



FURTHER CORRESPONDENCE respecting the Occurrences at Fortune Bay, Newfoundland, and other places.

[In continuation of "United States No. 1 (1881)."]

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*Presented to both Houses of Parliament by  
Command of Her Majesty. 1881.*

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UNITED STATES. No. 2 (1881).

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**FURTHER CORRESPONDENCE**

RESPECTING THE

**OCCURRENCES**

AT

**FORTUNE BAY, NEWFOUNDLAND,**

AND

**OTHER PLACES.**

[In continuation of "United States No. 1 (1881)."]

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1881.

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Further Correspondence respecting the Occurrences at Fortune Bay, Newfoundland, and other places: 1879-81.

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[In continuation of "United States No. 1 (1881)."]

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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.

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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.*

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 in a despatch of which

\* Nos. 1 and 2.

a copy is inclosed, with a request that he will obtain from his Government a Report upon the matter.

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

Inclosure in No. 5.

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

Sir, *Downing Street, September 2, 1879.*  
I HAVE the honour to transmit to you a copy of a letter from the Foreign Office, inclosing a despatch from the United States' Chargé d'Affaires at this Court, with its inclosure, respecting the alleged forcible interference with the United States' fishermen in Conception Bay, Newfoundland, in July 1878.

I should be glad to receive from your Government a Report in reference to this matter.

I have, &c.  
(Signed) M. E. HICKS BEACH.

No. 6.

*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.*  
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.*

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 sustinment.

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,

*Government House, Newfoundland, August 25, 1879.*

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.*

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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.

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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.

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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.

\* See Inclosure 3 in No. 11.

† See Inclosure 2 in No. 11.

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 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.*

Sir,

*Government House, Newfoundland, September 17, 1879.*

I HAVE the honour to acknowledge the receipt of your 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. I 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 X 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 X 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 scining 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.

*The Marquis of Salisbury to Sir E. Thornton.*

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

I am, &c.  
(Signed) SALISBURY.

No. 13.

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

(Extract.) *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.

## Inclosure 1 in No. 13.

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

Sir,

*Government House, October 1, 1879.*

I HAVE the honour to acknowledge the receipt of your 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, &amp;c.

(Signed) JOHN H. GLOVER.

## Inclosure 2 in No. 13.

*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.

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

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Inclosure 3 in No. 13.

*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.*

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Inclosure 4 in No. 13.

*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. 13.

*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," Cozzen 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 fall. The principal talk was between me and George Tucker. I took Cozzens' part. I had to 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. 13.

*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 × 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. 13.

*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 then, to come by-and-bye and they would take them. They were jigging squids at the time.

(Signed) GEORGE REGINALD TUCKER, his × 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. 13.

*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. 13.

*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 jigged 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 jigged. Cozzens' crew jigged 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 X 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. 13.

*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. 14.

*Mr. Lister to Mr. Herbert.*

(Extract.)

*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.

No. 15.

*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. 16.

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

(Extract.)

*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.

## No. 17.

*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.

## No. 18.

*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.

## No. 19.

*Sir E. Thornton to Earl Granville.—(Received June 5.)*

(Extract.)

*Washington, May 24, 1880.*

DURING a conversation which I had with Mr. Evarts at the State Department on the 20th instant I spoke to him about the Fortune Bay affair, and expressed some surprise at the step which the President and he had recommended to Congress, to the effect that the import duties upon fish and fish-oil, the produce of the British provinces, should be re-imposed as they existed before the Treaty of Washington. I stated that it appeared to me that this was an unfriendly step, and, if carried out by Congress, would render an agreement upon the question at issue much more difficult than it would otherwise have been. Previously to the transmission of the President's message, I should have had great hopes that an arrangement might have been arrived at; but, when it was attempted to put upon Her Majesty's Government a pressure to which, under similar circumstances, the United States' Government would have certainly objected, it did not seem as if the latter was desirous of finding a solution of the question.

I also pointed out to him that the Colonies of Newfoundland and Prince Edward Island had allowed American fishermen the privilege of fishing in their waters very shortly after the conclusion of the Treaty of Washington, although the Act of Congress relieving fish and fish-oil, the produce of Prince Edward Island, from import duties in the United States, was not passed till the 1st March, 1873, and Newfoundland was not admitted to the same immunity till May 1874, and although United States' citizens had enjoyed the right of fishing in the waters of Prince Edward Island and Newfoundland, their Government had never consented to reimburse the duties which had been paid on the fish and fish-oil imported from those Colonies into the United States during that time.

Mr. Evarts denied emphatically that he had wished to recommend a measure which could be thought to be unfriendly towards Her Majesty's Government; nor did he consider that it was so, or that it could be viewed in that light. He said that he

\* Inclosures in No. 13.

had in September 1878 pointed out to Her Majesty's Government that the question was a serious one, and that it was the opinion of the United States' Government that a false construction had been given to the Treaty, to the prejudice of the United States' fishermen. He had maintained from the beginning of the discussion that the right of fishing given by the Treaty was free from all restrictions which might have been imposed upon native fishermen by local laws either anterior or subsequent to the date of the Treaty. He thought that Her Majesty's Government had not sufficiently considered the gravity of the case, had paid but little attention to it, and had unnecessarily delayed replying to the representations of the United States' Government. He asserted that until the season of 1878 no American fishermen had visited the coasts of Newfoundland for the purpose of fishing, and that when they did so, they had met with such a reception that until an answer should be received from Her Majesty's Government they had not ventured to repeat the visit. This answer had now arrived, just as the fishermen were preparing their equipments for this season, and were anxious to know whether they would be allowed to fish on the coasts of Newfoundland. But Lord Salisbury in his note of the 3rd ultimo had maintained that in the affair at Fortune Bay the Americans had violated both the local laws and the provisions of the Treaty, and that the native fishermen were therefore justified in attacking them, and preventing them from pursuing their ordinary mode of fishing. It was therefore impossible that, as the natives were thus encouraged to resist the rights of the Americans, the latter could again expose themselves to such losses as they had suffered in Fortune Bay.

It would have been very different, Mr. Evarts argued, if the authorities had taken the matter in hand, and if the question had been settled by a Court of Justice, but that it could not be that American fishermen should be exposed to the violence of a mob, and he expressed his surprise that Her Majesty's Government should have justified the means which were used for preventing Americans from enjoying their rights under the Treaty.

Under these circumstances, as it appeared that Her Majesty's Government had finally determined to interpret the Treaty in a manner entirely at variance with the expressed opinion of the United States' Government, and to justify the Newfoundland fishermen in taking the law into their own hands and forcibly preventing American fishermen from exercising the rights to which their own Government considered them entitled, Mr. Evarts declared that there was no ground for the charge which I had made, that he was now the first to recommend to Congress a violation of the Treaty. On the contrary, he maintained that it was we who had allowed and sustained an infraction of the Treaty by the Newfoundland fishermen, looking at the interpretation given to it by the United States. There was then nothing left but one of two things: either to protect the American fishermen by the presence of men-of-war, which might have led to a conflict, or to re-impose the duty on fish, the taking off of which had been part of the price paid by the United States for the free enjoyment of the right of fishing.

I asked Mr. Evarts whether he could conscientiously assert that, if British subjects had availed themselves of the privilege of fishing on the United States' coasts, they would have been allowed advantages, either as to the mode or time of fishing, over the native fishermen? He replied that if the former had attempted to take any such advantages, the United States' Government would immediately have recommended that the same rights should be allowed to the natives. "But," I said, "such a step would have led to the entire destruction of the fisheries." This idea Mr. Evarts ridiculed; indeed, it seems to be the firm conviction of those in this country who have most studied the matter, that no amount of catching will lead to any perceptible diminution in the quantity of fish; but that there are other causes, not yet well understood, arising from local circumstances, storms, &c., which occasionally drive the fish away from the points which they have been in the habit of visiting.

Mr. Evarts thinks that there has been unnecessary delay in replying to his representations, and that sufficient attention has not been paid to his arguments; and that Lord Salisbury's note of the 3rd ultimo seemed to imply that the Newfoundland fishermen were justified in their attack upon the Americans, and would be encouraged to a repetition of similar conduct on future occasions.

There is also a strong desire on the part of the United States' Government, in view of the approaching end of the term for which fishing rights were granted by the Treaty, that it should not be supposed that the value which has been assigned to the fisheries by the Treaty and the Halifax Award is one which can ever be admitted or acknowledged by the United States as a precedent for any future arrangement.

I had the honour to transmit copies of the President's Message to Congress, accompanied by Mr. Evarts' Report upon the subject in my despatch of the 18th instant.\* The papers which were transmitted with Mr. Evarts' Report have not yet been printed.

I also inclose copies of a Bill which was submitted to the House of Representatives on the 18th instant by Mr. Loring, a member from Massachusetts, which proposes that Collectors of Customs should be instructed to collect on fish and fish-oil the duties imposed before the Act of the 1st March, 1873; and that from the duties so collected the sum of 125,000 dollars should be set apart for the compensation of the United States' fishermen "who were driven from Fortune Bay on the 6th January, 1878." The Bill was referred to the Committee on Foreign Affairs, by which I understand that it has not yet been taken into consideration.

Inclosure 1 in No. 19.

*Message from the President of the United States, dated May 17, 1880.*

Inclosure 2 in No. 19.

46TH CONGRESS, 2ND SESSION.—H. R. 6242.

*A Bill relating to certain Provisions of the Treaty of Washington.*

MR. LORING introduced the following Bill:—

"A Bill relating to certain provisions of the Treaty of Washington.

"Whereas, by the provisions of the Treaty of Washington of 1871, the right of inshore fishing along the coasts and shores, and in the bays, harbours, and creeks of all Her Britannic Majesty's dominions in Canada, and of the Island of Newfoundland, were secured to the inhabitants of the United States; and

"Whereas, by the provisions of said Treaty a Commission was appointed to meet at Halifax and award the compensation to be paid by the United States for this grant in addition to the freedom of the fishery in United States' waters, and the remission of all duties upon fish and fish-oil imported into the United States from the said dominions of Her Britannic Majesty; and

"Whereas the said Commission awarded to Her Britannic Majesty the sum of 5,500,000 dollars as such compensation, which has been duly and fully paid; and

"Whereas the fishermen of the United States have been driven by violence from the fishing-grounds in which such freedom of fishery has been granted by said Treaty, and laws in limitation of their rights have been passed by the local Legislatures of said dominions, and Her Britannic Majesty's Government have refused all redress therefor, and have supported the claim of the said dominions to enforce said legislation: therefore

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 1 of an Act entitled 'An Act to carry into effect the provisions of the Treaty between the United States and Great Britain, signed in the city of Washington the 8th May, 1871, relating to the Fisheries,' and approved the 1st March, 1873, be, and the same is hereby, repealed.

"Sec. 2. That the Secretary of the Treasury be, and is hereby, authorized and directed to instruct the Collectors of Customs in the various Collection-districts of the United States to collect on all fish and fish-oil imported into the United States from the said dominions of Her Britannic Majesty the duties heretofore imposed thereon by the provisions of section 2504, schedule F, of the Revised Statutes of the United States.

