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THE FRENCH IN NEWFOUNDLAND.

By Major-General R. L. DASHWOOD.¹

Wednesday, February 15th, 1899.

Vice-Admiral Sir WILLIAM R. KENNEDY, K.C.B., in the Chair

THE CHAIRMAN :—Ladies and Gentlemen, I have much pleasure in introducing to you Major-General Dashwood, who is going to give us a lecture on Newfoundland. It may seem strange to some of us that this subject, which is purely a nautical one, should be dealt with by a soldier, but I know no one more qualified to deal with the subject than Major-General Dashwood. During many years that he has spent in the colony, he has devoted himself not only to sport, in which he is an undoubted authority, but he has also mastered the intricacies of what is so wrongly called the French shore question, a matter which has vexed our diplomatists, and taxed the temper and tact of naval officers, for many years past. Having served for three years on the fisheries myself, as senior officer, it is a subject of very great interest to me, as it must also be to many officers present, who have also served on that station. The question remains, although many years have passed since I was there, very much the same, and the difficulties of settling it still remain. Happily a Commission has lately been appointed to enquire into the grievances of Newfoundland, and it is to be hoped that an arrangement will be arrived at satisfactory to all concerned, namely, the French colonists and ourselves. With these remarks I will ask General Dashwood to proceed with his lecture.

LECTURE.

I HAVE, as the Chairman has informed you, had great facilities for becoming acquainted with the question now before us, as I have spent many summers and autumns in the Island of Newfoundland in the last 30 years, and know well the coast line and also the interior.

My object in giving this lecture is in the interests of the people of the colony, more especially of the poor fishermen, to show how they have been treated by the British Government for the last 100 years and more.

The italics in the printed part of the lecture are my own, the quotations from despatches, opinions of the law officers, etc., are from

¹ This lecture has been condensed for printing by direction of the Council since it was delivered.

official sources, and will mainly be found in a Foreign Office Memorandum, dated March, 1866, and July, 1873.

Prior to 1713 the French had made certain lodgments in the island, especially at Placentia, which they had fortified, and on one occasion they marched a force from that place to St. John's, which city they captured, but shortly after were driven out and defeated by a British expedition.

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 Great 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. . . .

"Nor shall the most Christian King, his heirs and successors, or any of their subjects, at *any time thereafter 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," which the treaty goes on to describe is between Cape Bonavista and Point Riche, going round by the north of the island. The French at this time produced a map wherein Point Riche was put at Cape Ray; however, this was a mistake, which was fortunately discovered by a British admiral.

By Article V. of the Treaty of Paris, 1763, it is stated that "The subjects of France shall have 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." By this treaty also the Islands of St. Pierre and Miquelon were ceded to France "to serve as a *shelter* to the fishermen." But the French King "engages not to fortify the said islands, to erect no buildings upon them but for the convenience of the fishery; and to keep upon them a guard of 50 men only for the police."

By the Treaty of Versailles, 1783, the right of the British to Newfoundland and the adjacent islands, as laid down in Article XIII. of the Treaty of Utrecht, is maintained. The Islands of St. Pierre and Miquelon are ceded to the French, and the French "fishermen are to 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 this treaty, "in order to prevent the quarrels" which had arisen between the French and English between Cape Bonavista and Cape St. John, in consequence of the numerous British settlers on that part of the coast, the French gave up the right to fish between those points, and in lieu thereof the treaty shore was prolonged from Point Riche to Cape Ray.

And by a Declaration of his Britannic Majesty, dated September 3rd, 1783, it was declared:—

“To this end and in order that the fishermen of the two nations may not give cause for daily quarrels, his 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, and 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 Article XIII. 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.” A counter Declaration was made by the French King on the same day. But as pointed out by the law officers on 24th March, 1859, it was signed after the British Declaration, with which the King of France declared “he is fully satisfied.”

By the Treaty of Paris, 1814, the French right of fishing “*upon the coasts*” of the Island of Newfoundland and adjacent islands in the Gulf of St. Lawrence, was replaced upon the same footing in which it stood in 1792.

This enactment was maintained by the Treaty of Paris of 1815.

Under the above Treaties and Declarations the French now make the following claims:—

1. An exclusive right of fishery on the treaty shore.
2. That all fixed British settlements of whatever nature on that portion of the coast are contrary to the treaty, and that the French have the right to demand their removal.
3. The right to catch fish of all descriptions.
4. The right to take salmon and other fish in the rivers, both in the fresh and salt water.
5. The exclusive right to the shore for half a mile from the sea.
6. The right to exercise jurisdiction on the treaty shore as regards what they may consider breaches of their treaty rights by the British fishermen.
7. The right to set up lobster factories on the treaty shore, and to grant concessions to their subjects to carry on that industry.

Now as regards the claim of exclusive right to fish. It appears "from the archives of the Foreign Office," that between 1713 and 1780, "that is to say from the Treaty of Utrecht to the breaking out of war in 1780, the rights enjoyed by the French were '*concurrent*' only, and the attempts made from time to time by the latter to induce the British Government to make their rights exclusive had been successfully resisted."

It also appears that Mr. Fitzherbert at the time of the making the Treaty of 1783 and the Declaration, refused to concede the exclusive right of fishing demanded by France, but promised that the French should not be "molested."

Mr. Fitzherbert, in a further despatch of May 4th, 1783, "stated that M. de Vergennes continued to urge the insertion of such words in the Declaration as would secure the *exclusive* right of fishery to the French.

"This attempt to obtain exclusive rights was, however, resisted," and "it will be observed that neither the Treaty of 1783 nor the Declaration annexed thereto confers any exclusive rights of fishery upon the French."

In addition, the very wording of the Declaration which says "it shall not be deviated from by *either party*" shows clearly that both nations were to fish. In fact, prior to the Declaration, the rights of the French were "not only concurrent but equal." After the Declaration, concurrent without interruption, which gave the French more or less a pre-emption. Governor Darling, in a despatch to Mr. Labouchere in 1856, states that several proclamations of Governors between the years 1763 and 1783 speak of the French rights as "rights in common."

In 1818, the same rights of fishing were given to the people of the United States, nor did the French interfere with them. It was remarked by a British naval officer, Commander Knowles, in his report, that the French naval officers interfered with the English, while they let the Americans alone.

Lord Palmerston, in a despatch dated Foreign Office, July 10th, 1838, in reply to Count Sebastiani, who claimed, on the wording of the Declaration, an exclusive right of fishing, among other things, says:—

"The Treaty of Paris of 1814 declares that the French right of fishery at Newfoundland is replaced upon the same footing upon which it stood in 1792.

"In order therefore to come to a right understanding of the question it will be necessary . . . to ascertain what was the precise footing upon which the French fishery actually stood in 1792.

"Now it is evident that specific evidence would be necessary in order to show that the construction which the French Government now desire to put upon the Declaration of 1783, is the interpretation which was given to that Declaration at the period when the Declaration was framed, and when the real intention of the parties must have been best known. It would be requisite for this purpose to prove that upon the conclusion of the Treaty of 1783 French subjects actually entered upon the enjoyment of an exclusive right to catch fish in the waters *off the coast* in question . . .

at the commencement of the war in 1792 ; but no evidence to such effect has yet been produced . . . and moreover it does not appear that such right was claimed by France, or admitted by England, at the termination of the war in 1801, or at the Peace of 1814."

And referring to the prohibitory proclamations of the English Governors after 1783, which were issued "from time to time on occasions when it was found that British subjects while fishing within the limits in question, have caused interruption to the French fishery," Lord Palmerston says that "neither in the Act of Parliament of 1788, passed for the express purpose of carrying the Treaty of 1783 into effect, nor in any subsequent Act of Parliament relating to the Newfoundland fishery, nor in any of the instructions issued by the Admiralty or Colonial Office, nor in any proclamation which has come under my view, issued by the Governor of Newfoundland, or by the British admiral upon the station, does it appear that the right of French subjects to an exclusive fishery, either of cod-fish or fish generally, is specifically recognised."

