

JOURNAL

OF THE

Legislative Council

OF THE

ISLAND OF NEWFOUNDLAND.



His Excellency Sir William MacGregor, Knight Grand Cross of the Most Distinguished Order of St. Michael and George, Companion of the Most Honorable Order of the Bath, Doctor of Medicine, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies.



Fourth Session of the Twentieth General
Assembly, 1908.

St. John's, N.F.,
Printed at the Office of the "Evening Herald,"
1908.



PROCLAMATION.

WILLIAM MACGREGOR,
GOVERNOR,
[L. S.]

*By His Excellency SIR WILLIAM MACGREGOR,
Doctor of Medicine, Knight Commander of the
Most Distinguished Order of St. Michael and
St. George, Companion of the Most Honour-
able Order of the Bath, Governor and Com-
mander-in-Chief, in and over the Island of
Newfoundland and its Dependencies.*

WHEREAS the General Assembly stands prorogued until THURSDAY, the TWENTY-THIRD day of MAY instant; and whereas I think fit to further prorogue the said General Assembly until THURSDAY, the FOURTH day of JULY next;

I do, therefore, by this my Proclamatoin, further prorogue the said General Assembly until THURSDAY, the FOURTH day of JULY next, as aforesaid, of which all persons concerned are hereby required to take due notice and govern themselves accordingly.

Given under my Hand and Seal, at the Government House, Saint John's, this 21st day of May, A.D., 1907.

By His Excellency's Command,

ARTHUR MEWS,
Deputy Colonial Secretary.



PROCLAMATION.

WILLIAM MACGREGOR,
GOVERNOR,
[L. S.]

*By His Excellency SIR WILLIAM MACGREGOR,
Doctor of Medicine, Knight Grand Cross of the
Most Distinguished Order of St. Michael and
St. George, Companion of the Most Honour-
able Order of the Bath, Governor and Com-
mander-in-Chief, in and over the Island of
Newfoundland and its Dependencies.*

WHEREAS the General Assembly stands prorogued until THURSDAY, the FOURTH *day of* JULY instant; and whereas I think fit to further prorogue the said General Assembly until THURSDAY, the FIFTEENTH day of AUGUST next;

I do, therefore, by this my Proclamatoin, further prorogue the said General Assembly, until THURSDAY, the FIFTEETH day of AUGUST next, as aforesaid, of which all persons concerned are hereby re quired to take due notice and govern themselves accordingly.

Given under my Hand and Seal, at the Government
House, Saint John's, this 2nd day of July,
A.D., 1907.

By His Excellency's Command,

ARTHUR MEWS,
Deputy Colonial Secretary.



PROCLAMATION.

WILLIAM MACGREGOR,
GOVERNOR,
[L.S.]

*By His Excellency SIR WILLIAM MACGREGOR,
Knight Grand Cross of the Most Distinguished
Order of St. Michael and St. George, Compani-
on of the Most Honourable Order of the Bath,
Doctor of Medicine, Governor and Commander-
in-Chief, in and over the Island of Newfound-
land and its Dependencies.*

WHEREAS the General Assembly stands prorogued until THURSDAY, the FIFTEENTH day of AUGUST instant; and whereas I think fit to further prorogue the said General Assembly until THURSDAY, the TWENTY-SIXTH day of SEPTEMBER next;

I do, therefore, by this my Proclamatoin, further prorogue the said General Assembly, until THURSDAY, the TWENTY-SIXTH day of SEPTEMBER next, as aforesaid, of which all persons concerned are hereby required to take due notice and govern themselves accordingly.

Given under my Hand and Seal, at the Government House, Saint John's, this 13th day of August, A.D., 1907.

By His Excellency's Command,

R. BOND,
Colonial Secretary.



PROCLAMATION.

WILLIAM MACGREGOR,
GOVERNOR,
[L.S.]

*By His Excellency SIR WILLIAM MACGREGOR,
Knight Grand Cross of the Most Distinguished
Order of St. Michael and St. George, Compani-
on of the Most Honourable Order of the Bath,
Doctor of Medicine, Governor and Commander-
in-Chief, in and over the Island of Newfound-
land and its Dependencies.*

WHEREAS the General Assembly stands prorogued until THURSDAY, the TWENTY-SIXTH day of SEPTEMBER instant; and whereas I think fit to further prorogue the said General Assembly until THURSDAY, the SEVENTH day of NOVEMBER next;

I do, therefore, by this my Proclamatoin, further prorogue the said General Assembly, until THURSDAY, the SEVENTH day of NOVEMBER next, as aforesaid, of which all persons concerned are hereby required to take due notice and govern themselves accordingly.

Given under my Hand and Seal, at the Government House, Saint John's, this 19th day of September, A.D. 1907.

By His Excellency's Command,

R. BOND,
Colonial Secretary.



PROCLAMATION.

WILLIAM MACGREGOR,
GOVERNOR,
[L.S.]

*By His Excellency SIR WILLIAM MACGREGOR,
Knight Grand Cross of the Most Distinguished
Order of St. Michael and St. George, Compani-
on of the Most Honourable Order of the Bath,
Doctor of Medicine, Governor and Commander-
in-Chief, in and over the Island of Newfound-
land and its Dependencies.*

WHEREAS the General Assembly stands prorogued until THURSDAY, the SEVENTH day of NOVEMBER instant; and whereas I think fit to further prorogue the said General Assembly until THURSDAY, the NINETEENTH day of DECEMBER next;

I do, therefore, by this my Proclamation, further prorogue the said General Assembly, until THURSDAY, the NINETEENTH day of DECEMBER next, as aforesaid, of which all persons concerned are hereby required to take due notice and govern themselves accordingly.

Given under my Hand and Seal, at the Government House, Saint John's, this 4th day of November, A.D. 1907.

By His Excellency's Command,

R. BOND,
Colonial Secretary.



PROCLAMATION.

WILLIAM MACGREGOR,
GOVERNOR,
[L.S.]

*By His Excellency SIR WILLIAM MACGREGOR,
Knight Grand Cross of the Most Distinguished
Order of St. Michael and St. George, Compani-
on of the Most Honourable Order of the Bath,
Doctor of Medicine, Governor and Commander-
in-Chief, in and over the Island of Newfound-
land and its Dependencies.*

WHEREAS the General Assembly stands prorogued until THURSDAY, the NINETEENTH day of DECEMBER instant; and whereas I think fit to further prorogue the said General Assembly until THURSDAY, the NINTH day of JANUARY next;

I do, therefore, by this my Proclamatoin, further prorogue the said General Assembly until THURSDAY, the NINTH day of JANUARY next, as aforesaid, *then to meet for the despatch of business*, of which all persons concerned are hereby required to take due notice and govern themselves accordingly.

Given under my Hand and Seal, at the Government House, Saint John's, this 17th day of December, A.D., 1907.

By His Excellency's Command,

R. BOND,
Colonial Secretary.

“It is His Excellency the Governor’s pleasure they attend him immediately in this House.”

Who being come with their Speaker—

His Excellency was pleased to speak as follows, viz:

Mr. President and Honourable Gentlemen of the Legislative Council:

Mr. Speaker and Gentlemen of the Honourable House of Assembly:

I have convened the Legislature at an earlier period of the year than usual, as two very important questions affecting the Colony will presently necessitate the undivided attention of my Ministers, viz.,—the Labrador Boundary Question, which it is agreed shall be referred to the Judicial Committee of the Privy Council, and the American Fishery Question, which is to come before the Hague Tribunal. I am glad to be assured that your coming together for the despatch of business at this date will not be inconvenient.

It gives me great pleasure to congratulate you on the condition of the Colony’s trade and business. While in some localities there has been a shortage in our staple industry, statistics indicate that the present year’s business has on the whole yielded satisfactory returns. Newfoundland, during the past seven years has experienced a very large measure of prosperity. Within that period its trade has increased thirty-nine per cent. A gratifying result of this expansion of trade was that the Revenue during that period and up to the close of the last fiscal year exceeded current expenditure and enabled my Ministers to largely reduce taxation; to create a reserve fund, which now amounts to one half million dollars; to add a very considerable sum to the vote for education, and to enterprise extensive public works. It is a matter for sincere thankfulness that the financial stringency which at present prevails throughout the world is not likely to affect the material progress of this Colony, but in expressing the hope that the prosperity that has attended upon a wise administration of our public affairs may long continue I would also give utterance to the further hope that thrift and economy may be practised by our people.

The severe gale of the 15th of September last occasioned considerable damage to public and private property, and I regret to say loss of life.

The latter called forth the very generous sympathy of our citizens, and my Ministers have anticipated the desire of the Legislature in making allocations that the circumstances appeared to warrant.

In April and May last a Conference was held at London between His Majesty's Government and the Prime Ministers of the self-governing Colonies of the Empire for the purpose of discussing questions affecting the Empire and the individual States thereof. The question in which this Colony was primarily interested was that arising out of the Treaty entered into between the Government of the United Kingdom and that of the United States of America in the year 1818. My Prime Minister set forth the real grievances and anomalies that have proved so vexatious and embarrassing to our people. He suggested that all questions arising under the said Treaty be referred to the Hague Tribunal for arbitrament, and the three other Governments interested in the question, namely,—the Governments of Great Britain, the United States, and the Dominion of Canada, have concurred in that suggestion. A working arrangement relative to the conduct of the winter fishery on the West Coast pending the decision of the Hague Tribunal was necessary. His Majesty's Government entered into a *modus vivendi* with the United States of America on the lines of the agreement of 1906, and passed an Order-in-Council conferred upon the Senior Naval Officer on this Station the power of carrying the same into effect. My Ministers strongly objected to this, it being in their opinion not only unnecessary but at variance with the Constitution, and calculated to seriously injure the Colony's case before the Hague Tribunal. They declined to be consenting parties thereto, but adopted a course of action that has upheld the sovereignty of the laws of the Colony and secured the harmonious conduct of the fishery.

During the past summer the parties to whom the Legislature granted a charter for the establishment of a Short Line Ocean Steam Service between Europe and America via Newfoundland have carried out a survey for a line of railway between South West Arm, Green Bay, and Bonne Bay. A copy of the plan of survey and the report of the engineers engaged in the work will be laid before you. It affords me much gratification to learn that the contractors propose to undertake the work of grading that line next summer.

The present position of the pulp and paper enterprises in this Colony is most satisfactory. The Anglo-Newfoundland Development Company

during the past season have had several hundred men engaged in the construction of a gigantic dam necessary to provide power for pulp and paper mills sufficiently large to meet the requirements of their establishments in England, which are the largest and most modern in Great Britain. The principle buildings are in course of erection, and the town site at Grand Falls is being laid out with a proper regard for the health and comfort of the labourers. It is expected that the work will be in full operation next year. At the opening of the last session of the Legislature I intimated that my Ministers were in negotiation with other English capitalists for the establishment of another branch of this industry at Bishop's Falls, on the Exploits River. Since then, these negotiations have culminated in inducing the Albert E. Reed Company, Limited, Pulp and Paper Manufacturers, of London, England, to establish a branch of their business at Bishop's Falls. Under the agreement which has been entered into the works at Bishop's Falls are to be in operation about the same time as those at Grand Falls. We may confidently rely upon these enterprises proving of the greatest benefit to the people of this Island.

With a view to the further promotion of agriculture my Ministers have made arrangements to encourage the settlement of practical farmers on fertile lands in the interior of the Island, and in order to stimulate our young men to engage in this honourable industry it is proposed to establish a model farm, where they may obtain instruction in its various branches.

My Ministers have had under consideration the question of establishing a free elementary school system throughout the Island, but after discussing the matter with the Superintendents of Education they have been led to conclude that the greatest boon that can be conferred upon the people in the outports is to strengthen the present poor districts' grant. The claim upon their attention, they are assured, lies not so much in the direction of free schools as in providing educational facilities in localities that are to-day without them. My Ministers will therefore invite you to increase the vote for the furtherance of education in the outports by the sum of \$11,000.00. This will make the grant available for the above purpose \$20,000.00 per annum.