"Sec. 3. That from the amount of duties so collected the sum of 125,000 dollars be, and the same is hereby, set apart for the compensation of the fishermen of the United States who were driven from Fortune Bay, in Newfoundland, on the 6th January, 1878, and that the same be paid into the hands of the Secretary of State, to be by him distributed among said claimants according to the proofs of damages submitted to him in their behalf."

\* See "United States No. 1 (1880)," No 11.



## No. 20.

*Sir J. Pauncefote to Mr. Herbert.*

Sir, *Foreign Office, June 7, 1880.*  
 I AM directed by Earl Granville to transmit to you, to be laid before the Earl of Kimberley, a copy of a despatch from Her Majesty's Minister at Washington in regard to the Fortune Bay affair.\*

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

## No. 21.

*Mr. Bramston to Sir J. Pauncefote.—(Received June 8.)*

(Extract.) *Downing Street, June 7, 1880.*  
 I AM directed by the Secretary of State for the Colonies to transmit to you herewith, for the information of Earl Granville, an extract of a despatch which has been addressed to the Governor of Newfoundland, communicating to him a copy of Lord Salisbury's note to Mr. Hoppin of the 3rd April last respecting the Fortune Bay affair.

Inclosure in No. 21.

*The Earl of Kimberley to Governor Sir J. Glover.*

(Extract.) *Downing Street, June 3, 1880.*  
 WITH reference to previous correspondence respecting the question which has arisen with the United States' Government arising out of the occurrences at Fortune Bay in January 1878, I have the honour to transmit to you, for your information and for that of your Government, a copy of a note addressed by the Marquis of Salisbury to Mr. Hoppin on the 3rd April last upon this subject.†

## No. 22.

*Earl Granville to Sir E. Thornton.*

Sir, *Foreign Office, June 9, 1880.*  
 I HAD to-day an interview with the United States' Minister at this Court respecting the Fortune Bay affair.

Mr. Lowell stated that there was a much stronger and deeper feeling on the other side of the Atlantic upon this question than was appreciated here. There was, he said, a feeling that a wrong had been done which ought to be redressed.

We agreed that this was a reason why both Governments should try to settle the question.

I observed that the present Government had not their reputation to make as to a wish to act in a conciliatory manner towards the United States, but that we could make no concession which could not be made with perfect justification.

I then asked Mr. Lowell whether he had any suggestions to make. He replied, "none"; that his instructions were to conform his language to that of Mr. Evarts' note. I inquired whether it would not be possible to separate the two questions of the interpretation of the Treaty and of the attack upon the American fishermen. He replied that he feared that it might be too late to do this, but that, at my request, he would be prepared to ask the question.

Mr. Lowell added, not officially, but only as his personal opinion, that there would be no precipitate action on the part of the United States. The President, he said, had power to act, but the moment for doing so was at his own discretion.

\* See "United States No. 1 (1880)," No. 11.

† "United States No. 1 (1880)," No. 8.

We finally agreed to renew our conversation upon this subject at an early date.

I am, &c.  
(Signed) GRANVILLE.

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## No. 23.

*Mr. Lowell to Earl Granville.—(Received June 12.)*

My Lord,

*United States' Legation, London, June 12, 1880.*

REFERRING to my conversation with your Lordship on the 9th instant, I have the honour to acquaint you that I took pleasure in communicating by cable the next day to my Government the friendly sentiments of your Lordship in respect to the differences between the two countries on the Fishery question.

I have this morning received a telegram from Mr. Evarts, by which he desires me to communicate his great gratification at the expression by your Lordship of the friendly disposition of the British Cabinet—a disposition which, he states, he should have been ready to assume from the public character of its members. He adds that the President will be quite ready to entertain any considerations which may be presented to the Secretary of State to relieve the question of the fisheries from its present difficulties, and that the Bill now pending before Congress extends to the President adequate discretionary power to meet an accord between the two Governments respecting the fishery rights of the United States under the Treaty, should such an accord be established during the recess of Congress.

I have, &c.  
(Signed) J. R. LOWELL.

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## No. 24.

*Sir E. Thornton to Earl Granville.—(Received June 13.)*

(Extract.)

*Washington, May 31, 1880.*

I HAVE not been able to ascertain that any decision has been arrived at by the Committee on Foreign Affairs with regard to the Bill submitted to the House of Representatives by Mr. Loring, proposing to reimpose import duties upon fish and fish-oil, the produce of the British provinces, nor do I believe that the matter has been considered in that Committee. It is certain that no Report has been made to the House upon the subject.

Neither have the newspapers paid much attention to it.

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## No. 25.

*Earl Granville to Sir E. Thornton.*

Sir,

*Foreign Office, June 17, 1880.*

I INCLOSE, for your information, copy of a letter from the United States' Minister on the subject of the Fortune Bay affair.\*

I am, &c.  
(Signed) GRANVILLE.

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## No. 26.

*Sir J. Pouncefote to Mr. Herbert.*

Sir,

*Foreign Office, June 17, 1880.*

I AM directed by Earl Granville to transmit to you, to be laid before the Earl of Kimberley, the copy of a note from the United States' Minister at this Court\* on the subject of the Fortune Bay affair.

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

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\* No. 23.

No. 27.

*Earl Granville to Mr. Lowell.*

Sir, *Foreign Office, June 18, 1880.*  
 I HAVE the honour to acknowledge the receipt of the letter which you were good enough to address to me on the 12th instant, and in which you communicated to me the substance of a telegram received by yourself from Mr. Evarts in reference to the Fortune Bay question.

I have, &c.  
 (Signed) GRANVILLE.

No. 28.

*Sir E. Thornton to Earl Granville.—(Received June 20.)*

(Extract.) *Washington, June 7, 1880.*

WITH reference to my despatch of the 31st ultimo, I have now the honour to transmit herewith printed copies of the correspondence which was forwarded to Congress on the 17th ultimo, together with the message of the President respecting the Fortune Bay affair.

The greater part of the correspondence is already known to the Foreign Office. I beg, however, to call attention to a paragraph in a letter from the United States' Commercial Agent at St. Pierre, Miquelon, to the State Department (p. 16), in which he contradicts the statement that the American fishing schooners were obliged to leave the bay on account of the antagonism of the natives, and says that they remained there for a fortnight or more after the occurrences of the 13th January, using the same seines, except the one which was destroyed.

At p. 93, and following pages, will be found a Report addressed to Mr. Evarts by Messrs. Babson and Foster, who were sent, during the season of 1879, on board of the United States' ship "Kearsarge," to inquire into the conduct of the inshore fisheries by the American fishermen, and the treatment which they received at the hands of the local authorities and population.

These gentlemen did not, however, find much to complain of, and heard of only one instance in which the native fishermen of Whitehead, on the northern part of Cape Breton, refused to allow the Americans to use seines for catching squid for bait. It appears, however, from this Report, that in general there has been a great falling off in the fisheries, and particularly in the mackerel fishery, and it is probably on this account that the American fishermen are of opinion that the relieving of the fish from import duties and the Halifax Award were a high price for the small return which they declare that they have derived from their fishing rights under the Treaty of Washington, and that they would have made a much greater profit if the fish caught on the United States' coasts, and that which in former times they were in the habit of purchasing from the Canadians and importing as their own catch, had been protected by import duties on all other fish.

I understand that Mr. Evarts has been earnestly urging the Committee on Foreign Affairs of the House of Representatives to come to a decision with regard to the recommendation made by the President in his message on the Fortune Bay affair, so that some Act upon the subject may be passed before the closing of the Session. The Committee does not, however, appear to be entirely in accord with Mr. Evarts' views. But I understand that a Bill has been prepared and approved by a majority of the Committee, and will be shortly submitted to the House, perhaps to-day. It is said that it has a long preamble, accusing Her Majesty's Government of having failed to carry out the provisions of the Treaty of Washington.

Section 1 proposes to re-impose the duties on fish and fish-oil coming from Canada and Newfoundland.

Section 2 provides that, whenever an arrangement may have been come to with Her Majesty's Government as to the interpretation and execution of the Fishery Articles of the Treaty, the President may remit the collection of the duties.

Section 3 authorizes the President to prevent American fishermen from fishing on the coasts of the British provinces until the two Governments are in accord on the subject.

Section 4 authorizes the Secretary of State to audit the claims of the sufferers

by the Fortune Bay affair, and appropriates the sum necessary for their payment by him.

Such are the statements made by the newspapers with regard to this Bill, and they are probably more or less correct.

It is added that Mr. Cox, the Chairman of the Committee, is preparing a Report to accompany the Bill and support it. It is also said that the minority of the Committee will present another Report, accompanied by a Resolution to request the President to take steps to obtain indemnity for the sufferers by the Fortune Bay affair, and to secure to United States' citizens their rights under the Treaty, and, failing to accomplish these purposes, to procure the abrogation of the Treaty.

The newspapers generally are paying but little attention to the subject.

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Inclosure in No. 28.

*Extract from the Message from the President respecting the alleged Outrage at Fortune Bay.*

[46th Congress, Second Session: Ex. Doc. No. 84.]

*Depositions of James L. Anderson, James D. Norwood, Peter Thibodau, James Challoner, and Charles Dagle, taken in relation to the trouble between the Canadian and American Fishermen at Aspee Bay, Cape Breton.*

*Gloucester, September 8, 1879.*

I, JAMES L. ANDERSON, of Gloucester, Massachusetts, and master of the schooner "Cadet," of Gloucester, do, on oath, depose and say that I left Gloucester on the 7th June, 1879, bound for Aspee Bay, Cape Breton, to take squid. My vessel was fitted and furnished with a seine for the taking of squid, as I considered that, under the provisions of the Treaty of Washington, I had the right to take fish of any kind within 3 miles of the shores of the Dominion, and also to use seines or other apparatus for the purpose. I arrived at Aspee Bay on the 20th June; the American schooner "Bay State," Captain Goodwin, arrived the same day. He was fitted with a seine for the purpose of taking squid. The inhabitants of Aspee Bay came off to my vessel, and seeing the seine on deck, asked me what I intended to do with it. I told them that it was for the purpose of taking squid; they then left my vessel and went on shore. The next morning I went on shore and was met by a fisherman named Gwin, who informed me that the fishermen of the place had consulted together and had made up their minds that no seine should be set in the bay, and if it was attempted they would cut it up and destroy it, and that they would serve me the same.

He gave as a reason for this that they believed the using of the seine would drive away the squid and deprive them of bait for their own fisheries, and ruin their business of jigging squid. I explained to them that squid had been seined in Chebucto for several years, with no more perceptible decrease of the squid than when they were caught by jigs; that the same amount of squid would be taken from the water by the jigs, as there are some 200 men who fish for squid at that place. I found that it was useless to argue, as every time I went on shore the threats were repeated, and that they would be carried out.

I then attempted to compromise by offering to pay them for all the squid I might take in the seine, at the same rate as if they caught them with jigs, and divide the money among them equally. They said that if my seine was used in the bay that it would establish a precedent for seining there, and other vessels would not then be prevented, after one had been allowed to seine. Finding I could not use my seine, and knowing that if it was cut up I should not have it to use in other places, and be deprived of the means of getting my cargo, I felt obliged to give it up. When the squid came into the bay there was a large fleet of bankers, and if I could have used my seine I could have supplied every vessel with bait and have also loaded my own vessel with squid to sell the vessels on the banks. For ten successive days the bay was swarming with squid, but not one would take the hook, and the people could not take any.

