This is an account of the problems faced by those involved in the Newfoundland Fishing Industry from its early days in the 1700s to the ending of the French Shore Treaties in 1904 when the Colony of Newfoundland gained control of the Fisheries around its shores. Many different interest groups are involved and the topic is quite complex. Reference is made to official contemporary communications and reports, with additional documentation and explanation in footnotes for those who may wish to know more or to investigate further for themselves. Read it with reference to the footnotes, or ignore them. Square brackets [ ] indicate editorial additions.
OVERVIEW OF THE EARLY HISTORY OF THE FISHERY

No precise date can be given for the arrival of the first European in the waters of Newfoundland, since the earliest voyagers were fishermen who generally did not keep accurate logs but had for a few years been harvesting codfish from the bountiful waters of the Northwest Atlantic. The earliest reliable record is that of Giovanni Caboto, better known as John Cabot, who sailed from Bristol, England, in 1497 in his tiny ship the *Matthew* and is believed to have made landfall in Bonavista in Eastern Newfoundland. Already a seasonal fishery had begun, with ships arriving in Newfoundland waters in spring and returning to Europe in the fall. The fish was cleaned, split, salted, and dried on land before being shipped to Europe, a system which quickly became an established pattern for the Newfoundland industry and persisted commercially into the final decades of the twentieth century.

Two of the main participants in the industry were France and England whose centuries-old hostilities continued unabated in the New World just as they did closer to home. Various treaties were made between the two, and some of the terms of those treaties impacted strongly on participants in the Newfoundland Fishery, especially those individuals who had become permanent residents of the Island.

TREATIES OF Utrecht (1713), PARIS (1763) AND VERSAILLES (1783)  

Since the Battle of Hastings in 1066, relations between England and France had been at best tolerant and at worst in a state of open warfare. Periods such as the Hundred Years War (1337 - 1453) and the Napoleonic Wars (1803 - 1815) mark some of the more intense hostilities, but there has always been an undercurrent of suspicion which, even when relations looked good, was never far below the surface. The Treaties of Utrecht, Paris and Versailles were concerned with relations between the two countries on a worldwide scenario, and therefore it is hardly surprising that when a valuable industry developed around Newfoundland, it would become a currency useful to be negotiated for the convenience of both.

From the earliest days of the Newfoundland Fishery, permanent settlement was actively discouraged at the behest of the English investors who ran the enterprise for their own gain, with minimal concern for those who did the hard work. The owners were well able to influence those who made the rules, and frequently they did so to the serious detriment of any who opposed them.

Nowhere was this more apparent than on the sections of Newfoundland coastline which came to be part of the “Treaty Shore” (also known as the “French Shore”) as determined under the three Treaties. (See maps, page 11.) Prohibition of coastal settlement was one trading ‘currency’ that was convenient and it was enforced as part of the Treaties by the navies of both France and England. Under the Treaties, rights associated with the fishing industry to certain sections of coastline were ceded to the French, while other sections remained to the English. In general the eastern half of the Island was subject to British dominance and the western half to France, although the English always maintained that control by France was subject to oversight of all of Newfoundland from England, a concept strenuously disputed by the French. This division of influence became a serious irritant for Newfoundland where it echoed down the centuries as the main cause of the delayed economic and social development of the entire Island through the 1800s and particularly of the West Coast until 1904.

The most significant of the three Treaties for its effect on Newfoundland was the final one, Versailles, in 1783. At that time, because more settlers were now present on the Northeast Coast, but still relatively few on the West Coast, changes were made in the French coastline rights. The West Coast from Cape Ray on the SW corner of the Island northwards to the tip of the Great Northern Peninsula and then southwards following the coast as far as Cape St John to the east of White Bay, became enshrined by treaty as a joint fishing area for both England and France. (See maps, page 11.) Thus

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1 The three Treaties are quite similar as regards their implications for Newfoundland. They represent efforts to keep up-to-date with changes, but they were always controversial. See page 11 for the differences significant for Newfoundland.

2 The hostilities between England and France stemmed from the Battle of Hastings of 1066 when King Harold of England was defeated by Prince William of Normandy who was then crowned King of England but was never fully accepted as the rightful king. In the centuries that followed various leaders on both sides (England and France) attempted to regain the throne for themselves. The result was that the two countries were almost constantly at war with each other. Newfoundland became drawn into this conflict although the Island was not itself directly involved. The three Treaties were intended to maintain peace but various irritants continued to arise, affecting the people of Newfoundland in ways beyond their control.
a length of coastline in excess of 700 kilometres became the “French Shore”. The Bay of Islands was now well inside the French Shore, as far as it was possible to get from the major concentrations of fishing which were the East Coast, South Coast, and Labrador. This may have been the main reason why the Bay of Islands, despite the plentiful resources there, was more inhibited than any other part of Newfoundland in every aspect of its development.

Before 1783 few people on the West Coast were affected, but by the turn of the century settlers were arriving in increasing numbers from the East Coast, from Europe, and from Cape Breton, NS, to the West Coast, and by 1850 Sandy Point in Bay St George had become a thriving commercial and social centre. However most of the Bay of Islands was still almost as sparsely populated as it had ever been.

