

There were more than 60 seines belonging to Newfoundlanders lying idle on that Sunday; more than two-thirds of them were of American manufacture, and they were not inefficient means for capturing the fish, nor were the Newfoundlanders inexpert at the business; on the contrary, they were so expert that each American seine owner had engaged a Newfoundland crew to work it for him. These facts show that no feeling of hostility exists against Americans, and that our people were impelled to act as they did by a feeling that the others were not acting fairly towards them in capturing fish on a day which they by custom and law had always observed as a day of rest, and which the Americans had kept decently during their past 25 years' intercourse.

It is quite true that a smaller number of vessels have visited Fortune Bay since, but not for the cause alleged, nor is it credible, if those small schooners could make a net profit of 2,000 to 3,000 dollars for a short voyage when they purchased their cargoes, that they would forego the business, even if they could not safely exercise their right to catch fish for themselves. They would continue to purchase their cargoes rather than lose a trade, if it were as profitable as they represent. The real reason why they do not visit the bay in as great numbers as before is because they can now obtain an abundant supply of excellent herrings from British fishermen at Grand Manan and other places in the Bay of Fundy, within 150 miles of their own port, while Fortune Bay is over 800 miles distant.

That the winter of 1878 was exceptionally mild, and therefore unsuitable for freezing herrings, and that they were very scarce and two-thirds small and unfit for use, are facts within the knowledge of every resident in Fortune Bay, some of which are confirmed by the truthful and reliable Report (p. 16, Message of President to Congress) of W. F. McLaughlin, Esq., the American Consular Agent at St. Pierre Miquelon, at the entrance to Fortune Bay, and about 60 miles from Long Harbour.

All the depositions on both sides show that whatever damage was done occurred on Sunday, the 6th January, and that the Americans continued to haul their seines after that day is asserted by every Newfoundland witness, nor is any specific aggression on any other day alleged by the Americans.

That they were not in fear and were not molested or "driven away" is proved by the attested return from the Customs Department hereto annexed. It shows that some of those who have deposed that they were "driven away" did not leave before the 16th day of March, nearly two and one half months after the alleged "outrage."

If the basis for compensation indicated in the last paragraph of Earl Granville's Despatch* be strictly adhered to it will be difficult to show that any other fisherman is entitled to compensation except the schooners "Ontario" and "New England," whose seines were destroyed. They claim for value of seines 1,400 dollars, and for 2,000 barrels of herrings, the whole amounting to 6,700 dollars. It is to be observed that these herrings were taken by strand fishing, and could not have been caught in any other way. They were, by the destruction of their seines, deprived of the opportunity of using them afterwards during that voyage, and although the herrings said to have been enclosed were taken in violation of treaty rights, yet their value may be taken as a most liberal estimate of the losses they sustained by being interfered with and being deprived of the means to prosecute the fishery within their treaty rights.

The other seines were uninjured. Those that had been set were worked from the shore. They all claim that they intended to fish them by using the strand, and that they had a right to do so under the treaty. They endeavoured in several depositions to show that they were not trespassing on private property, and that they had been using a public beach. (*See depositions, Charles Dagle, Willard E. Poole, p. 85, and Michael Murray, p. 86, President's Message.*)

Perhaps no stronger argument than these facts could be adduced to show that the Government and people of Newfoundland had not been disposed to interpret the treaty rigidly nor enforce it strictly against American fishermen. They had been permitted to use the strand in common with Newfoundland fishermen so freely that they believed it to be their right. But not content with this generous concession, which they had availed themselves of every day previous to the 6th January, they attempted to exercise it to the prejudice of Newfoundlanders at a time when they were at rest. Hence arose the disturbance and the demand for payment for herrings, which could not have been captured without using the strand.

I know that seine fishing cannot be successfully conducted at Long Harbour except from the strand. Neither Americans nor Newfoundlanders ever attempt it in any other way, and were they to do so it would be a failure.

* No. 60, page 71, of Foreign Office Paper [C.-3059] of 1881.