

CONFIDENTIAL.

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CORRESPONDENCE

RESPECTING

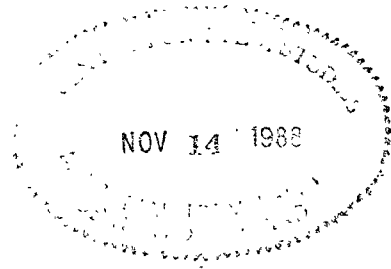
FISHERY DISTURBANCES

OFF THE

COAST OF NEWFOUNDLAND

IN

1878-79.



CASES OF THE "MIST" AND "HOWARD HOLBROOK."

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CONFIDENTIAL.

Correspondence respecting Fishery Disturbances off the Coast
of Newfoundland in 1878-79.

CASES OF THE "MIST" AND "HOWARD HOLBROOK."

No. 1.

Mr. Welsh to the Marquis of Salisbury.—(Received August 15.)

My Lord,

London, August 13, 1879.

I AM instructed to bring to the attention of Her Britannic Majesty's Government the case of the schooner "Mist," Captain Cozzens, of Gloucester, Massachusetts, as made in the affidavit which accompanies this note.

As therein stated, it appears that Captain Cozzens and his crew, while taking squid in Conception Bay, Newfoundland, on the 8th July, 1878, were forcibly compelled to abandon the fishery by the inhabitants of that locality.

This case involves the same violation of the rights secured to the fishermen of the United States by the Treaty of Washington, 1871, as occurred in the transactions at Fortune Bay. The amount claimed for damages is 800 dollars.

I have, &c.

(Signed) JOHN WELSH.

Inclosure in No. 1.

Deposition of John Cozzens.

I, JOHN COZZENS, of Gloucester, County of Essex, State of Massachusetts, do on oath depose and say that in the month of July, about the 8th, I was lying in Broad Cove, Conception Bay, Newfoundland, in the schooner "Mist," of Gloucester, Massachusetts, of which schooner I was master. I went in for bait myself, and crew commenced catching squid for bait by use of jigs. I had taken about 3,000 squid, when the inhabitants of the place, in about sixty boats, surrounded my vessel and threatened to cut our cable unless we stopped fishing. We were obliged to haul in our jigs and stop fishing, as the mob outnumbered my crew five to one. At the time the threats were made we were lying about 300 yards from a lee shore, wind blowing a good breeze, and in case our cable had been cut our vessel would have gone on to the rocks and been lost. We could have taken all the bait we wanted if we had not been stopped by this threatening demonstration. Mr. Yuck, of Portugal Cove, a Custom-house officer, came on board my vessel and said I ought to have bought my bait of the inhabitants or compromised the matter in some way. The men that came off to my vessel were furious in their threats, and they were determined to force me to buy bait of them. I considered that I had a right under the Treaty of Washington to catch all the bait I needed. My fishing for bait did not in any way interfere with the inhabitants; and the whole cause of their attacking me was to force me to buy my bait instead of catching it myself. Finally, I was obliged to buy my bait of the inhabitants, paying 20 cents per hundred for squid, the action of the inhabitants rendering the privileges of the Treaty useless to me. I took 30,000 squid in number. I went in five different times for bait that season, and having been deprived of my rights on this occasion, I bought all my bait afterward, not daring to fish for it, costing me in time

and expense 800 dollars. And I hereby claim for my vessel that amount as justly due for being deprived of my rights under the Treaty, for if I could have been allowed to catch my own bait, it would have cost me nothing in addition to the expense of the voyage.

(Signed) JOHN COZZENS.

Gloucester, November 23, 1878.

Massachusetts, Essex, S.S.

On the 23rd day of November, A.D. 1878, personally appeared said John Cozzens, and made oath to the truth of the above affidavit.

Before me,
(Signed) AARON PARSONS, *Notary Public.*

No. 2.

The Marquis of Salisbury to Mr. Hoppin.

Sir,

Foreign Office, August 23, 1879.

I HAVE the honour to acknowledge the receipt of Mr. Welsh's letter of the 13th instant in regard to the case of the schooner "Mist," and I beg leave to acquaint you, in reply, that the letter in question shall receive the early attention of Her Majesty's Government.

I am, &c.
(Signed) SALISBURY.

No. 3.

The Marquis of Salisbury to Sir E. Thornton.

(No. 109.)

Sir,

Foreign Office, August 28, 1879.

I TRANSMIT to you herewith, for your information, copies of correspondence, as marked in the margin,* in regard to the case of the schooner "Mist."

I am, &c.
(Signed) SALISBURY.

No. 4.

Sir J. Pauncefote to Mr. Herbert.

Sir,

Foreign Office, August 28, 1879.

I AM directed by the Marquis of Salisbury to transmit herewith, to be laid before Sir M. Hicks Beach, copies of correspondence, as marked in the margin,* in regard to the case of the schooner "Mist."

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 5.

Mr. Wingfield to Sir J. Pauncefote.—(Received September 3.)

Sir,

Downing Street, September 3, 1879.

I AM directed by the Secretary of State for the Colonies to acknowledge the receipt of your letter of the 28th ultimo, inclosing a despatch, with its inclosure, from the United States' Chargé d'Affaires at this Court in reference to the alleged forcible interference with United States' fishermen in Conception Bay in July 1878.

I am to request that you will inform the Marquis of Salisbury that copies of these papers have been communicated to the Governor of Newfoundland, with a request that he will obtain from his Government a Report upon the matter.

I am, &c.
(Signed) EDWARD WINGFIELD.

The Secretary to the Admiralty to Lord Tenterden.—(Received September 17.)

Sir, *Admiralty, September 16, 1879.*
I AM commanded by my Lords Commissioners of the Admiralty to transmit, for the information of the Secretary of State for Foreign Affairs, a copy of a letter, dated the 27th ultimo, from the commanding officer of Her Majesty's ship "Druid" at St. John's, Newfoundland, relative to the fisheries, and reporting that the "Zephyr" was about to proceed to make inquiry as to a disturbance between some American and English fishermen at Trinity Bay, and will proceed about the middle of September to Port au Basque to convey his Excellency Sir John Glover to St. George's Bay.

A similar letter has been sent to the Colonial Office.

I am, &c.
(Signed) **ROBERT HALL.**

Inclosure 1 in No. 6.

Captain Kennedy to Vice-Admiral Sir E. Inglefield.

Sir, *"Druid," at St. John's, Newfoundland, August 27, 1879.*
IN continuation of my letter dated 13th August, I have the honour to report that the "Druid" and "Zephyr" are in port, and the "Plover" is daily expected from the west coast.

The steam-yacht "Northumbria," belonging to the Earl of Lonsdale, arrived here on the 17th instant; the French-man-of-war steamer "Adonis" on the 18th instant; and the United States' screw-ship "Kearsage" on the 21st.

On the arrival of the next mail from Halifax, about the 5th September, I shall proceed on my second cruize to Labrador, touching at several ports on the north-east side of the island where the French have rights of fishing. After visiting the Labrador coast, I shall proceed down the west coast to the Bay of Islands, where I expect to meet his Excellency the Governor, who is desirous of visiting some recently-discovered coal-fields in the interior, after which I shall return here with his Excellency.

The "Zephyr" will proceed to Port au Basque about the middle of September to meet his Excellency, who goes there by steamer, and will convey him to St. George's Bay, from whence she will join me at Bay of Islands.

The squadron continues to be remarkably healthy.

I inclose copy of "Zephyr's" sailing orders for Port au Basque.

