16, 1886.
WITH reference to my letter of the 18th of December last,‡ I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before Her Majesty's Secretary of State for the Colonies, copy of a Despatch from Her Majesty's Minister in Paris, on the subject of the Newfoundland Fisheries question.

The Under Secretary of State,
Colonial Office.

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

* Not printed.

† Enclosure 1 in No. 11.

‡ No. 11.

Enclosure in No. 13.

Sir J. WALSHAM to the MARQUIS OF SALISBURY.

MY LORD,

Paris, January 1, 1886.

ON Wednesday last, the first opportunity of seeing M. de Freycinet that had presented itself since the receipt of your Lordship's instruction of the 15th ultimo, I took advantage of it to express to his Excellency the high sense entertained by Her Majesty's Government of the conciliatory spirit which had been shown by the French Delegates throughout the recent negotiations on the Newfoundland Fisheries question. It was considered, I said, to have contributed in a high degree to the harmonious action of the Mixed Commission, and to the satisfactory termination of its labours.

M. de Freycinet begged me to assure your Lordship of the gratification which he felt at this mark of appreciation on the part of Her Majesty's Government. Such appreciation, he added, was all the more gratifying to him because he had not concealed from the French Commissioners his own wish that the negotiations with their English colleagues should be conducted on the most friendly footing.

I have, &c.

(Signed) JOHN WALSHAM.

No. 14.

COLONEL THE RIGHT HON. F. A. STANLEY, M.P., to the OFFICER ADMINISTERING THE GOVERNMENT OF NEWFOUNDLAND.

SIR,

Downing Street, January 26, 1886.

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

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

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

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

That the Arrangement should contain a provision allowing the erection of wharves and buildings necessary for working mines and for shipping purposes in those harbours of the coast of Newfoundland not tinted red on the map accompanying Article 2 of the Arrangement, the sites to be determined by the British and French Commanders of cruizers on the coast, and that Article 17 of the Arrangement should be modified to this extent, viz., that the guardians indicated should be limited to one French guardian

and his family for each harbour, for the purpose of taking care of French property during that portion of the year when the French are obliged by treaty to be absent from the coast.

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

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

Negotiations with this object were subsequently resumed by the same Commission, and my predecessor informed the Governor of Newfoundland by his telegram of the 31st of January, that there appeared to be every prospect of obtaining the modification in respect of guardians suggested by the Colonial Government and a modification with regard to wharves, as worded in following draft article to follow Article 2. "As often as and notwithstanding the prohibition stipulated at the end of the second paragraph of the preceding Article, and in the case in which a mine shall be discovered in the vicinity of any one of the parts of the coast comprised in the statement annexed to the present Arrangement, the Government of the French Republic engages not to raise any objection against the persons interested enjoying for the working of such mine facilities compatible with the free exercise of the French Fishery. With this object a wharf may be constructed on a point of the Coast to be specified by common agreement between the commanders of the cruizers of the two nations, all the buildings necessary for the working of the mine, of whatever description they may be, storehouses, magazines, workman's houses, &c., shall be erected in that part of the territory situated beyond the limits specified in the annexed statement. They may be connected to the wharf by one single railroad of one or two lines, no construction other than that of a wharf, and the railroad above mentioned shall, in conformity with the last stipulation of the second paragraph of the preceding article, be erected on that part of the coast set aside for the fishing within the limits fixed in the annexed statement."

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

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

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

I now enclose a copy of an Arrangement which was signed at Paris by Sir Clare Ford and Mr. Pennell representing this country, and by Monsieur Jagerschmidt and Admiral Bigrel representing France, on the 14th of November last. This Arrangement supersedes that signed on the 26th of April 1884, which has been cancelled by the instrument of which a copy is annexed.

The stipulations which have been inserted with a view of giving effect to the wishes of the Government of Newfoundland with regard to the erection of constructions necessary for the working of mines on those portions of the coast not tinted red on the map which accompanies the Arrangement, and to the limitation of the number of French guardians, are contained in Articles 3 and 18.

Article 3, in the opinion of Her Majesty's Government, allows all such facilities for the working of mines and for the construction of the necessary wharves, shelters, and storehouses, on those portions of the coast to which that Article refers as can reasonably

Arrangement
14th Nov. 1885,
with Statement
and Map.
Procés Verbal de
Clôture
14 Nov. 1885.

be expected, and as are compatible with the free exercise by the French of their fishery rights in those localities.

Article 18 carries out the views of your Government in regard to the limitation of the number of guardians to be allowed for the guardianship of the French establishments out of the fishing season.