The original Treaty of Utrecht (1713) defined certain rights and limits governing the behaviour of both parties, French and English:

> 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.  

Judge D W Prowse, lawyer and historian, wrote:

> ... the original Treaty of Utrecht had a clear meaning: it gave the French a concurrent fishery, regulated and controlled exclusively by English authorities ... It is an elementary rule of international law that the sovereign power alone exercises authority within its own territory. Whatever rights France may have on the Newfoundland treaty shore, they must be carried out under English supervision and control; neither France nor any other foreign power can exercise coercive jurisdiction on English territory.  

In 1832 the Imperial Parliament authorised a Colonial Legislature for Newfoundland, and one of its first concerns was to protect the Colony from measures passed by the Mother Country that would impinge negatively on Newfoundland. Major problems were the prohibition of settlement on the French Shore and the methods applied under the Treaties to enforce it.

A joint Commission of British and French officials meeting in the 1840s made certain recommendations governing the fishery. These recommendations were accepted by the governments of both nations in a Convention formulated in 1857. However the Newfoundland Legislature, which had not been party to any consultation, refused its assent. The Legislature argued with full justification that the new provisions substantially allowed French encroachment on the rights of Newfoundlanders (1) by giving exclusive rights to the French on the Treaty Shore, as well as concurrent rights to a large stretch of the Labrador shore; (2) by limiting the rights of Newfoundlanders to erect and maintain buildings on the French Shore; and (3) by conceding to French naval officers the power to enforce the terms of the earlier Treaty even to the point of expelling from the French Shore any Newfoundland vessels attempting concurrent fishing. The Newfoundland Legislature objected strongly:

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3 Treaty of Utrecht, 1713, Article XIII
4 Daniel Woodley Prowse (1834-1914) was called to the Newfoundland Bar in 1857 and in 1861 was elected to the House of Assembly for the South Coast district of Burgeo-La Poile. In 1867 he supported Ambrose Shea’s unsuccessful pro-confederation movement with Canada. In 1869 Prowse was appointed a judge of the Central District Court, an appointment he held until his retirement in 1898. He had a sound legal training and expertise, and had acquired a strong knowledge of the Newfoundland Fishery through his personal involvement in his father’s business. His judgement of a document such as the Treaty of Utrecht and other government and legal papers must be respected. He was above all a patriotic Newfoundland, unwilling to see his countrymen cheated of their patrimony. He was correct in his opinion that England did not properly enforce the rights of the Newfoundland fishermen, in part because it did not serve the interests of the Imperial Government at the time, and in part because the influence of the merchants remained strong. In 1895 he published his 800 page volume, A History of Newfoundland from the English, Colonial and Foreign Records, which is recognised as the first major study of its kind and one of the most thorough.
5 Prowse, History of Newfoundland, 1895, page 355
6 Also referred to as “the Treaty Shore”.
We deem it our duty, most respectfully, to protest in the most solemn manner against any attempt to alienate any portion of our fisheries or our soil to any foreign power, without the consent of the local legislature. As our fishery and territorial rights constitute the basis of our commerce and of our social and political existence, as they are our birthright and the legal inheritance of our children, we cannot under the circumstances, assent to the terms of the convention: we therefore earnestly entreat that the Imperial Government will take no steps to bring this Treaty into operation, but will permit the trifling privileges that remain to us to continue unimpaired.  

As might be expected, the Legislature was not the only group offended by the British Government’s selling out of the Colony: everywhere there was intense reaction. The Union Jack, the flag of the Empire, was lowered, and some Newfoundlanders raised the American Stars and Stripes. Judge Prowse himself characterised the British Government’s position as “this proposal to sell our birthright for a mess of pottage”. 

Many West Coast residents, the most severely to be affected by this 1857 Convention with France if it should be applied, were discontented enough to petition for separation from Newfoundland and for confederation with Canada. Within ten years the British North America Act of 1867 would give birth to Canada, a topic already being debated in the Maritimes, with whom the West Coast of Newfoundland had fairly intimate dealings. However, in spite of internal pressure to do otherwise, the Mother Country upheld Newfoundland’s autonomy, and no longer pressed for acceptance of the Convention. A despatch from H Labouchere, Secretary of State at Downing Street, London, to Governor Darling, St John’s, Newfoundland. It has sometimes been referred to as “the Labouchere Letter” and even as “The Magna Carta of Newfoundland”:

... the rights at present enjoyed by the community of Newfoundland are not to be ceded or exchanged without their assent ... the constitutional mode of submitting measures for that assent is by laying them before the Colonial Legislature.  

But the French Shore question was no closer to settlement now than before. Such was the political climate in 1876 when George Sheppard, fisherman of Lark Harbour, complained to Captain R M Lloyd, commander of HMS Bullfinch, about French harassment. Captain Lloyd reported the incident, although with some doubts about its validity, to his superior in the following terms:

10 October, 1876

Sir,

1. I have the honour to bring to your notice a statement that was made to me by George Sheppard, fisherman, of Lark Harbour when I called off that port, on the 19 September, 1876.