The question of Old Age Pensions has been engaging the careful attention of my Ministers, and having obtained information from those

countries that have adopted this beneficent legislation, and from those that are at present considering the same with a view to its adoption, they have deemed it desirable to bring into the further consideration of the subject several of our prominent financiers. I have therefore issued a Commission to those gentlemen, who will report their conclusions to the House of Assembly. My Ministers are hopeful that the result of the deliberations of the Commission will be such as to assist them in perfecting a measure that shall make the lot of the unfortunate, the toiler and the aged better and happier without in any way weakening the stimulus to thrift and industry, or interfering with the productive efficiency of the community.

Mr. Speaker and Gentlemen of the Honourable House of Assembly:

The Revenue for the past year has exceeded the Estimates. The public accounts for the past fiscal year, and the Estimates for the coming year will be laid before you without delay.

Mr. President and Gentlemen of the Honourable Legislative Council:

Mr. Speaker and Gentlemen of the Honourable House of Assembly:

The frequent occurrence of injury and loss of life to those engaged in connection with the railway, mines and other industrial pursuits emphasizes the necessity for more stringent legislation than is at present upon the Statute Book. A measure for the better protection of those engaged in such pursuits will be submitted for your approval.

Among other measures to be submitted is a Bill for the further encouragement of ship-building in the Colony, and you will also be invited to make provision for largely increasing the vote in aid of orphanages, for the erection of light-houses, and for harbour improvements.

In commending these matters to your thoughtful consideration, I pray that you may be divinely guided to wise conclusions.

The House of Assembly withdrew and His Excellency was pleased to retire.

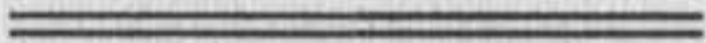
The Honourable the President reported His Excellency's Speech and the same was read by the Clerk.

On motion of the Honourable Mr. Angel—

Ordered,—That a Select Committee be appointed to draft an Address to the Governor in reply to His Excellency's Speech at the opening of the present Session of the Legislature.

Ordered,—That the Honourables Messrs. Angel, Anderson, Greene, Ryan and Ayre—be a Committee for that purpose—

On motion made the House adjourned until Tuesday next, the 14th day of January, at half past four o'clock, p.m.



TUESDAY, JANUARY 14th, 1908.

The House met pursuant to adjournment.

PRESENT:

The Honourable SIR EDWARD D. SHEA, *President*.

The Honourables JAMES McLOUGHLAN,
GEORGE T. RENDELL,
JAMES ANGEL,
GEORGE SKELTON,
JOHN B. AYRE,
JAMES S. PITTS, C.M.G.,
ROBERT K. BISHOP,
JAMES D. RYAN,
JOHN ANDERSON,
JOHN HARVEY.

The Minutes of Thursday, January 9th, were read.

The Honourable Mr. Angel, from the Select Committee appointed to prepare an Address in reply to the Speech of His Excellency the Governor, reported a Draft of the same, which was received and read a first time (short) and—

On motion of the Honourable Mr. Angel the said Address was read a second time (at length) and—

Ordered,—That the said Address be agreed to and—

The Honourable the President signed the same—

Ordered,—That the said Address be engrossed and presented to His Excellency the Governor by a deputation of the whole House—

The Address is as follows:—

To His Excellency SIR WILLIAM MACGREGOR, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Doctor of Medicine, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the Legislative Council of Newfoundland, in Session convened beg leave to thank Your Excellency for the Gracious Speech which Your Excellency has addressed to both Houses of the Legislature.

We will assiduously apply ourselves to the consideration of the important subjects which Your Excellency has recommended to our attention.

E. D. SHEA.
President.

COUNCIL CHAMBER,
14th January, 1908.

On motion made the House adjourned until Thursday next, the 16th day of January, at eleven o'clock, a.m.

THURSDAY, JANUARY 16th, 1908.

The House met pursuant to adjournment.

PRESENT:

The Honourable SIR EDWARD D. SHEA, *President*.

The Honourables JAMES MCLOUGHLAN,
GEORGE SKELTON,
EDGAR R. BOWRING,
JOHN B. AYRE,
JAMES S. PITTS, C.M.G.,
ROBERT K. BISHOP,
JAMES D. RYAN,
JOHN ANDERSON,
JOHN HARVEY,

The Minutes of Tuesday, January 14th, were read.

The Honourable the President informed the House that the Governor would receive the Address in Reply to His Excellency's Speech on this day, Thursday, at half past eleven o'clock, a.m.

The Honourable Mr. Pitts, a Member of the Executive Council, by command of His Excellency the Governor, laid upon the Table—

Further Correspondence relating to the Newfoundland Fishery Question

At half past eleven o'clock the Council proceeded to Government House with the Address in Reply to the Speech of His Excellency the Governor.

At a quarter to twelve o'clock, the House having returned, the Honourable the President reported that His Excellency had been pleased to receive the said Address and return an answer thereto in the following words:—

Mr. President and Honourable Gentlemen of the Legislative Council:

I thank you for your Address in Reply to the Speech with which your present Session was opened.

WM. MACGREGOR,
Governor.

GOVERNMENT HOUSE,
St. John's, Newfoundland,
16th January, 1908.

On motion made the House adjourned until Tuesday next, the 21st day of January, at half past four o'clock, p.m.

TUESDAY, JANUARY 21st, 1908.

The House met pursuant to adjournment.

PRESENT:

The Honourable SIR EDWARD D. SHEA, *President*.

The Honourables JAMES McLoughlan,
JOHN HARRIS,
GEORGE SKELTON,
JOHN B. AYRE,
JAMES S. PITTS, C.M.G.,
JAMES D. RYAN,
JOHN ANDERSON,
JOHN HARVEY,

The Minutes of Thursday, January 16th, were read.

The Honourable Mr. Pitts, a Member of the Executive Council, by command of His Excellency the Governor laid upon the Table—

CERTIFIED COPY OF MINUTES OF THE HONOURABLE EXECUTIVE COUNCIL APPROVED BY HIS EXCELLENCY THE GOVERNOR ON THE Jan. 14, 1908.

WM. MacGREGOR,

Jan. 14th, 1908.

Under the provisions of Section 4, Chapter I., 61 Victoria, the following gentlemen to form a Commission of Internal Economy of the Legislature, viz:—

Honourable Sir E. D. Shea, Kt., President of the Legislative Council.
Honourable John Harris.
Honourable George Skelton.
His Honour the Speaker.

Right Honourable Sir R. Bond, P.C., K.C.M.G.

Honourable J. M. Kent, K.C.

Honourable E. M. Jackman.

Certified True Copy,

R. BOND,

Colonial Secretary.

The Honourable Mr. Pitts also laid on the Table, by command of His Excellency the Governor—

Annual Report of the Department of Marine and Fisheries of Newfoundland for the year 1907.

The Honourable the President informed the Council that he had received the following Message from the House of Assembly:—

Mr. President:—

The House of Assembly beg to acquaint the Legislative Council that they have passed the accompanying Bills, entitled respectively:—

“An Act respecting the Estates of Intestates,”

“An Act to amend the Act 6 Ed. VII., Cap. 6, entitled ‘An Act to amend the Companies Act, 1899,’” and—

“An Act to amend Chapter 145 of the Consolidated Statutes (Second Series) entitled “Of the Naturalization of Aliens,”—

in which they request the concurrence of the Legislative Council.

F. J. MORRIS,

Speaker.

Passed the House of Assembly,

Jan. 17th, 1908.

On motion of the Honourable Mr. Pitts the Bill sent up entitled—

“An Act respecting the Estates of Intestates”—

was read a first time and—

Ordered,—To be read a second time to-morrow.

On motion of the Honourable Mr. Anderson the Bill sent up entitled ‘An Act to amend the Act 6 Ed. VII., Cap. 6, entitled ‘An Act to amend the Companies Act, 1899,’ ”—

was read a first time and—

Ordered,—To be read a second time to-morrow.

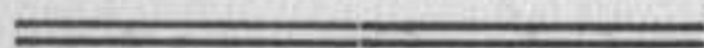
On motion of Honourable Mr. Pitts the Bill sent up entitled—

‘An Act to amend Chapter 145 of the Consolidated Statutes (Second Series) entitled ‘Of the Naturalization of Aliens,’ ”—

was read a first time and—

Ordered,—To be read a second time to-morrow.

On motion made the House adjourned until to-morrow Wednesday, January 22nd, at half past four o'clock, p.m.



WEDNESDAY, JANUARY, 22nd, 1908.

The House met pursuant to adjournment.

PRESENT :

The Honourable SIR EDWARD D. SHEA, *President*.

The Honourables JAMES McLOUGHLAN,
 GEORGE T. RENDELL,
 JAMES ANGEL,
 JOHN HARRIS,
 GEORGE SKELTON,
 SAMUEL BLANDFORD,
 D. JOSEPH GREENE, K.C.,
 EDGAR R. BOWRING,
 JAMES S. PITTS, C.M.G.,
 JAMES D. RYAN,
 JOHN ANDERSON,
 JOHN HARVEY,

The Minutes of Tuesday, January 21st, were read.

Pursuant to the Order of the Day and on motion of the Honourable Mr. Pitts the Bill sent up entitled "An Act respecting the 'Estates of Intestates'" was read a second time and—

Ordered,—To be committed to-morrow.

Pursuant to the Order of the Day and on motion of the Honourable Mr. Anderson the Bill sent up entitled 'An Act to amend the Act 6 Ed. VII., Cap. 6, entitled 'An Act to amend the Companies Act, 1899,'" was read a second time and—

Ordered,—To be committed to-morrow.

Pursuant to the Order of the Day and on motion of the Honourable Mr. Pitts the Bill sent up entitled "An Act to amend Chapter 145 of the Consolidated Statutes (Second Series) entitled, 'Of the Naturalization of Aliens,' " was read a second time and—

Ordered,—To be committed to-morrow.

The Honourable the President informed the Council that he had received a message from the House of Assembly requesting concurrence in the Bill sent up entitled "An Act to amend 'The Education Act, 1903,' " which said Bill,—

On motion of the Honourable Mr. Pitts was read a first time and—

Ordered,—To be read a second time to-morrow.

On motion made the House adjourned until Friday next, January 24th, at half past four o'clock, p.m.

FRIDAY, JANUARY 24th, 1908.

The House met pursuant to adjournment.

PRESENT:

The Honourable SIR EDWARD D. SHEA, *President*.

The Honourables JAMES McLOUGHLAN,
GEORGE T. RENDELL,
JAMES ANGEL,
GEORGE SKELTON,
D. JOSEPH GREENE, K.C.,
EDGAR R. BOWRING,
JOHN B. AYRE,
JAMES S. PITTS, C.M.G.,
JAMES D. RYAN,
JOHN ANDERSON,
JOHN HARVEY,

The Minutes of Wednesday, January 22nd, were read.

Pursuant to the Order of the Day and on motion of the Honourable Mr. Pitts the House went into Committee on the Bill sent up entitled 'An Act respecting the Estates of Intestates.'

The Honourable Mr. Ayre in the Chair—

After some time the House resumed.

The Chairman reported the Bill without amendment.

Ordered,—That the Report be received and—

Ordered,—That the said Bill be read a third time to-morrow.

Pursuant to the Order of the Day and on motion of the Honourable Mr. Anderson the House went into Committee on the Bill sent up, en-

titled "An Act to amend the Act 6 Ed. VII., Cap. 6, entitled 'An Act to amend the Companies Act, 1899.'"

The Honourable Dr. Skelton in the Chair—

After some time the House resumed.

The Chairman reported the Bill without amendment.

Ordered,—That the Report be received and—

Ordered,—That the said Bill be read a third time to-morrow.