All of the vessels lying there were obliged to leave without obtaining any bait, and I left also, for Chetticamp. Failing to find squid there, I returned to Aspee Bay on the 21st July, and found squid in the bay that at that time would take the hook.

I commenced buying of the fishermen, having over sixty boats with 180 men employed. I paid for this lot of squid 561 dollars in cash, getting about two-thirds of a cargo. This cargo I carried to St. Pierre, and sold the squid for 6½ fr. per 100 to the Jersey fishermen. In a week's time I came back to Aspee Bay, and found squid plenty in the bay, but they would not take the hook. I could have taken all the squid I wanted if I could have used my seine. I remained three days, and finding that I could not obtain any squid, as they would not bite, I left the bay, and I then started for Newfoundland, and in the dense fog the current set the vessel on the Little Miguelon, where she was lost. My loss on being deprived of the use of my seine on my first trip would be 5,000 dollars, as for this season I could have loaded my vessel in three days on the first trip, and would have had them in St. Pierre's at least three weeks ahead of any other baiter, and as the squid failed at St. Pierre this season, I could have got 1 dol. 50 c. per 100 for them. The cargo I carried there three weeks later I got 1 dol. 25 c. per 100 for. I should have been at no expense in buying the squid, as my crew could have set the seine and handled the fish; on my second visit I paid the people 561 dollars for a partial cargo, and the third trip I could have seined my cargo, but was not allowed to, and the squid not biting, I could not purchase from the people.

My third trip, by being so deprived, I suffered a loss of at least 2,000 dollars. The delay, the uncertainty, and the consequent waste of time, and the continued expense of my vessel and crew obliging me to cruize from port to port in search of fish, when I could have realized full cargoes every time I was there, with certain sales, will not be computed in this amount, but simply the cost of the squid to me at Aspee Bay if I could have seined, and the value of the squid at St. Pierre.

In this whole matter no fishery officer or officer of the law forbade my seining; the threats and all demonstrations came from the local fishermen acting independent of all law, and combined together to act as a mob, violence enforced by numbers being their only authority. I told them time and again that under the Treaty of Washington I had a right to seine, as the Government had paid 5,500,000 dollars for this right; they replied that they cared nothing for Treaties or rights; they were going to take care of themselves; the money the Government had got done them no good, but when they got cash for squid it did them some good.

The squid on those shores are about a third grown, and are not mature enough for spawning; they are about 6 inches long, and they grow about 2 inches in a summer; they are the young squid, and every season they come on these coasts, always the young fish; by the use of the seine it makes the catch a certainty, while the hooking process cannot be depended upon.

On this trip my vessel was under a fishing licence, with a permit to touch and trade. I had a few boots and shoes and some cottons, in case I had occasion to trade. On arriving at Aspee Bay I reported to the Customs officer at North-west Harbour, and entered my vessel; the most of my goods I carried to St. Pierre.

(Signed) JAMES L. ANDERSON, *Captain*.

Essex, ss.

Personally appeared the above-named James L. Anderson, who made oath that the above statement by him subscribed is true, before me.

(Signed) ADDISON CENTER, *Justice of the Peace*.

Gloucester, September 12, 1879.

Gloucester, September 10, 1879.

I, James D. Norwood, master of the American schooner "Messina," of Gloucester, do, on oath, depose and say that I left Gloucester for St. Ann's or Aspee Bay, Cape Breton, for a cargo of squid to sell for bait. I had been in these ports in previous years, and knew that the inhabitants would oppose the use of a seine in that bay, and consequently I went prepared to buy my squid.

I stopped at St. Ann's about a fortnight; got no squid, as they would not bite; then went to Aspee Bay and found that the squid would not take the hook, and that the people had opposed the use of any seine by Captain Anderson or any other person. I could have hired a seine and loaded my vessel if I had been allowed what I considered my rights under the Treaty of Washington, but finding the people in such a determined and threatening attitude, I knew it would be useless to try to get my cargo there, and left for Newfoundland. I arrived at Torbay, where I bought 300,000 squid of the local fishermen, paying 900 dollars in cash for them.

The same hostility to Americans taking their own bait with seines exists at Newfoundland as at Cape Breton. The fishermen can make twice the amount of money taking squid for the American bankers and baiters than they can in their usual avocation of cod fishing, and they will not be deprived of this lucrative trade if they can help it. It is cash to them, and the women and boys join with the local fishermen in the light work of taking squid with jigs. The whole community shares in the squid fishery and in the money they receive for them.

In my judgment, full 100,000 dollars is paid annually on these shores for bait alone, and this could all be saved if the Americans could use their seines to take bait; and the bait, if not purchased by the American fleet, would be useless and valueless to the people.

I have been informed that there is a local law against seining squid at Newfoundland. The present mode of taking squid by jigs is a slow process, costing the Americans a great loss of time, when, if the seine could be used, it would save two-thirds the time it now takes to get bait. Each banker now has to spend at least thirty days out of each trip in going around from place to place for bait, as when the squid will not take the hook none can be obtained, and the seine makes the catch a certainty.

(Signed) JAMES D. NORWOOD,  
*Master of Schooner "Messina."*

Essex, ss.

Personally appeared the above-named James D. Norwood, who made oath that the above statement by him subscribed is true, before me.

(Signed) ADDISON CENTER, *Justice of the Peace.*  
*Gloucester, September 10, 1879.*

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*Gloucester, September 10, 1879.*

I, Peter Thibodau, master of the American schooner "Lizzie J. Jones," of Gloucester, do, on oath, depose and say that I left Gloucester in the said vessel on the 3rd June, 1879, for Aspee Bay, Cape Breton, on a trip for squid. I was not fitted with a seine, but was prepared to buy for this season; that the previous year I was at Aspee Bay with Captain Dagle, and knew that the fishermen there would not, under any circumstances, permit a seine to be used there.

I was at Aspee Bay when Captain Anderson, of the schooner "Cadet," tried to use his seine, and Captain Anderson asked me to assist him in using his seine for seining the squid; but the local fishermen, to a man, united in threatening destruction to the seine or any one who attempted to use it in that bay.

I am perfectly sure that the seine would have been destroyed, as the people warned me from having anything to do with it, and were constantly on the watch to see if Anderson attempted to use it, and were prepared to attack him on the first demonstration on his part. I did not get but 3,000 squid at Aspee Bay. My vessel would take, as a cargo, 500,000.

All of the vessels could have been loaded with squid, could the seine have been used; the bay was swarming with them.

I told the people that Americans had the right to take these squid with seines, and they said they cared nothing for that; they should and would protect themselves; if they allowed seining it would ruin their business of jigging squid, and then they thought the seining would drive away the squid from the bay.

At this place the local fishermen have no money, except what they get from the Americans for squid, and they say if this trade is taken from them they will have no money to pay their taxes, &c.

They usually receive from the local traders goods and groceries for the fish they take during the season, while the Americans pay cash for the squid and bait they buy.

I was obliged to leave Aspee Bay, as I could not obtain any squid, as they would not bite.

I then went to Newfoundland to Conception and Trinity Bays, where I bought my squid of the local fishermen.

The feeling is the same at Newfoundland as at Aspee Bay against seining.

No American will be allowed to use a seine to take squid in any of the bays or coves of Newfoundland under penalty of destruction of the seine. I have heard

the people say this over and over again, and know that it is impossible to obtain what we consider our rights in this respect under the Treaty of Washington.

(Signed) PETER THIBODAU,  
Master of the Schooner "Lizzie J. Jones."

Essex, ss.

Personally appeared the above-named Peter Thibodau before me, and made oath that the above statement by him subscribed is true.

(Signed) ADDISON CENTER, *Justice of the Peace.*  
Gloucester, September 10, 1879.

*White Point, Br. Vic., August 17, 1879.*

James Challoner, of White Point, Aspee Bay, being duly sworn, do depose and say that about the 20th July, 1879, Captain Anderson, of the schooner "Cadet," of Gloucester, came to see me, and said that his vessel, the previous season, had done very well with squid, which they had purchased here and had sold at St. Pierre Miquelon; and that there were ten vessels this year engaged in the same business, and eight of them did come to this bay for the purpose of getting squid and carrying them to the banks for sale to the bankers, and remained here until about the 16th July. Captain Anderson and Captain Goodwin of the "Bay State," had a seine for the purpose of seining squid in the bay, and did not attempt to use it, because the fishermen would not allow them to do so; they threatened to cut the seine if they placed it in the water; there never has been but one seine cast in this bay, and had Captain Anderson thrown his seine he would have swept the whole school of squid in the cove, and the fishermen would have been deprived of all their bait for the season. Last season the Americans purchased their squid, giving 20 cents per 100, and this, when the squid are plenty, is a source of profit and a large part of the business of the inhabitants. Captain Anderson could have purchased all he wished, but if the fishermen had allowed him to seine they would have lost the money paid for the squid by the cod fishermen from the banks. No opposition was made to Captain Anderson's catching squid by hook and line.

American and French bankers come here every summer for bait, and if Captain Anderson had taken all the squid by his seine the bankers would have been forced to purchase of him instead of the native fishermen, of whom there are about 150. I am not aware of any Colonial law against securing squid. The only reason the inhabitants threatened Captain Anderson was that he would ruin their squid catch. The only fishery officer lives at Fragnish, down the coast. Some Newfoundlanders living near here attempted, a little while ago, to use seines for taking caplin, but the natives would not permit them to do so. I have been a resident here for thirty years, and engaged in the business of purchasing fish.

(Signed) J. A. CHALLONER.

Subscribed and sworn to before me this 17th day of August, 1879.

(Signed) J. H. SEARS, *Ensign, United States' Navy,*  
*United States' Ship "Kearsarge."*

Charles Dagle, captain of the schooner "Joseph Story," being duly sworn, doth depose and say that he was at Aspee Bay, Cape Breton, in the latter part of June, 1879, for the purpose of purchasing squid to carry to St. Pierre for bait for the French bankers; that while he was there Captain Anderson, of the schooner "Cadet," of Gloucester, Massachusetts, who came for the purpose of catching squid at that place, and squid not being obtained in sufficient numbers by jigging, attempted to use a squid seine for the purpose of catching the squid, which schooled in great numbers, but would not bite at the jig. The inhabitants of Aspee Bay threatened that if he set his seine they would cut it, and there would be trouble, as selling squid was their only way of making money during the summer season, and if a seine was used in the cove all the squid would be taken or driven away, and they would lose all their summer's employment, as squid was the only bait they could obtain for catching cod. They were willing that Captain Anderson should jig his squid or purchase of them. Captain Anderson left the bay without a trip of squid, while if he had used his seine he would probably have filled his vessel.

That I have just come back from Torbay, Newfoundland, near St. John, with 94,000 squid, which were all purchased of the inhabitants there. That there is a law in force in Newfoundland against seining squid, which forces us to purchase of the natives, as we have no time to take them by the slow process of jigging.

(Signed) CHARLES DAGLE.

Sworn to before me at St. Peirre, Miquelon, this 19th August, 1879.