Having, on the 25th August, received official notice from his Excellency the Governor of a disturbance between some American and English fishermen at Trinity Bay, at the request of his Excellency, I have ordered the "Zephyr" to proceed there with Judge Prowse to inquire into the matter. The particulars will be forwarded on the return of the "Zephyr" to this port. Sailing orders attached.

The "Zephyr" will carry out her other orders on her return.

I have, &c.
(Signed) **W. R. KENNEDY.**

Inclosure 2 in No. 6.

Sailing Orders.

(Memo.) *"Druid," at St. John's, August 25, 1879.*
IN consequence of a disturbance having taken place at Smith's Sound, Trinity Bay, between some English and American fishermen, you are, after embarking Mr. Prowse, J.P., to proceed to that place with all dispatch to inquire into the same.

You are to place the "Zephyr" at the disposal of Mr. Prowse, and return with him to this port at the conclusion of the inquiry.

(Signed) **W. R. KENNEDY, Captain and Senior Officer.**

To Lieutenant and Commander Clutterbuck,
Her Majesty's gun-boat "Zephyr."

Inclosure 3 in No. 6.

Sailing Orders.

(Memo.)

THE "Zephyr" being in all respects ready for sea, you are to proceed to Channel, Port au Basque, in time to meet his Excellency Sir John Glover, who will arrive there by the steamer leaving St. John's on or about the 13th September.

2. Having embarked his Excellency, you are to take him to Codroy, or wherever he may desire, and place yourself entirely at his disposal.

3. After disembarking the Governor, you are to join me at Bay of Islands.

Dated on board Her Majesty's ship "Druid," at St. John's, the 27th August, 1879.

(Signed) W. R. KENNEDY, *Captain and Senior Officer.*

To Lieutenant and Commander W. R. Clutterbuck,
Her Majesty's gun-boat "Zephyr."

No. 7.

The Marquis of Salisbury to Sir E. Thornton.

(No. 120.)

Sir,

Foreign Office, September 23, 1879.

I TRANSMIT to you herewith, for your information, copy of a letter from the Admiralty in regard to a disturbance between American and English fishermen at Trinity Bay.*

I am, &c.
(Signed) SALISBURY.

No. 8.

Mr. Bramston to Lord Tenterden.—(Received September 26.)

Sir,

Downing Street, September 26, 1879.

I AM directed by the Secretary of State for the Colonies to transmit to you a copy of a despatch from the Governor of Newfoundland, inclosing a communication from the United States' Consul at St. John's, with accompanying statements, relating to the alleged opposition offered to the American fishing schooner "Howard Holbrook," at Smith's Sound, Trinity Bay, on the 16th August last. The Governor's despatch also incloses a Report by Judge Prowse, whom he deputed to inquire into the circumstances of the case, and certain depositions relating to the matter are promised by next mail.

In submitting these papers for the consideration of the Marquis of Salisbury, I am desired to request that you will direct his attention to the Act of the Legislature of Newfoundland, Cap. 6 of 1876, "To amend the law relating to the coast fisheries," section 3 of which prohibits the taking of squid "by means of any seine, bunt, or other such contrivance."

The question of how far certain provisions of the Law of Newfoundland are or are not at variance with the intention of the Treaty of Washington is, Sir Michael Hicks Beach believes, now under the consideration of the Secretary of State for Foreign Affairs, in connection with the claims of American fishermen arising out of the Fortune Bay disturbances.

On this point I am desired to call attention to paragraph 5 of Sir John Glover's despatch, in which he asks for instructions.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 8.

Governor Sir J. Glover to Sir M. Hicks Beach.

Sir,

Government House, Newfoundland, August 28, 1879.

I HAVE the honour to inclose, for your information, copy of a letter from the United States' Consul at this port, dated the 23rd instant, putting forward a complaint that opposition had been offered by our fishermen to the crew of the American schooner "Howard Holbrook," when attempting to seine for squid at Smith's Sound, in Trinity Bay.

2. This appearing to be a repetition of the interruption which occurred in Fortune Bay in 1878, I at once applied to the Senior Naval Officer for the service of one of Her Majesty's ships of war to convey to the spot a legal officer charged with the duty of inquiring into the correctness of the statements put forward to sustain the case which I conclude would, if supported by evidence, have been followed by the United States' Government submitting a claim for compensation.

3. The Senior Naval Officer, complying with my request, dispatched Her Majesty's ship "Zephyr" to Smith's Sound, and on her return I was furnished with the inclosed Report of Judge Prowse, the legal officer deputed by my Government to conduct the inquiry, which proves most fully, by sworn evidence, that the whole charge against our fishermen was frivolous, and void of all sustainment.

4. It will be seen from the evidence inclosed that the question involved is, whether our local laws for the protection of a fishery common to two Contracting Parties, but passed subsequent to the date of the Treaty, are binding on the one party who have not assented to what they consider a modification of, or indeed a violation of, contract.

5. I should desire to be instructed on this point, because the great number of American vessels frequenting our waters in the exercise of their fishery rights under the Treaty of Washington may, ere the present season be ended, produce an indefinite number of claims for compensation on the part of the American Government.

6. The depositions which should accompany Mr. Prowse's Report are so voluminous that it has been found impossible to forward them by the present mail, but they will be sent by the next.

Trusting my proceedings may meet your approval, I have, &c.

(Signed) JOHN H. GLOVER.

Inclosure 2 in No. 8.

*Mr. Molloy to Governor Sir J. Glover.**United States' Consulate, St. John's, Newfoundland,
August 23, 1879.*

Sir,

HEREWITH beg to inclose statement of Captain Daniel McFaden, of the schooner "Howard Holbrook," of Gloucester, Massachusetts; also statement of Martin Ryan, of Torbay, pilot of said vessel, complaining of the interference of Cooper and others, of Smith Sound, Trinity Bay, in preventing his procuring supply of bait, which I have the honour to call your Excellency's attention to, and reply at earliest convenience.

I have, &c.

(Signed) THOMAS N. MOLLOY,
United States' Consul.

Inclosure 3 in No. 8.

Statement of Daniel McFaden.

I, DANIEL McFADEN, of Gloucester, in the Commonwealth of Massachusetts and United States of America, being duly sworn, do depose and say that I am captain of the American "Howard Holbrook," and that on the 16th day of August, 1879, I was at Smith's Sound, Trinity Bay, that I had a seine with which I attempted to seine bait, but the natives at that place opposed my setting the seine. One man named Cooper, speaking for the others, said that if I attempted to use my seine they would cut it to pieces and break up our dories. There were thirty men prepared there to do this. Not being able to catch my bait myself by using my seine, I offered to pay the native fishermen 75 cents

per barrel for herring, but they demanded 1 dollar. I was finally obliged to purchase squid at 22 cents per hundred. I needed 30,000 squid, but as I could not purchase them there I left Trinity Bay for Torbay, where I arrived on the 22nd August. If I had been allowed to set my seine I could have taken all the squid I needed.

Mr. Cooper said that no one should set a seine for squid within 3 miles of these shores and river. He said he knew the law. I do not know whether Cooper was an officer of the Government of Newfoundland or not.

(Signed) DANIEL McFADEN.

Torbay, Newfoundland, August 23, 1879.

Attested,
(Signed) THOMAS N. MOLLOY, *United States' Consul,*
St. John's, Newfoundland.

Inclosure 4 in No. 8.

Statement of Martin Ryan.

