

Fifteenth Day.

14 May 1907.

NEWFOUNDLAND
FISHERY.

(Sir R. Bond.)

In October of that year the autumn herring fishery on the west coast commenced, when it was found that American fishermen were determined to ignore the provisions of the Bait Act as well as the Foreign Fishing Vessels Act of 1905. The position was further aggravated by their refusing to comply with our Customs and Revenue Laws and to enter and clear and pay light dues as they had ever done heretofore.

Out of deference to the wishes of His Majesty's Government my Government abstained from enforcing local statutes against American citizens on the Treaty coast, during the autumn fishery of 1905, thereby occasioning themselves very considerable embarrassment. They were led to adopt this course believing that during the period that would elapse before the next fishing season came round a special effort would be made by His Majesty's Government to arrive at a satisfactory solution of the difficulties that had arisen by reason of the action of the United States fishermen, and, failing such solution, that His Majesty's Government would strictly confine the United States to the privileges accorded its inhabitants by the Treaty of 1818.

In the session of 1906 I introduced a Bill to amend the Foreign Fishing Vessels Act of 1905, by declaring that the first part of section 1 and the whole of section 3 thereof do not apply to foreign fishing vessels resorting to Newfoundland waters in the exercise of Treaty rights. This was done at the request of His Majesty's Government in order to meet objections that had been raised to the measure by the Government of the United States.

This Bill also contained the provisions :—(1) that it should be unlawful for a resident of the Colony to leave it for the purpose of engaging in foreign fishing vessels intending to fish in the waters of the Colony; and (2) that it should be unlawful for the master, owner, or agent of any foreign fishing vessel to engage British subjects to fish for them within the territorial waters of the Colony. These provisions were rendered necessary because while the Bait Act of 1887 declared that no man should take bait fishes within the jurisdiction of the Colony without a license, and the Foreign Fishing Vessels Act of 1905 declared that any master who attempted to engage any person to form part of the crew of any foreign fishing vessel in any port or in any part of the coast of this island should have his vessel confiscated, in the autumn fishery of 1905 the Americans deliberately proceeded to aid and abet our fishermen in violating the Bait Act by engaging them through agents in Bay of Islands as part of their crew, taking them outside the 3-mile limit to formally ship and enter their service, and returning with them inside our jurisdiction to fish.

It will be observed that whereas the Foreign Fishing Vessels Act of 1905 penalised the master of any foreign fishing vessel for engaging any person to form part of the crew of said vessel within the jurisdiction of the Colony, the amending Act of 1906 penalised the master, owner, or agent of such vessel who should engage British subjects, either outside or inside our jurisdiction, and utilise them within our jurisdiction to fish for them.

The machinery for a complete control over our own people so as to prevent them from aiding the Americans in catching such fishes was thus provided by the Legislature, but this machinery was rendered inoperative by the *modus vivendi* entered into between His Majesty's Government and the Government of the United States of America in October 1906, the terms of which may be summarised as follows, viz :—

1. Permission to the Americans to use purse seines during the ensuing season, the use of which instruments of capture the law of the Colony prohibited and penalised;
2. Permission to the Americans to ship Newfoundland fishermen *outside* the 3-mile limit, which, by the law of the Colony, was prohibited and penalised;