And, in conclusion, he adds ". . . exclusive rights are privileges which, from the very nature of things are likely to be injurious to parties who are thereby debarred from some exercise of industry in which they would otherwise engage, such rights are therefore certain to be at some time or other disputed, if there is any maintainable ground for contesting them; and for these reasons when negotiators have intended to grant exclusive rights, it has been their invariable practice to convey such rights in direct, unqualified and comprehensive terms, so as to prevent the possibility of future dispute or doubt. In the present case, however, such forms of expression are entirely wanting, and the claim put forward on the part of France is founded simply upon inference, and upon an assumed interpretation of words."

Such are the chief points in the celebrated despatch of Lord Palmerston, one of the few British statesmen who have really safeguarded our Imperial interests.

The law officers of the Crown were consulted at different periods as to the exclusive right to fish. They generally laid down that British subjects might fish on the treaty shore, provided they could do so without interrupting the French. Sir E. Lytton, in his instructions to the Newfoundland Fishery Commissioners in 1859, said, "The French right is therefore not that of an exclusive fishery, but that of a fishery free from disturbance by British competition." This is the claim made by the British Government up to the present time.

FIXED SETTLEMENTS.

This hitherto has been the most difficult point of the treaties and Declarations, the French claiming that fixed settlements of any kind are contrary to the treaties, the English maintaining that the Declaration only referred to fixed fishing settlements, and that settlements of any other kind are not contrary to the Declaration. As a fact almost every settlement on the treaty shore is more or less a fishing settlement,

Now, in order to get any clear idea of what was really meant to be granted to the French by the undertaking to remove "fixed settlements," and the causes that led to such undertaking, it is necessary to refer to historical facts, which appear to have been overlooked in dealing with this question since the treaty of 1815, by Secretaries of State and law officers of the Crown.

Up to the breaking out of the war in 1783 the fishery was a ship fishery—that is to say, was carried on almost entirely by fishermen from France and England who came to Newfoundland for the season only, and then returned home. Up to that date permanent settlement by the British was not only discouraged, but contrary to the law of the colony. The fishery appears to have been considered a sort of preserve for certain English adventurers. The master of the first British vessel to arrive in any bay in the spring became the "fishing admiral," as he was termed, for that bay for that season only. He had the right to choose any portion of the beach he liked on which to establish his "room," as it is called, that is, the area on which he erected his stages and scaffolds for drying and curing fish (cod). These stages are practically a wharf built out over the water, the lower part used for splitting the fish preparatory to salting and drying; the heads and offal being thrown into the sea. Above are poles forming a kind of wooden gridiron, on which the fish are spread to dry. The fishing admiral had also jurisdiction to settle disputes, and other vessels as they arrived chose places for their "rooms." It was first come first served.

But the possession of a certain place one year did not carry possession for the next. On this head Chief Justice Reeves in 1793, before a committee of the House of Commons, stated, "Ships' rooms and all vacant and void spaces which may be turned into ships' rooms, by those who choose to occupy them are in common for the first taker, who may possess one for the season, at the end of which he must leave it . . . for some other person the next season." The above rules existed also on the treaty shore, where the French fished in common, but the control of these fisheries was up to 1783 in the hands of the British.

It appears that even at this date British subjects had settled on the treaty shore, especially between Bonavista and Cape St. John, which was the cause of the French limits being altered, the French complaining that these settlers on the plea of private ownership, and being on the spot before the French ship fishermen had arrived on the coast, obstructed the French in their fair choice of "rooms" on their arrival. It was against such unequal conditions that the French protested. For the Declaration says "*and for this purpose*," viz., to prevent *interruption* by the British. (This is clear by the context.) "His Majesty will cause the fixed settlements that shall be found there to be removed." Therefore it may be maintained that even at that time, *all* fixed settlements which did not actually interrupt the French fishery were *not* contrary to the Declaration, non-interruption being the pith of that document.

After the treaty of 1783 a number of the settlers on the treaty shore, who had gone there during the war, were removed without compensation,

some to the inhospitable coast of Labrador, where Newfoundland history states many of them starved to death! What a disgraceful chapter in the history of this country!

"During the period of war between 1793 and 1815, the French having been totally excluded from the fishery, many British settlers established themselves within the former French limits," and at the Peace of 1815 the old order of things no longer existed but had entirely changed. There were then no ship fishermen from England; the fishery was carried on on the part of the British entirely by settlers. The Declaration gave to the French a pre-emption as to choice of fishing places and areas for drying, etc. The reasons for which the fixed settlements were to be removed, therefore, no longer existed. That part of the Declaration was practically dead, and has never since been acted on.

The French on being granted their former rights in 1815 did not insist upon the removal of these fixed settlements, but made use of their occupants to guard their boats and other gear during their absence, which, contrary to the treaties, they left behind. They also made such so-called toleration on their part an excuse for extending their fishery to Labrador and Belleisle north, and they took possession of the salmon fisheries up the rivers, exported wood to St. Pierre and Miquelon, and erected permanent establishments, all of which acts were contrary to the treaties; but of which it appears for some years the British Government took little or no notice.

The British population on the treaty shore at the present date is over 13,000, of whom over 99 per cent. are native-born.

THE RIGHT TO CATCH FISH OF ANY KIND.

Now, although the word "fish" appears in the treaty, and not "cod," yet the wording of the treaty where it refers to stages, etc., for the *drying* of fish is incompatible with that of any other fishery but that of a cod fishery, as neither salmon nor lobsters are dried. In addition, at the time of the Treaty of Utrecht no other fishery was carried on commercially, and the word "fish" in Newfoundland has from time immemorial meant "cod" only. If a man wishes to ask about salmon, herring, or any other kind of fish, he alludes to them by name. Admiral Sir Hugh Palliser, governor of the colony in 1763, stated the French fishery right included a *cod fishery only*, and gave no right to catch salmon. This view is also held by the colony, but the British Government seem to take the view that fish of any kind are included, although Count Sebastiani, in a communication to Lord Palmerston in 1836, speaks of a *cod fishery*.

It has been affirmed that the word in the draft of the treaty of 1713 was "cod," but that "fish" was substituted, as giving a greater purity of language. The original treaty was in Latin: "*Piscaturam exercere et pisces in terra exsiccare permissum erit*" are the words used; literally, to exercise a fishing, to carry on a fishery. There is no doubt but what the fishery to be exercised was a cod fishery only, and this point should be

vigorously maintained by our Government. Some 40 years ago there was an action tried in the highest Courts of Newfoundland, which depended on the meaning of the word "fish," and it was decided that "fish" in Newfoundland meant "cod" and nothing else.

THE RIGHT TO TAKE SALMON IN THE RIVERS, BOTH IN THE FRESH AND SALT WATER.

This right is denied by the British Government. The fishery in the treaties is described as on "*the coasts*," which is not up the rivers. The law officers & the Crown concurred (1859) in the view taken by Lord Clarendon respecting fishing in the rivers especially for salmon, "that they are not within the scope of the Treaties and Declarations, and that the French have no right thereto, nor to fish in any of the rivers or mouths of rivers in Newfoundland."

THE (PRACTICALLY) EXCLUSIVE RIGHT TO THE SHORE FOR A DISTANCE OF HALF-A-MILE FROM THE SEA.