Pursuant to the Order of the Day and on motion of the Honourable Mr. Pitts the House went into Committee on the Bill sent up, entitled "An Act to amend Chapter 145 of the Consolidated Statutes (Second Series) entitled 'Of the Naturalization of Aliens,'"—

The Honourable Mr. Ryan in the Chair—

After some time the House resumed—

The Chairman reported the Bill without amendment.

Ordered,—That the Report be received and—

Ordered,—That the said Bill be read a third time to-morrow.

Pursuant to the Order of the Day and on motion of the Honourable Mr. Pitts the Bill sent up entitled "An Act to amend the 'Education Act, 1903,' " was read a second time and—

Ordered,—To be committed to-morrow.

The Honourable Dr. Skelton presented to the House the Report of the Commission of Internal Economy of the Legislature which was read by the Clerk.

Ordered,—To lie on the Table.—

The Report is as follows:—

REPORT OF THE INTERNAL ECONOMY COMMISSION APPOINTED UNDER THE PROVISIONS OF SECTION 4, CAP. I., 61 VIC.

GENTLEMEN:—

We beg to report that the printing of the Debates of the Legislative Council has been assigned to the *Evening Herald*, the copying of the Debates has been assigned to the *Harbor Grace Standard*, *Bay Roberts Outlook*, and the *Twillingate Sun*.

The publication of the Journals of the Legislative Council has been assigned to the *Evening Herald*.

The publication of the Miscellaneous Papers of the Legislative Council has been assigned *The Times* office.

The Reporting of the Legislative Council has been assigned to Messrs. R. Pittman and W. J. Higgins.

The printing of the Debates of the House of Assembly has been assigned to the *Evening Telegram* and the copying of the synopsis to the *Harbor Grace Standard*, the *Bay Roberts Outlook* and the *Twillingate Sun*.

The printing of the Journals of the House of Assembly has been assigned to the *Evening Telegram*, and the printing of the Miscellaneous Papers has also been assigned to the *Evening Telegram*.

The Reporting of the House of Assembly has been assigned to Messrs. J. A. McNeily, W. Pippy, R. A. Squires, J. McGrath, T. Carew, J. S. Clapp, Supervisor of Debates.

Respectfully submitted,

E. D. SHEA, *Chairman*.

On motion the House adjourned until Tuesday next, January 28th, at half past four o'clock, p.m.

TUESDAY, JANUARY 28th, 1908.

The House met pursuant to adjournment.

PRESENT:

The Honourable SIR EDWARD D. SHEA, *President*.

The Honourables JAMES MCLOUGHLAN,
GEORGE T. RENDELL,
JAMES ANGEL,
JOHN HARRIS,
GEORGE SKELTON,
SAMUEL BLANDFORD,
EDGAR R. BOWRING,
JOHN B. AYRE,
JAMES S. PITTS, C.M.G.,
JAMES D. RYAN,
JOHN ANDERSON,
JOHN HARVEY,

The Minutes of Friday, January 24th, were read.

Pursuant to the Order of the Day and on motion of the Honourable Mr. Pitts, the Bill sent up entitled "An Act respecting the Estates of Intestates" was read a third time and passed and—

The Honourable the President signed the same—

Ordered,—That a Message be sent to the House of Assembly informing them that this House had passed the said Bill without amendment.

Pursuant to the Order of the Day and on motion of the Honourable Mr. Anderson the Bill sent up entitled "An Act to amend the Act 6, Ed. VII., Cap. 6, entitled An Act to amend 'The Companies Act, 1899,'" was read a third time and passed and—

The Honourable the President signed the same—

Ordered,—To be sent to the House of Assembly with Message that this House had passed the same without amendment.

Pursuant to the Order of the Day and on motion of Honourable Mr. Pitts the Bill sent up entitled “An Act to amend Chapter 145 of the Consolidated Statutes (Second Series) entitled ‘Of the Naturalization of Aliens,’ ” was read a third time and passed and—

The Honourable the President signed the same—

Ordered,—That a message be sent to the House of Assembly informing them that this House had passed the said Bill without amendment.

Pursuant to the Order of the Day and on motion of Honourable Mr. Pitts the House went into Committee on the Bill sent up entitled “An Act to amend the ‘Education Act, 1903.’ ”

The Honourable Mr. Angel in the Chair—

After some time the House resumed—

The Chairman reported the Bill without amendment.

Ordered,—That the Report be received and—

Ordered,—That the said Bill be read a third time to-morrow.

On motion made the House adjourned until Friday next, January 31st, at half past four o’clock, p.m.

FRIDAY, JANUARY 31st, 1908.

The House met pursuant to adjournment.

PRESENT :

The Honourable SIR EDWARD D. SHEA, *President*.

The Honourables JAMES MCLOUGHLAN,
GEORGE T. RENDELL,
JAMES ANGEL,
GEORGE SKELTON,
SAMUEL BLANDFORD,
GEORGE KNOWLING,
D. JOSEPH GREENE, K.C.,
JAMES BAIRD,
EDGAR R. BOWRING,
JOHN B. AYRE,
JAMES D. RYAN,
JOHN ANDERSON,
JOHN HARVEY,

The Minutes of Tuesday, January 28th, were read.

The Honourable the President informed the House that he had received the following Message from His Excellency the Governor:—

WM. MACGREGOR,
Governor.

No 71.

19 Sep., 1907.

The Governor transmits to the Honourable the Legislative Council copy of a Despatch from the Right Honourable the Secretary of State for the Colonies in reply to the Address of the Legislative Council and House of Assembly during the last session of the Legislature on the subject of the Modus Vivendi entered into between His Majesty's Gov-

ernment and the Government of the United States of America regarding the Newfoundland Fisheries in the year 1906.

GOVERNMENT HOUSE,
St. John's,
10 January, 1908.

[COPY.]

DOWNING STREET.
19 September, 1907.

Newfoundland.
No. 71.

SIR,—

I duly received the Address of the Legislative Council and House of Assembly of Newfoundland on the subject of the Modus Vivendi with the Government of the United States regarding the Newfoundland Fisheries concluded by His Majesty's Government which was enclosed in your Despatch No. 34 of the 27th February last.

2. I delayed replying to the Address in the hope of a satisfactory agreement being arrived at with your Government as to the terms on which the fishery should be conducted pending the settlement of the questions in dispute by arbitration. But as it appears to my regret to be unlikely that this hope will be realised I feel it due to the Legislative Council and House of Assembly no longer to leave their Address without a reply.

3. I have therefore to request that you will inform the Legislature that I have given the most careful consideration to their representations, but that for reasons which are fully described in my Despatches No. 49 of the 19th July and No. 70 of even date, His Majesty's Government have considered it essential to conclude a Modus Vivendi for 1907 on similar terms to that of 1906, but with important modifications in favour of the Colony, the use of purse seines being absolutely forbidden.

4. You will communicate copies of this Despatch and of the Despatches referred to above to both Houses of the Legislature.

I have, etc.,

(Sgd.) ELGIN.

Governor,

Sir Wm. MacGregor, G.C.M.G., C.B.

DOWNING STREET,
19 July, 1907.

Newfoundland.

No. 49.

SIR,—

I have the honour to transmit to you, to be laid before your Ministers, copy of a note addressed by the Secretary of State for Foreign Affairs to the United States Ambassador at this Court proposing a *Modus Vivendi* regarding the American fishery rights in Newfoundland waters for the season 1907.

2. The proposals embodied in this note have formed the subject of repeated discussions with your Prime Minister, who received a copy of the note before his departure from England; but I regret to inform you that they have not altogether met his wishes. I shall therefore briefly explain the reasons which have induced His Majesty's Government to adopt the views expressed in the note of Mr. Whitelaw Reid.

3. The expiration of the *Modus Vivendi* for the season 1906 left matters as they stood in the earlier part of that year. The Government of the United States asserted that the fishing privileges granted to them in Newfoundland waters by the treaty of 1818 were to be exercised independently of any Colonial regulations, while His Majesty's Government claimed that it was within the power of the Colonial Government to enact such regulations as did not interfere with the exercise of the American right. Under these circumstances His Majesty's Government were compelled to take into consideration what arrangements could be made for the season of 1907.

4. Sir R. Bond suggested in his speech at the Colonial Conference of the 14th of May, that the rights granted to the inhabitants of the United States under the Treaty of 1818 were not set forth in language that was ambiguous, and he asked that His Majesty's Government should define the rights of American citizens under the Treaty. But His Majesty's Government have already intimated to the United States Government the extent of the rights conferred, in their view, on the American fishermen by the Treaty, and that definition has not been accepted by the Government of the United States, who on their part contend that the words of the Treaty bear precisely the opposite meaning to that assigned

to them by Sir R. Bond. His Majesty's Government adhere to the interpretation of the Treaty conveyed in Sir E. Grey's note to Mr. White-law Reid of the 2nd of February, 1906, but your Ministers will realise that it is impossible for one party to a treaty to force its own interpretation of the meaning of the treaty upon the other party.

5. Recourse must therefore be had to diplomacy for a settlement of the points at issue, and His Majesty's Government will use every effort to secure results favourable to Newfoundland, but obviously some arrangement *ad interim* was essential for the approaching season. Sir R. Bond suggested as a solution of the question that the assent of the Crown should be given to the Act of 1906, and that the Colonial Government should be permitted to enforce its laws for the regulation of the fisheries.

6. To adopt this suggestion would have led to strong protests from the United States Government which would justly have pointed out that His Majesty's Government were thus adopting their own interpretation of the Treaty in an extreme form. It would have involved compelling the American fishermen to conform to Customs laws, to pay light dues, not to use purse seines or fish on Sundays, and would have deprived them of the assistance of Newfoundland fishermen in carrying on their operations. His Majesty's Government therefore felt that some arrangement must be made unless serious difficulties were to be raised as soon as fishing commenced.

7. His Majesty's Government have therefore decided not to insist on American vessels calling at Customs Houses,—though they have suggested to the United States Government good reasons why such vessels should call,—and to exempt those vessels from payment of light dues in cases where similar vessels registered and owned in the Colony are exempt. They recognise that those concessions are substantial, but they consider they are the least injurious to the interests of the Colony. On the other hand they have pressed the right of the Colonial Government to prevent Newfoundlanders serving on American vessels, and they have urged the United States Government to accept the prohibition of the use of purse seines and of Sunday fishing. These proposals are now under the consideration of the United States Government and no effort will be spared to secure the most favourable terms possible for Newfoundland pending the further discussion of the main question at issue.

8. His Majesty's Government earnestly trust that in the carrying out of any *modus vivendi* which may be found necessary and in the conduct of negotiations they will receive the fullest co-operation of the Newfoundland Government. In his speech at the Colonial Conference Sir R. Bond repudiated any desire to limit the treaty rights of American citizens, and asked for nothing but justice and responsibility sanctioned by the spirit and form of the British Constitution. His Majesty's Government feel therefore entitled to rely on his help in arranging conditions on which the fishery may be carried on pending the final settlement of the dispute with the United States as to the meaning of the Treaty of 1818: for they have no doubt that your Ministers will agree that the strict observance of treaty obligations is binding upon all portions of the British Empire.

I have, etc.,

(Sgd.) ELGIN.

Governor,

Sir Wm. MacGregor, G.C.M.G., C.B.

FOREIGN OFFICE,

20 June, 1907.

No. 19434, '07.

SIR,—

On the 20th July last Your Excellency communicated to me a letter addressed to you by Mr. Root in which he gave reasons which prevented his agreement with the views of His Majesty's Government as to the rights of American fishing vessels in the waters of Newfoundland under the Convention of 1818.

No reply was returned at the time to the arguments contained in this letter, as the divergence of views between the two governments made it hopeless to expect an immediate and definite settlement of the various questions at issue and it was essential to arrive at some arrangement immediately which would secure the peaceable and orderly conduct of the impending fishery season.

