



MG 522 – Newfoundland Fishery Arbitration

Extent: 0.1 metres of textual material.

Dates: 1672-1955.

Administrative History: The North Atlantic Coast Fisheries Arbitration settled an economic dispute between Canada, the United States, and Great Britain over fishing rights. The dispute centered on the interpretation of several treaties granting American citizens special fishing rights in Canadian and Newfoundland waters. The dispute began in 1905 when Newfoundland introduced new regulations which restricted the fishing rights of American citizens and were enacted and enforced without notice to the Americans. The three countries were unable to settle the issue on their own so they agreed to take the case to the Permanent Court of Arbitration at The Hague. On September 7, 1910, the tribunal ruled that while Canada and Newfoundland had sovereignty over the waters in question, the reasonableness of any new regulations must be allowed to be challenged by the United States. All three countries were pleased with the ruling of the tribunal. Using the ruling, the three countries were able to agree to a new treaty, which was signed in 1912. The new treaty stipulated that at the end of the fishing season, Canada was required to notify the Americans of any new fishing regulations for the following season. The United States was given a set number of days to object to these new regulations. If they filed an objection, a commission would decide if the new regulations were reasonable. If the Americans did not object, then the new regulations were presumed to be reasonable and in effect.

Scope and content: This collection contains the carbon copies of the papers pertaining to the Newfoundland Fishery Arbitration. The Arbitration was brought before the Permanent Court of Arbitration at The Hague, under the provisions of the general treaty of arbitration of April 4, 1908, the special agreement of January 27, 1909, between the United States of America and Great Britain.

Arrangement: The papers have not been arranged in any particular order other than the format they were received in.

Restrictions: There are no restrictions.

Prepared by Glen Makahonuk, reformatted by Amy Putnam, 2017.

The following is a list of the items:

1. Sessional Papers. Circular issued by George S. Boutwell, U.S. Secretary of the Treasury. 9th June, 1870. (Printed in Canadian Sessional Papers, 1871, No. 12, p.18.)
2. Hugo Grotius. "The Law of War and Peace." London. 1755.
3. Sir Travers Twiss. "The Law of Nations." (1884)
4. Oppenheim (London University) in "International Law" (1905) Vol. 1.
5. American State Papers. Foreign Relations. Vol III. American Commissioners to Secretary of State, 12 Aug., 1814.
6. American State Papers. Vol. 4 Gallatin and Rush to the Secretary of State, from London. 20 October 1818.
7. Life of Shelburne by Fitzmaurice, Vol. 3. Referring to Vergennes.
8. Parliamentary History. Vol. 23. In Debate in the Lords on the Preliminary Articles of Peace with the United States (17 Feb. 1783). Shelburne said:
9. Madison's Works. Vol. II. Letter Madison to John Adams. Vol. II. Washington, Dec. 17, 1814.
10. Writings of Albert Gallatin by Henry Adams. 1879. Gallatin to J. Q. Adams. No. 87. Paris, 6 November 1818.
11. Writings of Albert Gallatin by Henry Adams. 1879. Gallatin to Monroe, Ghent. Dec. 25, 1814.
12. Smith and Sibley International Law. Second Edition. pp. 370-5.
13. Plymouth Records.
 - Court Order of 20th Oct., 1672. Vol. V;
 - Court Order of 4 March, 1672. Vol. V;
 - Court Order of 13 July, 1677 Vol. V;
 - Court Order of 4 July, 1684. Vol. V;
 - Court Order of 1 July, 1684. Vol. VI;
 - Court Order of 2 Oct., 1689. Vol VI;
 - Court Orders Regulating Fishing and Toll Upon Fish Taken. 1636-7. Vol XI
 - Court Order of June 3rd, 1668, Vol XI;
 - Court Order of June 6th, 1670, Vol XI
 - Court Order of 4th July 1672 Vol XI.