The French claim that the British have no right to occupy a yard of land or erect any building within the half-mile limit, on the plea that such occupation may interrupt their fishery; also that the British are not at liberty to enquire into the *bona fides* of such alleged interruption, which "may be a mere contrivance to get rid of an inconvenient population"; the French claim that they are to be the sole arbiters as to what constitutes an interruption—to be judge and jury, in fact—a virtual claim to territorial sovereignty of the shore; a claim which Mr. Waddington in 1886 actually made when he maintained that this right to the shore "was vested in them as part of their ancient sovereignty of the island which they had never relinquished." Such a claim is absolutely untenable, as it is directly at variance with the text of the Treaty of Utrecht, which debars the French from claiming "*any right to the said island*," etc.

"At most the French, by the treaty stipulations, have a right only to the shore which they can use," or *bonâ fide* require to carry on their cod fishery. There is no mention in the Treaties or Declaration of the half-mile claimed by them.

Now the area occupied by a "room" in which fish caught, in say 10 miles of sea, are cured, dried, etc., would not be more than about 300 yards long and 200 wide. The "stages" are erected close to and partially over the salt water. At the present time there are only about seven French rooms in the 800 miles of coast that forms the treaty shore, if measured by following the indentations thereof. The amount they really require is therefore infinitesimal, considering the length of the treaty shore.

The most uncalled-for and groundless complaints of the French are included in their determined opposition to the erection of wharfs for the exportation of minerals and other produce, and especially to the opening of mines within treaty limits. The British Government has more or less given in to such complaints on the part of the French,

though, provided the opening of such mines or building of wharfs does not in any way interrupt the French fishery, it is hard to see the necessity of giving way to complaints that are really frivolous and unfounded, and the admission of which involves great hardship on the colony, and directly prevents its development.

As an example, in 1874 Mr. Fox Bennett opened a mine near St. George's Bay. He had not built a wharf, but had erected some buildings and got some ore to the surface. The French strongly objected. Commander Howorth, R.N., in his report states "That as these buildings were 12 miles from the nearest French fishing station, he could not conceive that the French can ever be injured by the prosecution of these most important works." But under pressure from the British Government Mr. Bennett closed down his mine. Two years ago another mine was opened at Point Bluff, 20 miles from any French fishing station, to which the French also objected, especially to a wharf there. And the British Government not many years ago actually forbade the building of a railway that was projected, because its terminus was to be on the treaty shore at St. George's Bay, and that French treaty rights might possibly be "affected," although no Frenchman had been near the spot selected for many years. At the present time there is a railway station at St. George's Bay. Other wharfs had been removed at various times by orders of the British authorities. Some have not been interfered with.

THE RIGHT TO EXERCISE JURISDICTION ON THE TREATY SHORE.

It is an axiom of international law that the sovereign power alone can exercise authority within its own limits. By the Treaty of Utrecht Great Britain was confirmed in the exclusive sovereignty of the entire island and adjacent islands; the French, therefore, cannot have jurisdiction on the treaty shore. In 1853 the Queen's Advocate laid down "That by the Treaty stipulations the French enjoy no right of jurisdiction within their fishery limits." Mr. Addington, in a despatch to the Admiralty in the same year, stated that "We altogether deny the right of the French to take the law into their own hands and to drive away English fishing-boats from the Treaty limits." In 1852 a British warship was stationed off the coast of Newfoundland to protect the British fishermen, because the French had taken the law into their own hands. Lords Clarendon, Cowley, Rosebery, and other Ministers have protested against such action on the part of the French; but it still continues! Though since our surrender on the lobster question, the French men-of-war have more or less ceased their aggressive acts, which prior to that date were very frequent. Some light is thrown on this by the instructions of Sir E. Lytton, who was at the Colonial Office in 1859, to the Newfoundland Fishery Commissioners, in which, whilst he fully admitted that the French had no right to take the law into their own hands, yet he goes on to say: "But Her Majesty's Government have to instruct you not to entertain any objection to such proceedings on the part of the French, etc." It was not until 1862 that three British men-of-war were, every fishing season, stationed off the treaty shore of Newfoundland to control

the fisheries. Such a task cannot be a very pleasant one, for it will probably be admitted that both sailors and soldiers are above all things lovers of justice and fair play; that being so, naval officers on the treaty shore would, no doubt, sometimes have a repugnance to carry out their instructions from Downing Street, when such orders, which they are bound to obey, press hardly and even unfairly on the fishermen of the colony, which sometimes they do, especially as the complaints made by the French men-of-war to ours as to alleged actions by the natives contrary to the treaty, to which our officers are obliged to pay attention, are frequently eventually found to be groundless and frivolous. In fact, if it was not for the tact displayed by our naval officers there would have been a serious disturbance on the coast long ago.

THE RIGHT TO SET UP LOBSTER FACTORIES ON THE TREATY SHORE
AND TO GRANT CONCESSIONS TO THEIR SUBJECTS TO CARRY ON
THAT INDUSTRY.

The first British lobster factory erected on the treaty shore of Newfoundland was in 1882 at St. Barbe, another in 1883 at Port Sanders. Up to 1887 there was no protest against or interference with these factories, though some correspondence passed between the French and British naval officers on the subject. But in the latter year, after the passing of the Bait Act, a French man-of-war, without notice or formal protest, destroyed a number of lobster traps at the above-mentioned places. In June, 1889, a French war-ship destroyed traps at Port Sanders, and in July of that year, 500 traps at Meagher's Cove. The French senior naval officer, Captain Humann, also complained to the senior British naval officer that these lobster traps interfered with their fishing operations, viz., the catching of capelin for bait. These complaints turned out to be altogether frivolous, as capelin do not frequent the more or less rocky portions of the coast where lobster traps are set. Capelin come to the shore only on sandy beaches, where lobster traps are not set. As a further proof that these complaints were groundless, there are now some forty English lobster factories on the treaty shore, and some ten French, and no complaints whatever are made by the latter, that lobster traps interrupt their fishery.

In 1886 Lord Iddesleigh protested in advance to Mr. Waddington against the erection of lobster factories by the French; he said that "such a course is not allowed by the treaties and must be discontinued." It would have been well if our Government had stood to these words. Before 1888 the French objected to our factories on the plea that such industry interfered with their fishery, but in 1888 they set up the contention that they had the right (lobsters being fish within the meaning of the treaties) to take them and also erect factories to pack them. This they proceeded to carry out. In September, 1888, the Foreign Office addressed a note to France calling attention to the illegality of French lobster packing, and a further protest was made by Lord Salisbury early in 1889 "against an assumption of territorial rights in derogation of the sovereignty of the British Crown." Nevertheless, the French continued to

erect lobster factories. Lord Salisbury then suggested arbitration, but this very rightly was refused by the Colony; another attempt was made to go to arbitration before a court, that also failed. The British Government then without the consent, and against the wishes of the legislature, concluded a *modus vivendi*, which is in force up to the present date, by which all factories working on the 1st July, 1889, were to stand, both French and English, and no new ones were to be built by either party, without mutual consent.

The legislature protested most strongly against the *modus vivendi*, which gave the French a *locus standi* in any future negotiations to which they were not entitled, and the fact of its being made without their consent, they considered was practically an infringement of the promise made to them in 1857 by Mr. Labouchere, "that the consent of the community of Newfoundland is regarded by Her Majesty's Government as the essential preliminary to any modification of their territorial or maritime rights," nor was even the Government consulted as to the final form of the *modus vivendi*.