I, MARTIN RYAN, of Torbay, Newfoundland, being duly sworn, do depose and say that I was with Captain McFaden, of the American schooner "Howard Holbrook," at Smith Sound, Trinity Bay, when he was prevented by the native fishermen from using his seine. We were all ready to shoot the seine, and had it in the dory; Mr. Cooper and his people forbid our setting it. Cooper said if we shot the seine, he and the other native fishermen would cut it to pieces; that he knew the law, and we should not seine. There was no doubt that the seine would have been destroyed, as the people are determined not to allow the Americans to seine, as it would deprive them of the money they would receive for bait.

I have an ice-house in Torbay, and have been engaged in the business for four years. I sell about 100 tons of ice each year to the American fishing schooners at from 4 to 5 dollars per ton.

It is a great advantage to our people to have the American schooners come in for ice and bait, as they pay us in cash for what they purchase. Within the last two years a great many persons at different points along the coast are fitting up ice-houses to sell ice to the Americans. The general feeling of the operative fishermen along the coast of Newfoundland is opposed to the Americans taking their own bait with seines or otherwise, but they desire to have them come to this coast and purchase bait and ice. I know of no American vessels fishing within 3 miles of the coast of this island. About two years ago the schooner "Concord" was interfered with while fishing at Torbay.

(Signed) MARTIN RYAN.

Torbay, Newfoundland, August 23, 1879.

Attested,
(Signed) THOMAS N. MOLLOY, *United States' Consul,*
St. John's, Newfoundland.

Inclosure 5 in No. 8.

Captain Morgan to Mr. Molloy.

Sir,
I AM instructed by his Excellency the Governor to acknowledge the receipt of your communication of the 23rd instant, with inclosures, relating to an alleged interruption of American fishermen by Newfoundland fishermen in Smith's Sound, of Trinity Bay, on the 16th instant, and I am to inform you that his Excellency will cause a strict investigation to be made into the circumstances attending the alleged occurrence.

I have, &c.

(Signed) HORATIO H. MORGAN,
Private Secretary and Aide-de-Camp.

Inclosure 6 in No. 8.

Governor Sir J. Glover to Captain Kennedy.

Sir,

Government House, Newfoundland, August 25, 1879.

I HAVE the honour to inclose copy of a letter from the United States' Consul, together with copies of depositions made by Daniel McFaden, master of the American vessel "Howard Holbrook," and Martin Ryan, a British subject, employed as pilot of the "Howard Holbrook," relating to obstruction offered by British fishermen to the taking of bait by the Americans, on the 16th August, at Smith's Sound, Trinity Bay,

I would suggest, for your consideration, that one of Her Majesty's ships under your command be detailed to proceed to Smith's Sound, in Trinity Bay, for the purpose of ascertaining the correctness of the statements put forth in the depositions made before the United States' Consul, and I consider it advisable, in Imperial interests, that a gentleman of legal acquirements and local knowledge should conduct the inquiry. If in accordance with your views, I propose that Mr. Prowse, Q.C., Judge of the District Court of St. John's, be the officer to proceed on the duty before named, who will be instructed to caution Newfoundland fishermen against taking the law into their own hands.

I have, &c.

(Signed) JOHN H. GLOVER.

Inclosure 7 in No. 8.

Captain Kennedy, R.N. to Governor Sir J. Glover.

Sir,

"Druid," at St. John's, August 26, 1879.

I HAVE the honour to acknowledge the receipt of your Excellency's letter, inclosing a copy of a letter from the United States' Consul, together with correspondence relating to a disturbance between some English and American fishermen, at Smith's Sound, Trinity Bay, on the 16th of this month..

In compliance with your Excellency's wishes, I have detailed Her Majesty's gun-vessel "Zephyr" to convey Mr. Prowse, Q.C., to that part, to ascertain the truth of the charges advanced by the Americans, and I have to add that the "Zephyr" sailed this morning in pursuance of those orders.

I have, &c.

(Signed) W. R. KENNEDY.

Inclosure 8 in No. 8.

Mr. Prowse to the Colonial Secretary.

Sir,

St. John's, Newfoundland, August 27, 1879.

HAVING proceeded to Smith's Sound, in Trinity Bay, in Her Majesty's ship "Zephyr," by order of the Government, to investigate the facts connected with an alleged obstruction by Newfoundland fishermen to the taking of bait fishes by the crew of an American schooner called the "Howard Holbrook," I have the honour to report, for the information of his Excellency the Governor, that, having made a careful examination of the facts at Smith's Sound, where we arrived last evening, and having taken a number of depositions there, which are appended to this Report, I am enabled to state that the facts of the case are as follow:—

The American schooner "Howard Holbrook" arrived at Aspey Cove, Smith's Sound. On Thursday, the 14th August, the master came in a dory, with the witness Martin Ryan, to that cove to seine for squid; the man referred to in the depositions, John Cooper, and his two men-servants, were on the beach preparing to have their breakfast. A conversation took place between Ryan and Cooper, the purport of which is given by Cooper, and confirmed by Ryan. Ryan said to Cooper that he was a Newfoundlander, and could seine; Cooper replied that he could not. Ryan said he would; and Cooper replied, "You'd better try." Not a word was said by McFaden, the master of the American schooner, and not a word was said by Cooper or any one else to him. Cooper alleges that he threatened no violence, and that he never intended to do any.

After the short conversation, which lasted a few minutes, Ryan and the master of the schooner went down to Lower Lances Cove, which is a short distance from Aspey Cove, and there shot their seine, and hauled some herring.

The schooner remained in the Sound until the following Monday, buying squids and jigging them, and that instead of any obstruction being offered to the American (Ryan's evidence shows) they were treated with the greatest kindness and hospitality.

From the short experience that I had of Cooper, who is an immense man, very outspoken and honest, with a great fund of humour, I feel convinced that his statement is substantially correct; his story is also confirmed, almost word for word, in all important points, by Ryan's own deposition taken before me, and by the evidence of other witnesses.

Knowing that the Government were most anxious to protect the rights of the fishermen of the United States under the Washington Treaty, I took special pains to obtain accurate information respecting the obstruction complained of by Consul Molloy; and I am happy to inform the Government that in this instance, at all events, there is no cause of complaint against our fishermen.

Ryan, who is favourably disposed towards the Americans, shows in his evidence the wisdom of the law against seining squid, and his opinion will be confirmed by every fisherman in the Colony.

I have to thank Lieutenant Clutterbuck, R.N., commanding Her Majesty's ship "Zephyr," and his officers, for extreme courtesy and kindness, and for the ready assistance given me in carrying out the object of my mission.

I have, &c.
(Signed) D. W. PROWSE.

No. 9.

The Secretary to the Admiralty to Lord Tenterden.—(Received October 1.)

My Lord,

Admiralty, October 1, 1879.

I AM commanded by my Lords Commissioners of the Admiralty to transmit, for the information of the Secretary of State for Foreign Affairs, a copy of a letter dated the 17th ultimo, from the commanding officer of Her Majesty's ship "Druid," the Senior Officer of Her Majesty's ships and vessels employed on fishery duties on the coasts of Newfoundland, stating that there have been no disputes with the Americans since the "outrage" complained of at Smith's Sound, Trinity Bay; and also reporting the orders he had issued to the commanding officers of the "Plover" and "Zephyr" to act with the utmost caution in dealing with any questions which may arise out of the proceedings of American fishermen.

I am, &c.
(Signed) ROBERT HALL.

P.S.—A copy of this despatch has been sent to the Colonial Office.

R. H.

Inclosure in No. 9.

Captain Kennedy to Vice-Admiral Sir E. Inglefield.

Sir,

"Druid," at St. John's, Newfoundland, September 17, 1879.