2. I had stopped the ship off the harbour and gone ashore, to make some inquiries as to the loss of a schooner on the coast, when in course of conversation with George Sheppard, he stated that a French man-of-war (from his description the Laplace) had called in at Lark Harbour about one month previously, and sent an officer ashore, who, through an interpreter, a young man Legge, the son of the guardian of rooms at Little Port, who happened to be there, told him “they must stop fishing there and take down their buildings, and if this was not done when they came round again, they would do it for them.”

3. As I was detached from the ship, I was unable to take this man's deposition, but his statement was made in the presence of Michael Esmond, the permanent pilot of the Bullfinch and was confirmed by

7 Newfoundland. Journals of the House of Assembly. 1857, p18
8 Prowse, History of Newfoundland, 1895, page 473
9 Despatch No. 10, 26 March 1857, from H Labouchere, Secretary of State, Downing Street, London, to Governor Darling, St John's, Newfoundland. It has sometimes been referred to as “the Labouchere Letter” and even as “The Magna Carta of Newfoundland”.
10 George Sheppard migrated to the Bay of Islands via Labrador, ‘the counterclockwise migration’. He was born at Spaniard’s Bay in 1837 and after a few years of fishing “on the Labrador” where in 1864 in Battle Harbour he married Susannah Vokey (1840-1930) also from Spaniard’s Bay, he and his brother Abraham settled in Lark Harbour. George became one of the first permanent residents and raised a large family with his wife Susannah (1840 - 1930). Many of their descendants still reside in the town. A successful fisherman and businessman in the community, he died on 24 May 1917 and he and Susannah are buried at Lark Harbour.
the man’s brother, J. Sheppard. The other witnesses were absent, as was also the boy Legge, on whose story and interpretation the whole case hinges.

4. Being fully alive to the necessity of making anything that might take the form of a case of complaint against the French authorities, as definite and incontrovertible as possible and as this man’s statement does not appear to me to be so, I have thought it better to inform you of the matter apart from my other reports.

5. I communicated the substance of this rumour to Mr. Carter the resident magistrate at the Bay of Islands with a view to his obtaining further information when practical.

6. I respectfully submit, that I do not consider any charge can be brought against the French on this man’s story, whether sworn or otherwise; but I have thought it my duty to give you full information of such a statement having been made, as in any case, the officers on this station next season, could be forewarned of this rumoured interference on the part of the French, in a harbour where their people neither have rooms, nor exercise their rights of fishing.

I have &. c.,
(signed) R. M. Lloyd,
Commander

This incident illustrates the precarious position of the settlers who, as fishermen, chose to live in proximity to the sea where their homes were in full view of any approaching vessel. Although nothing actually came of the incident, the temerity of the settlers, the British navy’s doubts about the viability of Mr Sheppard’s complaint, and the French navy’s confidence in its own correctness, also suggest that the Treaty was being questioned by many of those involved. There is no evidence that the French ever made good their threat, but Mr Sheppard and the other residents of Lark Harbour may well have suffered some sleepless nights over it.

Similar incidents also occurred at other locations on the West Coast around the same time. This letter, to a Mr Shearer who had a factory at Port Saunders, from the Commander of a Royal Navy vessel, illustrates the point:

“Bullfrog,” at Port Saunders
24 September 1887

Having received from Captain Humann, Senior French Naval Officer, Newfoundland, a notification to the effect that the fishing station of Keppel Island and Port Saunders has been allotted next year to one of their ships, and that the factory you work in Port Saunders will interfere very much with their fishing if carried on as at present, I have to inform you that you will continue working your factory next season at great risk, for on any reasonable complaint on the part of the French of your operations interfering with the full enjoyment of their fishing rights, your factory will be suppressed.

Mr Shearer, Port Saunders
(Signed) J. Masterman
Lieutenant & Commander

In June 1888 the owners of the Port Saunders factory were notified by the Captain of HMS Emerald, that they would not be allowed to take lobsters within certain limits because of complaints by the French that lobster trawls set by Newfoundland fishermen on some parts of the coast interfered with their operations.

In June 1889 the above prohibition was renewed by Sir Baldwin Walker, Captain and Senior Officer of HMS Emerald. On 17 June 1889 the French warship Bison destroyed a quantity of lobster traps at Port Saunders, and in July another French warship destroyed a further 500 traps in the vicinity.

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11 This document is found in the Journal of the Council for 1887, and is quoted in full in Crocker, D, et al: History of the Bay of Islands. Western Region Library, Corner Brook. 1972.