Upon the conclusion of the *Modus Vivendi*, His Majesty's Government further deferred any additional observations on the questions at issue, until the arrival in this country of the Premier of Newfoundland to attend the Imperial Conference.

They have now had the advantage of a full discussion with Sir Robert Bond and although His Majesty's Government are unable to modify the views to which they have on various occasions given expression, of the proper interpretation of the Convention of 1818 in its bearing on the rights of American fishermen, they are not without hope, having regard to the willingness of the United States Government from a practical point of view to discuss reasonable and suitable regulations for the due control of the fishermen of both countries, that an arrangement may be arrived at which will be satisfactory to both countries.

I desire at the outset to place on record my appreciation of the moderation and fairness with which Mr. Root has stated the American side of the question and I shall in my turn endeavour to avoid anything of a nature to embitter this longstanding controversy.

It will be convenient to recapitulate the main grounds of divergence between the two Governments on the question of principle.

His Majesty's Government on the one hand, claim that the Treaty gave no fishing rights to American vessels as such but only to inhabitants of the United States and that the latter are bound to conform to such Newfoundland laws and regulations as are reasonable and not inconsistent with the exercise of their Treaty rights. The United States Government on the other hand assert that American rights may be exercised irrespectively of any laws or regulations which the Newfoundland Government may impose, and agree that as ships strictly speaking can have no rights or duties, whenever the term is used, it is but a convenient or customary form of describing the owners or masters rights. As the Newfoundland Fishery however is essentially a ship fishery, they consider that it is probably quite unimportant which form of expression is used.

By way of qualification Mr. Root goes on to say that if it is intended to assert that the British Government is entitled to claim that, when an American goes with his vessel upon the Treaty coast for the purpose of fishing or with his vessel enters the bays or harbours of the coast for the purpose of obtaining shelter and of repairing damages therein or of purchasing wood or of obtaining water, he is bound to furnish evidence that all the members of the crew are inhabitants of the United States, he is obliged entirely to dissent from any such proposition.

The views of His Majesty's Government are quite clear upon this point. The Convention of 1818 laid down that the inhabitants of the United States should have for ever in common with the subjects of His Britannic Majesty the liberty to take fish of every kind on the coasts of Newfoundland within the limit which it proceeds to define.

This right is not given to American vessels and the distinction is an important one from the point of view of His Majesty's Government, as it is upon the actual words of the convention that they base their claims to deny any right under the Treaty to American Masters to employ other than American fishermen for the taking of fish in Newfoundland Treaty waters.

Mr. Roots' language however appears to imply that the conditions which His Majesty's Government seek to impose on the right of fishing is a condition upon the entry of an American vessel into the Treaty waters for the purpose of fishing. This is not the case. His Majesty's Government do not contend that every person on board an American vessel fishing in the Treaty waters must be an inhabitant of the United States but merely that no such person is entitled to take fish unless he is an inhabitant of the United States. This appears to meet Mr. Root's argument that the contention of His Majesty's Government involves as a corollary that no American vessel would be entitled to enter the waters of British North America (in which inhabitants of the United States are debarred from fishing by the Convention of 1818) for any of the four specified purposes, unless all the members of the crew are inhabitants of the United States.

Whatever may be the correct interpretation of the Treaty as to the employment of foreigners generally on board American vessels, His Majesty's Government do not suppose that the United States Government lay claim to withdraw Newfoundlanders from the jurisdiction of their own Government so as to entitle them to fish in the employment of Americans in violation of Newfoundland laws. The United States Government do not, His Majesty's Government understand, put their claim higher than that of a "common" fishery and such an arrangement cannot override the power of the Colonial Legislature to enact laws binding on the inhabitants of the Colony.

It can hardly be contended that His Majesty's Government have lost their jurisdiction not only over American fishermen fishing in territorial waters of Newfoundland, but also over the British subjects working with them.

It may be as well to mention incidentally in regard to Mr. Root's contention that no claim to place any such restriction on the French right of fishing was ever put forward by Great Britain, that there was never any occasion to advance it, for reason that foreigners other than Frenchmen were never employed by French fishing vessels.

The main question at issue is however that of the application of the Newfoundland regulations to American fishermen. In this connection the United States Government admit the justice of the view that all regulations and limitations upon the exercise of the right of fishing upon the Newfoundland coast, which were in existence at the time of the Convention of 1818, would now be binding upon American fishermen. Although Mr. Root considers that to be the extreme view which His Majesty's Government could logically assert and states that it is the utmost to which the United States Government could agree. His Majesty's Government feel that they cannot admit any such contention as it would involve a complete departure from the position which they have always been advised to adopt as to the real intention and scope of the treaties upon which the American fishing rights depend. On this vital point of principle there does not seem to be any immediate prospect of agreement with United States views and it would therefore seem better to endeavour to find some temporary solution of the difficulty as to the regulations under which the Americans are to fish.

His Majesty's Government note with satisfaction Mr. Root's statement that the American Government are far from desiring that the fishery should go on unregulated, and believing as they do that the Newfoundland Regulations have been framed with the intention of preserving and maintaining the fishery in the most efficient and productive condition and for the prevention of practices that must be detrimental to the common interests they propose to communicate a copy of all the Regulations that are now in force and if there is anything in these Regulations which the United States Government feel to bear hardly upon the American fishermen, His Majesty's Government will gladly pay the utmost consideration to any American representations on the subject with a view to

the amendment of the Regulations in the sense desired, provided that such be consistent with the due preservation of the fishery.

Pending this examination of the Regulations His Majesty's Government would propose the following arrangements as to the provisions in the Newfoundland enactments that have been most discussed.

These are the obligations to report at a Custom House and to pay light dues and the prohibition to use purse seines and to fish on Sundays. Other regulations, such as the prohibition to throw ballast or rubbish into the water frequented by herring, and to throw overboard on the fishing ground fish offal, heads and bones, have occasionally come in question but are clearly reasonable and are not—it is believed, objected to by the United States Government. Fishing at night is another question that has been discussed although it is not forbidden by the regulations. His Majesty's Government understand that by tacit consent among the fishermen themselves fishing is not pursued at night and with this arrangement there seems no reason to interfere.

With regard to the entry and clearance of American vessels at Newfoundland ports I would remind Your Excellency that the American vessels engaged in the winter fishery in the Bay of Islands must pass in close proximity to several Custom Houses and it cannot be said that the obligation to report and clear unduly interfered with the operations of the vessels.

On this point, however, His Majesty's Government would in order to secure an arrangement for the next fishing season be prepared to defer discussion of the question of right; but they would urge on the other hand that it would be most advisable that American vessels should comply with the regulation on the ground that unless the vessels enter at the Customs Houses, the British authorities have no cognizance that they are in Newfoundland waters, and that, as His Majesty's Government are responsible for keeping the peace, it is important that they should know exactly what American vessels are on the fishing grounds. Moreover the provision in question is clearly necessary for the prevention of smuggling, and unless American vessels have made proper entry at a Custom House there is no means, short of searching the vessels of ascertaining whether they are really fishing vessels and not smugglers.

The next point in dispute is the prohibition of purse seines. His Majesty's Government have the independent testimony of British naval officers who have been employed on the Treaty coast as to the destructive results of their use; and they would therefore point out that there is complete justification for the Colonial Regulation.

I would moreover remind Your Excellency that the regulation is in force in all the waters of the Colony of Newfoundland and of the Dominion of Canada and applies equally to all fishermen whether they be Newfoundlanders or not. His Majesty's Government therefore feel they cannot interfere with the enforcement of the regulation which prohibits purse seines in the waters of Newfoundland. They would also point out that fishing on Sundays is always liable to lead to regrettable breaches of the peace and they would propose that the American fishermen should agree to abstain from this practice.

Finally, His Majesty's Government feel that the payment of light dues by an American vessel entering a port of the Colony clearly does not involve an unreasonable interference with the exercise of the Treaty rights of the American fishermen on board. These dues are payable by all vessels of whatever description and nationality, other than coasting and fishing vessels owned and registered in the Colony. As however vessels of the latter class are under certain conditions exempt either wholly or in part from payment, His Majesty's Government consider that it would be unfair to introduce any discrimination against American vessels in this respect and it is proposed that the demand for light dues should be waived under the same conditions as in the case of the Newfoundland vessels.

I venture to express the hope that the temporary arrangement outlined above will be agreed to by the United States Government.

I have, etc.,

(Sgd.) E. GREY.

His Excellency

The Honourable

Whitelaw Reid,

&c., &c., &c.

DOWNING STREET,
18 September, 1907.

Newfoundland.

No. 70.

SIR,—

His Majesty's Government consider it to be due to your Government as well as to themselves to place on record in a more complete form than is possible by the medium of telegrams the reasons which have led to the conclusion of the Modus Vivendi with the United States regarding the Newfoundland Fisheries, and to the passing of the Order in Council of the 9th of September, of which your Government was informed in my telegrams of the 7th and 9th instant.

2. As your Ministers are aware, His Majesty's Government and the Government of the United States of America differ fundamentally in their interpretation of the Convention of 1818 regarding the nature and extent of American fishing rights in Newfoundland waters. The details of the controversy are familiar to your Ministers and may be summed up in the proposition that the United States Government claim that that Treaty confers upon American fishermen the right to fish in the specified waters of Newfoundland free from the exercise of any control by the Colonial Government, or at most subject only to such regulations and restrictions as were in force in 1818 at the date when the Treaty came in force, while His Majesty's Government contend that there is nothing in the Treaty to derogate from the recognised sovereignty of His Majesty in Newfoundland and that the American fishermen are subject to all enactments and regulations for the preservation of the fishery which are applicable to the fishermen of Newfoundland.

3. In the case of a fundamental divergence of views between friendly powers, there are no means of settling the dispute save by diplomacy or arbitration. His Majesty's Government made every effort to obtain a satisfactory solution of the question by the former method, but they cannot disguise from themselves the fact that their efforts to do so were seriously prejudiced by the fact that the United States Government were convinced that legislation of Newfoundland in 1905 and the Bill of 1906 were designed rather as measures of retaliation than to further the preservation of the common fishery.

4. The situation was fully discussed with your Premier on his visit to England in connection with the Colonial Conference and Sir R. Bond expressed himself as strongly in favour of a reference to arbitration before the Hague Tribunal. His Majesty's Government were prepared to accept this proposal and ascertained from the Prime Minister of Canada that, in order to help as far as possible the Newfoundland Government, the Dominion Government would concur in the proposal which directly affects Canada since the fishery off the Magdalen Islands is conducted on the same terms as the Newfoundland fishery.

5. His Majesty's Government therefore undertook to approach the Government of the United States of America with a proposal for arbitration, and it was pointed out to Sir R. Bond that pending the result of communication with that Government and the reference of the whole case to the arbitral tribunal, it would be essential to conclude a *Modus Vivendi* for the fishery season of 1907. It was no doubt logically open to His Majesty's Government to take up the position that the interpretation which they put on the Treaty was so obviously correct that they were resolved to enforce it upon American vessels regardless of the consequences. His Majesty's Government considered however that in a case of this kind a reference to arbitration was the proper course to take in dealing with a friendly power, and it would not have been consistent with such an attitude on their part to insist, pending arbitration, that the United States Government should submit to conditions which would in the opinion of that Government have in practice made the rights of American fishermen under the Treaty worthless for the ensuing season.

6. Before Sir R. Bond left England a *Modus Vivendi* was drafted for submission to the Government of the United States, the terms of which were communicated to your Premier. By that proposal the United States Government was asked to abandon on behalf of its fishermen the claim to use purse seines, to fish on Sundays, and to employ Newfoundland fishermen.

In return their vessels were to be exempt from light dues to the same extent as vessels registered in Newfoundland, and while they were to call at Custom Houses whenever physically possible, the duty was not to be imposed as of legal right. While ready to urge the acceptance of these proposals on the United States Government, His Majesty's Gov-

ernment recognized that they were hardly likely to meet with the approval of that Government, and your Premier was expressly warned that further concessions would be in all probability required.