It is perfectly clear that at the time of the Treaty of Utrecht no such industry as lobster packing was ever contemplated or even dreamt of; it is still, if possible, more clear that the language used to describe "the fishery" in that treaty is utterly inapplicable to lobster catching and canning, as the words limiting the erection of buildings to "*stages made of boards and huts usual and necessary for drying of fish*" cannot by any ingenuity be made to cover a lobster factory, whether roofed by canvas, wood, or iron sheeting, with a boiler and furnace on a brick foundation, tinning apparatus and all the rest of it. As regards the lobster industry being an interruption of the French cod fishery, of course a lobster factory on shore cannot affect the capture of fish in the sea. Cod frequent deep water, lobster shallow water. Therefore lobster traps are not set in the places frequented by cod, neither is the capture of herrings, capelin, or squids interfered with by lobster traps. Provided, therefore, that the factory does not occupy the ground *bonâ fide* required by the French for their "rooms" or drying places, it cannot in any way interrupt them.

As to the French granting concessions to their subjects to build factories on the treaty shore, which they did in 1888, it was an audacious move, and a gross infringement of the treaties. The French also try to make out that our lobster factories are illegal, as coming under the head of fixed settlements, sedentary establishments, as they call them, that is to say, establishments that are permanent and occupied all the year round. Now as the lobster season is only in the summer months, there is no necessity for our people to remain in these establishments beyond that period, in which case they would not be fixed settlements, even allowing the French claims on that head, which we dispute.

With such a strong case, absolutely unassailable as far as the factories are concerned, it is a pity that our Government, who on this question showed great weakness, instead of giving way, did not say to France in effect; Your factories are absolutely contrary to the treaties, and must be removed.

We shall support our subjects in the lobster industry, provided they do not in any way interrupt your fishing operations. This stand should be made at the expiration of the *modus vivendi* which shortly takes place.

This *modus vivendi*, which has now lasted for eight years, bore especially hardly on those settlers who had not erected a factory by 1st July, 1889, for while the more fortunate people obtained a monopoly, the others, although they could catch lobsters, were prevented from packing them, and if they did so, their factories were destroyed; at the same time they saw the French with over a dozen factories, quite contrary to treaty, carrying on a lucrative business on British territory, from which they, British subjects, were precluded.

As at the peace of 1713, when we first gave rights to France, and also in 1814 and 1815, when we re-granted those privileges, we were the conquerors, surely we have a prior right over the French to interpret what it really was at that time we made them a present of.

Now there have been several attempts to make arrangements with the French as to their treaty rights on the island; since 1846 there have been eight. All these arrangements fell to the ground because the Colony very rightly protested very strongly against them, as they were very one-sided, and much in the interests of France rather than Newfoundland. The last arrangement, which I will explain to you—as more or less a sample of the remainder—was made in 1885.

It was at the end of 1883 that the British Government and the French Government arranged to try and come to some agreement; four Commissioners were to meet in Paris, two British and two French. The two British Commissioners were Mr. Clare Ford, of the Foreign Office, and Mr. Pennell, of the Colonial Office. The French Commissioners included a naval officer who had been years on the coast of Newfoundland. These gentlemen, Mr. Ford and Mr. Pennell, went to Paris, and at the end of two years they made a final arrangement. I will explain to you its provisions. I must first of all tell you what were the so-called concessions given to Great Britain. Great Britain was to be allowed on certain parts of the coast to have settlements other than fishing settlements. The British Government have always contended we had a right to have settlements which were not fishing settlements anywhere on the shore of Newfoundland, and as a matter of fact practically almost all the fishing settlements on the treaty shore of Newfoundland are fishing settlements. There are at present some 13,000 people there. We had these settlements everywhere, provided they did not actually interrupt the French in their fishery operations. Another thing is that the part of the coast, where we might have settlements, is what is known in the colony as the straight shore, that is to say, it is a shore of more or less perpendicular cliffs, where you could not land even in a canoe, devoid almost of harbours. The only harbours given to us worth much were in St. George's Bay, the Bay of Islands, and Bonne Bay, so that it was really no concession to us at all. Then, provided that mines were found in the part of the coast claimed by France, we were to be allowed to work them under certain very

stringent and hampering conditions. A British naval officer and a French naval officer might agree as to the site for the wharf (this gave the French a veto), and having done so, a wharf might be built on the shore; but all the paraphernalia connected with the mines, that is, dwelling-houses, shops, warehouses, etc., were to be placed at a distance of 800 yards back—in some few cases 500 yards—and were to be joined to the wharf by a railway fenced in. Some temporary shelters were allowed to be put within 15 yards of this railway for the provisional storage of minerals and tools. I do not hesitate to say that if the mines that are working and have been working in Newfoundland were hampered in that way, those restrictions would have added most enormously to their expense. To build a railway half a mile back on that precipitous rocky coast would be very expensive indeed. Not only that, but we have a right, and the British Government maintain that we have the right, to have settlements on any part of the treaty shore which are not fishing settlements, and therefore provided we do not interfere with the French, which we are not likely to do, we have a perfect right to have those fixed settlements. So, this so-called mining concession did not give us anything worth having. As I have already observed, we have a right to any kind of settlement if it does not interrupt the French fishery.

Then the French gave up their claim to the exclusive right to fish. That claim they had no right to, and we have always exercised a concurrent right up to this date. Therefore we got nothing out of that.

Now I will explain to you the very solid concessions which on that occasion were given to France. In the first place, every single harbour of any value on the 800 miles of treaty shore, with the exception of the three I have mentioned, was granted them. These harbours, in fact, were to be practically reserved exclusively for the use of the French. It is quite true that in these harbours reserved, any British settlers living there at that time might be allowed to remain, but no new dwelling-houses were allowed to be built. That was a great concession to France, and a great blow to the Colony, because hitherto there had been nothing to prevent any settler building houses on any part of the shore, provided he did not interrupt the French. Moreover, it put an entire stopper to any increase of the British population on that part of the treaty shore.

Then the French said they abandoned the fishing in the rivers, but were to be allowed to fish as far as the water remained salt. Here they made a virtue of giving up what they had not the faintest right in the world to. Then this clause goes on to say, they (the French) are not to be allowed to put fixed barriers in the rivers capable of impeding the fish or navigation. Now, as far as the water is salt is up to the top of the tide, a considerable distance in some places, a mile or a mile and a half. The Newfoundlander is only allowed to fish with a net in the tidal waters, not in the fresh waters. He is also restricted to a certain extent by local laws with regard to the length of his nets, the size of the mesh, and the distance of nets from each other. The French would have been entirely exempt from anything of that kind, and, provided they left room for a boat, they might build a fishing weir, and they might have as

many nets as they liked one behind the other. In fact, that clause handed over to the French practically the entire control of every salmon river on the treaty shore. The Newfoundlanders would not be able to put nets in front of the French, because the French would be protected by the proviso of non-interruption. Putting a net in front of another man's net would certainly be interruption; all they could do would be, if there was room, to put their nets behind the French nets; and there would not be much chance of getting a fish in such a place. A good many of the settlers living on the estuaries and mouths of those rivers have added to their livelihood considerably by catching salmon; they might do a good deal more only the rivers are unfortunately considerably poached, and the cod traps outside are making great havoc with the salmon. These men have a sort of prescriptive right to certain salmon posts, as they are called. It very often has passed from father to son for generations. If this salmon clause had been passed, all the rights these men had enjoyed for years would have been swept away. This clause was a giving away of an important right exclusively held by the Colony.

The next clause gave the French the right to purchase bait at any time in the parts of the shore which are non-treaty. That was a very important concession indeed. That I will explain presently. Another clause allowed the French to import free of duty anything they liked. They were to pay no light dues or port dues. If the French were allowed, in the harbours where they have exclusive possession, to land tobacco and rum and all that sort of thing, it would circulate in the country, and every French harbour would be a hotbed of smugglers.