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

The Arrangement now transmitted to you differs from that of the 26th of April 1884 only in the particulars above referred to (except that in Article 20 Article 18 has been included among the exceptions to those Articles applicable to the fishing season only), and the Despatch from my predecessor of the 12th of June 1884 which forwarded that Arrangement deserves again at the hands of your Government a careful study in connexion with the new Arrangement now transmitted to you.

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

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

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

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

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

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

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

The Officer Administering
the Government of Newfoundland.

* Enclosure 1 in No. 11.

† No. 12.

Note Verbale,
14th Nov. 1885.

* Lord Salisbury to
B. Crs.

12th Dec. 1885.

† C. O. to B. Crs.

27th Dec. 1885.

Enclosure 1 in No. 14.

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

ARRANGEMENT.

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

ARTICLE 1.

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

ARTICLE 2.

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

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

ARTICLE 3.

Notwithstanding the prohibition stipulated at the end of the second paragraph

ARRANGEMENT.

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

ARTICLE 1er.

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

ARTICLE 2.

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

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

ARTICLE 3.

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

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

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

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

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

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

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

ARTICLE 4.

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

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

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

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

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

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

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

ARTICLE 4.

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

ARTICLE 5.

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

ARTICLE 6.

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

ARTICLE 7.

The commanders of cruisers of each nation shall notify mutually to one another any infractions which may be committed by the ships or boats of the other nation, of the regulations set forth in the preceding article.

ARTICLE 8.

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

ARTICLE 9.

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

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

ARTICLE 5.

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

ARTICLE 6.

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

ARTICLE 7.

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

ARTICLE 8.

Les bâtiments croiseurs des deux pays seront compétents pour constater toutes les infractions aux traités actuellement en vigueur et notamment à la Déclaration de 1783, aux termes de laquelle les sujets britanniques n'ont pas le droit de "troubler, en aucune manière, par leur concurrence, la pêche des français pendant l'exercice temporaire qui leur est accordé sur les côtes de Terre Neuve."

ARTICLE 9.

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

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

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

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

ARTICLE 10.

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

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

ARTICLE 11.

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

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

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

Should the matter appear to be of sufficient gravity to justify such a step, the commander of the cruiser of the nationality to which the plaintiff belongs, shall have the right if no cruiser of the nationality to

les remettre entre les mains des commandants des croiseurs de sa Majesté Britannique.

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

ARTICLE 10.

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

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

ARTICLE 11.

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

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

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

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

which the offender belongs be in sight, to secure either the person of the offender or his boat in order to give them up into the hands of the commanders of the cruizers of the nationality to which they belong.

ARTICLE 12.

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

ARTICLE 13.

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

ARTICLE 14.

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

ARTICLE 15.

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

ARTICLE 16.

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

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

quant, de s'assurer soit de la personne du dit délinquant, soit de son bateau, pour les remettre entre les mains des commandants des bâtimens croiseurs de leur nationalité.

ARTICLE 12.

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

ARTICLE 13.

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

ARTICLE 14.

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

ARTICLE 15.

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

ARTICLE 16.

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

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

ARTICLE 17.

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

ARTICLE 18.

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

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

ARTICLE 19.

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

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

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

ARTICLE 20.

The provisions of the present arrangement, with the exception of those contained in Articles 1, 2, and 18, shall be applicable solely for the time during which the treaties accord to the French the right of fishing and drying their fish.

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

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

FRANCIS CLARE FORD.

EDMUND BURKE PENNELL.

ARTICLE 17.

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

ARTICLE 18.

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

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

ARTICLE 19.

Tout bateau de pêche, tout canot, tout objet d'armement ou de grément de bateau de pêche, tout filet, ligne, bouée, ou engin quelconque, qui aura été trouvé ou recueilli, devra, aussitôt que possible, être remis aux autorités compétentes de la nation du sauveteur. Les objets sauvés seront rendus aux propriétaires ou à leurs représentants par les soins des dites autorités compétentes et sous réserve de la garantie préalable des droits de sauveteurs.

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

ARTICLE 20.

Les dispositions du présent arrangement, à l'exception de celles des articles 1, 2, et 18, seront applicables uniquement pendant le temps durant lequel les traités accordent aux français le droit de pêcher et de sécher le poisson.

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

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

CH. JAGERSCHMIDT.

T. BIGREL.

Enclosure 2 in No. 14.

NEWFOUNDLAND,

FISHERIES COMMISSION, 1884-1885.

Statement annexed to the arrangement of the 14th November 1885, respecting the Newfoundland Fisheries, in execution of Article 2 of the said arrangement.