These incidents elicited complaints made jointly by the two Houses of the Newfoundland Legislature to London on behalf of the victims. This was the reply by Lord Derby, Colonial Secretary in London, to the Newfoundland Legislature’s Joint Address (Newfoundland, No. 67):

Downing St.
9th Nov 1889

... the British declaration of 1793 declares that in order that the fishermen of the two nations may not give cause for daily quarrels, his Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner by their competition the fishing of the French during the temporary exercise of it which is granted to them upon the coasts of Newfoundland, and he will for this purpose cause the fixed settlements which shall be formed there to be removed. It is evident therefore, that the fishery of British fishermen, whether lobster or otherwise, must be carried on subject to the above restriction as to the non-interruption of the French fishery. ¹³

In response to recent events the Newfoundland Legislature appointed in 1890 its own inquiry into the rights which had been accorded to France in the three Treaties. Three Legislature members, James S Winter, Patrick J Scott and Alfred B Morine ¹⁴, were appointed to study the Treaty rights of the French as those rights affected the English settlers, and in 1890 they prepared an informal report on their findings:— French Treaty Rights in Newfoundland: The Case for the Colony stated by the People’s Delegates. ¹⁵ They referred to the Labouchere Letter of 1857 which had defined an obligation on the part of the British Government to require assent from the Legislature of Newfoundland when any change to the existing rights of the Colony might be contemplated, and had also defined in precise terms the method by which that assent should be sought. No such assent had ever been given since the agreement had been presented to Newfoundland as a fait accompli. In fact, Winter, Scott and Morine showed that recent actions by Britain had been in direct contravention of the Labouchere statement. Clearly there were radical inconsistencies between the rights accorded to Newfoundland on paper and the practices of the British authorities. ¹⁶ Were these inconsistencies due to the demands of expediency, or to a change of policy from somewhere higher in the chain of authority? At the very least it hinted that the Newfoundland Legislature was being taken for granted.

Further issues arose over the years. From about 1850 to 1890 the lobster fishery had gradually developed into a major business employing hundreds of people, both English and French, on the West Coast. It collectively employed almost a thousand local men, girls, and fishermen, and, in the two years 1887-8, produced more than 49,000 cases of lobster which were worth $6.25 each and amounted to over $300,000 worth of finished product. The combined two-year output of the six Bay of Islands canneries alone totalled about 8,800 cases worth $55,000, a substantial sum by Newfoundland standards in the closing decades of the nineteenth century. The output of the French factories was fewer than 5,000 cases, much less than that of the Bay of Islands factories. ¹⁷ The Bay of Islands cod and herring fisheries had declined due to the greater profitability of lobster, and yet more lobster processing plants were planned. Naturally, when an industry burgeons so quickly, there may be problems, and several points of dispute had arisen:

In 1885 a document referred to as the “Arrangement” had been mooted between England and France. Under its terms France would withdraw all claims to exclusive fishery rights and to the right to fish rivers above the tidal limit. She


¹⁴ These three men had all been members of the Legislature prior to 1890, but Alfred B Morine was the only current member, representing Bonavista. Patrick J Scott had represented St John’s West but had been defeated in 1889. James Spearman Winter had previously represented Burin, and would again, but he had been defeated in 1889. He was very involved in the aftermath of Modus Vivendi as a lawyer representing those who had fishing and lobster interests on the French Shore.

¹⁵ Winter, Scott, Morine,

¹⁶ It is significant that Mr Labouchere’s 1857 Letter where he stated “the rights at present enjoyed by the community of Newfoundland are not to be ceded or exchanged without their assent” is somewhat at odds with the position expressed by Lord Derby (then Colonial Secretary) in 1889 on the 1793 declaration: “his Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner by their competition the fishing of the French”.

¹⁷ Statistics from Prowse, History of Newfoundland, pp 556-563.
would also agree that any shore fixtures would not be disturbed. In turn England had recognised virtually the existing state of affairs covered in the earlier Treaty, and it had been agreed by both parties that French naval ships would act only when there were infractions of the Treaty, and then only if British ships were not present to do it. At this the Newfoundland Government expressed disappointment, but accepted it on two conditions: (1) that they would have the right to erect wharves and buildings in areas where there were minerals, and (2) that one article of the “Arrangement” be rewritten to remove any suggestion of French rights of settlement on the Treaty Shore. This was initialled on 14 November 1885.

(1) **Lobster Factories.** Friction developed between the English and French over the lobster fishery in reference to the rights each nation considered itself to possess according to the Treaties. The lobster fishery had tacitly remained an unofficial enterprise for both nations because of the shore installations it required, and each nation objected to recent moves by citizens of the other to develop it further. The French claimed that the Treaties gave them the right to establish shore facilities for processing of lobster similar to the one they traditionally enjoyed for cod salting and drying. The English argued an important difference: the codfish industry required only very simple onshore salting and drying facilities which were easily, cheaply and quickly constructed and just as easily removed; lobster processing was more sophisticated and required an appreciable investment in more complex equipment for boiling, washing, canning and packaging. This meant that lobster processing installations were in comparison much more permanent, and this fact had never been contemplated under the Treaties. For their part, the French complained that their fish harvesting was hindered by English fishing.