I HAVE the honour to inform you that there have not been any disputes with the Americans since the "outrage" complained of at Smith's Sound, Trinity Bay, which the "Zephyr" was sent to investigate, and the particulars of which was forwarded by last mail.

There is no doubt, however, that collisions are likely to arise from time to time with the American fishermen, who are not disposed to abide by such Colonial laws as have been made subsequent to the Treaty of Washington; in this they are supported by the United States' Government, and the question will have to be settled by the Home authorities.

In the meanwhile, I have directed Captain Stewart and Lieutenant Clutterbuck to act with the utmost caution in dealing with any questions of this nature, and to take care that the acknowledged rights of the Americans are not infringed, and to warn all persons who interfere with them that they will have to answer for the same.

It seems not to be generally known along the coast that the Americans have, since the payment of the Halifax Award, "the right to participate in the Newfoundland inshore fisheries, and to procure bait for the prosecution of the bank and deep-sea fisheries"; this, coupled with the fact that they ignore all local laws, which the Newfoundlanders are forced to acknowledge, is calculated to irritate the latter, and to drive them to retaliatory measures, which it will be my duty to suppress.

I have, &c.
(Signed) W. R. KENNEDY.

No. 10.

Mr. Bramston to Lord Tenterden.—(Received October 2.)

My Lord,

Downing Street, October 2, 1879.

WITH reference to your letter of the 28th August last respecting the case of the schooner "Mist," and to the letter in reply from this Department of the 3rd ultimo, I am directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, a copy of a Confidential despatch from the Governor of Newfoundland, to whom a copy of your letter was forwarded, stating that investigations will be made into the case, and that, on the receipt of the depositions, a full Report will be transmitted.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure in No. 10.

Governor Sir J. Glover to Sir M. Hicks Beach.

(Confidential.)

Sir,

Government House, Newfoundland, September 17, 1879.

I HAVE the honour to acknowledge the receipt of your Secret despatch of the 2nd instant, with inclosures, relating to the alleged forcible interference with United States' fishermen in Conception Bay, Newfoundland, in July 1878.

I have submitted the case to my Government, who are taking steps to investigate it, and, on the receipt of the depositions, I will furnish you with a full Report.

I have, &c.
(Signed) JOHN H. GLOVER.

No. 11.

Mr. Bramston to Lord Tenterden.—(Received October 6.)

My Lord,

Downing Street, October 4, 1879.

WITH reference to the letter from this Department of the 26th ultimo, inclosing a copy of a despatch from the Governor of Newfoundland relating to the alleged opposition offered to the American fishing schooner "Howard Holbrook" at Smith's Sound, Trinity Bay, I am directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, a copy of a further despatch from the Governor, inclosing the depositions promised in his previous communication.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 11.

Governor Sir J. Glover to Sir M. Hicks Beach.

Sir,

Government House, Newfoundland, September 11, 1879.

WITH reference to paragraph 6 of my despatch of the 28th August, I have now the honour to transmit, for your information, the inclosed copy of the depositions taken by Mr. Prowse, Q.C., Judge of the District Court, St. John's, when investigating

the circumstances attending the alleged interruption of American fishermen at Smith's Sound, Trinity Bay.

I have, &c.
(Signed) JOHN H. GLOVER.

Inclosure 2 in No 11.

Statement of Martin Ryan.

MARTIN RYAN, of Torbay, fisherman, sworn, who, upon his oath, saith:—On Tuesday, 12th August, 1879, I left Torbay in the American banking schooner "Howard Holbrook," Daniel McFaden master; we went first to Portugal Cove, Conception Bay, looking for squids for bait.

On Wednesday following we anchored in Smith's Sound; the next day, Thursday, we went to Aspey Cove, and I got the seine in the dory and was going to seine; I spoke to a very stout man named John Cooper, who was on the beach with his two servant men preparing to get their breakfast; I said I was a Newfoundlander belonging to near St. John's, and I said that I could seine bait; he said I could not, I said that if I saw a chance I would; he, Cooper, said "You had better try;" the only talk was between Cooper and me; we rowed off then, and that was all that passed between us.

The master of the banker, Daniel McFaden, did not say a word to Cooper, and Cooper did not say a word to him. We then went down to Lower Lance, shot our seine, and got some herring in it. We remained in Smith's Sound from that time up to Monday morning getting squids, jigging them, and buying them from the Newfoundland fishermen. There was another American banker there getting squids, buying them, and jigging them; a Nova Scotia banker, and two Fortune Bay schooners, also getting squids. None of us got full fares of squids, we only got about 5,000 squids there, and got more squids in Torbay.

On Sunday evening we spent the evening, the two American captains and myself, in the house of a man named Leate; we did not mention a word about the obstruction to him. There was not the least obstruction to us by any one except what I have referred to about John Cooper.

The people of Smith's Sound were only too glad to sell bait to us, and were most civil and obliging to the Americans. In several places we offered money for hospitality afforded to us, and it would not be received. We only paid 25 cents for most of our squids, some 30 cents.

It is not the practice in this Colony to seine for squids, and in my opinion it would not succeed; generally the squids do not approach sufficiently close to the shore to make seining successful; jigging seems to have no effect in driving away squids, but rather collects them together; and the best places for squids in my experience in Torbay is where we have constantly jigged for years. For some cause, which I cannot explain, the squids always seem to frequent particular places in the harbours.

I consider that if a seine were shot any way near where the fishermen were jigging squids, it would certainly have the effect of driving the squids away, at any rate for some time, and probably would spoil the place as a jigging-ground. After my twenty-five years' experience, I consider jigging the best method of getting squids for bait; I would not approve of seining for squids, it would be ruinous to the fishery.

I consider the affair with Cooper in Smith's Sound has been made too much of; I did not attach the least importance to it. No threats whatever were used, except as I have mentioned, and I did not mind what he (Cooper) said; he may have asked me to breakfast; I don't remember; we were not talking together, Cooper and I, for more than five minutes.

Sworn before me at St. John's, this 27th day of August, A. D. 1879.

(Signed) D. W. PROWSE,
Justice of the Peace, Newfoundland.

(Signed) MARTIN RYAN.

Inclosure 3 in No. 11.

Statement of John Cooper.

Northern District, Smith's Sound, Newfoundland.

THE examination of John Cooper, of Smith's Sound, planter, taken upon oath, who saith:—On Thursday, the 14th August, 1879, there were three banking schooners in the Sound, two belonging to the United States, and one to Nova Scotia; two were in Aspey Cove (opposite to where I live, Rocky Brook, Smith's Sound), and one schooner was in Lower Lance Cove, just below my place on the opposite shore. There were also two schooners belonging to Grand Bank, Newfoundland, in the Sound, looking for bait. The crews of these different schooners were jigging squids, both in Lower Lance Cove and Aspey Cove (places which are resorted to as jigging coves), and the masters of the schooners were buying squids from the Newfoundland fishermen as well as jigging them themselves. No American banker, during their stay in the Sound, made an attempt to shoot a seine in my presence and was prevented from doing so by our fishermen.

A man who told me his name was Martin Ryan, of Torbay, was in Aspey Cove on the Thursday aforesaid. I asked him was he going to haul bait; he said he was a Newfoundlander, a man from Torbay, and he would haul bait when and where he liked. I said to him that I did not think it was lawful for him to haul bait (meaning squids). If it was herring he might get what he wanted; I said we had seines, and we would haul herring for him. Martin Ryan said he would haul it himself. I replied, "You had better try," adding, laughing, "We are going to have some breakfast; come and have some with us." I never threatened to cut up his seine and break up the dory. Ryan and the master of the schooner went away at once and shot their seine in Lower Lance Cove (another jigging cove), where they got some small herring, which they threw away. No one interfered with them in any way, and if the people had intended to use violence or force they could have stopped Martin Ryan and the master of the American banker from seining. They saw him preparing to seine, and they saw him shoot his seine, and they never interrupted him or came near him, or threatened him in any way. Martin Ryan wanted squids; he would not take herring.