WEST SIDE.

(From Cape Ray to Cape Norman.)

1. Cod Roy Island. On the main land opposite, that portion of the coast situated between the two perpendicular lines drawn from the extremities of the island in the general direction of the coast ;
2. Red Island ;
3. That portion of the coast situated between Cape Cormoran and the west point of Pic Denis Harbour in the Bay of Port à Port on the west ;
4. The small islands situated in the Bay of Port à Port, together with those which close it on the north ;
5. That portion of the coast situated between Bear Cove (L'Anse à l'Ours) and the foot of the mountain Blow-me-down ;
6. Governor's Island, the islands of Guernsey, Tweed, the two Shags, the Pearl, and Green Island ;
7. That portion of the coast which borders the Harbour des Roches ;
8. Stearing Island and the adjacent coast from the latitude of the northern point of Stearing Island to the foot of a perpendicular line drawn down from Cape Pointu on the coast, following the sinuosities of the peninsula of Cow Head (La Tête de Vache) ;
9. That portion of the coast comprised between a point situated at a distance of three miles to the south of the mouth of the River Ponds and the latitude of the northern part of Savage Island following the sinuosities of the peninsula of Port au Choix ;
10. All those islands situated within the Bay of St. John ;

COMMISSION DES PÊCHERIES.

DE TERRE NEUVE, 1884-1885.

Etat annexé à l'arrangement du 14 Novembre 1885, relatif aux pêcheries de Terre Neuve, en exécution de l'Article 2 dudit arrangement.

CÔTE OUEST.

(Du Cap Raye au Cap Normand.)

1. L'Île de Cod Roy. Sur la grande terre qui fait face, la partie de la côte comprise entre les deux perpendiculaires menées des extrémités de l'Île sur la direction générale de la côte ;
2. L'Île Rouge ;
3. La partie de la côte comprise entre le Cap Cormoran et la pointe ouest du Hâvre du Pic Denis dans la baie de l'ouest de Port à Port ;
4. Les îlots situés dans la baie de Port à Port, ainsi que ceux qui la ferment au nord ;
5. La partie de la côte comprise entre l'Anse à l'Ours (Bear Cove) et le pied de la montagne Blow-me-down ;
6. L'Île du Gouverneur, les Îles de Guernesey, Tweed, les deux Shag, la Perle et l'Île Verte ;
7. La partie de la côte autour du Hâvre des Roches ;
8. L'Île Stearing et la côte adjacente, depuis la latitude de la pointe nord de l'Île Stearing jusqu'au pied de la perpendiculaire abaissée du Cap Pointu sur la côte, en contournant la presqu'île de la Tête de Vache ;
9. La partie de la côte comprise entre un point situé à trois milles au sud de l'embouchure de la rivière Ponds et la latitude de la partie nord de l'Île des Sauvages, en contournant la presqu'île de Port au Choix ;
10. Toutes les îles situées dans la baie de Saint Jean ;

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

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

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

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

EAST SIDE.

(From Cape Norman to Cape St. John.)

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

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

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

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

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

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

7. The circumference of Boutitou Harbour;

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

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

CÔTE EST.

(Du Cap Normand au Cap St. Jean.)

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

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

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

4. Les îles adjacentes à cette portion de côte;

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

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

7. Le périmètre du Hâvre de Boutitou;

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

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

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

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

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

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

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

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

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

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

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

FRANCIS CLARE FORD.
EDMUND BURKE PENNELL.

