

The Newfoundland Gardien and the French Fishery

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After the signing of the Treaty of Utrecht in 1713, Newfoundland became an exclusively British possession, its subsequent history a chronicle of permanent settlement and self-government up to the time of confederation with Canada in 1949. Self-government came about in the nineteenth century after the mercantile base of the British fishery shifted from the south of England to Newfoundland itself. In 1832, the colony was granted the right to elect its own assembly, and when the population continued to grow, it was granted Responsible Government in 1855. But while Newfoundland enjoyed self-government in local matters and full responsible for its finances, external affairs such as the implementation of the Anglo-French treaties governing the French fishery on its west coast remained under the control of the imperial government. Accordingly, Britain took measures from time to time to prevent the Newfoundland government from contravening such treaties, leaving it without full sovereignty over its own west coast, known popularly as the French Shore. As successive governments acted to extend their jurisdiction, they were caught in the dilemma of confronting both Britain and France or pursuing compromise and diplomacy. This dilemma remained until 1904, when the two great powers signed an entente cordiale which in part removed the barriers to settlement and economic development.

The dilemma existed because according to the Treaty of Utrecht, France could claim the right to land and dry fish on nearly a thousand miles of Newfoundland coast but not the right to settle there. Throughout the nineteenth century, a series of conflicts and disputes inevitably arose over the interpretation of the treaty's language. Were the French landing and drying rights intended to be exclusive or concurrent with those of Anglophone fishermen? Were the French entitled to take all species or just cod? Were they permitted to build permanent habitations or merely temporary fishing premises? While the treaty was subjected to repeated interpretation, French fishing operations continued year by year throughout the spring and summer. One practical solution to the problem was to leave their establishments under the protection of selected Newfoundland settlers (gardiens) who lived on the west coast and the northern peninsula, outside the jurisdiction of the colonial government. These settlers were given generous provisions in exchange for their services, services that reduced considerably the cost of maintenance to French armateurs (outfitters). The role of the gardiens, though not mentioned explicitly in the Treaty of Utrecht, was honoured unofficially for nearly two hundred years for the convenience of both sides.

The northern fishing ground had attracted European fishermen as early as the sixteenth century. By the time Jacques Cartier made his way through the Strait of Belle Isle in 1534, northern Newfoundland was already an established international zone. The cartography of the seventeenth century shows the outlines of the French fishery, a complex system of harbours centred upon Croc, in accordance with the rule of 1640 developed at the request of the armateurs of St. Malo. This rule not only named

hospitable harbours but set forth the number of French fishermen to be accommodated in each of them, and it was further extended and elaborated by the mercantilist minister Colbert in the Ordonnance de la Marine of 1681. Even though France gave up the right to settle Newfoundland in 1713, its migratory fishery continued to flourish and reached its peak in the 1780s before it collapsed during the Revolution and the Napoleonic wars.

To assist the recovery of the industry after the Treaty of Paris in 1815, the French government granted bounties (primes) of fifty francs a man on the coasts and fifteen francs on the Grand Banks. As a result of this intervention, a census of 1828 shows over 9,000 men fishing on the northeast coast alone (Mannion, 248-9), and the total French fishing fleet in 1830 consisted of 300 to 400 vessels and 12,000 men (Innis, 218). French travel literature written at that time also records the existence of small pockets of English and Irish settlers who were able to maintain a feeble existence from year to year without the basic services of the colonial government. In summer, these individuals traded with French fishing crews in timber and bait; in winter, they undertook the protection of French boats and equipment (matériel).

Prior to 1713, English and French legislation allowed for French boats and equipment to be left behind and later claimed as personal property, and even though this practice was forbidden after 1713 it continued covertly. French boats, flakes and other structures were now left under the protection of British subjects who received sufficient payment in kind to allow them to eke out an existence by sealing and trapping. In 1828, for example, Eugène Ney reported from Croc, "Un Anglais, qui passe tous les hivers au Croc à garder nos cabanes, envoie au printemps de nombreuses fourrures à Saint-Jean" (Ney, 350). By the mid-nineteenth century, the French were building large boats in local harbours and housing them during the winter. Though they forcibly evicted some settlers from their designated harbours, an informal but illegal understanding had developed. Thus, when the commander of the French naval patrol was asked to report on the relationship in 1846, he observed that French fishing captains were counting on the services of trustworthy settlers but did not want to see their numbers increase.

Who were these settlers, and what was the nature of the relationship? We have a more precise description of them in 1847 from C.-J.-A. Carpon, a ship's surgeon of the merchant marine who, in his book *Voyage à Terre-Neuve* (1852), describes the French attitude towards the gardiens as one of tolerance. Despite the conditions of the treaties, the mutual interests of the two groups, as well as what Carpon calls natural goodwill, prevailed over the differences created by international diplomacy (Carpon, 122). The gardiens played not only a practical but an economic role, and for their efforts they were amply rewarded with provisions (and occasionally sums of money) which, together, with their customary hunting and fishing, would see them through the winter. Despite their ability to survive from year to year, Carpon did not hold them in high regard. He did concede, however, that they lived at the mercy of Newfoundland merchants, to whom they were always indebted because they sold their fish and furs to them at a very low price in exchange for basic necessities.