Then there was another clause which allowed to the French jurisdiction on British territory on the treaty shore, provided there was no English man-of-war in sight. Considering that the treaty shore is 800 miles long, and that there are only three British men-of-war there, it is not very often they would be found together, and the French generally cruise alone. Therefore the French had a right to exercise jurisdiction, to pull up and remove the nets and fishing gear of British settlers on the plea that they were interfering with French fishermen. They could also, if damage was done, either at sea or on shore, hold a court and assess the damage, and the report of that court was to be received as evidence in a British court of justice. This was depriving a British subject of what is the most sacred right he owns in every part of the earth, where he stands on British territory, that is to say, he is solely under the jurisdiction of his own people. It is a right every Frenchman has. We cannot try a Frenchman in France; why should a Frenchman be allowed to try an Englishman in Newfoundland?

By another clause the French were to be allowed to have two families per harbour—in large harbours two, and in small harbours one. This must be looked upon rather as the thin end of the wedge of colonisation, and in the Treaty of Utrecht it was very carefully provided against. The word "family" is rather an indefinite term. "Family" may mean a man and his wife and children, or all his relations. To judge from our previous knowledge of the French, they

would no doubt have put the more liberal interpretation on the word "family." I believe at the present moment the population of France is nearly stationary, but the climate of North America has, apparently, a peculiar effect on the French people who live in that part of the world, as it renders them extremely prolific—a baker's dozen is a common number in a French family in Quebec. I do not know that there is any reason to suppose but what the climate of Newfoundland would have a similar effect. You can judge for yourselves the number of people there would have been in those harbours in the course of twenty years, not to say thirty or forty, if they had been allowed to have one or two families there. These families must have had permanent habitations, and when they were not fishing in the winter, they would be competing with our settlers in catching furs (which are very valuable, especially that of the fox), shooting deer, and so on, although by the treaty the French had not the right to shoot even a musk-rat. In the course of forty years that part of the coast would have been to all intents and purposes a French colony.

Now, I hope I have made clear how valueless were the rights conceded to Great Britain and how exceedingly advantageous were those given to France; and, moreover, how very important privileges, exclusively owned by the Colony, were handed over in part or wholly to the French, without our receiving in exchange anything approaching to an equivalent. The Colony was, in fact, entirely given away.

Well, this document was signed and agreed to by both Governments. But there was a change in the Government at home, and moreover the Government of the Colony flatly refused to ratify the treaty. The Ford-Pennell arrangement of 1885 was therefore dead, but the Colony had an exceedingly narrow escape.

Now, in 1886 I happened to go out to Newfoundland, and on my arrival I spoke to some of the leading people, and said I was very glad to see they had got rid of this iniquitous arrangement. I further said, "You must not rest on your oars. It is a very important matter that the public at home should know all about it and how unfair it was to the Colony. Some of you should write to the *Times* or to a magazine and expose the whole thing. If you do not" (it was not done), "you may depend upon it that if any difficulty crops up in future about the treaty shore question, the British Government will turn round on you and say, 'this is all your fault, because you did not agree to that excellent arrangement of 1885.'" It is a rather risky thing to prophesy in these days, whatever it might have been 3,000 years ago; but on this occasion my prophecy became absolutely true.

In two or three years the lobster question came up, and Lord Knutsford, in response to some memorial from the Government of the Colony dealing with mines on the treaty shore, among other matters, threw it in their teeth that they had not agreed to this arrangement. Lord Salisbury, about the same time speaking in the House of Lords, was reported to have said, in alluding to the arrangement:—"It became my province to sign an arrangement initiated

by my noble friend opposite, Lord Granville, in my opinion a most equitable and workable arrangement, which the people of Newfoundland, apparently at a heated time of election, threw out and thereby lost a golden opportunity." A golden opportunity indeed! Where is the golden opportunity? Nowhere, but for the French, who were very anxious to avail themselves of it, but were fortunately not permitted to do so.

I will just say a word as to the infringement by France of the treaty stipulations. The French began in 1815 to fish up the salmon rivers, poached on the Labrador coast, wintered in certain places, erected buildings of a more substantial character than allowed by the treaties, exported lumber to St. Pierre and Miquelon, barred the rivers with fishing weirs, built vessels instead of merely repairing them, took the law into their own hands, and left their boats and other gear on the coasts, which they had no right to do by treaty.

These infringements of the treaty are chiefly to be found in a report by Mr. Perley, who was a Nova-Scotian, employed by the Foreign Office. He was sent out to Newfoundland in 1857 to enquire into the alleged grievances of the French, who complained that our settlers had interrupted them in their fishery rights. Mr. Perley used to tell the following story. He was over here before sailing for Newfoundland, and went to the Foreign Office one day, when one of the Permanent Secretaries said to him:—"When you are about it, Mr. Perley, you might as well make a report on the fishing difficulty which has turned up at Vancouver." Mr. Perley said:—"Certainly I can do that after I have finished with Newfoundland, but it will take me some time to get there" (he would have to have gone round by Cape Horn in those days). "Why," said the gentleman at the Foreign Office, "the two places are close together, are they not?" I hope the geographical knowledge of the Foreign Office has improved since that date. With regard to the Islands of St. Pierre and Miquelon, the French have a right to fortify them, because the proviso made in the treaty of 1673 which prevented them doing so was not repeated in the next treaty; but they can only fortify them to the extent that they must not become an object of jealousy. That is rather indefinite, but that is the opinion of the law officers of the Crown.

With respect to Mr. Perley's report, the law officers remarked:—"We do not discover in these papers that any just cause of complaint against the British fishermen or settlers exists. The only grievances seem to be those sustained by them."

As regards St. Pierre not being an object of jealousy, it is certainly so, as it is a nest of smugglers. We are not even allowed to have an agent there; while at St. John's there is a French agent, a M. des Isles.

Our Government up to that time did not appear to have taken much notice of these illegal actions by the French. On this head the law officers of the Crown made some very pertinent remarks, referring to the Grey Islands and Belle Isle North, where the French had attempted to exercise exclusive rights. The law officers say these islands, being in the Atlantic, and not in the Gulf of St. Lawrence, where islands on the coast

are alone mentioned in the treaties, the French have no right there; and they go on to say this. "This appears to us to be only one of the numerous instances in which the French by encroachment, and profiting by the supineness or tacit acquiescence of Great Britain, are steadily proceeding:

1. To convert easements or rights of uses in property.
2. To extend concurrent rights into exclusive rights, and
3. To interrupt and destroy British exclusive rights in a wanton manner."

They further say:—"We venture to point out that the encroachments and violations of stipulations appear to be entirely French; we would therefore suggest the importance, first, of vigorously asserting all British existing rights, and being prepared to maintain them for the future, in case of need, against their entire destruction or total interruption by France. We do not observe that this has ever been done on the coast of Newfoundland." The same thing might have been said yesterday, or at all events up to the time of the present Government coming into power, up to which date, at any rate, the excellent advice has been more or less ignored.

Now as to the general grievances of the people of the islands residing on or frequenting the treaty shore. They have been driven out of harbour by French men-of-war when not fishing at all, or when fishing where no Frenchmen were near, in which case there could be no interruption. They have had their nets and fishing gear destroyed by French naval officers even when not molesting French fishermen. In any case, the French have no right to take the law into their own hands. A very gross case is referred to in the Foreign Office memorandum of 1873, when the commander of the French war-ship "Diamant" destroyed the nets of English fishermen without warning, in a bay where no Frenchmen had frequented for thirty years, and where none were present. This was considered a direct assertion of the French claim of exclusive right to fish. Our Government protested, and the only answer Lord Granville received was that these acts of the French naval officers were defended.

No Newfoundlander has ever, as far as I can ascertain, received any compensation for such illegal destruction of his property. To a poor fisherman the destruction of his nets is not a mere "pin-prick," but a stab in his vitals. Of late years it is not the French fishermen against whom there are complaints, but the French naval officers. Commander Knowles stated in his report about 1873 that the French and English fishermen got on well enough, but when a French man-of-war appeared it interfered with our people.