(2) **The Lobster - fish or not?** Another dispute arose over the definition of the lobster: was it classifiable as a “fish”? The French claimed that it was; that they had a right to exploit it as just another species of fish and that it was included under the Treaties like any other fish. The English reasoned that the lobster was not a “fish” in the strict biological sense. They argued that the Treaties referenced the term “fish” specifically to “codfish”, and consequently the French had no Treaty rights to the species. (In Newfoundland today the term “fish” still often refers specifically to “codfish”, although the normal usage is much less specific elsewhere.)

(3) **The Bait Bill.** One further irritant had begun to show in the years after about 1850. Newfoundland fishermen inside the limits of the French Shore had developed a trade in bait which was mutually beneficial to both themselves and the French. The benefit for the French was that it saved them valuable time which they could then devote to remunerative fishing so much sooner. West Coast fishermen benefited because the trade in bait could reduce their dependence on the local merchants by providing them with a small amount of cash (a rare thing in any outport at this time) or by allowing them the means to purchase supplies from St Pierre when they transported the bait there to sell it. However this practice was seen by the Newfoundland authorities as damaging to the fishery since it helped the French industry and, when coupled with the heavy subsidy the French government paid to its own fishermen for fish caught in Newfoundland, it gave the French product a distinct price advantage in the markets Newfoundland also supplied. In the belief that her Bait Bill would give her power over the French, Newfoundland passed it into law in 1886. This caused further consternation to the French, and on 18 February 1887 Britain unilaterally disallowed the Bait Act for one year. As might be expected, Newfoundland reacted with anger, as she had done over similar British decisions in the past.

Until such time as these disputes could be resolved, a temporary agreement, the infamous *Modus Vivendi*, was introduced. Under its terms England agreed to impose strict restrictions on the industry as it already existed in Newfoundland and was being prosecuted throughout the French Shore. Among other conditions, existing installations would be permitted to continue operations, but no new facilities would be allowed. Any disputes arising from this condition were to be decided by a joint decision of a senior official (usually a naval officer) from each nation.

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18 At this time the industry was mostly a *hook and line* fishery which used a long line from which hooks were suspended. This required large quantities of bait had to be caught, a task which stole time from remunerative fishing. The herring and lobster industries both began as bait fisheries and gradually evolved into profitable cash export markets once a practical canning process was available to permit shipping a quality product from Newfoundland to the growing cities of the north-easter USA. The process of canning was invented about 1810 and within half a century was revolutionising many food industries. It was very important before deep-freezing technology had become widespread as it could be used anywhere with relatively simple equipment and did not necessarily require a supply of electricity.

19 *Modus Vivendi* - a Latin expression meaning literally “a way of living”, an instrument for establishing an international accord of temporary or provisional nature, intended to be replaced in due time by a more substantial and thorough agreement, such as a treaty.
At a superficial glance it would seem that the Modus Vivendi ought to provide a workable temporary solution to the dispute, and perhaps it would have, but once more the cavalier manner of its introduction doomed it from the start. It had appeared without warning when the Governor of Newfoundland introduced it as a fait accompli in his Speech from the Throne at the opening of the Legislature session on 7 March 1890. The Legislature members immediately quoted the Despatch of 1857 (the Labouchere Letter) and complained that they had been given no part in either the formulation of the Modus Vivendi or in its implementation. The Legislature held that the cherished right they believed was theirs had once more been ignored. They reacted promptly on 16 March 1890 with the following resolution:

**BE IT THEREFORE RESOLVED**—That the commencement, continuation, and conclusion of the negotiations for the modus vivendi without the knowledge and consent of the community or Legislature were in direct violation of our constitutional rights, and of the particular engagement with the people of Newfoundland which Her Majesty’s Government voluntarily made; against which violation we record our most earnest protest; and to which we as a free people will never consent. 20

The Modus Vivendi inflamed feelings all over the Island, particularly on the West Coast. Protest meetings were held, and angry messages were received in St John’s objecting to what the British Government had done. This announcement from the Bay of Islands of a public meeting, and the message which resulted from it, were typical:

Bay of Islands, March 21, 1890.

A general meeting of inhabitants has been called for Monday, to indignantly protest against the action of British and French Governments re lobster factories. Five factories have been established, and five new ones are building. Numbers of men and women have been shipped, material prepared, and considerable expense gone to generally. Orders have been accepted for spring supplies. We will use every effort in defence of our rights as British subjects. 17

After the meeting which was chaired by Rev F W Colley, priest of the Bay of Islands Anglican Mission from 1888 to 1891, another message was sent:

Bay of Islands, March 24, 1890.

Enthusiastic meeting held today, petition to House signed by everyone present. Two resolutions passed. First I send:

**WHEREAS** we have heard of recent arrangement made between the British and French Governments without the consent of the colony relative to the lobster fishery and the establishment of French lobster factories on this coast:

**IT IS UNANIMOUSLY RESOLVED** that this meeting most indignantly protests against the unprecedented invasion of our rights as British subjects on this coast. 17

Rev F W Colley
Chairman Public Meeting

The message below from Little Bay is included because it is more specific in its demands than was the Bay of Islands message. A considerable number of similar messages also arrived at the capital.

Little Bay, March 24, 1890.