On the same day that the occurrence took place in Aspey Cove, the master of the American banker and Ryan bought squids from the Newfoundland fishermen around Smith's Sound. There was not enough squid to supply the five vessels with full fares of squid, but all they could jig for themselves and get jigged for them they obtained. We have never hauled squids with a seine, we believed that it was illegal. We would have had no objection to their hauling herring, or hauling herring for them. There were no threats of violence used towards Martin or the master of the United States' banking schooner that was with him. There was no talk whatever about cutting up the American banker's seine, no threats, and no intimidation used towards him by me or by any one in my presence. All my conversation was with Martin Ryan. The master of the American banking schooner may have been in the dory with Martin Ryan and the rest of the dory's crew, but I did not know the master from any one else. I did not address any one in the dory but Martin Ryan. The talk between me and Martin Ryan lasted only a few minutes. This same American schooner remained in the Sound four days after this conversation near my house, and bought and jigged squids, and to my knowledge seined. This whole matter has been magnified, and the facts incorrectly stated by Martin Ryan and Daniel McFaden. The people of Smith's Sound are only too glad for fishermen to come from all parts and buy bait from them, or to assist foreign fishermen to get bait.

(Signed) JOHN COOPER.

Sworn before me at Smith's Sound this 26th day of August, A.D. 1879.

(Signed) D. W. PROWSE,
Justice of the Peace, Newfoundland.

Inclosure 4 in No. 11.

Statement of John Steele.

THE examination of John Steele, of Burgoyne Cove, Smith's Sound, Trinity Bay, fisherman, taken upon oath, who saith:—On Thursday, the 14th August, 1879, I was

over in Lower Lance Cove jigging squids for Ryan and the schooner he was aboard of. saw some herrings with the crew, which they told me they hauled with the seine. Asked them if they hauled many; said only a few. Ryan wanted squids. They were giving 30 cents a hundred for the squids. There were not enough squids to supply all the bankers then in Smith's Sound looking for bait.

(Signed) JOHN STEELE, his × mark.

Sworn before me at Smith's Sound, this 26th day of August, 1879, having first been read over and explained.

(Signed) D. W. PROWSE,
Justice of the Peace, Newfoundland.

Inclosure 5 in No. 11.

Statement of Peter Willar.

THE examination of Peter Willar, of Rocky Brook aforesaid, fisherman, taken upon oath, who saith:—I was present on Thursday, the 14th August, 1879, when the conversation took place between Martin Ryan and Cooper; I could not hear the words. Cooper spoke to no one but Ryan. Only our three men there—Cooper, Duffett, and myself. Cooper was laughing; heard him invite Ryan to breakfast. We were having our breakfast on the beach at the time. I have heard Ryan's and Daniel McFaden's statements read; they are untrue, no such threats were used. No other men belonging to Smith's Sound were on the beach at the time but us three. I think Ryan had four men with him. I did not know that either of them was the master of the schooner. No one spoke but Ryan.

(Signed) PETER WILLAR, his × mark.

Sworn before me at Smith's Sound, this 26th day of August, A.D. 1879.

(Signed) D. W. PROWSE,
Justice of the Peace, Newfoundland.

Inclosure 6 in No. 11.

Statement of John Leate.

THE examination of John Leate, of Upper Lance Cove, Smith's Sound, Trinity Bay, taken upon oath, who saith:—I remember Thursday, the 14th August instant, when Martin Ryan had the conversation with John Cooper about seining for squids; John Cooper did not speak to any one but Martin Ryan, and he did not use any angry tone or threats. He laughed several times when speaking to Ryan about seining, and he asked Martin Ryan and the dory's crew to come up and have some breakfast. There was no man in Lower Lance Cove or the vicinity in Smith's Sound who threatened any American with violence, and I do not believe there is a person in the Sound who would use violence towards any one about seining. Neither Martin Ryan nor the master of the United States' schooner were driven away from Smith's Sound. They remained for four days after this conversation jigging and buying squids.

On Sunday evening following the masters of the two United States' banking schooners spent the evening at my house in company with Ryan; they did not say one word about being prevented from seining. The only difference whatever was between Martin Ryan and John Cooper. There have been three American bankers in Smith's Sound looking for bait this summer, and there has not been one angry word between them and the people of Smith's Sound. Martin Ryan and the master of the schooner bought and jigged all the squids they could lay hands on. There was not enough for the five vessels; neither of them got a full fare.

This affair is a made-up thing, and the facts stated both by Ryan and Daniel McFaden are untrue.

I am aware that Ryan and the American crew shot their seine in Lower Lance Cove immediately after the conversation with Cooper, and I have been informed that before Ryan came up to Aspey Cove on the 14th August he was cautioned about seining for squids in Lower Lance Cove by a man named Reuben Toop, and told he would be

fined for seining squids, and he did not seine them, but did so the same day, after he left Aspey Cove.

(Signed) JOHN LEATE, his × mark.

Sworn before me at Smith's Sound, this 26th day of August, 1879, having first been read over and explained.

(Signed) D. W. PROWSE,
Justice of the Peace, Newfoundland.

Inclosure 7 in No. 11.

Statement of James Duffett.

THE examination of James Duffett, of Rocky Brook, Smith's Sound, fisherman, taken upon oath, who saith:—I remember Thursday, the 14th August, 1879. I was present in Aspey Cove, in Smith's Sound, opposite to where I live, when Martin Ryan came there with the American banker's crew; they came on the beach; there were only three of us present—Cooper, myself, and Peter Willar. I could not hear the words that passed between Ryan and Cooper; I went away from them a little way eating my breakfast. I saw Cooper laugh several times when talking to Ryan; heard only the last words when Cooper turned round towards me; he called out to Ryan to come and have breakfast; Cooper spoke to no one but Ryan. I do not believe that Ryan was threatened that his seine would be cut and his dories smashed. Ryan went away after the conversation and hauled herrings soon after in Lower Lance Cove; Ryan wanted squids, not herring. We never seine for squids, as we know that it is illegal. Ryan remained here four days gathering up squids, jigging them themselves, and getting them jigged by the people of Smith's Sound.

(Signed) JAMES DUFFETT.

Sworn before me at Smith's Sound, this 26th day of August, 1879.

(Signed) D. W. PROWSE,
Justice of the Peace, Newfoundland.

No. 12.

Mr. Lister to Mr. Bramston.

Sir, *Foreign Office, October 9, 1879.*
I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 26th ultimo, together with its inclosures, relative to alleged disturbances between British and United States' fishermen at Smith's Sound, Trinity Bay, in August last; and I am to state to you, with reference to the concluding paragraph of your letter, that before laying the present case before the Law Officers of the Crown, his Lordship will await the arrival of the Report which it is stated in your communication of the 3rd ultimo the Governor of Newfoundland has been instructed to furnish.

I have, &c.
(Signed) T. V. LISTER.

No. 13.

The Marquis of Salisbury to Sir E. Thornton.

(No. 130.)

Sir, *Foreign Office, October 11, 1879.*
I TRANSMIT to you herewith, for your information, copies of correspondence, as marked in the margin,^o in regard to alleged disturbances at Trinity Bay in August last.

I am, &c.
(Signed) SALISBURY.