14. Schuyler's "American Diplomacy" 1886 (Schuyler was an American Minister to Greece, etc...). Referring to seizures between 1819 and 1854.
15. Instruction from British Government to Government of Newfoundland. 17 June, 1815. (Canadian Pamphlets. 610). And Opinion of Law Officers of the Convention of 30 August 1841. (J. Dodson and Thos. Wilde.) Canadian Pamphlets. 610. p. 54.
16. Sessional Papers. Circular issued by George S. Boutwell U.S. Secretary of the Treasury. 9th June, 1870. (Printed in Canadian Sessional Papers. 1871, No. 12, p. 18.)
17. Hugo Grotius. "The Law of War and Peace." London, 1755.
18. Sir Travers Twiss. "The Law of Nations." (1884).
19. Oppenheim (London University) in "International Law" (1905) Vol. 1.
20. American State Papers. Foreign Relations. Vol. III. American Commissioners to Secretary of State, 12 Aug. 1814 giving the British claims:
21. State Papers. Vol. 2. 1814. 1815. Instructions from the British Government to the Governor of Newfoundland, relative to the Privilege enjoyed by citizens of the United States, to fish within British Jurisdiction. London, 17 June. 1815.
22. American State Papers. Vol 4. Gallatin and Rush, to the Secretary of State, from London, 20 October 1818.
23. Life of Shelburne By Fitzmaurice. Vol. 3. Referring to Vergennes .p. 170, 199; On Franklin Doubting Whether Shelburne Really Intended to Concede Independence. Shelburne Wrote to Oswald (27 July, 1782.)
24. Copy of the Royal Instructions to the Governor of Newfoundland, and of the dispatches from Lord Goderich to Him, Transmitting the Commission, Colonial Department. 3 Aug. 1832.
25. Parliamentary History. Vol. 23. In Debate in the Lords on the Preliminary Articles of Peace with the United States (17 Feb., 1783) Shelburne said:
26. A Complete Collection of the Treaties and Conventions subsisting between Great Britain and Foreign Powers. Compiled from authentic documents by Lewis Hertslet. 2 Vols. London: 1820. Vol. II, pp. 392, 393.
27. Journals of the Continental Congress. Vol. V p. 768. Sept. 1776. A proposed plan of a treaty to His Most Christian Majesty.

28. Madison's Works. Vol. II. Letter: Madison to John Adams. Vol. II. Washington. Dec. 17, 1814.
29. The Colonial Laws of Massachusetts. Vol. II pp. 52, 53, 54. Fish. Fishermen.
30. Writings of Albert Gallatin by Henry Adams, 1879. Gallatin to Monroe, Ghent, 25 Dec. 1814.
31. Writings of Albert Gallatin by Henry Adams. 1879. Gallatin to J.Q. Adams. No .87. Paris. 6th Nov., 1818.
32. Smith and Sibley International Law. Second Edition, pp. 370-5.
33. Letter: Albert Gallatin to Richard Rush on the French claims to the Newfoundland Fisheries, published in series of "Winnowings in American History" dated London, 10th October, 1822.
34. Memoirs of John Quincy Adams. Comprising portions of his diary from 1795 to 1848. Edited by Chas. F. Adams. 12 Vols. 1874.
35. Copy of a Report dated the 2nd day of October 1848, addressed to Vice-Admiral the Earl of Dundonald, by Captain Granville G. Lock, R.N., upon the Fisheries of Newfoundland and Labrador.
36. Report from Select Committee on Newfoundland Trade: with minutes of evidence taken before the committee; and an appendix. 26 June, 1817.
37. Statutes at Large.
 - Vol. 10 and 11 Wm III. c.25 An Act to encourage the Trade to Newfoundland.
 - Vol. 30. 13 Geo. III. C. 72. An Act to permit the free importation of Cod-fish, ling, and hake, caught and cured in Chaleur Bay, or any other part of the gulph of Saint Lawrence, or on the coast of Labrador.
 - Vol. 31. 15 Geo. III. C. 10. An Act to restrain the trade and commerce of the provinces of Massachusetts Bay and New Hampshire, and colonies of Connecticut and Rhode Island, and Providence Plantation in North America, to Great Britain, Ireland, and the British Islands in the West Indies; and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, or other places therein mentioned, under certain conditions and limitations.
 - 15 Geo. III. C. 31. An Act for the encouragement of the fisheries carried on from Great Britain, Ireland, and the British Dominions in Europe, and for securing the return of the fishermen, sailors, and others employed in the said fisheries, to the ports thereof, at the end of the fishing season.