(Signed) W. F. McLAUGHLIN, *Vice-Commercial Agent,*  
*United States of America.*

No. 29.

*Sir E. Thornton to Earl Granville.—(Received June 27.)*

(Extract.)

*Washington, June 14, 1880.*

WITH reference to my despatch of the 7th instant, I have the honour to inclose copies of the Bill with regard to the fishery clauses of the Treaty of Washington, of which I gave a synopsis in that despatch.

I also inclose copies of the Report submitted to the House of Representatives, together with the Bill from the Committee on Foreign Affairs.

It will be seen that the language of the Report is not moderate; its principal argument is, that Her Majesty's Government gave by the Treaty full right of free fishing on the sea coasts and shores of the British provinces without being in any way subject to their local laws. It ignores altogether that the stipulation was that the inhabitants of the United States should have, in common with the subjects of Her Majesty, the liberty to take fish on those coasts and shores.

The last paragraph of page 5 of the Report intimates that, if the Dominion choose that a Commission should be organized to consider questions with regard to reciprocal trade, its demands with regard to fish and all other articles might be listened to.

But the Resolution reported by the Committee with regard to such a Commission has not been passed by Congress.

It is said that, although a joint Resolution passed by the two Houses has decided that the Session shall be finally adjourned on the 16th instant, the inclosed Bill will be taken into consideration by the House, perhaps to-day, and passed before the close of the Session. I cannot, however, conceive that the Senate will have time to take it up before that date, nor till Congress shall meet in December next, so that it is not likely to become law till then.

I also inclose copies of a Resolution submitted to the House on the 9th instant by Mr. Rice, a member from Massachusetts, and once Governor of that State, proposing that the President should take measures for securing indemnity on account of the Fortune Bay affair, and to procure the early abrogation of the fishery Articles of the Treaty. The Resolution was accompanied by a Report from the Committee on Foreign Affairs, copies of which are likewise inclosed.

The newspapers have made but few comments upon the subject.

Inclosure 1 in No. 29.

46TH CONGRESS, 2ND SESSION.—HOUSE OF REPRESENTATIVES, 6453.

[REPORT NO. 1746.]

*A Bill relating to certain provisions of the Treaty of Washington.*

MR. COX, from the Committee on Foreign Affairs, reported the following Bill as a substitute for H. R. 6242 :—

“ A Bill relating to certain provisions of the Treaty of Washington.

“ Whereas by the provisions of the Treaty of Washington of 1871 the liberty of inshore fishing on the sea-coasts and shores, and in the bays, harbours, and creeks of



all Her Britannic Majesty's dominions in Canada, and of the Island of Newfoundland, without being restricted to any distance from the shore, was secured to the inhabitants of the United States; and

"Whereas by the provisions of said Treaty a Commission was appointed to meet at Halifax and award the compensation to be paid by the United States for this grant, in addition to the freedom of the fishery in United States' waters and the remission of all duties upon fish and fish-oil imported into the United States, being the produce of the fisheries of said dominions of Her Britannic Majesty; and

"Whereas the said Commission awarded to the Government of Her Britannic Majesty the sum of 5,500,000 dollars as such compensation, which has been paid by this Government; and

"Whereas the fishermen of the United States have been driven by violence from fishing grounds in which such freedom of fishery has been granted by said Treaty, and Her Britannic Majesty's Government have refused all redress therefor, and in justification thereof support the local legislation of said dominions restrictive of such liberty, notwithstanding said provisions of said Treaty; and

"Whereas the Government of the United States and the Government of Her Britannic Majesty are not in accord as to the interpretation and execution of said provisions of the Treaty of Washington; therefore

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the duties on fish-oil and fish, being the produce of the fisheries of the Dominion of Canada (including Prince Edward's Island) and of the Colony of Newfoundland, imported into the United States, as such duties were imposed by law before the fishery Articles of the Treaty of Washington came into operation, and before the passage of the Act of the 1st March, 1873, entitled 'An Act to carry into effect the provisions of the Treaty between the United States and Great Britain, signed in the City of Washington the 8th May, 1871, relating to the fisheries,' be, and the same are hereby, reimposed, and shall be collected to the same effect as they were in force before the passage of the said Act of the 1st March, 1873; said duties hereby imposed being as to such fish at and after the rate mentioned in Schedule F, and as to such fish oil at and after the rate mentioned in Schedule M of section 2504 of the Revised Statutes:—Provided, however, that such duties shall not be imposed or collected upon such fish or fish-oil unless the same shall be imported on or after the 1st July, 1880.

"Sec. 2. That whenever and as soon as the Government of the United States and the Government of Her Britannic Majesty shall be in accord as to the interpretation and execution of the fishery Articles of the Treaty of Washington as respects the liberty of the inshore fishery of the said Dominion of Canada and of the Colony of Newfoundland, as conceded by said fishery Articles, and in respect of the exercise of that liberty by the inhabitants of the United States, it shall be lawful for the President of the United States to issue his Proclamation to that effect, and to remit the collection of duties under or by virtue of this Act from and after such date as in and by such Proclamation he shall designate for such remission.

"Sec. 3. That the President is hereby authorized and empowered at any time while the duties reimposed by the provisions of this Act are in force and required to be collected, if in his discretion he shall think the public interests so require, to issue his Proclamation restraining, in such manner and degree as he may see fit, the inhabitants of the United States from the exercise of their liberty of fishing within three miles of the coasts and shores of Her Britannic Majesty's said dominions, or any parts thereof, until the Government of the United States and the Government of Her Britannic Majesty shall be in accord as to the interpretation and execution of the fishery Articles of the Treaty of Washington as respects the said liberty of the inshore fishery of the said Dominion of Canada and of the Colony of Newfoundland as conceded by said fishery Articles, and the same to revoke, and from time to time to reissue, as in his discretion the public interests may seem to require.

"Sec. 4. That the Secretary of State be, and he is hereby, authorized and empowered to examine into and audit the claims of our fishermen for loss and injury sustained by and from the interruption of their exercise of the liberty of the inshore fishery at Fortune Bay in January 1878, and their expulsion from said fishery; and that the sum necessary to compensate said fishermen for such loss and injury, to be paid and distributed to them under the direction of the Secretary State, be, and the same hereby is, appropriated out of any money in the Treasury not otherwise appropriated."

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## Inclosure 2 in No. 29.

46TH CONGRESS, 2ND SESSION.—HOUSE OF REPRESENTATIVES.

[REPORT No. 1746.]

*Fishery Provisions of the Treaty of Washington.*

MR. COX, from the Committee on Foreign Affairs, submitted the following Report: (To accompany Bill H. R. 6453).

The Committee on Foreign Affairs, to whom was referred the message from the President of the United States communicating certain correspondence with the Government of Great Britain in regard to the alleged outrages on the American fishermen at Fortune Bay and the Province of Newfoundland, and also House Bill 6242, "relating to certain provisions of the Treaty of Washington," introduced by the Hon. Mr. Loring, of Massachusetts, report the accompanying substitute for said Bill, for which they ask the favourable consideration of the House.

The preamble of the Bill has five several recitals. As to these there can be no controversy.

The first recites the provisions of the Treaty of Washington of 1871 as to the liberty of inshore fishing. The second recites the meeting of the Commission at Halifax, and the object thereof under said Treaty. The third recites the award to Her Britannic Majesty of 5,500,000 dollars, as compensation paid by the United States for the freedom of the fishery. The fourth asserts the fact that the fishermen of the United States were driven by unlawful force from the fishing-grounds in which such freedom of fishery had been granted, and asserts the refusal of redress therefor. It recounts the pretended justification thereof in the local legislation of the Province of Newfoundland, restrictive and violative of such liberty, notwithstanding the plain provisions of the Treaty. The last recital indicates the discord between the two Governments which celebrated the Treaty.

The enactments of the Bill are intended to provide the best remedy now possible for the wrongs inflicted. These remedies consist in the imposition of duties on fish-oil and fish produced by the fisheries of the Dominion, including Prince Edward Island and Newfoundland. The 2nd section of the Bill provides for a discontinuance of such duties in case an accord be established between the two Governments. The 3rd section provides for a Presidential Proclamation to restrain our citizens from the exercise of their right to fish until the accord be established. The 4th section provides for a proper audit of the claims of fishermen by reason of the violence at Fortune Bay on the 6th January, 1878, and appropriates money therefor.

The Committee refer to the message of the President and the accompanying letter of the Secretary of State, as well as to the documents accompanying the President's communication to the House of Representatives in reply to their Resolution of the 27th April, 1880, for a detailed Statement of this vexed question.

This Committee has already reported to the House a Resolution for the abrogation of the fishery clauses of the Treaty of Washington. This abrogation may, in one regard, be accomplished by the mode prescribed by the Treaty. Notice is required to be given, and by the provisions of the Treaty it cannot be annulled formally until 1885.

This remedy seems to be too remote, inconsequential, and almost futile to remedy the wrongs which our fishermen have suffered. By a bold, violent, and outrageous infraction of the terms of the Treaty, as illustrated in the repulse of twenty of our vessels, the destruction of their seines, and the loss of their ventures at the Fortune Bay in January 1878, the advantages of the Treaty, for which we paid and are paying so much, have been nullified.

It is evident from the facts that a new adjustment of the fishery relations under the Washington Treaty is necessary. But before that adjustment can be had by cancelling that part of the Treaty itself, certain other measures are indispensable. They should be promptly taken by Congress in aid of the President's vigorous and patriotic remonstrance. This Congress will be responsible if we fail thus to vindicate our undoubted rights and dignity.

The rights conceded by this Treaty in the XVIIIth Article are as follows:—

"That inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty to take fish of every kind, except shell-fish, on

the sea-coasts and shores, and in bays, harbours, and creeks of the Provinces of Quebec, Nova Scotia, and New Brunswick, and the Colony of Prince Edward Island, and of the several islands thereto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also Magdalen Islands, for the purpose of drying their nets and curing their fish; provided, that in so doing they do not interfere with the rights and private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose. It is understood that the above applies solely to the sea fishery."

From the terms of this Article it will be seen that the liberty to take fish of every kind, except shell-fish, is conceded to our people on the sea-coasts and shores, as well as the bays, harbours, and creeks of the provinces. No more comprehensive language can be used to give an undivided interest to the inhabitants of the United States along and equal with those of Great Britain in this adventurous and hazardous business. Every interpretation of these rights in the Halifax Commission and in the correspondence, including the "Case" made by Her Majesty's Government, confirms the views of our Administration—that without such permission to fish on the "shores" the practical use of the fisheries is impossible. Without such permission, we paid for nothing. We bought back what we unwisely relinquished or failed to defend in 1818, and the delivery has been withheld.

For reasons not necessary here to state, the equal participation in the fisheries, which was conceded to us by the sovereign power of Great Britain, was considered at Halifax to be so immensely valuable, that 6,000,000 dollars was claimed from us for it. Of this 20 per cent. was estimated as net profit on 1,200,000 dollars. It was urged at Halifax, as one reason for the enormous award which our Government was in too great haste to pay, that not only had we in the present an enormous advantage, but in the future a splendid prospect, by which our enterprise might be aggrandized and our wealth and industries increased.