7. As a matter of fact the United States Government declined to acquiesce in the proposed *Modus Vivendi* on the ground that to accept it would be to concede all the vital points in dispute. Your Government was informed of this in my telegram of the 23rd of July, the text of which—as there has been dispute as to its exact significance—I append in full.

“We have now received answer from the United States Ambassador to our note of the 20th June, which was shown to your Prime Minister, and a copy of which was sent you privately on the 21st June. The effect of the note is that the United States Government cannot give their acquiescence to the present proposals of His Majesty’s Government which they feel would be tantamount to yielding all vital questions in dispute. In their opinion the surrender of the right to hire local fishermen and the surrender at the same time of the use of purse seines and of fishing on Sunday would render their treaty rights worthless. We are, therefore, face to face with a reference of pending question to arbitration and an ad interim renewal of the *Modus Vivendi*. The United States Ambassador has proposed arbitration before the Hague Tribunal and suggests that a conclusion to the proceedings will be reached in so short a time that last years *Modus Vivendi* can be continued without causing any real hardship to the Colony. If, however, we refuse to renew the agreement as to the employment of Newfoundland Fishermen, they would be compelled to insist on the use of purse seines. To give up both points they would consider equivalent to abandoning altogether their treaty rights.

“From the proceedings at the Conference and also from the correspondence which took place with me, His Majesty’s Government are aware that Sir R. Bond is desirous to have all the outstanding questions settled by arbitration before the Hague Tribunal, and the United States Government are being so informed, and a communication will be addressed to you on procedure relating to that subject, but I shall be glad in the meantime, of the observations of your Prime Minister upon the continuance of last year’s *Modus Vivendi* especially whether he attaches more im-

portance to the prohibition of the employment of Newfoundland fishermen or as to that of the use of the purse seines.”

“It was the intention of this telegram—and on careful perusal of its terms I confess I think the intention was clearly expressed—to convey to your Ministers the fact that in the opinion of His Majesty’s Government it was imperative to conclude some *Modus Vivendi* with the United States Government for the season of 1907, and to invite their opinion as to the terms of that *Modus Vivendi* in regard to the points to which the United States Government took exception, the prohibition of the employment of Newfoundland Fishermen and of the use of purse seines.

8. The reply of your Ministers to this telegram was forwarded in your telegram of the 2nd of August, and was to the effect that your Ministers declined to recognise the necessity for any *Modus Vivendi* and did not consider that they should be called upon to decide as suggested in my telegram of 23rd of July upon the relative importance of prohibition of the use of purse seines and prohibition of the employment of Newfoundland fishermen. They suggested however that it would be possible for His Majesty’s Government to abrogate the 1818 treaty—a suggestion which it is difficult to believe can have been meant seriously—and that it would be sufficient if the Fishery Regulations were communicated to the Government of the United States in order that exception might be taken to such as seemed objectionable and the regulations be amended if necessary before the fishery season began.

9. In my telegram of the 10th August I pointed out that the time before the opening of the fishery season at the beginning of October was much too short to allow of the question of the Hague Tribunal being received, and your Ministers no doubt recognise that as the whole question at issue is the validity of the regulations in question, nothing could have been effected by a mere examination and discussion of the regulations between the two Governments in the six or seven weeks before the opening of the Fishery. I therefore stated that His Majesty’s Government had proposed a *Modus Vivendi* for 1907 on the lines of that for 1906 but excluding the right of using purse seines and I enquired in my subsequent telegram of the 16th of August whether His Majesty’s Government could rely on the co-operation of your Government in carrying out the *Modus Vivendi*.

10. I may explain that in deciding the terms of the *Modus Vivendi* His Majesty's Government were seriously hampered by being left in ignorance of the comparative importance attached by your Government to the question of the use of purse seines and the employment of Newfoundland fishermen. Sir R. Bond during the discussion in England took exception in the strongest terms to concession on either point, but, in deciding that the use of purse seines should be prohibited His Majesty's Government were influenced mainly by two considerations. In the first place while there is no doubt that the use of purse seines in the narrow bays of Newfoundland is attended by serious difficulties, it is equally clear that if deprived of the help of Newfoundland fishermen, the American vessels would be forced either to return empty or to attempt to use purse seines. The effort to do so would almost inevitably have led to disputes between the American and Newfoundland fishermen, either party seeing that their means of livelihood were threatened by the action of the other, with the result that disturbances such as those in Fortune Bay in 1878, which cost Her Majesty's Government in compensation to the United States Fishermen over £11,000 in addition to the sums actually refunded by the Newfoundland Government, might have broken out, embittering the feeling between the two Governments and endangering the success of the proposed arbitration. In the second place the use of purse seines is definitely forbidden by the law of Newfoundland and to sanction their employment would be to deliberately override an enactment of the Colonial Legislature. But the employment of fishermen is in a different category. Whatever penalties the fishermen may expose themselves to—and on this matter I express no opinion as the case is still *sub judice*—there appears to be nothing in the law of Newfoundland which authorises the infliction of a penalty on American vessels employing these men. To permit the hiring of Newfoundland fishermen therefore involved no breach as far as His Majesty's Government were aware of the law of the Colony. If, however, His Majesty's Government are wrong in the concession which they have made to the Government of the United States, it must be borne in mind that your Ministers, when consulted, refused to give advice on the subject, even under protest.

11. Even in your telegram of the 14th of August no reference was made to this point. Your Ministers confined themselves to protesting against the conclusion of a "*Modus Vivendi*" without submission of its terms and approval by them, and they state that, had this step been taken,

they would, in view of the assurance that the questions at issue would be submitted to arbitration and the fact that Imperial interests of great importance were involved, have readily adopted measures to render unnecessary any action by His Majesty's Government.

12. In my reply of the 16th August I pointed out that in my telegram of 23rd of July I had intimated that a *Modus Vivendi* must be concluded and had expressly invited your Ministers' views as to its terms and that your Ministers were therefore wrong in considering that they had in any way been ignored. I accordingly invited their co-operation in carrying out the *Modus Vivendi* and suggested either they should undertake not to enforce so much of the Colonial law as conflicted with the terms of the *Modus Vivendi* or that they should pass legislation to give sanction to the *Modus Vivendi* until the decision of the Hague Tribunal was secured, thus maintaining to the full the authority of the Colonial Government. I added that I had received the assent of the Dominion Government to arbitration and that pending the settlement of the dispute by arbitration, His Majesty's Government greatly deprecated even the appearance of differences between them and the Government of Newfoundland as to Colonial rights.

13. Your Minister's reply conveyed in your telegram of 20th August declined to accept the *Modus Vivendi*, but for the first time, put forward an alternative suggestion such as might be proposed to the American Government. As explained by your telegram of the 22nd of August, their suggestion was that the *Modus Vivendi* being withdrawn, the Colonial Government should permit American fishermen to purchase fish from Newfoundland at 2 dollars a barrel which was 75 cents a barrel more than the market price in 1906 but which was no doubt a fair price in 1907. His Majesty's Government lost no time in putting the proposal before the American Government, but the United States Ambassador replied that his Government regretted that they could not accept the offer, since the fishing fleet had already sailed. Your Ministers were so informed in my telegram of 30th August, and I again invited them to cooperate in carrying out the proposed *Modus Vivendi* which was then inevitable in view of the necessity of some arrangement being made before fishing began.

14. To the great regret of His Majesty's Government your Ministers' declined to accept their invitation and only reiterated, in your telegrams of the 1st and 4th of September, their readiness to permit the Americans to purchase fish if the proposed *Modus Vivendi* were withdrawn. They declined absolutely to allow the employment of Newfoundland fishermen by United States vessels, and His Majesty's Government had no option since the American vessels had already started and some arrangement was imperative but to conclude on the 6th of September the *Modus Vivendi* formally suggested by the United States Ambassador on the 4th of September but in doing so, they were able to secure a most valuable concession for your Government, for the United States Ambassador consented to add to his note and undertaking that his Government would be ready to give the most favorable consideration to any arrangement made locally between your Government and the American Fishermen in modification or supersession of the *Modus Vivendi*. It is therefore open to your Ministers to adopt an arrangement similar to the proposal made in your telegram of the 29th of August which they stated would be readily adopted by the American fishermen.

15. Having concluded the *Modus Vivendi* His Majesty's Government were under an obligation to take the necessary steps to carry out its provisions. As your Ministers are aware this was done last year, partly by the action of the Naval Officer commanding on the Newfoundland Station and partly through the forbearance of your Ministers to press any proceedings against the Newfoundland fishermen employed by the American vessels. But such a state of affairs could not be expected to be repeated in the season of 1907 and your Ministers had definitely refused to undertake not to apply the Colonial laws to American vessels. If then His Majesty's Naval Officers had taken steps to enforce the *Modus Vivendi* by preventing say the arrest of a Newfoundland fisherman on an American vessel by an officer of your Government, his action would have been illegal and would have exposed him to a suit in which he might have been condemned in heavy damages which must have been paid by His Majesty's Government. His Majesty's Government were not inclined to give an opening for such complications and they felt it would be a deplorable incentive to lawlessness if a collision were to take place between the officers of His Majesty in His Imperial and Colonial Governments. They therefore decided that recourse should be had to the powers conferred on His Majesty in Council by Section 1

of the Imperial Act 59 G. 3, C. 38, which enables His Majesty by Order in Council to issue from time to time directions for securing to the United States fishermen the rights granted to them by the Treaty of 1818. This Order is however restricted to the bare minimum necessary to secure the uninterrupted exercise by the American fishermen of their treaty right pending the decision of the Hague Tribunal as to the precise extent of that right. It does not purport to authorise Newfoundland fishermen to fish for American vessels if the result of the pending litigation should establish that to do so is illegal; it merely enacts that process against such fishermen shall not be served on American vessels nor shall such vessels or their tackle be liable to seizure. His Majesty's Government sympathise indeed—as do your Ministers—with the hardships at present entailed on the fishermen of Newfoundland but while they claim for themselves the right to act in Imperial interests of the gravest moment, they do not assert any right to regulate the relations between the Government of Newfoundland and any section, however numerous, of the people of the Colony. They have therefore instructed the Senior Naval Officer on the Station to co-operate in every possible way with your Government in carrying out the law of the Colony as modified by the Order in Council and in endeavouring to affect an arrangement with the American fishermen satisfactory to your Government in supersession of the *Modus Vivendi*.

16. I am however constrained to add that His Majesty's Government cannot but feel that in this important question they have not received all the assistance which they were entitled to expect at the hands of your Ministers. My colleagues and myself are not responsible for and did not create the burdensome treaty obligations which bear so heavily on Newfoundland; and the practical sympathy of this country with the Colony was shown in 1904 when the late Government with the full approval of every section of the Community made considerable sacrifice not merely of money but of British territory in order to relieve Newfoundland from the most onerous of the French treaty rights. But whatever charges may be brought against the policy which in 1818 conceded the American treaty rights of fishery, nevertheless those rights remain binding and have been continuously exercised for nearly 90 years. Circumstances have hitherto prevented any serious difficulty arising in this connection, so far as Newfoundland has been concerned, but since their extent has been questioned, it is the duty of the Imperial and Colonial Governments to co-operate with each other in effecting a satisfactory set-

tlement. I do not think that your Ministers can deny that His Majesty's Government have given the fullest consideration to your Premier's view as expressed both in London and since his return to Newfoundland, and on reflection they will probably admit that the extent to which concession to the United States Government is desirable and right is a matter in which in case of difference some consideration must be shown for the view of His Majesty's Government who are trustees of the interests of the whole Empire as well as of Newfoundland. Considering that the Government of Canada which has at present a satisfactory working arrangement as to treaty rights with the United States has shown its sense of the necessity of unity of action on foreign affairs by associating itself with Newfoundland in reference to arbitration of the interpretation of the Treaty of 1818, His Majesty's Government cannot but feel that some consideration might have been accorded by your Ministers to their appeals for co-operation in arranging what is after all merely a temporary *Modus Vivendi* pending the settlement of the main issue by arbitration. They trust therefore that your Ministers may yet decide to work in harmony with the Imperial Government, in which case His Majesty will at once be advised to revoke the Order in Council of the 9th of September, and both Governments will be able to devote themselves to the important task of preparing the case of the Colonial Government for the consideration of the Hague Tribunal.