**BE IT RESOLVED** That this meeting unanimously protest against the invasion of their colonial rights, and that the colony should have a voice in any agreement made.

**BE IT RESOLVED** That this meeting is unanimously of opinion that the above-mentioned treaties should be terminated, and that the whole territorial and maritime rights of the whole coasts of Newfoundland should belong solely to the people of Newfoundland. 17

At the same time the Marquis de Beaumanoir expressed the French opinion quite succinctly:

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20 The four messages containing resolutions are all quoted from Winter, Scott, Morine, *French Treaty Rights in Newfoundland: The Case for the Colony stated by the People’s Delegates*, on pages 7, 124 and 122 (2 messages).
We are at home on the French shore and can make our own police regulations. The British have no right to know whether we fish lobsters or not. They have no right to come here. I regret that after so many concessions England asks us for yet another.  

_The Times of London_, 30 May 1891.

There could be no doubt about the indignation, even the anger, expressed in all of these messages. But of course the Treaties were more concerned with the situation in Europe than with Newfoundland, which was insignificant in comparison, so nothing was done to satisfy the Colony. At the conclusion of their report Winter, Scott and Morine wrote:

_It is the clear and settled conviction of the whole people of the colony—the result of a long and bitter experience, and of a full knowledge of the whole subject—that upon no other basis than that of an entire extinguishment (of course upon some honourable and satisfactory terms) of French rights and claims in the colony of Newfoundland, can there be any solution of the difficulties which have now become so grave and acute; and, further, we have been specially instructed by the unanimous resolutions of public meetings held throughout the colony to say that to no “settlement” of the “French shore” question which does not contain this as an essential basis will the colonists agree._

Despite the unequivocal findings of Winter, Scott and Morine published in 1890, the issue was not yet resolved. In the ensuing years more complaints were made by Newfoundland fishermen about their treatment by the British authorities. Conflicts such as these arose frequently between the Legislature of the Colony, which wanted to consolidate its authority in all parts of the Island (including the West Coast), and the Colonial Office in London, which had concerns extending far beyond Newfoundland’s affairs. The appointment of magistrates to the West Coast was one such issue that demonstrated Britain’s ambivalent position. The navy was historically entrusted with the enforcement of civil laws among civilians in Newfoundland. Although the ships’ officers had consistently demonstrated their ability to do this, and to do it well, the terms of the Treaty made this endeavour invalid almost by definition, rendering it tantamount to a prohibition on settlement. But by this time there was on the West Coast a population sufficient to require a civil law establishment. In 1877 permission had been given by the Colonial Secretary for the appointment of a magistrate at St George’s, but it had included a British stipulation that there was to be no adjudication by the magistrate on Treaty matters. The Newfoundland Government then promptly followed with the appointment of customs officers and plans to enfranchise the West Coast. Britain allowed the customs appointments to stand, but enfranchisement was refused.

**THE END OF THE FRENCH SHORE**

By the turn of the century even the French had begun to doubt the practicality of their interests in Newfoundland. However they were not prepared to give up without something of a fight, and as late as 1900 were still making the lives of fishermen in Lark Harbour (and other settlements on the French Shore) uncomfortable, to say the least, although the settlers were handling it well enough that they could afford also to quarrel among themselves, a sure sign that the old constraints were severely weakened! The following letter to the Editor of _The Western Star_, Corner Brook, from Robert Joyce (c1830 - 1918), an elderly resident of Lark Harbour at the time of his letter, illustrates the still prevailing attitudes of both French and British towards the settlers even at this comparatively late time in the history of the French Shore.

_Dear Sir: Allow me a little space in your valuable paper to let the public know what a nice job our warships have on this coast. Now, I have had four visits from the war ships, two visits from the French and two from the English, and also the following letter threatening and accusing me of packing lobsters:_

_Her Majesty’s Ship ‘Buzzard’, at Lark Harbour, 2 July 1900._

_From Commander Leicester Francis Gartside Tippinge, H.M.S. Buzzard, to Robert Joyce._

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21 _The Times of London_, 30 May 1891.

22 Winter, Scott, Morine, _French Treaty Rights in Newfoundland: The Case for the Colony stated by the People’s Delegates_, page 91, London, 1890.
I have been informed that you are illegally canning lobsters at Lark Harbour. Should you continue this infraction of the Modus Vivendi you will lay yourself open to the penalties set forth by the laws of this colony.

L. G. Tippinge, Commander, R.N.

Now, sir, I am an old man and am going on to seventy years of age, and I can positively swear that I never caught or packed a lobster in my life and it is not likely that I ever will. Although being an old man I have managed to pay one hundred cents to the dollar, and perhaps can count dollars with this Mr Hecla, who is fooling the war ships. Now, Mr Hecla has a lot of lobster ground and besides this he tries to hold more than he can manage. He claims to own Lark Harbour and that the people here must not put out a trap to catch a lobster to eat, although he has not fished the place for three years past. Now, Mr Editor, if this has no effect and I am bothered in the future, I intend to take action for damages.

Yours truly

Robert Joyce

Lark Harbour, July 28, 1900.