Mr. Herbert to Sir J. Pauncefote.—(Received October 16.)

Sir,

Downing Street, October 16, 1879.

WITH reference to your letter of the 28th August last, with its inclosures, from the United States' Minister at this Court respecting the alleged forcible interference with United States' fishermen in Conception Bay, I am directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, a copy of a despatch, with its inclosures, from the Governor of Newfoundland, reporting the results of a judicial investigation which was made into the circumstances of the case.

I am to request that this Department may be furnished with a copy of any note which his Lordship may address to the United States' Minister in relation to this subject.

Sir Michael Hicks Beach presumes that Lord Salisbury will be of opinion that the proposed reference to the Law Officers of the Crown on the general question of the bearing of recent legislation in Newfoundland in connection with the Treaty of Washington, to which your letter of the 9th instant referred, need no longer be delayed.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 14.

Governor Sir J. Glover to Sir M. Hicks Beach.

(Confidential.)

Sir,

Government House, October 1, 1879.

I HAVE the honour to acknowledge the receipt of your Secret despatch of the 2nd September, with inclosures (two), respecting the alleged interference with United States' fishermen in Conception Bay in July 1878.

My Government have caused a judicial investigation to be made into the circumstances attending the several visits of the American schooner "Mist" to Broad Cove and its neighbourhood during the years 1877, 1878, and 1879. The inquiry was conducted by Mr. Prowse, one of the Judges of the District Court of St. John's, copy of whose Report I inclose, together with the depositions of the several witnesses taken upon oath, from which it would appear that some discussion took place relative to the taking and purchase of squid, between Newfoundlanders, on board the schooner "Mist," on behalf of the master of that vessel, and some Newfoundlanders in boats near the schooner, on or about the 8th or 9th July, 1877, and not during 1878 as sworn to by John Cozzens.

I have, &c.

(Signed) JOHN H. GLOVER.

Inclosure 2 in No. 14.

Mr. Prowse to the Colonial Secretary.

Sir,

St. John's, Newfoundland, September 19, 1879.

HAVING been requested by the Government to examine into and report upon the claim of Mr. John Cozzens, master of the schooner "Mist," of Gloucester, Massachusetts, I have the honour to state, for the information of his Excellency the Governor, the following is a correct statement of the facts as well as I could ascertain them:—

The schooner "Mist" was piloted into Broad Cove by a fisherman belonging to the place, Daniel Tucker, about the 8th or 9th July, 1877, in the evening. The schooner was anchored in a part of the cove where squids are generally jigged. Cozzens next morning early began jigging for squids and was getting them fast. The fishermen of Broad Cove were also about the same ground in their boats jigging. About 7 A.M. one of the boats in which were George Tucker and Henry Tucker came alongside the schooner to sell their squids; they could not agree upon a price with Cozzens; Cozzens then said he would not buy, he would jig his own bait. Henry Tucker said if he would not buy he should not jig. Daniel Tucker and his friends who were aboard the "Mist," or whose boats were fastened to her, took Cozzens' part, and said Cozzens should jig; Henry Tucker then called out to Cozzens' crew, "Men, haul in them jigs." Angry words also passed

between George Tucker (who was in the boat with Henry), and Daniel Tucker, who was aboard the "Mist," and the principal disturbance was between these two. The fishermen of the cove thought Daniel Tucker would not let Cozzens buy bait from any one but his friends.

Daniel Tucker and his brother Richard, who side with Cozzens, both say that some one in the boats called out, "Cut his cable;" the other witnesses deny this, but, at any rate, if it was said, it was only an empty threat, as all agree that no attempt was made either to board the schooner or to do her any injury. The dispute lasted a short time, and the fishermen soon went ashore to their breakfasts.

Cozzens and his crew continued their jigging and were catching squids very fast, as is proved, first, by the master's own statement that he had caught 3,000 squid; secondly, by the evidence of George Reginald Tucker, who, when he came alongside just after breakfast, found the crew so busy hauling in squids that they could not attend to him, and told him to come by-and-bye; towards the afternoon the squids became scarcer, and then Cozzens began to buy from the people at 20 cents per 100; his crew, however, continued jigging each day, and, finally, obtained a large quantity, according to the statement of Benjamin Squires, to whom Cozzens showed what he had caught, 10,000 squids. This the witness Bernard Curtis, master of the banker "J. W. Roberts," proves to be as large a quantity of squids as he ever knew a banking schooner's crew to jig. All the evidence goes to prove that the bankers generally buy their squids, for the obvious reason that it would take the crew too long to jig their own bait. Mr. Cozzens' claim is based on the fact of his having been prevented from catching bait on this trip in July 1877, but it is clearly shown that, so far from being prevented, he actually, on that trip, caught a larger quantity than any other banker for the season. Mr. Cozzens' statement as to being surrounded by sixty boats is contradicted by the fact that there are, according to the last census, only forty-three boats in the place; also as regards the wind being on shore, this statement is directly contradicted by all the witnesses, and I should consider that very little weight ought to be attached to the evidence of one who, as is shown by Mr. Tulk, the Preventive Officer's, evidence, attempted to pass off a forged receipt on him for his light dues.

Broad Cove is a very small place, the people are very peaceable, industrious, and thrifty; all this dispute arose from jealousy because some were making more out of the stranger than others; it was a petty local squabble (human ingenuity could hardly manufacture an international claim out of it).

I have, &c.
(Signed) D. W. PROWSE.

Inclosure 3 in No. 14.

Statement of Benjamin Squires.

To wit,

Central District, Broad Cove, Newfoundland.

THE examination of Benjamin Squires, of Broad Cove, fisherman, taken upon oath, who saith:—I remember the American schooner "Mist," Cozzens master, being in Broad Cove in July 1877. When Cozzens came in he bought squids from some of the people and not from others; some of the people said he ought to buy from all hands, if he would not buy from all he should not jig. Cozzens said he would not buy his bait, he would jig it. On the first morning after he came in he did jig his bait; he also jigged bait on the two other days he remained in the cove. No one interfered with him or prevented him from jigging. No one offered him any violence, or injured his jiggers or any other part of his fishery gear. The dispute principally arose amongst the people themselves. Some of the Broad Cove men who had sold squids to Cozzens remained aboard, and were jigging from his vessel, and it was only from those who were aboard of his schooner, and jigging for him, that he would buy. The fishermen in the boats said he should buy from all hands. Those aboard the schooner said he should not. Afternoons, Cozzens bought from all hands, and jigged a large quantity himself. Not much the first day, bait was scarce, except in the morning; but he did well on the second and third days. Cozzens came into Broad Cove again that summer, after, and bought and jigged his bait as he did before. He was also in Broad Cove this summer getting bait. On neither occasion did he say one word about being injured or interfered with by the Broad Cove people. No one in Broad Cove prevented Cozzens from jigging what bait he liked. I was aboard of his schooner and saw the crew jigging each day. They jigged about 10,000 squids themselves. I saw the tubs on deck, and could tell what they caught. Cozzens showed

me what his crew had jigged; he did not buy more than 20,000 squids. The wind was not on the shore, it was south south-west, and off the land; it was blowing a good breeze. Cozzens' crew on that trip jigged as much squids as any other banker which was in Broad Cove that summer. Generally the crews don't trouble themselves to jig; they prefer buying their bait, and the crew walk about ashore. Cozzens only arrived early on that morning, and he could not have taken 500 squids when the dispute arose. Mr. Tulk did not arrive until 4 in the afternoon, and Cozzens then had all the squids that were caught that day bought. At the time of the dispute there were about ten boats around the schooner, and most of these were single-handed. There are only forty boats in Broad Cove.