17. Your telegram of the 11th of September reports that our Ministers request that time may be given them for consideration of the situation created by the issue of the Order in Council and that in the meantime the publication of the Order in Council may be held over. I gladly comply with this request though strictly speaking it is proper that an Order in Council should receive immediate publicity, as I am anxious now and always to show every courtesy and consideration to the wishes of the Colonial Government. But it must clearly be understood that you are instructed to publish the Order in Council immediately on the arrival of the American fishermen, unless before that date your Government have given their adherence to the *Modus Vivendi* and have undertaken to carry it fully into effect. The American fishermen are entitled as soon as they arrive in Newfoundland waters to the protection of the *Modus Vivendi* and His Majesty's Government cannot risk the possibility of

having the validity of an Order of His Majesty in Council questioned on the ground that it has not been made known to the subordinate officers of your Government.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

(Sgd.) ELGIN.

His Excellency

The Honourable

Whitelaw Reid,

&c., &c., &c.

Ordered to lie on the Table.

Pursuant to the Order of the Day and on motion of the Honourable Mr. Knowling the Bill sent up entitled "An Act to amend 'The Education Act, 1903,'" was read a third time and passed and the Honourable the President signed the same.

Ordered,—To be sent to the House of Assembly with Message that this House had passed the said Bill without amendment.

The Honourable the President informed the Council that he had received a Message from the House of Assembly requesting concurrence in the Bill sent up entitled "An Act for the Encouragement of Shipbuilding"—

which said Bill—

On motion of the Honourable Mr. Bowring was read a first time and—

Ordered,—To be read a second time on Tuesday next.

On motion made the House adjourned until Tuesday next, February 4th, at half past four o'clock, p.m.

TUESDAY, FEBRUARY 4th, 1908.

The House met pursuant to adjournment.

PRESENT:

The Honourable SIR EDWARD D. SHEA, *President*.

The Honourables JAMES McLOUGHLAN,
GEORGE T. RENDELL,
JAMES ANGEL,
JOHN HARRIS,
GEORGE SKELTON,
GEORGE KNOWLING,
D. JOSEPH GREENE, K.C.,
EDGAR R. BOWRING,
JOHN B. AYRE,
ROBERT K. BISHOP,
JAMES D. RYAN,
JOHN HARVEY,

The Minutes of Friday, January 31st, were read.

Pursuant to the Order of the Day and on motion of the Honourable Mr. Bowring the Bill sent up entitled "An Act for the Encouragement of Shipbuilding" was read a second time and—

Ordered,—To be committed to-morrow.

The Honourable the President informed the Council that he had received the following Messages from the House of Assembly :—

Mr. President:—

The House of Assembly beg to acquaint the Legislative Council that they have passed the accompanying Resolutions in which they request the concurrence of the Legislative Council.

F. J. MORRIS,

Speaker.

Passed the House of Assembly,
January 31st, 1908.

RESOLUTIONS.

*Resolved,—*That this House, records an expression of its disappointment at the response which has been furnished by the Right Honourable the Secretary of State for the Colonies to the Address adopted by this Legislature at its last Session in respect to the Modus Vivendi entered into between His Majesty's Government and that of the United States of America in 1906, and also of its surprise and regret that His Majesty Government has not only renewed the said Modus Vivendi but has adopted and promulgated an Order-in-Council which purports to prevent the service of legal process upon British subjects within British jurisdiction and to place the enforcement of the said Order-in-Council in the hands of the Senior Naval Officer on this Station, thus overriding the Constitutional authority in this His Majesty's Dominion.

It approves the action of the Government of this Colony in declining to become consenting parties to either the Order-in-Council or Modus Vivendi, for the enforcement of law constitutes a vital part of the political existence of the Colony and rests on the same solid foundation as the Constitution itself.

*Resolved,—*That for the reasons that have been advanced by the Government of this Colony, and which are set forth in the Blue Book published by His Majesty's Government and further Despatches tabled, it is hoped that His Majesty's Government will recognize the justice and expediency of cancelling the said Order-in-Council and Modus Vivendi.

*Resolved,—*That a copy of these Resolutions be forwarded to His Excellency the Governor with the request that he will be pleased to

transmit the same to the Right Honourable the Secretary of State for the Colonies.

Passed the House of Assembly, January 31st, 1908.

F. J. MORRIS, *Speaker.*

Mr. President:—

The House of Assembly beg to acquaint the Legislative Council that they have passed the accompanying Bill entitled "An Act with respect to Compensation to Workmen for Injuries suffered in the course of their employment," in which they request the concurrence of the Legislative Council.

F. J. MORRIS,
Speaker.

Passed the House of Assembly,
January 31st, 1908.

The Honourable Mr. Knowling gives notice that he will on to-morrow move "That the House be put into a Committee" to consider the Resolutions sent up from the House of Assembly in the matter of the Modus Vivendi entered into between His Majesty's Government and the Government of the United States of America in respect of the conduct of the Fishery on the West Coast of this Colony; and that this motion stand first on the Order of the Day.

On motion of the Honourable Mr. Greene the Bill sent up entitled "An Act with respect to Compensation to Workmen for Injuries Suffered in the course of their employment," was read a first time and—

*Ordered,—*To be read a second time on Friday next.

On motion made the House adjourned until to-morrow, Wednesday, February 5th, at half past four o'clock, p.m.

WEDNESDAY, FEBRUARY 5th, 1908.

The House met pursuant to adjournment.

PRESENT:

The Honourable SIR EDWARD D. SHEA, *President*.

The Honourables JAMES MCLOUGHLAN,

JAMES ANGEL,

JOHN HARRIS,

GEORGE SKELTON,

GEORGE KNOWLING,

D. JOSEPH GREENE, K.C.,

EDGAR R. BOWRING,

JOHN B. AYRE,

ROBERT K. BISHOP,

JAMES D. RYAN,

JOHN HARVEY,

The Minutes of Tuesday, February 4th, were read.

Pursuant to notice the Honourable Mr. Knowling moved "That the House be put into a Committee" to consider the Resolutions sent up from the House of Assembly in the matter of the Modus Vivendi entered into between His Majesty's Government and the Government of the United States of America in respect of the conduct of the Fishery on the West Coast of this Colony; and—

Ordered,—That the House be put into a Committee to consider the said Resolutions—

The Honourable Dr. Skelton in the Chair—

After some time the House resumed.

The Chairman reported the Resolutions without amendment.

Ordered,—That the Report be received and—

Ordered,—That the said Resolutions do now pass and be sent to the House of Assembly with Message that this House had passed the said Resolutions without amendment.

Pursuant to the Order of the Day and on motion of the Honourable Mr. Bowring the House went into Committee on the Bill sent up entitled “An Act for the Encouragement of Shipbuilding”—

The Honourable Mr. Ryan in the Chair—

After some time the House resumed.

The Chairman reported progress and asked leave to sit again on to-morrow.

Ordered,—That the report be received.

On motion made the House adjourned until Friday next, February 7th, at half past four o'clock, p.m.



FRIDAY, FEBRUARY 7th, 1908.

The House met pursuant to adjournment.

PRESENT :

The Honourable SIR EDWARD D. SHEA, *President*.

The Honourables JAMES McLOUGHLAN,
 GEORGE T. RENDELL,
 JAMES ANGEL,
 JOHN HARRIS,
 GEORGE SKELTON,
 GEORGE KNOWLING,
 D. JOSEPH GREENE, K.C.,
 EDGAR R. BOWRING,
 JOHN B. AYRE,
 ROBERT K. BISHOP,
 JAMES D. RYAN,
 JOHN HARVEY,

The Minutes of Wednesday, February 5th, were read.

Pursuant to the Order of the Day and on motion of the Honourable Mr. Greene the Bill sent up entitled 'An Act with respect to Compensation to Workmen for Injuries Suffered in the course of their Employment' was read a second time and—

Ordered,—To be committed to-morrow.

Pursuant to the Order of the Day and on motion of the Honourable Mr. Bowring the House went into Committee on the Bill sent up entitled "An Act for the Encouragement of Shipbuilding."

The Honourable Mr. Ryan in the Chair—

After some time the House resumed.

The Chairman reported progress and asked leave to sit again to-morrow.

Ordered,—That the Report be received—

The Honourable the President informed the Council that he had received Messages from the House of Assembly requesting concurrence in the Bills sent up entitled respectively:—

“An Act to amend 6 Ed. VII., Cap. 15, entitled ‘An Act respecting the Regulation of Mines.’”

An Act to Prohibit the Prosecution of the Labrador Fishery in Steam Vessels.”

On motion of the Honourable Mr. Angel the Bill sent up entitled “An Act to amend 6 Ed. VII., Cap. 15, entitled ‘An Act respecting the Regulation of Mines,’” was read a first time and—

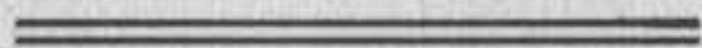
Ordered,—To be read a second time to-morrow.

On motion of the Honourable Dr. Skelton the Bill sent up entitled “An Act to Prohibit the Prosecution of the Labrador Fishery in Steam Vessels,” was read a first time and—

Ordered,—To be read a second time to-morrow.

The Honourable Mr. Knowling laid upon the Table Report of the Newfoundland Savings Bank for the year ending 31st December, 1907.

On motion made the House adjourned until Tuesday, next, February 11th, at half past four o'clock, p.m.



TUESDAY, FEBRUARY 11th, 1908.

The House met pursuant to adjournment.

PRESENT:

The Honourable SIR EDWARD D. SHEA, *President*.

The Honourables JAMES McLOUGHLAN,
JAMES ANGEL,
GEORGE SKELTON,
SAMUEL BLANDFORD,
GEORGE KNOWLING,
D. JOSEPH GREENE, K.C.,
EDGAR R. BOWRING,
JOHN B. AYRE,
ROBERT K. BISHOP,
JAMES D. RYAN,
JOHN HARVEY,

The Minutes of Friday, February 7th, were read.

Pursuant to the Order of the Day and on motion of the Honourable Mr. Greene the House went into Committee on the Bill sent up entitled "An Act with respect to Compensation to Workmen for Injuries Suffered in the course of their Employment."

The Honourable Mr. Ayre in the Chair—

After some time the House resumed—

The Chairman reported progress and asked leave to sit again tomorrow—

Ordered,—That the Report be received—

Pursuant to the Order of the Day and on motion of the Honourable Mr. Bowring the House went into Committee on the Bill sent up entitled "An Act for the Encouragement of Shipbuilding."

The Honourable Mr. Ryan in the Chair—

After some time the House resumed—

The Chairman reported the Bill with some amendments.

Ordered,—That the Report be received and—

Ordered,—That the said Bill, as amended, be read a third time to-morrow.

Pursuant to the Order of the Day and on motion of the Honourable Mr. Angel the Bill sent up entitled 'An Act to amend 6 Ed. VII., Cap. 15, entitled 'An Act respecting the Regulation of Mines,'" was read a second time and—

Ordered,—To be committed to-morrow.

Pursuant to the Order of the Day the Honourable Dr. Skelton moved—

"That the Bill sent up entitled 'An Act to Prohibit the Prosecution of the Labrador Fishery in Steam Vessels' be now read a second time"—

Whereupon the Honourable Mr. Bowring moved in amendment—

"That the said Bill be read this day six months."