Mr Joyce was not alone in his dispute with the French. A short while after Mr Joyce’s letter appeared in the Western Star, a certain Captain Joseph Petipas was contracted by a Canadian company to set up a factory to smoke herring in Middle Arm, one of the three fiords which reach some further ten kilometres or so inland from the Bay of Islands. According to a report in the Western Star of 17 August 1900, on his arrival at the site Petipas was confronted by the same Mr Hacala and was told “that he would not be allowed to put up a building in Middle Arm.” Capt Petipas endeavoured to reason with the lobster packer, but all he got for his pains was a threat that if the buildings were put up they would be torn down. Rather than cause any unpleasantness Capt Petipas transferred his materials to North Arm where he now [in 1900] has his buildings well under way.”

Mr Joyce’s letter demonstrates quite clearly two things: (1) that there was still in effect a policy whereby the interests of the French were deemed by the British Government to be at least as important as those of the Newfoundland fishermen; and (2) that many local people were making a good living for themselves despite the burdensome Treaty regulations. The disagreement between Mr Joyce and Mr Hecla, and the fact that the latter was apparently able to secure the assistance of the Commander of HMS Buzzard in his dealings with Mr Joyce, coupled with Mr Joyce’s inability to do the same for himself, is proof that the Modus Vivendi was being actively supported by the British authorities to the

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23 Mr “Hecla” would seem to be Mr Hacala, owner of the St-Pierre-et-Miquelon/French fishing company H Hacala which operated a lobster fishery in the Bay of Islands around the end of the 19th century.

24 Robert Joyce, like George Sheppard mentioned earlier, was also a successful fisherman. He was born in Placentia Bay about 1830 and migrated westwards by the South Coast (‘the clockwise migration’) into St George’s Bay. He lived at Sandy Point and Fox Island River, eventually settling at Lark Harbour. He was married three times and raised a large family; many of his descendants still live in Lark Harbour and other parts of the Bay. Mr Joyce died in 1918 aged about 88 years. His youngest son, Robert H Joyce (1912 - 2008), also a fisherman and businessman, lived in various parts of the Bay including Woods Island, and in Lark Harbour at the Guardian Angel Seniors’ Residence until shortly before his death at age 95. Robert H is buried beside his wife Frances in the RC Cemetery, Benoit’s Cove.

25 The Western Star, Corner Brook, 28 July 1900.

26 Middle Arm and North Arm are two of the three fiords at the eastern end of the Bay, and until about 1950 there were small fishing settlements on the shores of both. North Arm is now uninhabited, but the modern town of Cox’s Cove is located in Middle Arm.

27 The Island of Anticosti had been annexed to Newfoundland from 1763 to 1774 and again from 1809 to 1825, when it became part of Lower Canada. At that time the waters surrounding it had been open to all. But in 1895 a wealthy French chocolate maker, Henri Menier, had bought the island for $125,000 and leased the shore fishing rights for himself. He also built the small town of Port-Menier and a cannery for fish and lobster, and turned the island into a game reserve where he raised animals for his own personal hunting. The island in effect became his own personal fiefdom. After reporting what had happened to Captain Petipas, the Western Star editorialises with a few pungent and critical comments: “Sugar Stick” Menier drove all the Newfoundlanders and Canadians off Anticosti; Hacala wants to drive them off the coast of Newfoundland. It is surprising how submissive our people are under such aggravating circumstances, but then we must remember they are kept so by French and British ships of war. In this enlightened age, however, when even Newfoundlanders are no longer a colony of “miserable ignorant fishermen”, the people will not suffer long for the sins of those who made those absurd treaties, which have not alone cause privation and suffering to Newfoundlanders but have also brought disgrace to the British flag.”
TREATIES OF UTRECHT, PARIS & VERSAILLES
as they affected Newfoundland

TREATY OF UTRECHT, 1713
Gave to France the right to fish and use the land for procurement of wood
and for setting up of flakes up to three miles inland

1- from CAPE BONAVISTA on the East Coast

2- to POINT RICHE on the West Coast.

TREATY OF PARIS, 1763
Gave to France the same rights to fish and use the land for procurement
of wood and for setting up of flakes up to three miles inland

1- from CAPE BONAVISTA on the East Coast

2- to POINT RICHE on the West Coast, and

3- unconditional ownership of the Islands of St Pierre and
Miquelon off Newfoundland's South Coast.

TREATY OF VERSAILLES, 1783
Gave to France the right to fish and use the land for procurement of
wood and for setting up of flakes up to three miles inland

1- from CAPE ST JOHN, E of White Bay

2- to CAPE RAY on the SW Coast, and

3- unconditional ownership of the Islands of St Pierre and
Miquelon off Newfoundland's South Coast.
disadvantage of the settlers. However, to give credit where it was due, various suggestions had been made by the Imperial Government to resolve the anomaly, but France consistently refused to accept any of them.