For many years the treaty shore was a sort of no man's land, and the residents were not represented in their House of Assembly.

The British Government refused to allow Newfoundlanders to have grants of land on that part of the coast, and also refused to allow the Government to appoint magistrates there. In 1873 the Colony made a very strong appeal to allow the appointment of magistrates on the treaty shore. There were then a good many people settled there—some 6,000.

Lord Granville, who was then in office, asked the French if they objected. They did not answer for six months, and then they said they would not agree to it. For us, who own the entire sovereignty of the island, to ask a foreign Power for liberty to carry on jurisdiction in our own territory, and appoint magistrates there, was not only quite unnecessary, but a very ignominious proceeding. Lord Granville afterwards actually asked the French if they had any objection to our having lighthouses on the treaty shore. The French on this occasion were pleased to say they had no objection. Magistrates were not appointed until 1881.

RESPECTING BAIT AND BOUNTIES.

Perhaps now I had better begin by telling you what bait is. The bait early in January is herrings; then come capelin, a very small fish about as big as a smelt, which comes in countless millions to the shore. Then later on come squids, which is a small cuttle-fish. Early in the eighties the French increased their bounties considerably. Formerly the French only gave bounties to vessels fitted out in France. Later on they gave bounties to vessels fitted out in St. Pierre; this had the effect of increasing their catch, so they invaded neutral markets. Formerly most of their fish was consumed in France. The bounty was sometimes 50 to 70 per cent. of the value of the fish. They also became rather aggressive, and the Newfoundlanders in retaliation determined that they would not allow the French to buy bait on the non-treaty shore, so they brought in and passed a Bait Act, but the British Government declined to agree to it. They brought it in again the following year, in 1887, but the British Government again refused assent, although the Governor, Sir W. Des Vœux, backed up the Colony in a very powerful despatch. Lord Knutsford gave as the reason that the French objected to it! Very likely, as it was brought in especially to hamper them. In the same year, 1887, all the Colonial Premiers came over here, and all the other Colonial Premiers supported the Newfoundlanders about this Bait Act. The Government gave way, and the Royal assent was at length given to the Act, which a few months before was refused. This Bait Act was brought into force the next year.

Now the herring are found in these two bays, viz., Fortune and Placentia, which are only about 40 miles from the banks, in January, three or four weeks earlier than on the treaty shore at St. George's, which is round Cape Ray, which is some 200 miles from the banks, where any one can fish. If in these first three or four weeks the French cannot get bait in Fortune and Placentia Bays, then they cannot get fresh herring at all. It is certainly true that the French have caught a species of shell-fish on the bank which serve as bait. It is not so good as the other bait, and the supply is not unlimited, and moreover it has to be caught in traps, which takes time and trouble. Formerly the French on the banks got all the bait they wanted from the Newfoundland fishermen. But when that supply was cut off they had to go round Cape Ray to the treaty shore to catch bait, nearly two hundred miles away, sometimes more; this

entailed much loss of time. A great object is to have the bait fresh, and if the Frenchman has to go so far he cannot get it fresh.

Although this Bait Act was very badly carried out, it did, according to French returns, knock down their catch to nearly half. I see in the *Times* it is stated the French catch on the banks last year fell off 28 per cent. since the Bait Act was in force. The French pretend that they can do without our bait, but that is all nonsense, and is contradicted by their official reports. The people living in Fortune and Placentia in this bay made a good deal of money out of it, but they imagine that all the rest of Newfoundland and Labrador must give way to them, and they evaded the Act in every way they could. If this Bait Act is very carefully carried out, which I do not think it can be without the assistance of England, it will be a very good thing. There is no doubt but that the prevention of the French getting bait from the non-treaty shore would damage their bank fishery enormously, and go far to ruin it altogether. The French bank fishery is a very valuable commercial fishery, and a very valuable nursery for their seamen. As I have already explained, it is open to the world. There are plenty of Americans and Canadians there. It is valuable for seamen for the French Navy, but not so valuable as it was when the movements of ships depended on sails and sailors instead of as now on steam and stokers. Commercially it is very valuable, and there are, according to a Newfoundland authority, 12,000 men employed on these banks and some 500 vessels. On the treaty shore the fishery is worth very little indeed. There are only now some 7 French fishing stations, employing some 250 men, where formerly there were more than 70, and the very fact that they have dwindled down from 70 to 7 shows that the fishery can no longer be a valuable one. A French admiral has stated most positively that the shore fisheries are no good to the Navy because the men employed there are broken-down old fellows.

About the year 1891, a French naval officer landed at St. George's Bay and prevented our fishermen from selling bait to the Americans—a most outrageous action, which the French Government eventually disowned and apologised for. Subsequently, regulations were made respecting the sale of bait at St. George's; certainly with the concurrence if not at the instigation of the home authorities, by which the French were given a pre-emption in buying before others. Moreover, the price was fixed. This may have been convenient, but it was not legal, there was nothing of "the open door" about it, for while the door was held open for the French, it was slammed in the face of the Yankee and the Canadian. There is another point touching bait. If what we gave to France at the Treaty of Utrecht was leave to prosecute a cod fishery only, which can be maintained, such, naturally, would carry permission to take the bait wherewith to catch the cod, but this would not permit bait to be exported for use outside treaty limits. The French are permitted to cut wood to build stages on the treaty shore, but not to export such timber to St. Pierre or Miquelon to build stages there for drying, neither should they be permitted to export bait to the banks to

catch the fish that are dried on the above-mentioned islands. The two things are on all fours.

If Newfoundland had joined the Dominion of Canada, as she should have done, she would have had a stronger hand; of this the British were quite aware, for Lord Granville, in a despatch referring to an agreement which in 1869 there was an attempt to make with France, said that the settlement of the question was pressing, "as the approaching union of Newfoundland to Canada might render the question less tractable by increasing the number and importance of those interested in it." For they dare not treat Canada as they have treated Newfoundland!

These, ladies and gentlemen, as far as I have been able to explain in the time at my disposal, are the main points in this fishery question of Newfoundland, and I have only one more word to say. The only thing now is, what is to be done? Well, use the weapon which is in our hands, and use it effectually—that is, the Bait Act. Carry the Bait Act out to its utmost limit, and you will more or less ruin the French bank fishery, which, as I have already said, is very valuable, whereas the shore fishing is worth very little indeed.

We may hope that this matter will before long be brought to a satisfactory conclusion—a conclusion that will satisfy not only France, but Newfoundland.

But in any solution of this question the very least we have the right to expect is, that the people of Newfoundland shall be able to carry out their daily avocations without illegal interference, and that they shall no longer, in a manner not obligatory by treaty, be harried and coerced, either by, or in the interests of, a foreign Power.

