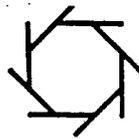


The American Historical Association

ROYAL
INSTRUCTIONS
to
BRITISH
COLONIAL GOVERNORS
1670-1776

COLLATED AND EDITED BY
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New York

whereof and of all proceedings for ascertaining such damages aforesaid shall be borne by the petitioner, his executors, administrators, and assigns.

New York: May 30, 1771.

952. RESERVATION OF COAL AND METAL MINES IN NOVA SCOTIA

And whereas it hath been represented to us that several parts of our government of Nova Scotia have been found to abound with coals, it is our will and pleasure that in all grants of land to be made by you a clause be inserted reserving to us, our heirs, and successors all coals and also all mines of gold, silver, copper, and lead, which shall be discovered upon such lands.

Nova Scotia: 1764-73.

953. FOSTER IRON WORKS AT ST. MAURICE

And whereas it appears from the representations of our governor of the district of Trois Rivières ⁴⁹ that the iron works at St. Maurice in that district are of great consequence to our service; it is therefore our further will and pleasure that no part of the lands upon which the said iron works were carried on, or from which the ore used in such works was procured, or which shall appear to be necessary and convenient for that establishment, either in respect to a free passage to the River St. Lawrence or for producing a necessary supply of wood, corn, and hay, or for pasture for cattle, be granted to any private person whatever; and also that as large a district of land as conveniently may be, adjacent to and lying around the said iron works, over and above what may be necessary for the above purposes, be reserved for our use to be disposed of in such manner as we shall hereafter direct and appoint.

Quebec: 1763-Rev.

954. GOVERNORS NOT TO CLAIM WHALES AS ROYAL FISH

Whereas for some years past the governors of some of our plantations have seized and appropriated to their own use the produce

⁴⁹ See the report of Colonel Ralph Burton, lieutenant governor of Trois Rivières, in 1762, Shortt and Doughty, *Docs. Relating to Const. Hist. of Canada*, I, 61-65, especially pp. 64-65.

of whales of several kinds taken upon those coasts, upon pretense that whales are royal fishes, which tends greatly to discourage this branch of fishery in our plantations and prevent persons from settling there; it is therefore our will and pleasure that you do not pretend to any such claims nor give any manner of discouragement to the fishery of our subjects upon the coast of the province under your government, but on the contrary that you give all possible encouragement thereto.

Circular: Bahamas, Barbados, Bermuda, Jamaica, New Jersey, New York, Nova Scotia, Virginia: March 6, 1730.⁵⁰
 Georgia: 1754-Rev. New York: March 6, 1730-Rev.
 Massachusetts: 1730-Rev. North Carolina: 1730-Rev.
 New Hampshire: 1730-Rev. Nova Scotia: March 6, 1730; 1756-Rev.
 New Jersey: March 6, 1730-Rev. South Carolina: 1730-Rev.

955. PROTECTION OF NEWFOUNDLAND FISHERY

You are with utmost application to exert yourself in everything which may encourage and promote so beneficial a trade as the fishing at Newfoundland may be to our subjects when carried on as it ought to be, and for your particular direction herein we have thought fit and do hereby require you to observe and pursue closely these our following instructions:

1st. You are not to encourage any of the French who are still in Newfoundland to stay there.

2nd. You are to take care that none of the waste grounds, beaches, or stages in Newfoundland be disposed of till our further order, and that none of the inhabitants upon pretense of purchases from the French do hinder the fishing ships from using the proper rooms necessary for the curing of their fish, the direction of the act of parliament of the tenth and eleventh of King William the Third, entitled *An Act to Encourage the Trade to Newfoundland*,⁵¹ being

⁵⁰ A note following the entry of this circular instruction in C. O. 324: 11, p. 162 reads: "N.B. Drafts of the foregoing additional instructions were prepared for all the king's governments except Bermuda and the proprietary governments; but were incorporated in the general instructions preparing for the Leeward Islands, Massachusetts Bay and New Hampshire, South and North Carolina". The instruction was not sent, in the end, to the governor of the Leeward Islands. Lord Forbes, whose commission was drafted in December, 1729, died before going out, and no set of general instructions was completed until those prepared for William Mathew in 1733, which omitted the above article. For the effect of this instruction upon the salary of the Bermuda governor see § 354.