**WHALES TO THE RESCUE**

When the resolution of the French Shore problem came, it came quickly. Whaling was becoming an increasingly important industry and stations were being set up wherever the animals could be caught. However many of the same considerations applied to whaling as had applied to the lobster enterprises: whaling was deemed not to be included under the terms of the Treaty, and the efficient prosecution of the industry required extensive land bases.

Thus it was that the whaling industry brought the entire French Shore question to the point where a resolution had to be sought. Applications made by Newfoundlanders to the British authorities for whaling licences had consistently been rejected on the grounds that a whale fishery would interfere with established French rights. But similar applications made by Newfoundlanders directly to the French naval authorities brought about no objection. The premier, Sir Robert Bond, viewing this as yet one more anachronistic element and a further threat to his country’s sovereignty, urged the British Government to take

> such immediate action as will convince the people of this Colony that it is altogether unnecessary for them to seek for permission of a foreign power to carry on their business in any quarter.

The French Shore issue had now become an embarrassment to everybody, yet it still persisted. It seemed, however, as if it had finally run its course, and common sense was about to prevail. On 8 April 1904 a new agreement between Britain and France, the *Entente cordiale*, was signed. The *Entente* covered a number of topics, part of it being a *Convention between Great Britain and France, respecting Newfoundland, and West and Central Africa*. Its most important provision for Newfoundland was clear and simple:

> Article I - France renounces the privileges established to her advantage by Article XIII of the Treaty of Utrecht, and confirmed or modified by subsequent provisions.

*Articles II* defines provisions allowing France continued access for fishing under specified conditions, and *Article III* defines compensatory provisions for French citizens who were directly affected. The remaining *Articles IV, V, VI* and *VII* define the changes made to certain territorial boundaries reflecting the ceding of territories from Britain to France in West and Central Africa.

The key to this agreement was the term in *Article II* that required the French to submit to the laws of Newfoundland.

> The French may therefore fish there for every kind of fish, including bait and also shell fish. They may enter any port or harbour on the said coast and may there obtain supplies or bait and shelter on the same conditions as the inhabitants of Newfoundland, but they will remain subject to the local Regulations in force.

The French were now satisfied because the agreement upheld their traditional right to fish in Newfoundland waters for all species of marine life, while the Newfoundlanders were contented because the French were held to the same conditions as they themselves were. No longer would the settlers be subjected to the indignities of being told what they could do by foreigners on their own shores.

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28 A whale processing station was set up at Lark Harbour on the western shore of the harbour towards the present Provincial Park. Only one whale carcase was ever processed there, but some relics of the plant can still be seen on the shore.  
29 Letter from Sir Robert Bond, Premier of Newfoundland, to Sir Cavendish Boyle, Governor of the Colony, dated 1 September 1903, incl. in no. 154 in N.A., no. 194, quoted by Chadwick, *Newfoundland: Island into Province*, p106.  
30 . . . in the later Treaties of Paris and Versailles and other applicable documents and agreements.  
31 The full text may be viewed at [http://www.heritage.nf.ca/exploration/inclosure2.html](http://www.heritage.nf.ca/exploration/inclosure2.html) a website of Memorial University of Newfoundland.  
32 *Article II* of the *Entente - Convention between Great Britain and France, respecting Newfoundland, and West and Central Africa*.  

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Still it was not quite all plain sailing for Newfoundland. In a speech to the House of Assembly on 21 April 1904, Prime Minister Sir Robert Bond congratulated the Imperial Government in highly patriotic terms for bringing the issue to a satisfactory conclusion from the viewpoint of Newfoundland. The speech contained some sentiments which were inflammatory to the French and almost derailed the entire agreement: there is indeed a gloating tone in his words.

Eventually, however, the French came round to the view that really nothing much had changed and there was even some benefit to them: their right to fish was reaffirmed, and a new right for them to purchase bait was enshrined in the agreement. Among some West Coast Newfoundlanders who made a living out of the French presence there may have been regret, but they were a minority, and any regret was soon submerged in the general euphoria surrounding the agreement.

There can be no question that this change entailed advantages for all parts of the Island. But it was of extreme importance for residents of the French Shore as it meant the removal of the final obstacle to natural growth and development of a meaningful economy. There was much catching up to do which would take time, but now it could happen. Britain’s Oldest Colony had finally shaken off the burdensome shackles of her colonial history and was set to take her rightful independent place in the twentieth century. As Sir Robert Bond said in his speech to the Legislature on 21 April 1904, “even the memory of their [the French] presence will fade like a fevered dream before the brightness of a new day”.

SLH

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33 “The French Shore Question has been settled after years and years of vain endeavour... No other Convention ever contemplated the abandonment by the French of their establishments on the Treaty Shore. This does more, it heralds the near approach of the time when even the memory of their presence will fade like a fevered dream before the brightness of a new day.” From the speech of Sir Robert Bond before the Newfoundland House of Assembly, 21 April 1904, shortly after the signing in London, on 8 April 1904, of the Convention between Britain and France, respecting Newfoundland and West and Central Africa, reported in the Evening Telegram, St John’s, on 22 April 1904, and quoted by Chadwick, in Newfoundland: Island into Province, pp 108-9.