What, then, was the surprise of the American Congress and people when, after appropriating and paying the 5,500,000 dollars on this dubious Award, made under circumstances which require close diplomatic scrutiny and urgent demand, that we had paid our money and mitigated our Tariff for Dominion fish, only to receive no returning consideration. True, the British Minister, Lord Salisbury, just before he received our millions, was exceedingly complaisant. He signified, in no ambiguous style, that British sovereignty, as regards these matters, was only limited in its scope by the engagements of the Treaty of Washington, and that these engagements could not be modified or affected by any municipal legislation. But as soon as the money was paid a different tone prevailed. A new interpretation, as the concomitant and justification of violence, pervaded the British correspondence.

It is a singular fact connected with this affair, that while the occurrence of Fortune Bay was in January, 1878, and while in March of that year our Government demanded an explanation and asserted its rights, the British Government did not respond until the 4th September of the same year.

What, then, was their answer? Upon this answer depends the reason for the legislation proposed by the Committee. The grounds were that our fishermen infringed a law of Newfoundland as to fishing on Sunday, which was passed subsequent to the Treaty of Washington; that they used seines to take herring contrary to a law of that province, which prescribed the methods of fishing for six months of the year between October and April; and that they had the audacity to use seines in a manner prohibited by provincial statute, or by a codification of all their provincial laws made after the Treaty. The English Minister justified the violence against the American fishermen by a charge that they had committed three distinct breaches of a law of that province.

If it had been the provincial Government or that of the Dominion which was the Treaty-making Power, or if the Treaty had recognized the existing provincial laws or the right to enact such fishery laws thereafter, it might have changed the logic and situation. But it was the sovereign Government of Great Britain which made the Treaty, without reservation as to local legislation, by which was justified this wanton violence. Our Treaty relations are, therefore, made to depend on provincial restraints, regulations, and statutes, not only in force at the time of the Treaty, but those enacted afterwards; and, by a similarity of reasoning, by all statutes, rules, and regulations enactable at the pleasure of the provinces. This cannot be tolerated.

In these particulars, therefore, our fishermen were denied their rights under

the Treaty. These rights consisted in an enjoyment with the British inhabitants, authenticated by a common or joint authority which was supreme above provincial law.

The Committee believe that no power, not even the British Imperial authority, could thus wrongfully restrain the rights acquired under the Treaty. So believing, they report that so much of the consideration not yet given by the United States for the benefits and privileges of that Treaty shall be withheld until the two supreme Governments are agreed as to the interpretation of the Treaty.

Without discussing the failure and lack of consideration paid for our fishery freedom, which in Treaties as in private contracts unbinds the injured party, it will be conceded that, in addition to the 5,500,000 dollars paid in money, equivalent rights were granted to the British inhabitants for fisheries on our own coasts; and, second, an exemption of the provincial fish products from duties, giving to the Dominion an absolutely free market for fish and fish-oils in the United States. If it be said that the Bill reported by the Committee is a violation of the fishery clauses of the Treaty, which allows free fish to come into the United States, it may be answered that the violent infraction of that Treaty at Fortune Bay destroys the very object for which these immense considerations were granted and paid. Since it is not possible, except by diplomacy, to recover the 5,500,000 dollars paid to the British Government for the now valueless concession; since we do not propose to take away the concession to the British inhabitants who desire to fish on our shores; one thing remains to be done by this Congress, which is entirely consistent with international law and the decisions of our Supreme Court.

The decisions of our highest Law Tribunal go so far as to say that in all matters within the purview of Congress, as, for instance, the Tariff, as on hemp in the case of *Tyler v. Morton* (Curtis' Reports, vol. ii, p. 454), no Treaty should intervene to prevent the action of the Federal legislation as to imposts on foreign articles.

The question as to the right of the Treaty-making power to affect duties on imports is not a new question. The Constitution in delegating such a power did not, however, interfere with that of Congress to regulate commerce and to impose duties. It is not necessary to discuss here and now how far Congress may participate in the matter of reimposing duties on fish, which were made free by the Washington Treaty, as whatever power the Federal Government had to make the Treaty as to imposts may of right be controlled by Congress. This part of our constitutional duty it is now proposed to assume by the Bill reported. No one can question the power of Congress to control the revenues to be derived from fish and fish-oil.

As to international law, the violence by which the Treaty was boldly broken at Fortune Bay, as well as the antagonistic legislation of the provinces by which it was justified, would be a serious complication, if not a *casus belli*. In the absence of reparation and harmony, no other relief is possible for such infraction, except by reprisal, letters of marque, or *via facti*, known to the law of nations.

"The violation of any one Article of the Treaty is a violation of the whole Treaty; for all the Articles are dependent on each other, and one is to be deemed a condition of the other. A violation of any single Article abrogates the whole Treaty, if the injured party so elects to consider it. This may, however, be prevented by an express stipulation that if one Article be broken, the others shall nevertheless continue in full force. If the Treaty is violated by one of the Contracting Parties, either by proceedings incompatible with its general spirit, or by a specific breach of any one of its Articles, it becomes not absolutely void, but voidable at the election of the injured party. If he prefers not to come to a rupture, the Treaty remains valid and obligatory. He may waive or remit the infraction committed, or he may demand a just satisfaction."—(Lawrence's "Wheaton," Part 4, Chap. iv, p. 887.)

Vattel, in his chapter (xv) on the "Faith of Treaties," after considering their sacredness, says, however, that they are no better than empty words if nations do not consider them as respectable engagements—as rules which are to be inviolably observed by Sovereigns, and held sacred throughout the whole earth. Upon this observance depends the safety and repose of nations; and, as a conclusion, he remarks that he who violates his Treaties violates at the same time the law of nations. He who makes sport of such solemn sanctions is to be treated, not as an enemy merely of the injured party, but of the human race.

Phillimore holds that it has been made a matter of dispute with respect to Treaties whether a change of circumstances subsequent to the Treaty does not operate to the defeasance of the Treaty itself. If so, *à fortiori*, a violent change, a disruption

of such relations provided in any Article of the Treaty which defeats its object, leaves the Treaty itself voidable at the election of the injured party.

The Committee do not propose that this country, after paying so much, should waive or remit the infraction; but it proposes that not only should there be a claim presented for the return of the 5,500,000 dollars, and a demand for the satisfaction of the losses at Fortune Bay, but that there should be a prompt reimposition of the duties on fish and fish-oils, which all countries except the dominion have continued to pay into our Treasury.

The Committee have not thought proper to consider such ultimate and protentous means and issues as look to reprisal or collision. All they propose is what their Bill proposes: that in the absence of agreement between the two Governments as to the interpretation of the Treaty and as to the effect of these provincial Statutes and Regulations, the great boon given to Dominion fishermen of a free market to the United States for their fish or fish-oils should be withheld. In ordinary cases, perhaps, the Committee on Foreign Affairs would not increase the revenues of the Government by any additional Tariff on any commodity, and much less when that commodity, which is a source of food, may be enhanced in price. It is not a matter in question whether fish will be cheaper or dearer by reason of the re-enactment of the tax on fish from the Dominion. It is a matter of patriotic respect and interest, when great advantages were given to the Dominion and the immense sum of 5,500,000 dollars paid, and the great exceptional privilege given to bring their fish into our market free, that the object for which we paid this sum and bestowed these privileges shall not now be allowed to turn to ashes. It would be a national humiliation, for which there is no material or moneyed equivalent, to allow such an audacious infraction by mob violence, under the cover or colour of mere provincial legislation, backed by British Imperial authority, without our using every remedy.

The United States can no more deal with these provinces than Great Britain can deal with New York or Massachusetts. They know only one party to the Treaty of Washington, namely, the Imperial Government. When the Imperial Government made this Treaty, everything inconsistent with that Treaty, either provincial Regulations or Statutes, were annulled by the Treaty, and everything possible to be enacted after the Treaty were to be subordinate to the clauses of the Treaty. When, therefore, our fishermen lost 103,000 dollars in the destruction of their seines and their venture, it is not only a case for reclamation against the British Government, but it is a case which puts us on our best endeavour to prevent any possible recurrence of such outrage. In fine, the circumstances make it the indispensable duty of our Government to withhold every consideration possible, not yet completed, in order to bring the Dominion or the British Government to the observance of the Treaty.

It may be that a restoration and even monopoly of the domestic market for the products of our own fish industry will do something to aid our own fisheries. Of that the Committee does not propose to take any account.

When Great Britain or the Dominion choose a Commission organized to consider the questions as to the reciprocal trade between the United States and the Dominion, such as this Committee have reported, it will be time to listen to their demands as to fish and all other articles. Thus, mutuality in the commerce of the two countries may have more prompt attention and relief.

The issue, as stated by the Secretary of State, between the two Governments, is this: shall there be provincial sovereignty over our fishery relations under the Treaty, after the exclusive sovereignty of that subject has been parted with by the Government of Great Britain.

The United States having acquired a participation in such fishery by paying the consideration fixed by the Treaty, how can the British Government claim, as Lord Salisbury did on the 3rd April, 1880, that these provincial regulations which were in force at the time of the Treaty still remain in full force; and especially, how can they make such claim when the very Minister himself acknowledged "the incompetency of the Colonial or even Imperial Government to remit by subsequent legislation the advantages secured by the Treaty to the subjects of another Power."

The freedom for which we have paid should neither be curtailed nor burdened. What we acquired from Great Britain under the Treaty was neither subject to the will of the provinces nor to the will of Great Britain. Having been fixed by Treaty, it should not be arbitrarily and forcibly annulled. If Great Britain had the power to dispose of her right, then we had from her the privilege of the shore fisheries. Our right is then equal to hers. There is no power except brute violence

to despoil us of that privilege which we have so abundantly and inordinately paid for.

The power of Great Britain over this subject was plenary. That plenary power was exercised not merely to obtain an immense sum of money which she has distributed among the provinces, and 1,000,000 of which was received by Newfoundland itself, but by the same authority we were made coparceners in the advantage of this freedom to fish on her sea coasts and shores.

Our citizens being, therefore, debarred from the enjoyments of the rights to which they were entitled under the Treaty of Washington, not only have they a just claim for redress to the amount of their damages which our Bill proposes to ascertain, but we have a right to withhold any one of the considerations which we yielded for the advantages thus denied. As nothing is given for the advantages we supposed we had received, so nothing should be left undone to rescue whatever we can from the grasp of these provincial law and Treaty breakers. The Committee therefore submit the accompanying Bill, and recommend its passage.

Inclosure 3 in No. 29.

46TH CONGRESS, 2ND SESSION.—HOUSE OF REPRESENTATIVES, 324.

[REPORT No. 1275.]

*Joint Resolution relating to the Termination of Articles XVIII and XXI of the Treaty of 1871 with Great Britain relating to the Fisheries.*

MR. RICE, from the Committee on Foreign Affairs, reported the following joint Resolution:—

Joint Resolution relating to the termination of Articles XVIII and XXI of the Treaty of 1871 with Great Britain relating to the fisheries.

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the President be, and he is hereby, respectfully requested to take such measures as will secure indemnity to our citizens for the damages sustained by them from past unlawful violence committed against them by the inhabitants of Newfoundland, and protection from any repetition of such violence, and to procure the early abrogation or termination of the Articles in the Treaty of 1871 relating to the fisheries.”