Captain the Hon. M. BOURKE, C.M.G., Royal Navy:—After all that we have heard quoted from the treaties by the lecturer, I would say that I have just returned from Newfoundland, having been there as commodore in charge of the fisheries for three years. For fear anybody might think from this lecture that everything out there has been going wrong, I would tell you that there is a great deal that does go on out there which is really not as represented by interested persons in the newspapers. I simply want, in a very few words, to tell you what actually does take place. I have had to study this question very closely, and I have been to every part of the treaty shore. I know every man on the treaty shore, and I know everything about the people who live there. As General Dashwood has shown, the French Government claim exclusive rights of fishing, and the British Government have always resisted this claim. The practical effect of this is, that the French on the spot do not get any exclusive rights of fishing. On the contrary, the residents on the shore enjoy and exercise in every way a concurrent right, and during my command I had no trouble between the local fishermen and the fishermen from France. I received complaints from the French from time to time when an abnormal number of schooners from other parts of the coast came to fish in and about where the French were carrying on their industry, but against the immediate residents no complaints were made, nor would they have been entertained so long as the residents did not interfere directly with the French, and they do not do so. On the contrary, perfect harmony reigns between them, and I could give numerous instances of French aid to the oftentimes semi-starved inhabitants, more especially in the spring of the year, when the French first come to the coast from France. That, gentlemen, is the actual working of the question so far as it affects the exclusive and concurrent right of fishing

between the two nations. I do not say what the French claim is, I am only telling you what actually takes place. With regard to "fixed settlements and the (practically) exclusive right of the shore for half-a-mile from the sea," I have never heard of any practically exclusive right of that sort, and the lecturer did not explain such a claim on the part of the French. Of course, as the population on the French shore is over 12,000 souls, there must be settlements in which these persons live. As to these I have never received any protests, nor do I know of any having been made. With reference to wharves on the French shore, I may say, taking large with small, there are at present a great number, some constructed during former years and others recently, and they continue to be built. During my command two piers were objected to by the French. In one case the pier was completed and all the plant for the last section of the railway across the island landed there, and it was then broken down by ice, it having never been protected against such a contingency, and since then it has not been repaired. At present there is no use for such a pier. Another pier during my command was commenced at Bluff Head, not, as the General has said, 20 miles, but 4 miles from a French fishing station of sixty-seven men, at a place called Long Point. As the question of piers was then forming the subject for an arrangement between the two Governments, the builder of the pier was told he must delay the completion for the present. The manager told me subsequently that he wished his undertaking had been stopped earlier, as it would have saved him 1,000 dollars, as during the first gale his pier was rolled up on the beach, for the exposed coast did not permit of any such pier being able to withstand the exigencies of weather and ice. Anyone might have told him that before if he had asked. The mine, which is a chrome mine, was not objected to by the French, nor do I know of their objecting to mines generally, but only to wharves which may affect their fishery. The word "may" is the evil of the whole thing. It is not that it "does," but that it "may" at some future date. I do not allow this claim at all. It is continually asserted that the presence of the French on the coast prevents British capital from flowing into the country for the development of the mining interests on the treaty shore; this may be so, though I have often asked for any specific case, and not been able to discover one. I would suggest the holding back of British capital is more due to the paucity of good mines. As far as I can gather, there is not one single known mining interest on the treaty shore worth working which is not being worked, and I do not think that any additional building of piers will cause mines to grow in their immediate vicinity. On a coast such as Newfoundland there are only a limited number of places where piers can be built alongside which deep-draught ships can lie. Then it will readily be understood that it is no use building a pier unless it is to be of use for some known mine, and unless such pier will withstand the gales and ice which are likely to beset it. I would suggest that neither of these contingencies has anything to do with the French. As to the right to exercise jurisdiction on the treaty shore, in 1887 and 1889 there were cases of French naval officers having interfered with the fishing gear of British subjects, and this was made the subject of a strong protest on the part of the British Government, since which time I know of no case of attempted action on the part of the French naval officers. The orders they act under are not to interfere directly with any British subject, but to make their complaint to the British naval authority. This is what is done. With regard to the lobster industry, there are fifty-six British lobster factories and fifteen French. The lobster fishery is entirely confined to the western treaty shore. There are practically no lobsters on the N.E. coast. There is no difficulty in the working of the lobster fishery between British and French subjects. To can lobsters is a very paying concern, and one which everyone is anxious to embark in, but by the reckless way in which the fishery is being worked by everyone the lobster has diminished in size; and though the number of lobster traps has largely increased, the total catch has fallen off. I look upon the Newfoundland lobster industry on

the treaty shore as a doomed one, the same as it has proved in America and Canada, where steps were not taken to replenish the stock. Under existing circumstances and at the present rate of decline it must shortly break down altogether, and already there are signs amongst some of the French factories of an inclination to give it up, though in other cases it is still remunerative. Thus we come to this, that whether the *modus vivendi* is set aside or not, the disappearance of the lobster will most surely in the end settle the question for itself. Whilst every British subject must feel sore at the fact that any foreign Power should have any rights on a British shore—and no one would be more glad to see them ended than myself—I must say both from the British and French point of view the question is mainly one of sentiment. Sentimental from the French point, inasmuch as the shore fishery does not pay them. It never has paid them, and that is why the French have been coming to the shore fishery in ever decreasing numbers. Twelve years ago there were about 2,000 fishermen from France on the coast, and in 1898 there were under 400. It is only the sentiment of the thing which keeps them there. It is also sentimental from the British point of view, and for these reasons:—First, the fishery. The total French shore fishery amounts to 18,000 to 20,000 quintals in one season, which only slightly exceed the export from St. John's alone for one week. The British Newfoundland catch is about 1,200,000 quintals annually, so the French shore fishery of 18,000 to 20,000 seems a flea-bite in comparison. If the fishermen were not on the shore, they would be fishing on the banks, where they would take more fish. Second, as to the expansion of the colony. With regard to the 400 Frenchmen with fishing rights on over 800 miles of coast, which are supposed to prevent the colony expanding, it is said that mines cannot be opened or piers built on account of French pretensions. As I have said before, it is no use building piers where there are no mines working or workable. There is no use building piers in places where they will not stand gales and ice, and the fact of building a pier will not cause a mining interest to grow where one did not exist before. It then comes to this, that if the question is approached from the working point of view of the end of the nineteenth century, I submit it assumes different aspects than when viewed from the light of the treaties and the statements of interested persons, both English and French. I will only add that attempts were made some few years ago amongst the inhabitants of the treaty shore to discover the feeling for or against the French on the coast, and it was strongly in favour of the French remaining. Lately also I have received letters from residents on the coast to say that on a vote being taken, it would be 5 to 1 in favour of the French remaining. Far be it from me to wish that this question of so long standing should not be settled; but knowing the circumstances of how the evil to Newfoundland is apt to be exaggerated, and how the shore fishery of France is a more or less dying industry, I wish to point out that it is not worth a row of pins in the way of compensation to persuade the French fishermen to give up their fishing rights on the shore, except that on their departure the malcontents in Newfoundland will be deprived of a grievance which has always been a great trouble to them, and has been accepted in this country without much enquiry as to the actual rights and wrongs of the case. I am sorry I have detained you so long, but it is difficult to get the discussion of a subject, which has gone on for nearly 200 years, into the few minutes permitted. I have only barely touched on the fringe of the question. The departure of the French from the treaty shore will in no way ease the shoe in the only place where it really pinches, namely, in the competition of French cod-fish in the European markets. I do not think if they go we should benefit much. There are many side-issues to the Bait Act which we do not hear; and as to the catching of bait, there is no doubt that the French do manage to catch other bait. It is a fact that they do use this winkle which they catch on the banks; there are not large penalties to pay for the purchase of bait; they have to pay a dollar and a half per ton of their vessel and take out a licence, and they can get thus as

much herring bait as they want. They do not take out a licence, because they do not want the herring bait. In former years they used to spend 800,000 francs in and about the coast of Newfoundland; last year they did not expend more than 6,000 for bait. They fish with the winkle they catch on the banks. The lecturer said he heard it was being fished out, but I do not think it is. When fishing for cod, the winkle bait is a great deal better than the herring bait caught on the shore.