No official recognition was given the gardiens until 1857, when the two powers signed a convention that would have given France the right to fish in certain harbours, confirming thereby the existence of two separate but concurrent spheres of interest. By this convention, France would have gained a permanent foothold in Newfoundland, and Britain would have been absolved of its responsibility for protecting the fishing grounds with annual patrols of the Royal Navy. One of the terms of this convention, Article XIV, reads as follows: "Le Gouvernement Britannique donnera les ordres les plus positifs pour empêcher qu'il ne soit pas aucun dommage aux bateaux et établissements de pêche Français pendant l'hiver; et afin de rendre plus facile l'appréhension des délinquants, le Gouvernement Français pourra employer à la garde des dits bateaux et établissements, en été ou en hiver, des sujets Anglais ou Français, à raison de trois au plus par mille de côte. Ces gardiens seront à tous égards soumis à la loi locale de Terre-Neuve "(Convention, 7). Nevertheless, this recognition was never extended. The House of Assembly in St. John's, dominated by the St. John's merchant élite, refused to ratify the convention, and its refusal constituted what has since been regarded as an early expression of Newfoundland nationalism. The convention was then withdrawn by the British government, and the casual practice of employing and provisioning gardiens continued as before.

For a more detailed description of this practice, let us turn to *Voyage à Terre-Neuve* (1861), by Joseph Arthur de Gobineau, a diplomat who spent several months in Newfoundland in 1859 as a member of an Anglo-French commission enquiring into French fishing rights. Gobineau comments extensively on all aspects of the fishery, especially the arrangements made with resident British subjects "depuis un temps immémorial" (Gobineau, 230-1), a recognition of a longstanding practice. Like Carpon, Gobineau regarded the permanent residents as beneficiaries rather than competitors, and the fishing captains, who took some personal satisfaction from having so many residents in their employ, were in the habit of referring to them as "mes Anglais." Gobineau also recognized the close connections formed over the years between the captains and their Newfoundland counterparts. In the evenings, they would go ashore to visit the families, with whom they would have established attachments, and he speculates about what social relations might have developed with their wives and daughters.

By the time of "Six Mois à Terre-Neuve," by Edouard du Hailly, published in 1868, the political environment in Newfoundland had become more complex: the government of Newfoundland had refused the invitation to become part of Canada and had begun to consider making grants of land on its western and northern coasts. Hailly was interested in the way of life exhibited by the resident population and their reasons for wanting to live what amounted to a frontier existence. What kept them there? For him, as for other French observers, it was an instinct for independence exercised far from the reach of the central government and the authority of magistrates. They were nevertheless religious. Irish Catholics for the most part, he found that they are always delighted to find a chaplain aboard a visiting French vessel who would celebrate mass (Hailly, 955), and if by chance no priest was available for several seasons, the next to arrive would inevitably be met with an overwhelming backlog of baptisms and marriages.

In 1873, the commander of the British naval patrol reported that the two sides co-existed on very good terms and that the gardiens were being extended fishing privileges, together with compensation of between fifteen and twenty-five pounds in goods and fishing gear (Journal of the House of Assembly, 721). Such co-existence is confirmed by Dr. Frederic H. Crowdy, a Newfoundland physician who recorded in 1873 the story of a gardien at St. Anthony existing on familiar terms with the French to the extent that he dined with the captain every Sunday. However, that year the ice had blockaded the coast so late that the traders could not arrive with provisions, and the community nearly starved. Meanwhile, though the gardien had had sufficient for the needs of his own family he had shared his foodstuffs with his neighbours, and they were almost down to the last biscuit when the French arrived for the spring and shared their own provisions with them (Crowdy, 26-7). With the encouragement of the Newfoundland government, the number of settlers on the French Shore increased from 5,387 in 1869 to 8,054 in 1874 (Census & Return, 172). In 1881, Captain M.H. Jouan, reporting on the increasing population, sounded a note of alarm when he wrote that the population was not only spreading along the coast but claiming the right to be there. Jouan recognized the importance of local residents to the informal economy but was alarmed at the steady growth of English-speaking communities of a thousand people or more in the Bay of Islands and Bay St. George (Jouan, 5-6). We can gauge how important they were from an account written by Lieutenant L. Koenig of the frigate *Clorinde*, who spent his summers in Newfoundland waters in 1885 and 1886.

Koenig's immediate purpose was to describe the role of the *Clorinde* within the diplomatic environment, but when he entered Croc he immediately became interested in "un vieux Irlandais" who had been looking after French equipment for some considerable time. Koenig gives us a brief glance at the first meeting of the fishing season when the gardien comes aboard to report to the captain on the state of French property and to talk about his own affairs. "Ah! si nos droits sont contestés," he writes, "ce n'est certes pas par Patrice! Il retire de ses fonctions quasi-officielles de sérieux avantages qui lui feraient singulièrement défaut si nous abandonnions l'île" (Koenig, 386). This observation was prophetic. By then, the Newfoundland legislature had begun the process of issuing grants of land on the French Shore, and the prime minister, Sir William Whiteway, had written the Colonial Office to point out that the shoreline was all that the French had ever used. It never could have been intended that the inland portions of the island should remain a wilderness and that further development upon the coast, as well as the interior, should be prohibited. When grants of lands were actually issued, the legislation was disallowed by the British government. Nevertheless, Whiteway, did satisfy other colonial grievances when he acquired the extension of the voting franchise to the French Shore, the appointment of magistrates and the granting of land that would not infringe upon French rights.

When it signed the entente cordiale in 1904, France abandoned its claim to landing and drying rights on the French Shore, but French vessels continued to arrive for the deep-sea fishery until the 1970s, when France and Canada reached an agreement over the territorial limits surrounding St. Pierre and Miquelon. English-speaking settlement on the French Shore expanded considerably, leaving the French to pursue the bank fishery from

their base at St. Pierre and Miquelon. The co-dependency created over several centuries between Newfoundland families and French sailors suddenly ceased. Today, we are left with only an oral tradition of an international relationship existing on the shores of Newfoundland every six months of the year.

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