Inclosure 4 in No. 29.

46TH CONGRESS, 2ND SESSION.—HOUSE OF REPRESENTATIVES.

[REPORT No. 1275.]

*Relating to the Fisheries.*

MR. RICE, from the Committee on Foreign Affairs, submitted the following Report:—

The Committee on Foreign Affairs, to whom were referred the Resolutions of the Legislatures of Maine and Massachusetts, relating to the termination of Articles XVIII and XXI of the Treaty of 1871 with Great Britain, having had the same under consideration, submit the following Report:—

The following Resolutions of the Legislature of the State of Maine were referred to the Committee on Foreign Affairs of this House:—  
Joint Resolutions relating to the termination of Articles XVIII and XXI of the Treaty of 1871 with Great Britain.

“Resolved by the Senate and House of Representatives in Legislature assembled, that justice to fishermen and to the fishing interests of the country require that Articles XVIII and XXI of the Treaty concluded between the United States and Great Britain on the 8th May, 1871, should be terminated at the earliest possible period.

“Resolved, that we respectfully instruct our Senators and request our Representa-



tives in Congress to use all honourable means to accomplish the purposes indicated by the foregoing resolve.

“Resolved, that the Secretary of State be required to transmit a copy of these resolves to each of our Senators and Representatives in Congress, and also a copy to the President of the United States.”

Similar Resolutions of the Legislature of the State of Massachusetts were referred at the same time to the Committee. Articles XVIII and XXI referred to in the foregoing Resolutions are as follows:—

“Article XVIII. It is agreed by the High Contracting Parties that in addition to the liberty secured to the United States’ fishermen by the Convention between the United States and Great Britain, signed at London on the 20th October, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of this Treaty, to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbours, and creeks of the Provinces of Quebec, Nova Scotia, and New Brunswick, and the Colony of Prince Edward’s Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts, and shores, and islands, and also upon the Magdalene Islands, for the purpose of drying their nets and curing their fish: provided that, in so doing, they do not interfere with the rights of private property or with British fishermen in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

“It is understood that the above-mentioned liberty applies solely to the sea-fishery, and that the salmon and shad-fisheries, and all other fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen.

“Article XXI. It is agreed that, for the term of years mentioned in Article XXXIII of this Treaty, fish-oil and fish of all kinds (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oils, being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward’s Island, shall be admitted into each country, respectively, free of duty.”

Article XIX of the Treaty concedes the same privileges to British subjects as are conceded by Article XVIII to the subjects of the United States. Article XXII of the Treaty provides for a Commission to determine how much shall be paid by the United States to Great Britain for the value of the privileges conceded by the Treaty to the United States by Article XVIII above the value of those conceded to Great Britain by Articles XIX and XXI. The Halifax Commission was duly appointed under the provisions of Article XXII, and awarded the payment of 5,500,000 dollars by the United States to Great Britain. Article XXXIII provides that Articles XVIII to XXV, inclusive, and Article XXX “shall remain in force for the period of ten years from the date at which they may come into operation, and further, until the expiration of two years after either of the High Contracting Parties has given notice to the other of its wish to terminate the same; each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said period of ten years, or at any time afterward.”

It was subsequently agreed that the Articles of the Treaty should take effect on the 1st July, 1873. According to the terms of the Treaty, therefore, notice of its termination cannot be given until July 1883, to take effect July 1885. As, however, the Commission awarded a very large sum as the excess of the value of the British concessions over those of the United States, which was not nearly what was claimed by the British counsel, it may be assumed that it ought not to be a difficult piece of diplomacy on the part of the United States to secure the termination of the Articles referred to at an earlier period than is provided by the Treaty itself, as the United States would thereby surrender privileges which were claimed by the British counsel to be of greater value, in exchange for those of less value. With the means, however, by which the result may be accomplished, this Committee have now nothing to do. The question for us to decide is whether we shall recommend the termination of the Treaty provisions relating to the fisheries, as requested by the Resolutions of the Legislatures of Maine and Massachusetts referred to us.

The fisheries have always been regarded as among the most important of our national industries. They furnish for our market a cheap and healthy article of food. They give employment to a large number of men, of a nature peculiarly interesting and advantageous to the country. They have been a nursery for sailors; a training-

school which has supplied experienced and hardy men to defend the flag upon the water in every war. In the colonial times the New England fishermen captured Louisburg under a General born among them, and pre-eminent in the traits of character for which they were, as a class, distinguished. During the Revolution their privateers swarmed the seas, earning wealth for their owners, and glory and advantage for their struggling country. In the war of 1812 they manned our vessels, and, under the motto of "Free trade and sailors' rights," they certainly did their part toward bringing the war to a successful conclusion. It may be that in future wars they may not play so conspicuous a part as in those of the past. Iron and steel are superseding wood and sail, and science fights the naval battle by its own instrumentalities, instead of the daring men who used to sail from the harbours of Gloucester and Marblehead, but still we cannot well anticipate the time when the qualities and experience gained by the fishermen in their adventurous business will not be most profitable to the country, not only in time of war, but in those commercial pursuits which are about to occupy a wider sphere, and enter more intimately into all international relations. This importance of the fisheries has always been recognized by our Government in its Treaty negotiations.

The Treaty of 1783 between Great Britain and the United States recognized the rights of American citizens to the fisheries, as they had been exercised before the Revolution, as fully as it did their rights to the soil within the boundaries of the States. The statesmen of that day would accept nothing less than perfect equality for our fishermen upon any fishing grounds where they might choose to go. John Adams said he would fight the Revolution over again if the fisheries were not secured to us. It was not his fault, or that of his compeers, that the United States have since been reduced to a position of humiliation and disgrace in this respect. In the Treaty by which they obtained recognition of our national existence, they included, as one of our recognized and vested national rights, freedom and equality upon the fishing grounds of the north-east, which had been won from France to England by New England fishermen, under their favourite leader, Sir William Pepperill.

The same freedom and equality would be ours to-day had it not been disgracefully surrendered in later negotiations. After the war of 1812, Great Britain claimed sole jurisdiction of the shore fisheries of her North American dominions, and excluded our fishermen from them on the ground that the Treaty had been terminated by the war, and the right of fishing on British fishing grounds was a Treaty right, not a vested right. In the Treaty of Ghent the subject was not included, the Commissioners of the two Powers avowing opposite views in regard to it. If the American view were the correct one, the right to fish in British water was a vested national right as much as that to the soil of the States, and did not need to be again provided for in the Treaty. If the British view were correct, the right ceased with the old Treaty, and could only be revived by being included in the new Treaty.

It is too late now to argue which of these positions was legally right. England maintained hers by the strong arm. She drove by violence our fishermen from the grounds won by their valour, preserved to them by the Treaty which fixed the national status, which they had done so much to secure, and which their courage and patriotism would have retained had they been sustained by the Government of their country. But this was not the fact.

In the Convention of 1818, the United States acquiesced to a great extent in the British claim. She renounced for ever the liberty before enjoyed of fishing within 3 marine miles of any of the British coasts, excepting the shores of the Magdalen Islands, the north, south, and west shores of Newfoundland, and the shores of Labrador. A pusillanimous provision was inserted into the Treaty that American fishermen should be allowed to enter British bays and harbours for the purpose of shelter and repairing damages, of purchasing wood and obtaining water, and for no other purpose whatsoever. But a judicious system of bounties, and the superior energy and skill of our fishermen, enabled them to survive even this treacherous betrayal of their interests. From 1825 to 1854 the fishing business of Massachusetts constantly and regularly increased. In 1825 the fishing fleet from Gloucester consisted of 154 vessels, of 6,000 tons burden; in 1847, of 287 vessels, of 12,000 tons; and in 1854, of 300 vessels, of over 20,000 tons. The business of the other fishing towns increased in similar proportion.

In 1854, our diplomacy struck another blow at the fishing interests by the Reciprocity Treaty. This Treaty gave to American fishermen the right to British inshore fisheries, and the same right to British fishermen in American waters north of the 36th parallel. It also opened the markets of each country to fish of the other, free



from duty. The greater demand in the American market made this concession of great value to British fishermen; they at once enlarged their fleets, and when the reverses of our civil war drove our vessels from the fishing grounds they pressed their advantages, and supplied our market with free fish, while our fishermen were engaged in the navy in the war, or were, by force of circumstances, excluded from participation in the business which had supplied themselves and their ancestors for generations. It will be noticed, by reference to the prices current, that the price of fish was not varied to the American consumer. The hardy toiler on the seas was depressed—the bread was taken from him; but there was no compensating advantage to any one except the British fisherman and the market middlemen.

In 1866, the Reciprocity Treaty was terminated, against the wishes of the Canadians, who were but too eager to continue a system which brought them many dollars for every one it took from them; they then sold licences to American vessels to fish in their waters, raising the price of the licence year after year from 50 cents to 2 dollars a ton, until at the last price American fishing vessels disappeared from British waters.

The provisions of the Treaty of 1871 relating to the fisheries have already been stated. The fishermen of New England, through their representatives in Legislature assembled, now ask that these provisions be terminated. They admit that they would derive some advantages from the free and undisturbed enjoyment of the privileges accorded them in these provisions, but they say that the disadvantages are vastly greater than the advantages, and that while they are subjected to the disadvantages in full force, they are deprived of the paltry advantages by local prejudice and annoyances, culminating in mob violence, not hindered by the local authorities, and now apparently sustained by the Home Government.

It was claimed by the American counsel before the Halifax Commission, and supported by what seems to be the strongest testimony, that the value of the American concessions was equal to that of the British concessions, and that no balance, or at least but a very small one, should be awarded against the United States.

It is useless here to discuss the character of the testimony by which this claim was controverted, or of the Tribunal by which it was coolly and peremptorily disregarded. After payment of the award, the men most interested in the subject justify the claim of our counsel by offering to resign what they get for what they give, less the 5,500,000 dollars award, which we must be content to pay for our experience of the result of friendly arbitration with Great Britain—they only ask to be restored to the ante-Treaty status, and they will trust to their own resources for future protection against Canadian competition. Their claim in substance is, that the privileges they gain may be estimated in money value, pretty accurately, by the highest amount which could be derived by the Canadian Government from licences between 1866 and 1871, before the price was raised to the prohibitory point, which was less than 40,000 dollars a-year, while, on the other hand, the duty on the fish which the Canadians import free into our markets would average 350,000 dollars a-year: they complain that the Treaty discriminates against them in favour of the Canadians, that they fish in vessels and with apparatus whose price is increased by the duty imposed upon the materials of which they are made, while the British fish in smaller, less expensive, and untaxed vessels. They are far from home; the British are along their own shores, near their supplies, and the catch of both is equally free to enter our markets. They profess a confidence in their own ability to overcome by superior skill and energy the other disadvantages, excepting those growing out of their heavier taxation at home, but they claim that while they sustain their share of the burdens of their own country by payment of duties and taxes they should be protected, as are other industries, against the competition of those who are not subjected to these burdens; they claim that they should be allowed to fish in untaxed vessels, or should be protected against their competitors who fish in untaxed vessels. Handicapped by this indirect discrimination, they claim that it is only a question of time when their business will be ruined, and the fisheries so highly prized by the early statesmen, so important in many respects to the country, be given over to their British competitors; they complain still further that they are deprived of the small advantages which they might derive from the Treaty, and for which this country has paid so dearly by colonial legislation and by illegal action by the British fishermen, and thus far without redress or protection. And they give proof of the sincerity of these complaints by asking for the abrogation of these Treaty provisions.