And the question on the Amendment having been put there appeared—

Contents (8):

Hons. Messrs. Bowring,
Angel,
Blandford,

Non-Contents (3):

Hons. Messrs. Skelton,
McLoughlan,
Ayre.

Hons. Messrs. Knowling,
Greene,
Bishop.
Ryan,
Harvey.

So it passed in the Affirmative and—

Ordered,—Accordingly.

The Honourable Mr. Knowling by Command of His Excellency the Governor laid upon the Table:—Report of the Postmaster General for the year ending June 30th, 1907.

The Honourable Mr. Knowling gives notice that he will on to-morrow move the suspension of the 33rd Rule of this House as regards all Bills now or to come before the House for the remainder of the Session.

On motion made the House adjourned until to-morrow, Wednesday, February 12th, at half past four o'clock, p.m.

WEDNESDAY, FEBRUARY 12th, 1908.

The House met pursuant to adjournment.

PRESENT:

The Honourable SIR EDWARD D. SHEA, *President*.

The Honourables JAMES McLOUGHLAN,
GEORGE T. RENDELL,
JAMES ANGEL,
GEORGE SKELTON,
GEORGE KNOWLING,
D. JOSEPH GREENE, K.C.,
EDGAR R. BOWRING,
JOHN B. AYRE,
ROBERT K. BISHOP,
JAMES D. RYAN,
JOHN HARVEY,

The Minutes of Tuesday, February 11th, were read.

Pursuant to notice and—

On motion of the Honourable Mr. Knowling—

Ordered,—That the 33rd Rule of the Council be suspended as regards all Bills now or to come before the House for the remainder of the Session.

On motion of the Honourable Mr. Bishop the Bill sent up entitled “An Act for the Encouragement of Shipbuilding” was re-committed to a Committee of the Whole House—

The Honourable Mr. Ryan in the Chair—

After some time the House resumed.

The Chairman reported the Bill without further amendment—

Ordered,—That the Report be received—

Pursuant to the Order of the Day and on motion of the Honourable Mr. Bowring the Bill sent up, entitled “An Act for the Encouragement of Shipbuilding” as amended was read a third time and passed, and—

The Honourable the President signed the same—

Ordered,—To be sent to the House of Assembly with Message that this House had passed the same with some amendments in which they request the concurrence of the House of Assembly.

The amendments are as follows:—

- 1.—In Schedule A substitute “Eighty” for one hundred.
- 2.—In Schedule B, 12th line from end, strike out words “suitable chains” and substitute “Admiralty or Lloyds tested chains of suitable sizes and lengths.” After the word “birch” in 8th line from end add “juniper.”
- 3.—In Schedule C in 3rd paragraph after word “planking” add “on top sides”; substitute “one-half” for “one-quarter” after “inches” add “under top sides two and one-quarter inches,” substitute “one-half” for “one-quarter.” In the 5th paragraph substitute “one-half” for “five-eighths” and “two and three-quarters” for “three.” In the 6th paragraph substitute “two and three-quarters” for “three” in both places where same occurs. In the 9th paragraph strike out word “and” and substitute “trenails to be.” In the 11th paragraph substitute “four and one half” for “five.” In the 19th paragraph strike out “suitable chains” and substitute “Admiralty or Lloyds tested chains of suitable sizes and lengths.” In the 21st paragraph after “birch” add “juniper.”

4.—In Schedule D. In 5th paragraph substitute ‘under this schedule’ for ‘under that measurement’ and strike out last sentence of said paragraph.

In the 16th paragraph after the word “vessels” add” “under 30 tons two strakes and of vessels under that measurement.”

In the 17th paragraph after ‘birch’ add ‘juniper.’”

Pursuant to the Order of the Day and on motion of the Honourable Mr. Greene the House went into Committee on the Bill sent up entitled “An Act with respect to Compensation to Workmen for Injuries suffered in the Course of their Employment.”

The Honourable Mr. Ayre in the Chair.

After some time the House resumed—

The Chairman reported the Bill with some amendments.

Ordered,—That the Report be received and—

Ordered,—That the said Bill, as amended, be read a third time tomorrow.

Pursuant to the Order of the Day and on motion of the Honourable Mr. Angel the House went into Committee on the Bill sent up entitled “An Act to amend 6 Ed. VII., Cap. 15, entitled ‘An Act respecting the Regulation of Mines.’”

The Honourable Mr. Ryan in the Chair—

After some time the House resumed—

The Chairman reported the Bill without amendment.

Ordered,—That the Report be received—

The said Bill was then read a third time and passed and—

The Honourable the President signed the same—

Ordered,—To be sent to the House of Assembly with Message that this House had passed the same without amendment—

The Honourable the President informed the Council that he had received Messages from the House of Assembly requesting concurrence in the Bills sent up entitled respectively:—

‘An Act in respect to the Establishment of a Model Farm,’—

“An Act respecting certain retiring Allowances”—

On motion of the Honourable Mr. Knowling the Bill sent up entitled “An Act in respect to the Establishment of a Model Farm” was read a first time and—

Ordered,—To be read a second time to-morrow.

On motion of the Honourable Mr. Knowling the Bill sent up entitled “An Act respecting certain retiring Allowances” was read a first time and—

Ordered,—To be read a second time to-morrow.

On motion made the House adjourned until Friday next, February 14th, at half past four o’clock, p.m.

FRIDAY, FEBRUARY 14th, 1908.

The House met pursuant to adjournment.

PRESENT:

The Honourable SIR EDWARD D. SHEA, *President*.

The Honourables JAMES MCLOUGHLAN.

GEORGE T. RENDELL,

JAMES ANGEL,

JOHN HARRIS,

GEORGE SKELTON,

GEORGE KNOWLING,

D. JOSEPH GREENE, K.C.,

EDGAR R. BOWRING,

JOHN B. AYRE,

ROBERT K. BISHOP,

JAMES D. RYAN,

JOHN HARVEY,

The Minutes of Wednesday, February 12th were read.

Pursuant to the Order of the Day and on motion of the Honourable Mr. Greene the Bill sent up entitled "An Act with respect to Compensation to Workmen for Injuries Suffered in the course of their Employment," as amended, was read a third time, and passed and—

The Honourable the President signed the same—

Ordered,—To be sent to the House of Assembly with Message that this House had passed the same with some amendemnts and requesting concurrence therein—

The Amendments are as follows:—

- 1.—In section (2) (C) substitute ‘or’ for “and” in second line.
- 2.—In Section 2. Add at the end of the first paragraph the words “and within two years from the date of the accident.”
- 3.—Add as new Section 11.

11.—This Act shall come into operation on the 1st day of July, 1908, and shall not apply in respect of any accident which shall have happened prior to that date.
- 4.—In Schedule 1 (a) (i)—In the sixth line substitute \$1,500 for \$2,700.

In the Schedule (12.) Add at the end thereof the words “Provided that the said weekly payments and lump sum together shall not exceed \$1,500.”

Pursuant to the Order of the Day and on motion of the Honourable Mr. Knowling the Bill sent up entitled “An Act in respect to the Establishment of a Model Farm” was read a second time and—

Ordered,—To be committed presently.

The Honourable Dr. Skelton in the Chair—

After some time the House resumed—

The Chairman reported the Bill without amendment.

Ordered,—That the Report be received—

The said Bill was then read a third time and passed and—

The Honourable the President signed the same—

Ordered,—To be sent to the House of Assembly with Message that this House had passed the same without amendment.

Pursuant to the Order of the Day and on motion of the Honourable Mr. Knowling the Bill sent up entitled "An Act respecting Certain Retiring Allowances" was read a second time and—

Ordered,—To be committed presently.

The Honourable Mr. Angel in the Chair—

After some time the House resumed—

The Chairman reported the Bill without amendment.

Ordered,—That the Report be received—

The said Bill was then read a third time and passed and—

The Honourable the President signed the same—

Ordered,—To be sent to the House of Assembly with Message that this House had passed the same without amendemnt.

The Honourable the President informed the House that he had received the following Messages from the House of Assembly:—

Mr. President:—

The House of Assembly beg to acquaint the Legislative Council that they have passed the accompanying Bills entitled:—

"An Act to amend the Revenue Act, 1905," and—

"An Act for granting to His Majesty certain sums of money for defraying certain expenses of the Public Service for the financial years ending respectively, the 30th day of June, 1908, and the 30th day of June, 1909, and for other purposes relating to the Public Service," in which they request the concurrence of the Legislative Council.

F. J. MORRIS,

Speaker.

Passed the House of Assembly,
February 13th, 1908.

Mr. President:—

The House of Assembly beg to acquaint the Legislative Council that they have passed the Amendments made by the Legislative Council in and upon the Bill sent up entitled:—

“An Act for the Encouragement of Shipbuilding” with out amendment.

F. J. MORRIS,
Speaker.

House of Assembly,
February 13th, 1908.

On motion of the Honourable Mr. Knowling the Bill sent up entitled “An Act to amend ‘The Revenue Act, 1905,’ ” was read a first and second time and—

*Ordered,—*To be committed presently.

The Honourable Mr. Greene in the Chair—

After some time the House resumed—

The Chairman reported the Bill without amendment—

*Ordered,—*That the Report be received—

The said Bill was then read a third time and passed and the Honourable the President signed the same—

*Ordered,—*To be sent to the House of Assembly with Message that this House had passed the same without amendment.

On motion of the Honourable Mr. Knowling the Bill sent up entitled “An Act for granting to His Majesty certain sums of money for defraying certain expenses of the Public Service for the financial years ending respectively, the thirtieth day of June one thousand nine hundred and eight and the thirtieth day of June one thousand nine hundred and nine and for other purposes relating to the Public Service” was read a first and second time and—

Ordered,—To be committed presently.

The Honourable Mr. Greene in the Chair—

After some time the House resumed—

The Chairman reported the Bill without amendment—

Ordered,—That the Report be received—

The said Bill was then read a third time and passed and—

The Honourable the President signed the same—

Ordered,—To be sent to the House of Assembly with Message that this House had passed the same without amendment.

The Honourable the President informed the Council that he had received a Message from the House of Assembly requesting concurrence in the Bill sent up entitled 'An Act to Incorporate the Twillingate Electoral Company of Newfoundland and for other purposes,'

which said Bill—

On motion of the Honourable Mr. Knowling was read a first and second time and—

Ordered,—To be committed presently.

The Honourable Mr. Harris in the Chair—

After some time the House resumed—

The Chairman reported the Bill without amendment—

Ordered,—That the Report be received—

The said Bill was then read a third time and passed and—

The Honourable the President signed the same—

Ordered,—To be sent to the House of Assembly with Message that this House had passed the same without amendment—

The Honourable the President informed the Council that he had received the following Message from the House of Assembly:—

Mr. President:

The House of Assembly beg to acquaint the Legislative Council that it has passed without amendment the amendments made by the Legislative Council in and upon the Bill entitled "An Act respecting Compensation to workmen for Injuries sustained in their Employment."

F. J. MORRIS,

Speaker.

House of Assembly,
February 14th, 1908.

The Honourable the President informed the Council that it is the intention of His Excellency the Governor to Prorogue the present Session of the Legislature on Tuesday next, February 18th, at three o'clock, p.m.

On motion made the House adjourned until Tuesday next, February 18th, at half past two o'clock, p.m.

TUESDAY, FEBRUARY 18th, 1908.

The House met pursuant to adjournment.

PRESENT:

The Honourable SIR EDWARD D. SHEA, *President*.

The Honourables JAMES McLoughlan,
GEORGE T. RENDELL,
JAMES ANGEL,
JOHN HARRIS,
D. JOSEPH GREENE, K.C.,
GEORGE SKELTON,
GEORGE KNOWLING,
EDGAR R. BOWRING,
JOHN B. AYRE,
ROBERT K. BISHOP,
JOHN HARVEY,

The Minutes of Friday, February 14th, were read.