(Signed) BENJAMIN SQUIRES.

Sworn before me at Broad Cove, this 17th day of September, A.D. 1879.

(Signed) D. W. PROWSE,
Stipendiary Magistrate.

Inclosure 4 in No. 14.

Statement of Henry Tucker.

THE examination of Henry Tucker, of Broad Cove, fisherman, taken upon oath, who saith:—I remember going to Cozzens' schooner "Mist" about the 8th July, 1877, to sell him squids; it was about 7 A.M. There were some Broad Cove fishermen aboard jigging squids from the stern of the schooner. Cozzens would buy no squids from me; he would only buy from those who were aboard of his vessel, or fastened on to her. I asked him to buy our squids. He said no, he was going to jig. We said if he would not buy our squids he should leave the place, or haul in his jiggers. Notwithstanding this he kept jigging away. Daniel Tucker and George Tucker began to jaw. Daniel was aboard the schooner; George was in the punt with me. Dan Tucker and the other Broad Cove men aboard the schooner said he should jig. There were then about ten boats about the schooner, some single-handed, some with two hands. All left the schooner then and came ashore. We did not go near the schooner again until Mr. Tulk came in the afternoon about 4 P.M. I believe Cozzens was jigging all that day. Squids were scarce that day except in the morning. We went aboard after Tulk came and sold Cozzens our squids; he gave us 20 cents a hundred. No one prevented Cozzens getting squids as much as he liked, and I believe he jigged a great deal of his squids. There was no disturbance nor any row, except what I have mentioned. No one offered any violence to Cozzens, or injured his jiggers or his gear. Cozzens came in again to Broad Cove for bait on that same summer, and was also in Broad Cove this summer. The wind was south-south-west, and not on the land; it was off the shore. The crew of the bankers generally don't jig much, they mostly buy all their bait, and generally walk about ashore when they come in.

(Signed) HENRY TUCKER.

Sworn before me at Broad Cove, this 17th day of September, A.D. 1879.

(Signed) D. W. PROWSE,
Stipendiary Magistrate.

Inclosure 5 in No. 14.

Statement of Daniel Tucker.

THE examination of Daniel Tucker, of Broad Cove, fisherman, taken upon oath, who saith:—I remember piloting in the American schooner "Mist," Cozzens master, into Broad Cove in July 1877. As soon as I anchored the vessel I came ashore. Went out again to her pretty early next morning, the 8th July, or thereabouts. I went aboard the schooner; the crew of the schooner were jigging. My brother, Richard Tucker, and my cousin, Joseph Tucker, came with me, and I believe they tied on to the schooner and jigged squids. In the morning a number of boats were near the schooner jigging squids. Henry Tucker came with George Tucker to the side of the schooner; they asked Cozzens to buy their squids. He said what would they ask, they said 25 cents a hundred. He said that

he would give 15 cents; they said they would not give them for that. Cozzens then said he would jig them. Henry Tucker said if he would not buy he should not jig himself. Henry Tucker called out to Cozzens' crew, "Come, men, haul in them jigs." Cozzens said he would jig. George Tucker said to me, "Why did you bring this man in here that would not buy bait?" I said I only showed him the way the vessel brought me here. My brother and my cousin came aboard the ship; there were about twenty boats about the schooner. I heard some one in the crowd say, "Cut his cable." No one of the boats' crews, however, about the schooner made any attempt to do any injury to the vessel or to her fishing gear. Cozzens told them that the first man would cut the cable he would fail. The principal talk was between me and George Tucker. I took Cozzens' part. I had to go to Portugal Cove, and I left the vessel when the row was over. It did not last very long, and was all talk; and it did not prevent Cozzens from getting his bait. Cozzens came into Broad Cove again that same summer; he also came in last year, and was into Broad Cove this year. He never said one word to me about any damages that he had sustained on account of the row in 1877, and he did not sustain any damage. The bankers nearly always buy their squids. They jig a few, but their principal supply is bought from the fishermen. It would take too much time for a banker's crew to catch their squids on jigs.

(Signed) DANIEL TUCKER.

Sworn before me at Broad Cove, this 19th day of September, A.D. 1879.

(Signed) D. W. PROWSE,
Stipendiary Magistrate.

Inclosure 6 in No. 14.

Statement of Richard Tucker.

THE examination of Richard Tucker, of Broad Cove, fisherman, taken upon oath, who saith:—I was aboard of Cozzens' schooner "Mist" on the 8th July, 1877. I know that Cozzens jigged squids, some before the row and after the row, and he was not prevented from getting his bait, for he both jigged and bought his bait both before and after the row. I was aboard the schooner when the row commenced. Henry Tucker was the first man who asked Cozzens to buy bait; they could not agree on the price; Cozzens said if he did not get the bait for his price he would jig himself. Henry said he should not jig, and he called out to Cozzens' crew, "Haul in them jigs." There were some words then between my brother Daniel and George Tucker. Heard some talk about cutting the cable, but no one in the fishing boats made an attempt to come aboard the schooner, or to commit any injury, and it soon ended, and was all talk, no one struck, and nothing injured. I came ashore to my breakfast. When I went out again to the schooner after my breakfast, Cozzens and his crew were jigging, and were too busy getting their squids to buy, and they told John Tucker's son, George Reginald Tucker, to come by-and-bye, they were catching them so fast then.

(Signed) RICHARD TUCKER, his X mark.

Sworn before me at Broad Cove, this 19th day of September, A.D. 1879, having first been read over and explained.

(Signed) D. W. PROWSE,
Stipendiary Magistrate.

Inclosure 7 in No. 14.

Statement of George Reginald Tucker.

THE examination of George Reginald Tucker, of Broad Cove, fisherman, taken upon oath, who saith:—I went aboard schooner "Mist" just after breakfast on the day the row occurred. Asked some of the crew to buy my squids; they said they were too busy,

and could not take them them, to come by-and-bye and they would take them. They were jigging squids at the time.

(Signed) GEORGE REGINALD TUCKER, his X mark.

Sworn before me at Broad Cove, this 19th day of September, A.D. 1879, having first been read over and explained.

(Signed) D. W. PROWSE,
Stipendiary Magistrate.

Inclosure 8 in No. 14.

Statement of Bernard Curtis.

THE examination of Bernard Curtis, master of the banking schooner "J. W. Roberts," upon his oath, saith:—I have been engaged in the banking business for seven years. For one year I sailed out of Province Town, Massachusetts. In all my experience I have never known the crew of a banking schooner to jig more than 10,000 squids; it would delay the vessel too long for the crew to get their own bait, and the invariable practice for all the bankers, both British and American, is to buy their bait; it is obtained in that way so much more speedily, and is fresher and in better condition.

(Signed) BERNARD CURTIS.

Sworn before me at St. John's, this 19th day of September, A.D. 1879.

(Signed) D. W. PROWSE,
Stipendiary Magistrate.

Inclosure 9 in No. 14.

Statement of George Tucker.