It is easy to understand the advantages derived by the British fishermen from the freedom of our markets. Statistics show that their business is increased and ours diminished by the operation of these provisions.

After the abrogation of the reciprocity Treaty in 1866 to the Treaty of 1871, the tonnage of United States' vessels over 20 tons, engaged in the fisheries, increased 27,418 tons. Since the Treaty it has decreased in Massachusetts alone 12,709 tons.

During the last period the Canadian tonnage has steadily and rapidly increased. From 1871 to 1877 (we have not the statistics for the subsequent years) this increase was 35,580 tons in 645 vessels, manned by 11,181 fishermen. These figures tell the story of the results of the Treaty upon the fishing interests of the two countries. Is it any wonder that our fishermen ask to be relieved from the results of diplomacy and friendly arbitration, and to be left once more to their own resources unaided by the advantages of British concessions?

But it is not necessary to rely wholly upon these statistics. A brief consideration of the fishery business as at present conducted will enable us to understand why the so-termed Treaty concessions are of so little value to our fishermen.

The Atlantic fisheries, as pursued by American fishermen, comprise the cod, halibut, mackerel, and herring fisheries. The cod fishery is unqualifiedly an ocean fishery, extending from 10 to 100 and more miles from the shore; the most prolific grounds are the banks on the inner edge of the Gulf Stream, from Hatteras to Cape Race, thence north indefinitely, following the Arctic and Greenland currents. None of these banks are under British jurisdiction, but are the common property of all nations. No cod of any consequence are taken by American vessels within 3 miles of British territory. The concession of in-shore fishing, so far as this branch of the fisheries is concerned, is of no considerable value.

Halibut are now taken by American fishermen in the deepest water upon the ocean banks; they have been taken at particular seasons in the Gulf of St. Lawrence, but never continuously, and of late years not to any considerable extent at any time. The American fishermen are content to take the halibut from the same localities where they take the cod. In-shore halibut fishing in British waters is of no value to them.

The habits and grounds of the mackerel are more uncertain and varying. They make their appearance off Hatteras in April, and apparently move north. In June they are found off Massachusetts and Maine, and at nearly the same time in the Gulf of St. Lawrence. From the time of their appearance in April, until November, they are found at all these points, varying in quantity and quality at different times, and at from 1 to 100 miles from shore. Even of the small proportion of the entire catch taken by American fishermen in the Gulf of St. Lawrence not more than one-quarter is taken within three miles of the shore. The quality of these is inferior to that of those taken off our own shores, especially of late years. In the present condition of this much-changing and uncertain fishery, our fishermen may, about as well as not, keep entirely out of British waters; certainly the benefit of entering them is very small. The trade to the inhabitants of the provinces and islands from our fishermen, and the advantages they would derive from observation of their superior methods, would alone be ample compensation for this advantage. It certainly is no object for us to retain this petty privilege to be practised in the midst of a jealous and hostile population.

The herring fishery, different from the others, is almost wholly a shore fishery. They are taken on the shores of Massachusetts and Maine, and of nearly all the British provinces and islands. But the Americans have heretofore not been accustomed to use British waters for taking herring in such a way as to make it an American fishery. They have either hired the boats and apparatus of the British fishermen, or bought their herring from them to be sold in our market or used as bait in the cod fishery: The least valuable of all the fisheries, the profit is scarcely large enough to engage the attention of our fishermen. While it is admitted to be of some advantage to them to have the right to fish for herring in British inshore waters, and to be the one concession in the Treaty which is of the greatest value to them, yet it is by no means an indispensable advantage. The right to fish can be wholly abandoned, and the commercial right of purchase from British fishermen, now very largely used, be the sole dependence. It is worth something, but a mere trifle compared with what is paid for it.

All the above statements of the value of these fisheries to our fishermen were

made by our counsel before the Halifax Commission, and sustained by testimony. The British counsel, on the other hand, claimed that they were of immense value, amounting in their claim, in the aggregate, to 12,000,000 dollars. We now prove the honesty of our claim by the offer to terminate, without consideration, the Treaty provisions which concede these privileges. It is probably too much to anticipate that British sincerity will bear an equal test.

But there is another branch of this subject which demands our consideration. Without reviving old recollections, forgetfulness of which is most conducive to the kindly feeling we desire to entertain towards Great Britain, we can at least assume that we now deal with her on equal terms. Never second in anything tending to promote such an intercourse as should exist between Christian nations of kindred blood and instincts, we shall not fail to exact for our citizens the same treatment which we accord to others under Treaty or International Law, and to demand and obtain restitution for all violation of these laws and obligations toward our citizens. It smacked a little of the old spirit when the British counsel at Halifax deemed worthy of consideration the privilege of our fishermen to put into their bays and harbours for shelter and trade. These are common international privileges.

It seems to this Committee that what we receive in this respect we return; that it is not necessary to provide in a Treaty that the vessels of a friendly Power are to have the privilege of shelter and trade in our ports, but that the enforcement of this common privilege can safely be left to the operation of charity and mutual interest.

Scarcely had the heavy price been paid, rather as a tribute to national honour than because it was due on any principle of equity or fair dealing, when the jealousy of the British fishermen and the ingenuity of provincial legislators was set at work to devise means of depriving us of the paltry privileges of mackerel and herring fishing, and of trade and shelter, which we had so dearly bought. Legislative measures were proposed, and some of them enacted, the result of which would be to restrict and hamper us in the exercise of our Treaty privileges.

Legislation restricting the sale of bait and of ice for packing to American fishermen were discussed in the Newfoundland Legislature. A Statute was enacted April 1876 prohibiting the taking of herring and other fish used for bait on Sundays. It may well be argued that any restrictive legislation in conflict with the Treaty concessions would not be applicable to American fishermen. In the discussions before the Halifax Commission, the British concessions were rated at full price, as without restriction, and whatever local laws might be made, the Treaty stipulations should override them as to American fishermen. The inshore herring fishery, as has been seen, was almost the only concession of the Treaty worth anything to Americans. By it they could catch their own herring instead of buying them from the British fishermen.

But to make this privilege worth anything they must do their fishing in their own way; they are at a distance from home; the British live on shore in sight of the fishing grounds; they must use vessels built strongly and of the best material, fitted to withstand the roughest ocean weather; these vessels are from 50 to 150 tons burthen, and cost from 5,000 to 10,000 dollars a-piece; the British fish in boats worth perhaps 100 dollars a-piece. Under these circumstances, the Americans must fish at the most advantageous times and in the most expeditious manner. They have but a few days for their season's work, while the British have nothing else to do the year round. As a consequence, the Americans use seines in the herring fishery of much larger capacity than those used by the British. By use of them they can catch herring enough in a day, when they appear, to load an entire fleet. With these preliminary statements we can better understand the events which took place at Fortune Bay, Newfoundland, 6th January, 1878. We give the statement of the owners of two of the American vessels made to the Secretary of State, which is as follows:—

“To the Hon. William M. Evarts, Secretary of State.

“Respectfully represent John Pew, Charles H. Pew, and John J. Pew, all of Gloucester, county of Essex, and commonwealth of Massachusetts, co-partners under the firm-style of John Pew and Son, that they are American citizens, and engaged in the fishing business at said Gloucester, and were and are owners and fitters of fishing vessels; that they are the sole owners of the American fishing schooners ‘Ontario’ and ‘New England,’ of said Gloucester, and were such owners in the months of November, December, and January last past; that both of said schooners were fitted

for the herring fisheries in the month of November, 1877, and for voyages to Newfoundland, and provided with seines for catching herring; that said schooner 'Ontario,' whereof Peter McAulay was master, sailed on the 1st day of December, 1877, from said Gloucester, and the said schooner 'New England,' whereof John Dago was master, on the 28th day of November, 1877; that both schooners had a full supply of men and outfits for said voyage; that said schooner 'Ontario,' when she sailed from said Gloucester on said voyage with her outfits and seine, was worth the sum of 7,500 dollars, and the said 'New England,' with her outfits and seine, was then and there of the value of 8,500 dollars; that said schooners both returned to said Gloucester from said voyage on the 17th day of February without any herring, except that the said 'Ontario' had about fifty barrels purchased by her.

"And we further represent that we are informed by the masters and crews of said schooners, and believe the same to be true, that the reason why they returned without any herring, and made disastrous voyages, is that they arrived at Long Harbour, Fortune Bay, Newfoundland, on or about the 16th day of December, 1877, and found herring scarce, and were unable to obtain any considerable quantity of herring, and that the masters and crews of said schooners waited at said Long Harbour until the 6th day of January, 1878, to catch or purchase herring, as they might be able to do; that on said 6th day of said January, the 'signs for herring being good,' the masters and crews of both of said schooners joined their purse seines, thereby making a double seine, which was the value of at least 1,400 dollars, and making a seine of about 2,400 feet long, and 150 feet deep; that the masters and crews of said schooners threw said double seine at said Long Harbour, and caught and secured therein a very large quantity of herring, amounting to at least 2,000 barrels of herring, and more than sufficient to load both of said schooners; that at about 4 o'clock of said 6th day of said January, some 200 men who belonged about Fortune Bay, and had gone ashore from English vessels in said Long Harbour, made a warlike demonstration against the masters and crews of said schooners, and seized hold of said double seine, tore it in pieces, and carried it off, and thereby freed all of said herring, and prevented the masters and crews of said schooners from obtaining them, and thereby destroyed all hope of their obtaining a cargo for either of said vessels; that of said 200 men some sixty took hold of said seine and destroyed it, and the others were participating in the destruction of the seine by inciting and encouraging those who were destroying it; that the masters and crews of said schooners were pursuing their business of catching herring at said Fortune Bay in a lawful manner, and were not in any manner or form interfering with the rights of any party or parties at said Newfoundland, and that the action of said parties in destroying said seine was a most wanton destruction of the property of said firm, and was without the least justification in law or good conscience, and was intended to be a warlike demonstration against the American vessels, their owners, masters, and crews, and to intimidate them and prevent them from prosecuting the herring fisheries in the waters of Newfoundland by catching herring, and thereby compel them to buy herring of the inhabitants of Newfoundland, if they would obtain them, at such prices as said people of Newfoundland might ask for them; that all the American vessels at said Newfoundland on said 6th day of said January were from said Gloucester, and were there for herring, and among them were the schooners 'Moses Adams,' 'Herbert M. Rogers,' 'John W. Bray,' 'F. A. Smith,' 'Hereward,' 'William E. McDonald,' 'Moro Castle,' 'Ed. E. Webster,' 'Bonanza,' 'Wildfire,' 'Bunker Hill,' and 'Isaac Rich;' that said schooners 'Ontario' and 'New England' were, by reason of the destruction of said seine and the freeing of the herring therein, both prevented from obtaining cargoes for said schooners.