Admiral Sir RICHARD VESEY HAMILTON, G.C.B.:—I have very few words, Sir, to say upon this subject. I hope any succeeding speakers will confine themselves to principles; even our lecturer has been giving really too many details, which it is utterly impossible in an assembly like this to remember. Captain Bourke has also gone far too much into detail. The point before us is this: Are the French carrying out the treaties under which they are allowed to fish in Newfoundland, or not? The question is: Is it part and parcel of the French treaty that they should be allowed to set up nets or traps to catch salmon up the rivers? I was the first permanent senior officer in Newfoundland, and in my days no Frenchman, unless perhaps a poacher, ever caught salmon in the river. No doubt they did it surreptitiously, because a British man-of-war could not be always on the spot. The salmon fishery was always recognised as appertaining to the territory of the country in which those salmon were. The French had no territorial rights whatever. I well remember my commander-in-chief, hearing a French flag had been hoisted on the Newfoundland shore, giving it to me hot and strong for not having had it hauled down; but he had been misinformed. I must say that at the time I was up there, there were very few troubles and disputes indeed between the French and English fishermen; but they appear to have increased of late years very materially. My humble opinion is that in the earlier days the French and English naval officers managed to keep peace in the country. Lately the diplomatists have taken matters in hand, and they have made a fine mess of it.

Lieut.-Colonel Sir J. TERENCE N. O'BRIEN, K.C.M.G. (late Governor and Commander-in-Chief of Newfoundland):—I quite concur with Captain Bourke as to the result of his experiences on the treaty shore. I had the honour of being for six years Governor of Newfoundland, and although I have not been there for the last three years, I have been along that shore and given careful attention to the matter. On my round of 800 miles I heard of but two small complaints of the French as having been there made. When I came to ask people of different classes about the French, I must say I found the opinion to be quite what Captain Bourke represents. They all said the French were very useful, as they spent a little money and gave gratuitous medical assistance to the poor sick, while the admiral used to allow his band to play, which literally astonished the natives; altogether there did not then exist a state of things such as Major-General Dashwood makes out. I am afraid he really exaggerates the matter, and has got his proofs rather from St. John, where the French treaty shore question is made a great political lever. The main reason for my saying this is because in the year after the fire, and again in the year after the financial crisis, we never heard a word about the French treaty shore; but when they want to send a deputation to the home authorities, or to bring pressure to bear in England, then it is an enormous grievance. I am the last man to say that we should not insist on a settlement of this long-standing grievance, because at any moment somebody might follow the advice given by General Dashwood, who wrote in the newspapers while I was in St. John, that if interfered with the fishermen should fire on the French, which might bring on war to-morrow. But I do not think it is *the* pressing grievance against the French that he has made out. I can only say, speaking from my own experiences of the French officers, that I have had most cordial relations with them, except on one occasion; and many of them have expressed to me how distasteful it was to them to have to perform duties bringing them in conflict with our Navy, the authorities, and the people. As to the mines, we had none operating on that shore in my days, such as would necessitate the stoppage of the erection of piers as detrimental

to the French rights. I hope the colony will get on, and the grievances be got rid of. The crux of the whole matter, however, lies in the French bounties, for the French taxpayer not only pays to encourage his fishing by cheapening the food for the French consumer, but he also pays for the consumption of the Spaniard, the Italian, Greek, etc., and thus drives Newfoundland out of the markets of Southern Europe. It is very unfair on our colony and its fishermen, for the bounty almost equals the cost of production. This, of course, the merchants feel, and this is where the shoe most pinches. I do not allude to the Bait Act, as the cost to effectively enforce it would be excessive, and the result even then doubtful.

Captain ARTHUR M. FARQUHAR, R.N.:—Two years ago I returned from three years' service on the Newfoundland coast, and I only wish to say that I agree with the remarks of the last two or three speakers, that far from there being any particular strain between our men and the French fishermen on the treaty shore, they worked very harmoniously together; indeed, our own people are under many obligations to the French fishermen. The lecturer thinks the panacea for the whole evil is to stop the supply of bait to the French. That has been tried, and did not succeed for two reasons: First, because the French got other very good bait, winkles, from the banks, and brought other bait in ice from France for the early portion of the fishing. It failed, secondly, because it robbed the very poor Newfoundlanders of their only harvest—the bait which they catch on the south coast and sell. Of course it is necessary to prevent smuggling. The men smuggle because they do not wish to starve. They have either to break the law or starve, and they prefer to break the law. There are not enough vessels to stop smuggling. It would require a considerable number of vessels and quite a dozen steam launches before smuggling can be prevented. The Government must find some means for protecting their starving people, who at times are in very great extremities.

Major-General DASHWOOD, in reply, said:—I do not think I need detain you beyond a minute or two. With regard to what was said by my friend Sir Terence O'Brien to the people on the treaty shore rather liking the French there, I daresay if you go to a harbour where there are about eight or nine families, one family is paid by the French to take care of their boats and other gear, and probably that family would be in favour of the French remaining there; but how about the other seven or eight? With regard to the infringements of the treaties and other acts of the French, which I have alluded to, all these infringements and acts are all taken from official sources; most of them will be found set out in a Foreign Office memorandum printed in 1836 and 1873. There is no getting over that. I have already said that I do not think the French in these days, as far as I can make out, take the law into their own hands, or are nearly so aggressive as they were formerly. That I have already stated. Captain Farquhar tells us, with regard to the question of bait, that he thinks the French are able to do without bait, that besides winkles on the banks they get herrings from France. When the Bait Act came into force in 1837, if you look at the French returns you will find the catch of the French went down about half, and last year the French catch, owing to the Bait Act, went down 28 per cent., although the Act was always very badly carried out. I acknowledge that. But I say if the Bait Act was really carried out well there is no question but that it would hamper the French enormously. The opposite opinion is what the French say when they pretend it does them no harm. Winkles may be of some use, but I am told by people who understand the fishery that winkles are not so good as other bait and by no means unlimited in quantity, and, moreover, there is considerable trouble in catching them. Captain Farquhar has stated that a number of people in Newfoundland do not care to get rid of the French. I have not gone into that subject, because it is more or less a political question. The people of Newfoundland do not pull together on any subject, as far as I know. It is a case of every man having his own axe to grind. There are many merchants having no dealings on the treaty shore who would not care two-

pence if it were a French colony, provided they got the bounty reduced and were able to get a better price for their fish. It is ridiculous to suppose that the whole of the community of Newfoundland and Labrador are to suffer for merely two bays. For we cannot expect the whole of the people of Newfoundland and Labrador to give way to the people of two bays—Fortune and Placentia. If it is absolutely necessary to compensate them for being unable to sell bait to the French, let them be compensated.

The CHAIRMAN (Sir William Kennedy):—Gentlemen, I think I am only expressing the opinion of all here in thanking General Dashwood for his able and interesting lecture, whether we agree with him or not. The fact is, and it must not be forgotten, that these treaties, although obsolete and very vexatious, are still treaties which have to be abided by, and the French are perfectly right to stick to their rights. As long as they confine themselves to those rights there will be no trouble at all. Of course it is a very difficult position. It is impossible for two people to be fishing in the same water without there being trouble. You have only to put two people in a salmon pool, one on each side, and if they were not abusing each other in five minutes I should be very much astonished. One has to give way to the other. The position is such that it is only by the tact, courtesy, and good temper of the naval officers on both sides that harmonious relations have been maintained all these years. I can speak from experience that that is a fact. I had a most charming colleague in Commodore Devarenne, and we never had the slightest trouble at all. We were always giving and taking. We understood that the position was an impossible one, and that unless we gave a little on each side there would be trouble. It is not right that a naval officer should be put in such a position as that. Diplomats cannot manage it, and it is left to naval officers to do the best they can. They have done it well up to the present time, but happily the time has arrived when the French Government are inclined to meet us half way, and I am sure that all who have the interests of peace at heart, and who have the welfare of our oldest colony at heart, will hope that arrangements will be made satisfactory and honourable to all concerned, both France and England.