THE examination of George Tucker, of Broad Cove, fisherman, taken upon oath, who saith:—I remember when the American schooner "Mist," Cozzens master, came into Broad Cove in July 1877. I went out to the schooner in the morning before breakfast to sell squids. Henry Tucker was in the boat with me. Cozzens would not buy our squids. Daniel Tucker, of Broad Cove, was aboard of the schooner jigging squids, and the crew of the schooner were also jigging squids. Cozzens said he was going to jig his own squids, and he would not buy from us. There were a good many boats fastened on to the schooner jigging squids for him. Henry Tucker told the men in the schooner to haul in their jigs. I spoke to Daniel Tucker, who was aboard the schooner, said, "You are the first man that ever brought these Americans here to jig for themselves." He gave me impudence, and I replied. The people in the schooner went on jigging away. All the boats that came off with us went ashore then. The whole dispute arose because Cozzens would only buy from some who were there jigging for him fastened on to his schooner or aboard, and not from the people of the cove generally. The whole dispute amounted only to some angry words, and principally was between Daniel Tucker and me. Cozzens and his crew jiggered a great deal of squids; they were anchored right on the jigging ground. They only bought 20,000 squids from the people of the cove, and that was the most amount; the rest, 10,000 squids, their own crew jiggered. Cozzens' crew jiggered more squids for themselves that summer on that trip than any other American banker that came into Broad Cove. Cozzens came in again to Broad Cove that summer and got squids; he was also in several times last summer. There was nothing whatever done by the people of Broad Cove to prevent Cozzens from jigging; no injury to him, and no one threatened to cut his cable or destroy his gear. After Mr. Tulk came at 4 o'clock, Cozzens bought squids from all of us at 20 cents a hundred. The wind that day was off the land, the schooners bow was towards the beach. Generally speaking, the American bankers buy most of their squids; sometimes they jig a little. Unless squids were very plenty, it would take a banker's crew a week to get their squid. Generally, the bankers take a very short time to bait, and it suits them best to buy. There would be too much delay to jig

for themselves. All the Newfoundland bankers buy their bait, and so do all the other banking schooners.

(Signed) GEORGE TUCKER, his × mark.

Sworn before me at St. John's, this 17th day of September, A.D. 1879, having first been read over and explained.

(Signed) D. W. PROWSE, *Stipendiary Magistrate,
Judge, Central District Court.*

Inclosure 10 in No. 14.

Statement of William Tulk.

THE examination on oath of William Tulk, Preventive Officer of Her Majesty's Customs at Portugal Cove, Newfoundland, who saith:—On the 8th July, 1877, saw an American schooner going into Broad Cove, and I went down there to collect light dues from her. I went aboard of Cozzens' schooner "Mist," and he paid me his light dues. Cozzens did not say one word to me concerning any dispute with the Broad Cove fishermen about bait. I never advised him to buy bait from the Broad Cove fishermen, nor do I remember having any conversation with Cozzens about squids. The whole dispute, as I understand it, arose from a man named Daniel Tucker, of Broad Cove, who piloted Cozzens into Broad Cove, advising him to buy his squids only from him, Daniel Tucker, and his friends who were aboard the schooner with Cozzens jigging. This created a jealousy on the part of the other people in the cove, from whom Cozzens refused to buy any squid. I believe Cozzens jigged a great deal of his squids, about 10,000; the other 20,000 he bought. I have never known any banking schooner's crew to jig so large a quantity as 10,000 before, 2,000 or 3,000 is generally the quantity, often less. I have never known more than 10,000 squids to be jigged by the crew of a banking schooner. Bankers almost invariably buy their bait; it is a much more convenient way of getting it. If a crew had to jig their bait it would, except under very favourable circumstances, take from ten to fifteen days to get their necessary quantity of bait. The wind that day was south-south-west, and off the land.

Cozzens came into Broad Cove again in the summer of 1877. He made no complaint to me about the way that the Broad Cove people had treated him. Next year (1878) paid me his light dues again, when he visited Broad Cove; made no complaint. This spring he came again, put into Portugal Cove. I asked if he had paid his light dues; he said yes, produced receipt purporting to be signed by Vavasour, Preventive Officer, St. Lawrence, Newfoundland. I said the receipt was not correct, and Cozzens admitted to me afterwards it was a forgery, and he paid me his light dues. I do not believe any of Cozzens' statement to be correct.

(Signed) WILLIAM TULK.

Sworn before me at St. John's, this 17th day of September, A.D. 1879.

(Signed) D. W. PROWSE,
Stipendiary Magistrate and District Judge.

No. 15.

Mr. Lister to Mr. Herbert.

Sir,

Foreign Office, November 5, 1879.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 16th ultimo, relative to the alleged forcible interference with United States' fishermen in Conception Bay; and I am to state that his Lordship observes with satisfaction that the evidence adduced in the course of the judicial inquiry into the case, a copy of which is inclosed in your letter, appears to furnish a sufficient answer to the claim; and I am to add that the reply to the United States' Representative at this Court, which is in course of preparation, will be submitted to Sir M. Hicks Beach prior to its being dispatched to its destination.

With reference to the concluding paragraph of your letter, I am to remark that the present case raises none of the questions which have to be discussed in the matter of

Fortune Bay, and that the reference to the Law Officers of the Crown in the latter case is delayed pending the receipt of the Report which is awaited from the Governor of Newfoundland, and I am accordingly to request that Sir John Glover may be instructed to expedite the Report in question.

I am, &c.
(Signed) T. V. LISTER.

No. 16.

Mr. Lister to Mr. Herbert.

Sir, *Foreign Office, November 8, 1879.*
WITH reference to my letter of the 5th instant, I am directed by the Marquis of Salisbury to transmit to you the accompanying draft of a letter which his Lordship proposes to address to the United States' Chargé d'Affaires at this Court relative to the case of the American schooner "Mist;" and I am to request that in laying this paper before Her Majesty's Secretary of State for the Colonies, you will move him to inform Lord Salisbury whether he concurs in the terms of the proposed communication.

I am, &c.
(Signed) T. V. LISTER.

No. 17.

Mr. Herbert to Mr. Lister.—(Received December 12.)

Sir, *Downing Street, December 10, 1879.*
I AM directed by the Secretary of State for the Colonies to acknowledge the receipt of your letters of the 5th and 8th November relating to the case of the American schooner "Mist;" and I am to request that you will inform the Marquis of Salisbury that he concurs in the note proposed to be addressed to the United States' Chargé d'Affaires on this subject.

Sir Michael Hicks Beach also agrees in the propriety of omitting those passages in the inclosures which are referred to in the margin of the note.

With reference to the observations contained in the last paragraph of your letter of the 8th ultimo, in which it is stated that a reference to the Law Officers is suspended until the receipt of the Report from Newfoundland on the Fortune Bay affair, I am desired to call attention to the letter from this Department of the 3rd November, forwarding the Report of Mr. Whiteway upon this subject.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

No. 18.

The Marquis of Salisbury to Mr. Hoppin.

Sir, *Foreign Office, December 17, 1879.*
I REFERRED to Her Majesty's Secretary of State for the Colonies Mr. Welsh's letter of the 13th August, together with its inclosure, relative to the case of the American schooner "Mist."

I now have the honour to transmit to you, for communication to your Government, the accompanying copy of a Report upon the case which has been received, through the Colonial Office, from the Governor of Newfoundland, by whose directions a judicial investigation was made into the matter.*

Copies of the depositions of the several witnesses, taken upon oath, are annexed to the Report; and I venture to express, on behalf of Her Majesty's Government, the hope that the United States' Government will share their opinion that there is no foundation for the claim attempted to be set up by the master of the "Mist."

I have, &c.
(Signed) SALISBURY.

* Inclosures in No. 14.

No. 19.

Mr. Hoppin to the Marquis of Salisbury.—(Received December 19.)

My Lord,

Legation of the United States, London, December 18, 1879.

I HAVE the honour to acknowledge the receipt of your Lordship's letter of yesterday, with its inclosures, relative to the case of the American schooner "Mist," and to say that I shall take the earliest opportunity to communicate the same to my Government.

I have, &c.

(Signed) W. J. HOPPIN.

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