

# CORRESPONDENCE

RELATING TO THE

## FORTUNE BAY FISHERY CLAIMS.

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No. 1.

SIR W. V. WHITEWAY, K.C.M.G., to the RIGHT HON. THE EARL OF KIMBERLEY.

MY LORD,

May 20, 1881.

I HAVE the honour to enclose the paper to which I referred, and I also send, for facility of reference, the papers which were published in the United States relating to the Fortune Bay affair. I had not all the papers from Her Majesty's Government, and of necessity was obliged to hand the American publications to Judge Bennett.

I have, &c.

The Right Hon. the Earl of Kimberley, (Signed) W. V. WHITEWAY.  
&c. &c. &c.

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Enclosures in No. 1.

### MEMORANDUM.

I, THOMAS R BENNETT, Judge of the Northern District Court at Harbour Grace, Newfoundland, do solemnly declare as follows:—

I have resided in Fortune Bay more than 20 years, and have an intimate knowledge of the fishery, especially in its relations with American fishermen, from its inception more than 25 years ago until quite recently. I remember the winter of 1878, and know that the herring fishery was a failure for American and Newfoundland fishermen alike, and that the chief causes to which it is attributable were—

1. An unusual but not unprecedented scarcity of fish;
2. An intermixture of small and useless fish, which made seining unprofitable and tedious work, because of the labour required to pick and cull the fish;
3. Because the winter was exceptionally mild, and unsuited for freezing the fish.

The Honourable Sir William V. Whiteway, K.C.M.G., Premier, and Her Majesty's Attorney-General, having confidence in my knowledge of this subject, has submitted to me the accompanying papers and documents connected with the claim made by the Government of the United States for compensation for alleged wrongs done by fishermen of Newfoundland to certain fishermen of the United States at Long Harbour, Fortune Bay, during the winter of 1878. He has requested me to investigate the claim, for the purpose of ascertaining a reasonable and just amount to be tendered the United States' Government as full compensation for the alleged interference with their fishermen, upon the basis laid down in the Despatch of Lord Granville dated the 27th day of October, A.D. 1880, in order to preserve that amity heretofore existing between the fishermen of the two countries, and to avoid the inconveniences attending an arbitration.

In the following Report I have given a careful consideration to the circumstances connected with the transactions in question.

(Signed) T. R. BENNETT,  
Judge of District Court.

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### REPORT.

BEFORE minutely analysing the claims I would remark that the statements and affidavits on both sides are much exaggerated. Both parties appear to have been irritated; the Americans by being interfered with in the exercise of what they considered to be their rights, for I believe they were under the impression, however erroneous that opinion may have been, that their rights under the treaty extended to fishing from the strand, and the Newfoundland fishermen were doubtless incensed at the breach of a law relating to Sunday fishing, a day which they had always observed as a day of rest.

The greatest harmony and good fellowship had always existed in Fortune Bay between the fishermen of both countries until Sunday, the 6th day of January 1878; and since that day until the present time not a single case of dispute has arisen between them in that locality, although several hundred visits have been made by Americans for bait and cargoes.