- Vol. 35. 26 Geo. III. C. 26. An Act to amend and render more effectual the several laws now in force for encouraging the fisheries carried on at Newfoundland, and parts adjacent, from Great Britain, Ireland, and the British dominions in Europe and for granting bounties for a limited time, on certain terms and conditions.
 - Vol. 36. 28 Geo. III. C. 35. An Act to enable his Majesty to make such regulations as may be necessary to prevent the inconvenience which might arise from the competition of his Majesty's subjects and those of the most Christian King, in carrying on the fishery on the coasts of the island of Newfoundland.
 - 29 Geo. III. C. 53. An Act for further encouraging and regulating the Newfoundland, Greenland, and southern whale fisheries.
 - Vol. 37. 31 Geo. III. C. 29. An Act for establishing court of civil jurisdiction in the island of Newfoundland, for a limited time.
 - 32 Geo. III. C. 46. An Act for establishing courts of judicature in the island of Newfoundland, and the islands adjacent.
 - Vol. 49. 49 Geo. III. C. 27. An Act for establishing Courts of Judicature in the Island of Newfoundland and the Islands adjacent; and for re-annexing Part of the Coast of Labrador and the Islands lying on the said Coast to the Government of Newfoundland.
 - Vol 51. 51 Geo. III. C. 97. An Act to regulate the Trade between Places in Europe, South of Cape Finisterre, and certain ports in the British Colonies in North American. (26 June, 1811).
 - Vol. 59. 59 Geo. III. C. 38. An Act to enable His Majesty to make Regulations with respect to the taking and curing Fish on certain Parts of the Coasts of Newfoundland, Labrador, and His Majesty's other Possessions in North America, according to a Convention made between His Majesty and the United States of America. (14 June, 1819).
 - Vol. 64. 5 Geo. IV. C. 51. An Act to repeal several Laws relating to the Fisheries carried on upon the Banks and Shores of Newfoundland, and to make Provision for the better conduct of the said Fisheries for Five Years, and from thence to the End of the next Session of Parliament. 3 June, 1824.
 - Public General Acts, 1850. 13 and 14 Viet. C. 80. An Act to repeal Part of an Act of the Fifteenth Year of King George the Third, for the Encouragement of the Fisheries carried on from Great Britain, Ireland, and the British Dominions in Europe, and for securing the Return of the Fishermen, Sailors and others employed in the said Fisheries to the Ports thereof at the End of the Fishing Season. (14 August, 1850).
38. Documents Relating to the Colonial History of the State of New York. Vol. II Freedoms and Exemptions. Vol. III Order in Council on the State of the Plantations. Vol. IV The Lords of Trade to Secretary Vernon. (Plantations General Entries. XXXV. (B) 12).
39. A General Collection of Treaty's, Declarations of War, Manifestos, and other Publick Papers, relating to Peace and War, among the Potentates of Europe, from 1648 to the

present time. 2 Vols. London: 1710.

- A Treaty between Louis XIII King of France, and Charles I, King of Great Britain for the Restitution of New France, Acadia and Canada, and the Ships and Merchandizes taken on both sides. 29 March, 1632.
- The Treaty of Peace between Louis XIV of France, and Charles II King of England; concluded at Breda, 21 July, 1667.
- A Treaty between Great Britain and Spain about accommodating differences, preventing Depredations, and settling a Peace in America; concluded at Madrid 8 July, 1670.
- A Treaty of Peace, good Correspondence and Neutrality, in America, between the most serene and mighty Prince James II, by the Grace of God King of Great Britain, France and Ireland, Defender of the Faith, and the most serene and mighty Prince Louis XIV, the most Christian King; concluded on the 16th day of November 1686.
- Articles of Peace between the most Serene and Mighty Prince William III, King of Great Britain, and the most Serene and Mighty Prince Louis XIV, the most Christian King: concluded in the Royal Palace at Reswick, the 10th day of Sept. 1697.

40. Plymouth Records.

Court order of 20 Oct., 1672. Vol. V, p.104. 4 March, 1672. Vol V, p. 107. 13 July, 1677. Vol. V. p. 244. 4 July, 1684. Vol. VI, p. 140. July, 1684. Vol. VI, p. 140. 2 October, 1689. Vol. VI, p. 218. Court Orders Regulating Fishing and Toll upon Fish taken. 1636-7. Vol XI. Order of 3 June, 1668. Vol. XI, p. 220. 6 June, 1670. Vol. XI, p. 228. 4 July, 1672. Vol. XI, p. 231.