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

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

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

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

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

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

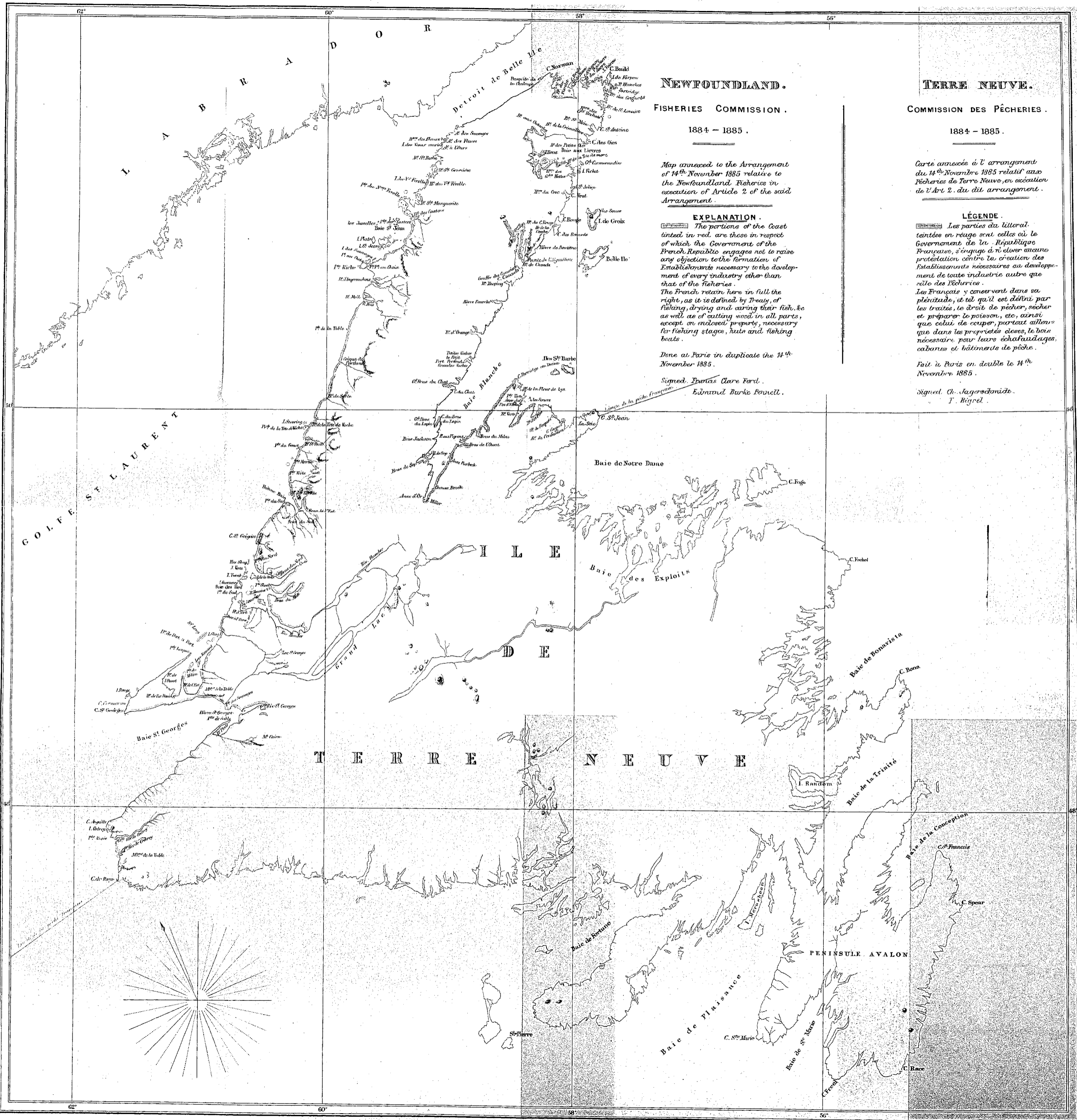
L'interdiction d'élever des constructions nouvelles sur les parties de la côte mentionnées au présent État s'appliquera sur une profondeur de 500 yards pour les Nos. 7, 8, et 9 de la côte ouest, et sur une profondeur de 800 yards pour tous les autres paragraphes, en suivant les sinuosités de la côte.

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

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

CH. JAGERSCHMIDT.
T. BIGREL.

Enclosure 3 in No. 14. Map.



NEWFOUNDLAND.

FISHERIES COMMISSION.

1884 - 1885.

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

EXPLANATION.

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

Done at Paris in duplicate the 14th November 1885.

Signed, *James Clare Ford.*
Edmund Burke Kennell.

TERRE NEUVE.

COMMISSION DES PÊCHERIES.

1884 - 1885.

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

LÉGENDE.

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

Fait à Paris en double le 14th Novembre 1885.

Signed, *Ch. Jagerschmidt.*
J. Bigrel.

Enclosure 4 in No. 14.

NEWFOUNDLAND FISHERIES
COMMISSION.

PROCÈS-VERBAL DE CLÔTURE.

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

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

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

(Signed) FRANCIS CLARE FORD.
EDMUND BURKE PENNELL.

COMMISSION DES PÊCHERIES DE
TERRE NEUVE.

PROCÈS-VERBAL DE CLÔTURE.

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

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

Fait en double exemplaire à Paris le 14 Novembre 1885.

(Signé) CH. JAGERSCHMIDT.
T. BIGREL.

Enclosure 5 in No. 14.

COMMISSION DES PÊCHERIES DE TERRE NEUVE.

1884-85.

NOTE VERBALE.

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

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

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

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

Paris, le 14 Novembre 1885.

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