The House took recess.

At three o'clock p.m. His Excellency the Governor Sir William MacGregor, G.C.M.G., C.B., M.D., being seated on the Throne commanded the Gentleman Usher of the Black Rod through the Honourable the President of the Legislative Council to let the Commons House of Assembly know:

“It is His Excellency pleasure they attend him immediately in this House”

Who being come with their Speaker—

His Excellency was pleased to give his assent to the following Bills entitled respectively:—

1.—An Act to amend “The Revenue Act, 1905.”

2.—“An Act respecting certain Retiring Allowances.”

3.—‘An Act for Granting to His Majesty certain sums of money for defraying certain expenses of the Public Service for the financial years ending respectively the thirtieth day of June one thousand nine hundred and eight and the thirtieth day of June one thousand nine hundred and nine and for other purposes relating to the Public Service.’”

4.—An Act to amend the “Education Act, 1903.”

5.—An Act for the Encouragement of Shipbuilding.

6.—An Act in respect to the “Establishment of a Model Farm.”

7.—‘An Act respecting the Estates of Intestates.’”

8.—An Act to amend the Act 6 Ed. VII., Cap. 6, entitled “An Act to amend ‘The Companies’ Act, 1899.’”

9.—An Act to amend Chapter 145 of the Consolidated Statutes, Second Series, entitled “Of the Naturalization of Aliens.”

10.—An Act with respect to Compensation to Workmen for Injuries suffered in the course of their Employment.

11.—An Act to amend 6 Ed. VII., Cap. 15, entitled “An Act respecting the Regulation of Mines.”

12.—An Act to Incorporate the Twillingate Electrical Company of Newfoundland and for other purposes.”

After which His Excellency was pleased to speak as follows:—

Mr. President and Honourable Gentlemen of the Legislative Council:

Mr. Speaker and Gentlemen of the Honourable House of Assembly:

The completion of your legislative duties enables me to close this Session at a period which will, no doubt, be found convenient, having regard to private engagements now requiring your attention. I am glad to notice that although the Session has not been protracted legal effect has been given to measures of very great importance, which must necessarily have required much care and assiduity on the part of your honourable houses.

I may allude specially to the Act with respect to compensation for workmen for injuries sustained in the course of their employment. By virtue of this Act, employees in connection with work that exposes them to constant danger will have proper safeguards thrown around them, and the employer will be held responsible for all risks entailed on the workmen he engages.

An Act to regulate the working of mines is no less important, and I feel sure will be highly appreciated by all those that are in anyway connected with the hazardous industry.

The measure enacted to further encourage shipbuilding in the Colony was wisely conceived, and the very liberal bounty that you have now provided should stimulate our people to greater effort in that direction and obviate the necessity for purchasing abroad vessels required in the conduct of the trade and fisheries.

It affords matter for much gratification that you have been able to make provision for adding to our lighthouse system. I feel, with you, that no expenditures are more to be approved than those which provide increased security for the lives and property of those exposed to danger in navigating our coasts.

It is with very particular pleasure that I give ym approval to the Act

It is with very particular pleasure that I give my approval to the Act that the agricultural industry in this Colony is of much greater importance than most of our people have imagined, and it does not receive due

attention. The experience and the imperfect knowledge of farming which exist to so considerable an extent and constitute a very great disadvantage should find a remedy through the means now adopted. The Colony undoubtedly possesses important advantages with regard to the farming industry, not the least of which is the very large home market. I heartily congratulate you on the establishment of a Model or Experimental Farm that will be able to take and train resident pupils in agriculture, and at the same time diffuse useful knowledge amongst those who are at present engaged in the industry.

The additional grant for education will, I am sure, prove a great boon to the outports, for by enabling schools to be established, where none exist at present, you have conferred not only a present benefit upon these communities, but one the advantages of which will be still more apparent in future years.

Mr. Speaker and Gentlemen of the Honourable House of Assembly:

I thank you for the liberality with which you have made provision for the public service. Those appropriations will be applied with due regard to economy and efficiency.

Mr. President and Honourable Gentlemen of the Legislative Council:

Mr. Speaker and Gentlemen of the Honourable House of Assembly:

The present General Assembly has nearly reached the end of the period allowed by law for the sitting of Parliament, so that a General Election must under ordinary circumstances take place before the Legislature again assembles. I would not take leave of you without expressing my deep sense of the zeal and public spirit which during the past four years you have displayed in the discharge of your important functions and my acknowledgment of the many important measures you have during that period submitted for my approval, and which I cannot doubt will be conducive to the general progress and welfare of the Colony.

The Electors in a few months from now will be called upon to choose their representatives, and I sincerely trust that wisdom may guide them

towards the attainment of His Majesty's constant solicitude, the advancement of the Colony and the happiness of its people.

In conclusion, permit me to convey to you my sincere wishes for your personal welfare and prosperity.

The Honourable the President then said:

“ It is His Excellency's will and pleasure that this General Assembly be prorogued until Thursday, the sixteenth day of April next, then and here to be holden and this General Assembly stands prorogued accordingly.”

HUGH H. CARTER,

Clerk to the Legislative Council.

INDEX.

A

ADDRESS—

PAGE.

Of Thanks	16
Presented and read 1st time	15
Read 2nd time	15
Agreed to and passed	15
To be presented by Deputation of Whole House	15
Presented at Government House	17
Reply to	18

AMENDMENTS—

On Shipbuilding Encouragement Bill	60
On Workmen's Compensation Bill	64

ASSEMBLY HOUSE OF—

Attend Bar of Council	10, 69
-------------------------------	--------

B

BILLS—

ESTATES OF INTTESTATES—

Read 1st time, 21; read 2nd time, 22; committed, 24; reported without amendment, 24; read 3rd time and passed	27
---	----

COMPANIES ACT 1899 AMENDMENT—

Read 1st time, 21; read 2nd time, 22; committed, 24; reported without amendment, 25; read 3rd time and passed	27
---	----

BILLS—(Continued).	PAGE.
ALIENS NATURALIZATION AMENDMENT—	
Read 1st time, 21 ; read 2nd time, 23 ; committed, 25 ; reported without amendment, 25 ; read 3rd time and passed ..	28
“THE EDUCATION ACT, 1893, ’ AMENDMENT—	
Read 1st time, 23 ; read 2nd time, 25 ; committed, 28 ; reported without amendment, 28 ; read 3rd time and passed ..	48
SHIPBUILDING ENCOURAGEMENT—	
Read 1st time, 48 ; read 2nd time, 49 ; committed, 53, 54, 57 ; progress reported, 53, 55 ; reported with amendments, 57 ; re-committed, 59 ; reported without further amendment, 60 ; read 3rd time as amended, and passed	60
WORKMEN’S COMPENSATION—	
Read 1st time, 51 ; read 2nd time, 54 ; committed, 56, 61 ; progress reported, 56 ; reported with amendments, 61 ; read 3rd time as amended, and passed	63
REGULATION OF MINES AMENDMENT—	
Read 1st time, 55 ; read 2nd time, 57 ; committed, 61 ; reported without amendment, 61 ; read 3rd time and passed	61
LABRADOR FISHERY STEAM VESSELS PROHIBITION—	
Read 1st time, 55 ; 6 months amendment moved and division thereon	57
MODEL FARM—	
Read 1st time, 62 ; read 2nd time, 64 ; committed, 64 ; reported without amendment, 64 ; read 3rd time and passed ..	64

BILLS—(Continued).	PAGE.
RETIRING ALLOWANCES—	
Read 1st time, 62 ; read 2nd time, 65 ; committed, 65 ; reported without amendment, 65 ; read 3rd time and passed ..	65
REVENUE—	
Read 1st time, 66 ; read 2nd time, 66 ; committed, 66 ; reported without amendment, 66 ; read 3rd time and passed ..	66
PUBLIC SERVICE—	
Read 1st time, 66 ; read 2nd time, 66 ; committed, 67 ; reported without amendment, 67 ; read 3rd time and passed ..	67
INCORPORATION OF THE TWILLINGATE ELECTRICAL COMPANY—	
Read 1st time, 67 ; read 2nd time, 67 ; committed, 67 ; reported without amendment, 67 ; read 3rd time and passed ..	67
Bills assented to	70
C	
COMMISSIONERS —	
Of Internal Economy of the Legislature .. .	19
COMMITTEES—	
Select on Address of Thanks	14
COUNCIL, LEGISLATIVE—	
Meets at opening of Session	9
D	
DESPATCHES—	
Relating to <i>Modus Vivendi</i> between H. M. Government and the Government of the United States of America	30, 48

DOCUMENTS—	PAGE.
Laid on Table	17, 20, 55, 58

G

GOVERNOR, HIS EXCELLENCY—

Arrives at Council Chamber to open Session	9
Directs Black Rod to Summon Assembly	9, 69
Speech at opening Legislature	10-13
Message from relating to <i>Modus Vivendi</i> entered into between H. M. Government and the Government of the United States of America	29
Arrives at Council to close Session	69
Assents to Bills passed during Session	70
Speech at closing Session	71-73

M

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR—

Transmitting Despatches relating to <i>Modns Vivendi</i> entered into between H. M. Government and the Government of the United States of America	29
---	----

MESSAGES FROM HOUSE OF ASSEMBLY—

Requesting concurrence in Intestate Estates Companies Amendment and Naturalization of Aliens Amendment Bills	20
Requesting concurrence in Education Amendment Bill ..	23
Requesting concurrence in Shipbuilding Bill	48

MESSAGES FROM HOUSE OF ASSEMBLY.—(Continued.)		PAGE.
Requesting concurrence in Resolutions relating to <i>Modus Vivendi</i> between Brittanic and U.S. Governments re Fishery West Coast		50
Requesting concurrence in Workmen's Compensation Bill ..		51
Requesting concurrence in Regulation of Mines and Labrador Steam Prohibition Bills		55
Requesting concurrence in Model Farm and Retiring Allowances Bills		62
Requesting concurrence in Revenue and Public Service Bills		65
Agreeing to Council's Amendmsnt on Shipbuilding Bill ..		66
Requesting concurrence in Twillingate Electrical Bill ..		67
Agreeing to Council's Amendments on Workmen's Compensation Bill		68
MESSAGES FROM THE LEGISLATIVE COUNCIL—		
Concurring in Estates of Intestates Bill		27
Concurring in "The Companies' Act 1899" Amendment Bill		28
Concurring in Naturalization of Aliens Amendment Bill ..		28
Concurring in "The Education Act 1903" Amendment Bill		48
Concurring in Resolutions relating to <i>Modus Vivendi</i> Britannic and U.S. Governments re Fishery		53
Requesting concurrence in Amendments on Shipbuilding Bill		60
Concurring in Regulation of Mines Bill		62
Requesting concurrence in Amendments on Workmen's Compensation Bill		63
Concurring in Model Farm Bill		64

MESSAGES FROM LEGISLATIVE COUNCIL—(Continued.)		PAGE.
Concurring in Retiring Allowances Bill		65
Concurring in Revenue Bill		66
Concurring in Public Service Bill		67
Concurring in Twillingate Electrical Bill		68
N		
NOTICES OF MOTION—		
For Committee to consider Resolutions relating to <i>Modus Vivendi</i> between H.M. Government and Government of U.S. America re Fishery		51
For suspension of 33rd Rule		58
P		
PRESIDENT—		
Informs Council that Governor will receive Address of Thanks		17
Informs Council Governor's intention to prorogue		68
PROROGATION		73
R		
REPORTS—		
Of Commission of Internal Economy		26
Presented and Read		25
RESOLUTIONS—		
Relating to <i>Modus Vivendi</i> between H. M. Government and Government of U. S. America		50
Committed		52
Passed		52

RULE--	PAGE.
33rd Suspended	59

S

SPEECH—	
At Opening Session	10-13
At Closing Session	71-73

