

The Treaties

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What came to be known as the French Shore was created by the Treaty of Utrecht, signed by Britain and France in 1713. It brought to an end the War of the Spanish Succession, sometimes known as Queen Anne's War.

So far as North America was concerned, the treaty contained a number of French concessions. France agreed to hand over to Britain both Hudson Bay and mainland Acadia - that is, modern Nova Scotia, but without Cape Breton Island which remained in French hands. France also agreed in article 13 that the island of Newfoundland would be recognized as British territory, and that French troops and colonists would leave Plaisance. However, France gained an important concession from the British in the same article: French fishers could continue to use the Newfoundland coast between Cape Bonavista and Pointe Riche during the fishing season. This was an area which the French called "le Petit Nord", and had frequented for 200 years. It was not used at that time by the English fishers at Newfoundland.

TREATY OF UTRECHT, 1713.

Article 13. The Island called Newfoundland ... shall, from this time forward, belong of right wholly to Great Britain; and to that end the town and fortress of Placentia ...shall be yielded and given up But it shall be allowed to the subjects of France, to catch fish, and to dry them on land, in that part only ... of the said island of Newfoundland , which stretches from the place called Cape Bonavista, to the northern point of the said island, and from thence running down by the western side, reaches as far as the place called Pointe Riche.

France placed great value on its North Atlantic fishery both as an economically valuable industry, and as a training ground for mariners. It was a vital national interest, which the French government was determined to protect.

French rights in Newfoundland lapsed during the Seven Years War (1756-1763), and their reinstatement was a crucial factor in the peace negotiations, especially as France had lost to Britain all its territorial possessions in North America. The French government demanded the right to fish in the Gulf of St. Lawrence and on the Newfoundland coast as provided in the Treaty of Utrecht. It also insisted on being given a place which the fishing fleet could use as a shelter. After much bargaining, Britain agreed to these terms. The shelter would be the islands of St. Pierre and Miquelon, which were handed over with a number of conditions.

TREATY OF PARIS, 1763

Article 5. The subjects of France shall have the liberty of fishing and drying, on a part of the coasts of the Island of Newfoundland, such as is specified in Article 13 of the Treaty of Utrecht And His Britannic Majesty consents to leave to [French] subjects ... the liberty of fishing in the gulf of St. Lawrence, etc.

Article 6. The King of Great Britain cedes the islands of St. Pierre and Miquelon, in full right ... to serve as a shelter to the French fishermen; and [the French king] engages not to fortify the said Islands; to erect no buildings upon them, but merely for the convenience of the fishery; and to keep upon them a guard of fifty men only for the police.

Both of these articles caused disputes between France and Britain. During the war, English fishermen and settlers had moved into the southeastern part of the French Shore, between Bonavista and Cape St. John. The French protested that they possessed an exclusive right to the French Shore fishery, and rejected the British notion that vessels of both nations could fish there concurrently. The issue was not resolved, and nor were a number of difficulties relating to St. Pierre and Miquelon. The French argued that they had every right to use the islands for any purpose they chose. The British insisted that they were no more than a shelter, but could do little to curb French activities there.

These problems were addressed at the negotiating table at the end of the American Revolutionary War, in which France had intervened on the side of the Americans. The French government wanted an exclusive coastal fisher, and the restoration of St. Pierre and Miquelon without any conditions whatsoever. The British government was conciliatory, and in the end a compromise was reached. France gave up its former fishing rights in Bonavista and Notre Dame bays, accepted new boundaries at Cape St. John and Cape Ray, and was granted St. Pierre and Miquelon "in full right". However, declarations appended to the treaty defined these articles in ambiguous language which was to cause problems for many years.

TREATY OF VERSAILLES, 1783.

*Article 4. the Islands of St. Pierre and Miquelon ... are ceded in full right by the present Treaty to [the king of France].
Article 5. [The King of France] in order to prevent the quarrels which have hitherto arisen between the two Nations ... consents to renounce the right of fishing ... from Cape Bonavista to Cape St. John and [the King of Great Britain] consents on His part that the fishery ... shall extend to the place called Cape Ray*

DECLARATION OF HIS BRITANNIC MAJESTY

.... His Britannic Majesty will take the most positive measures for preventing His subjects from interrupting in any manner by their competition, the fishery of the French ... and He will, for this purpose, cause the fixed settlements which shall be formed there, to be removed.....

The Thirteenth Article of the Treaty of Utrecht, and the method of carrying on the fishery which has at all times been acknowledged, shall be the plan upon which the fishery shall be carried on there; it shall not be deviated from by either party

The King of Great Britain, in ceding the islands of St. Pierre and Miquelon to France, regards them as ceded for the purpose of serving as a real shelter to the French fishermen, and in full confidence that these possessions will not become an object of jealousy between the two nations

France interpreted the text to mean that Britain had agreed to an exclusive coastal fishery in all but name, and had ceded St. Pierre and Miquelon without condition. For Britain, the important point was that the coastal fishery was not explicitly admitted to be exclusive, and that the declaration did at least impose the condition that the islands were never to become a threat to British strategic interests (the term "object of jealousy" had military connotations).

French rights lapsed once again during the Revolutionary and Napoleonic wars, but were restored by the Paris treaties of 1814 and 1815 on the same basis as in 1783. St. Pierre and Miquelon were returned to France at the same time. Over the next 90 years, the treaties spawned a complex series of disputes involving the governments of France, Britain and Newfoundland. On "their" shore, the French continued to claim an exclusive

right of fishery, questioned the right of settlers to live and fish there, and protested the introduction of civil institutions and new industries. These attitudes were much resented by the colonial government, especially as the French coastal fishery began a steady decline after 1830. Later in the 19th century, St. Pierre and Miquelon became the focus of indignation, as it developed into a thriving base for the French offshore bank fishery, whose product competed with that of Newfoundland in European markets.

These disputes faded away early in the 20th century. The French banking fleet's changeover from sail to steam had a devastating economic impact on St. Pierre and Miquelon, and the French Shore issue was solved as part of a general rapprochement between Britain and France popularly known as the "entente cordiale". In return for financial and territorial compensation, France agreed in 1904 to the termination of its fishing rights under the Treaty of Utrecht. In its place, French fishers retained the right to fish concurrently within the same limits, but were not allowed to land on or use the shore. This agreement remained in force until 1972.

ANGLO-FRENCH FISHERIES CONVENTION, 1904

Article 1. France renounces the privileges established to her advantage by Article 13 of the treaty of Utrecht, and confirmed or modified by subsequent provisions.

Article 2. France retains for her citizens, on a footing of equality with British subjects, the right of fishing in the territorial waters on that portion of the coast of Newfoundland comprised between Cape St. John and Cape Ray ... this right shall be exercised during the usual fishing season

A few French subjects continued to use the former French Shore, but the 1904 Convention marks the effective end of the French fishery there. The islands of St. Pierre and Miquelon, of course, remain sovereign French territory.