41. Collection de Manuscrits. Relatifs a La Nouvelle-France. Vol. I. Quebec, 1883.

Lettre du Ministre a Mr. Talon, Paris, 11 Fev. 1671;
 Memoire sur l e Canada; Rapport de M. De Meules au Ministre. Quebec, 4 Novembre, 1683;
 Lettre de Mons de Denonville au Ministre. A la Rochelle, 8 May, 1685;
 Lettre de Mons .de Denonville au Ministre. A la Rochelle. 29 May, 1685.
 Memoire du Sr. de Riverin sur la Pesche. 1685;
 Resume d'une Lettre du Sieur Perrot au Ministre au Port-Royal. 29 Aout, 1686;
 Memoire sur les Pesches de L 'Acadie par Monsieur le Lagny. 1686;
 Lettre du Ministre a Monsr. De Denonville. Versailles 30 Mars, 1687;
 Instructions du Roy au Sieur de Meneval. 1687;
 Lettre du Ministre a Mons de Beauregard. Versailles. 13 Avril, 1688.
 Collection de Manuscrits Relatifs a La Nouvelle-France. Vol. II. Quebec, 1884.
 Memoire sur l'Acadie par le Sieur des Goutins 1690;
 Memoire sur l'Estat present du Canada; ses Ennemis, etc. par M. de Champigny. 1691;
 Lettre du Ministre a Monsieur de Villebon, Versailles. 28 Mars, 1696;
 Lettre du Ministre a Monsieur de Brouillan. Versailles. 30 Janvier, 1697.
 Lettre du Ministre a Monsieur Le Marquis de Nesmond. Versailles. 15 June, 1697.

Instructions au Sieur de Bonnaventure Commandant "L' Envieux" Versailles. 26 Mars, 1698.

Instructions a Monsieur le Comte de la Galissonniere Commandant les Fregattes le Thetes et la Renommee. Versailles, 28 May, 1698;

Abrege d'une Lettre de Monsieur de Coste au Ministre 1698;

Lettre de Monsieur de Villebon au Gouverneur Stroughton. A Fort St. Jean. 8 Fevrier 1699.

Lettre du Ministre a Monsieur de Villebon. A Versailles, le 18 Mars, 1699.

Memoire du Roy au Sieur de Brouillan. A Versailles, le 23 Mars, 1700.

Lettre du Ministre a Monsieur de Villebon. A Versailles. 9 Avril.

Collection de Manuscript. Relatifs a la Nouvelle-France. Vol. III Quebec, 1884.

Lettre du Ministre a Messieurs de Costabelle et. Soubras. A Versailles. 4 Juin, 1715.

Instruction Laissee par Monsieur de Brouil l an aux Franai s Faisant la Peche. Ganceau, 2 Juin, 1718.

Lettre du Gouverneur Shute a Monsieur de St. Ovide. Baston, 24 Aout, 1718.

42. Calendar of State Papers. Colonial Series. America and West Indies.

Vol. 1574-1660.

Vol. 1661-1668.

Vol. 1669-1674.

Vol. 1675-1676.

43. Schuyler's "American Diplomacy" 1886. (Schuyler was an American Minister to Greece, etc.) Referring to seizures between 1819 and 1854.

44. Revolutionary Diplomatic Correspondence of the U.S. Vol. III. 2 copies.

Report of Committee of Congress 23 Feb., 1779. p. 59.

Congress on 24 March, 1779 in considering to Report Resolution, p. 95.

On Reconsideration, the following was substituted p. 97.

On 24 June, 1779, Congress resolved pp .234 and 237.

On 22 July, 1779, Congress resolved p. 256.

On 29 July, 1779, Congress resolved p. 267.

On 5 August, 1779, Congress resolved p. 274.

On 14 August, 1779, Draft of Instructions to the Commissioner to be appointed to negotiate a treaty of peace with Great Britain, p. 293.

After referring to independence and boundaries, the instructions proceeded. pp. 295-299.

45. Revolutionary Diplomatic Correspondence of the United States. Vol. V. Instructions Livingston to Franklin, 7 January, 1782. pp. 90-92. 2 copies.

46. Report of Committee of Congress, 8 January 1782, upon petition of Massachusetts of 27 October, 1781, urging the importance of the Fisheries. Printed in secret Journals of Congress, Foreign Affairs 1781-6 at p. 156. Facts and Observations in support of the

several claims of the United States not included in their Ultimatum of the 15 June, 1791. pp. 161-164. 2 copies.

47. Instruction from British Government to Government of Newfoundland. 17 June, 1815. (Canadian Pamphlets. 610). Opinion of Law Officers of the Convention of 30 August, 1841. (J. Dodson and Thos. Wilde) Canadian Pamphlets. 610. p. 54.