⁵¹ 10 Wm. III, c. 14.

the sole rule for regulating the disposal of such rooms to the said fishing ships.

3rd. In all matters in which you have not particular directions from us you are to consider Placentia as subject to the regulations in the said act and are to govern yourself thereby; and in pursuance of this act you are to take notice that every fishing ship from Great Britain or the fishermen thereof that shall first enter any harbor or creek in Newfoundland shall be admiral of the said harbor for that season; that the master of the ship next entering shall be vice admiral; and the master of the third ship rear admiral; that if any persons are possessed of several places in several creeks or harbors, they shall make their elections which they will abide in within forty-eight hours after any demand of any after-comer. And in case of any differences touching the said matters or any other differences arising between the masters of fishing ships and the inhabitants there about fishing rooms, stages, or flakes, such differences and disputes shall be determined by the fishing admirals in their respective harbors, an appeal being reserved to the commanders of our men-of-war who shall be appointed convoys for Newfoundland.

4th. We do strictly prohibit and discharge you or any of the officers or soldiers of the garrison under your command to have anything to do with the fishery or trade and you are to take care that the beaches and stages be left to the public use and disposed of as the foresaid act directs.

5th. As you are to consider the French who have continued in Newfoundland as under the same regulation with our other subjects, you are therefore to take care that none of the French inhabitants have liberty to trade with France, Canada, or any other French settlement, but be obliged to trade with our subjects of Great Britain only.

Placentia: ⁵² May 18, 1715.

956. PLACENTIA GARRISON NOT TO INTERFERE WITH FISHERY

You shall strictly enjoin both the present and future garrison of Placentia and all his Majesty's officers and soldiers and other persons

⁵² At this time the town and garrison of Placentia in Newfoundland were nominally in the jurisdiction of the military governor of Nova Scotia. For this reason and because the fourth item in these instructions anticipates § 956 below, these

whatsoever belonging thereto not to concern themselves in the fishery there, not to interrupt the fishermen in the curing of their fish, not to take up for themselves any beaches, stages, or cook-rooms upon any pretense whatsoever upon pain of his Majesty's highest displeasure.

Nova Scotia: (§ 955); 1719-29.

957. PROTECTION OF NOVA SCOTIA FISHERIES

It being his Majesty's intention to give all possible encouragement to the trade of all his subjects, you are to use your best endeavors that the fishery on the coast of Nova Scotia be encouraged and protected; and in order thereunto you shall not allow any settlements to be made on the coast but what shall be at least two hundred yards distance from the sea or harbor, that there may be sufficient room left for beaches, flakes, stages, cook-rooms, and other necessary conveniencies between the said settlement and the sea for any of his Majesty's subjects that shall come to catch and cure fish there, who are not to be impeded or disturbed in their curing their fish upon any pretense of grants or settlements upon the coast; nor shall any of the planters and inhabitants demand any sum or sums of money or other acknowledgment from the fishermen for the liberty of curing upon the coast, unless they provide stages and cook-rooms with a shore man to each stage and the usual necessaries for such fishing ships as is done at Marblehead in New England; and in such case they shall ask no more than twelve pence New England money for every quintal.

Nova Scotia: 1719-49; (§§ 890, 958).

958. RESERVE WATERFRONT LAND FOR COMMERCIAL PURPOSES

And to render the commerce of our subjects in Nova Scotia more commodious and practicable, you are to take especial care in all such grants of land as you shall make pursuant to our commission and

instructions to the lieutenant governor of Placentia are included here although the instructions to the commodore-governors of Newfoundland beginning with 1729 are omitted from the present volumes.