"That, after the destruction of said seine, as above set forth, the said parties who had destroyed the same returned to their vessels, and on the evening thereafter, to wit, on the evening of the 6th day of said January, they made a jubilant demonstration, blowing horns, firing guns, and shouting as if celebrating a victory, to impress upon the masters and crews of the American vessels in said harbour that they were prepared to stand by and justify what had been done, and that the Americans might expect to be treated in future in the same manner should they attempt to catch herring in Newfoundland waters. And we further respectfully represent that, in view of the treatment of the American fishermen by the British subjects at said Newfoundland, it is wholly unsafe for American vessel owners to fit vessels for and send them to Newfoundland waters to catch herring, and that it is unsafe for American fishermen to attempt to catch fish in said waters, and that the demonstration against the American fishing-vessel owners, masters, and crews is of such a character as to make it a public violation of the rights of the citizens of the United States wishing to catch herring and

attempting to catch herring there. That the loss to said firm by reason of the warlike demonstration of the people of Newfoundland hereinbefore set forth, and the destruction of said seine in the voyages of said two schooners 'Ontario' and 'New England,' amounts to at least the sum of 6,700 dollars. In verification of the facts herein set forth, we beg leave to refer to the affidavits of the masters and crews of both of said schooners 'Ontario' and 'New England,' herewith submitted.

"Wherefore we respectfully ask that your Department will cause our said damage to be paid by the British Government, and such action to be taken as will secure to American ship-owners and fishermen the rights to which they are justly and legally entitled by the laws and Treaties of the United States. And as in duty bound will ever pray.

(Signed)

"JOHN PEW.

"CHARLES H. PEW.

"JOHN J. PEW."

American fishermen had been in the habit of purchasing herring from the British rather than of taking them themselves. This was the source of a profitable trade to the Newfoundlanders; the loss of this trade by the concession of inshore fishing to the Americans was made one of the points of damage to be paid for by the British counsel at Halifax.

It was also made a farther point that the Americans, taking their herring under the circumstances already referred to, would use large seines, and thus not only do their work more speedily than the British, but, perhaps, to such an extent as to reduce the supply. Both these points were considered, if anything was considered, in making up the Award. For the first time after the Treaty the attempt to catch herring under its provisions was made on any considerable scale. Twenty-two vessels went from Gloucester to Fortune Bay, for the purpose of taking herring, in the winter of 1877-78; they waited there from the 15th December until the 6th January, awaiting the arrival of the expected schools of herring. On Sunday, the 6th January, these schools arrived. The Americans at once proceeded to improve the opportunity they had so long waited for. They got out their boats and seines, and commenced proceedings. Had they been permitted to proceed, they claim that they could have taken herring enough on that day to load all their vessels. But they were attacked by a large and violent mob of the Newfoundlanders, their seines were injured or destroyed, and they were compelled to desist. They made no further attempts to fish, and most of them went home in ballast. This wholesale outrage was but the culmination of a long series of petty annoyances by which American fishermen, seeking to avail themselves of the Treaty privileges, had been harassed after the ratification of the Treaty. Thus were they deterred by local prejudice, culminating in mob violence, from enjoying the petty privileges for which this Government had opened our markets to British fishermen and paid in addition 5,500,000 dollars. The Secretary of State made complaint to the British Government of the outrages at Fortune Bay. The 23rd August, 1878, Lord Salisbury replied. He excused the inhabitants of Newfoundland, on the ground that the American fishermen had, on that occasion, committed three distinct breaches of the law:—

1. They had used seines for catching herring.
2. They were catching herring on Sunday.
3. They were barring the herring.

The first and third of these points were correct, if the local law superseded the Treaty provision; but that would seem to be settled in our favour by the 28th section of the Statute in which the prohibitions were contained, which is as follows:—

"§ 28. Nothing in this chapter shall affect the rights and privileges granted by Treaty to the subjects of any State or Power in amity with Her Majesty."

The Sunday law was created subsequently to the Treaty. This construction of the territorial law, which we understand to be insisted upon by the British Government in a late despatch, and the inferred approval of the hostile action against our fishermen, deprives us of all the privileges which the British Government priced so highly and for which we paid their price.

As the matter now stands, we got but little by the Treaty, and that little is taken from us by unlawful violence apparently sustained by the British Government. We gave a great deal in return, part of which has already been finally paid and is beyond our recall; but a portion of the consideration is in the opening of our markets to the British fishermen free of duty. That privilege they are still enjoying, to their great gain and our great loss. In view of the position assumed by the British Government

in regard to the outrages at Fortune Bay, it would seem proper for our Government to declare the Treaty terminated for violation of its provisions by the other Contracting Party, and for Congress to sustain such action. Such a course would seem almost the only one consistent with proper national self-respect. But, whatever may be deemed the wisest course in this respect, it would not seem a debateable question that our Government should take measures to terminate the fishery Articles of the Treaty at the earliest possible moment. The Committee, therefore, recommend the adoption of the following joint Resolution:—

“Whereas American fishermen are deprived of the privileges of fishery conceded to the United States by the Treaty with Great Britain dated the 8th May, 1871, by hostile legislation and the unlawful violence of the inhabitants of the British provinces; and whereas said hostile legislation is sustained and said unlawful violence is not rebuked or restrained by the Government of Great Britain: therefore,

“Resolved, that the President be and he is hereby respectfully requested to take such measures as will secure indemnity to our citizens for the damages sustained by them from past unlawful violence committed against them by the inhabitants of Newfoundland, and protection from any repetition of such violence; and to procure the early abrogation or termination of the Articles in the Treaty of 1871 relating to the fisheries.”

No. 30.

*Mr. Herbert to Sir J. Pouncefote.—(Received September 18.)*

(Extract.)

*Downing Street, September 17, 1880.*

I AM directed by the Earl of Kimberley to transmit to you, to be laid before Earl Granville, the accompanying copy of a despatch from the Governor of Newfoundland, transmitting a Report by Commander Hall, R.N., of Her Majesty's ship “Flamingo,” on an alleged case of obstruction offered to some American bait-vessels at Job's Cove, Conception Bay, on or about the 3rd August.

Attached to the Report is a copy of the deposition of Loren B. Naus, of the American schooner “Moro Castle,” the vessel interfered with by the Newfoundland fishermen.

Inclosure 1 in No. 30.

*Governor Sir J. Glover to the Earl of Kimberley.*

My Lord,

*Government House, Newfoundland, September 2, 1880.*

I HAVE the honour to transmit, for your Lordship's information, six printed copies of the Report of Commander Hall, R.N., Her Majesty's ship “Flamingo,” whom I desired to inquire into a case of obstruction offered to some American bait-vessels at Job's Cove, Conception Bay, on or about the 3rd August.

2. On the 10th August I heard that some obstruction had been offered to certain vessels at the before-named place, and I at once placed myself in communication with Commander Hall, in order that immediate steps might be taken to investigate the case

3. I also transmit, attached to the Report, a copy of the deposition taken upon oath, of Leven B. Naus, of the American schooner “Moro Castle,” the vessel interfered with, from which your Lordship will observe that no injury was done to himself, his crew, or his vessel.

4. I will report further on this case by the next mail.

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

## Inclosure 2 in No. 30.

*Captain Kennedy to Governor Sir J. Glover.*

“*Druid*,” at *St. John’s*, August 24, 1880.

SUBMITTED for the consideration of his Excellency the Governor of Newfoundland, observing that the original and duplicate Reports have been forwarded to the Commander-in-chief.

(Signed) W. R. KENNEDY.

*Commander Hall to Captain Kennedy.*

Sir, “*Flamingo*,” at *St. John’s*, August 23, 1880.

I have the honour to inform you that on the 16th instant I received two telegrams from his Excellency the Governor of Newfoundland, requesting me to inquire into the obstruction offered to some American bait vessels at Job’s Cove, Conception Bay, about the 3rd instant.

2. I proceeded to Job’s Cove on the 18th instant, and made the necessary inquiry, and beg to forward herewith a report of the same.

3. I took the depositions, on oath, of five of the inhabitants of the cove.

4. Two happened to be on shore when I landed, and the others came in from fishing later on.

5. I examined each man separately, and I am satisfied they had no opportunity of consulting together during the inquiry, and agreeing as to what should be said.

6. It will be noticed that four of the men examined are named English; this, I was informed, is a very common name at Job’s Cove, nearly the whole population being more or less related to one another.

7. The facts of the case appear to be as follows:—

8. About the beginning of this month several American and British bankers came to Job’s Cove for squid.

9. The former anchored in the middle of cod nets laid down by the Job’s Cove people, one vessel anchoring on top of a net belonging to one of the men examined; the latter (the British vessels), anchored nearer the shore and clear of the nets.

10. The day was fine, with but little wind or sea, and the nets were all marked by large buoys, which were distinctly visible.

11. The same afternoon the Americans commenced to jig for squid from their vessels.

12. Upon seeing this the Newfoundland fishermen, comprising men from Job’s Cove and several of the neighbouring settlements, from 200 to 400 in number, including four of the five men examined, who were jigging for squid from boats nearer the shore, the usual squid grounds, pulled off to the American vessels and told the crews they must not jig for squid there, as it was in the middle of their nets and their best fishing ground, and they would draw the squid out of the bight into the tide, when they would be swept away.

13. They further told them they should either bring their vessels nearer the shore where the British bankers were anchored, or else come into the bight in their dories and jig for squid, where they could do so without any hindrance.

14. On being told this the Americans ceased jigging, and the Newfoundland fishermen returned to the bight.

15. The next morning, observing that the Americans had resumed jigging from some of their vessels, they (the Newfoundland fishermen) went off alongside them, and told them the same thing again, upon which the Americans ceased jigging.

16. On the Newfoundland fishermen returning to the bight they observed jigging going on again from some of the American vessels, and went off alongside one or more of them for the third time, and told the same thing they had said on the two previous occasions.

17. The Americans again ceased jigging, but recommenced as soon as the Newfoundlanders left.

18. On seeing this the Newfoundlanders went off for the fourth time to one of the vessels they had spoken to before, and about thirty to forty jumped on board.

19. These men then told the captain that if he did not stop jigging there they would heave his anchor up, and they again told him to come into the bight if he wanted



squid, either in his vessel or his boats, and offered to pilot him in, or to another good squid ground nearer the shore, and about half a mile off, which offers were declined.

20. They also told him he must cast off the punts made fast to his vessel, in which some Newfoundlanders were jigging for squid.

21. The captain replied that he would leave when he was ready.

22. Shortly after (one witness said while they were actually on board), a strong breeze sprung up from the westward, blowing right into the cove, obliging all the vessels, British as well as Americans, to weigh at once and leave the anchorage.

23. The British bankers anchored further to windward under the land on the squid ground before mentioned, and the Americans proceeded to Northern Bay, about  $2\frac{1}{2}$  miles to the westward.

24. The next day several of the Americans came to Job's Cove in their dories, and bought bait, and amongst them was the captain of the vessel which had been boarded.

25. One of the men examined stated that when he took up his net the day after the American vessels had left he found it almost destroyed, and believes it was damaged by the American vessels which anchored on top of it

26. One of the American vessels is also stated to have dragged about her own length when the breeze sprung up.

27. I have been unable to obtain any information relative to the specific complaint made by the Americans, and am therefore not in a position to say whether the inquiry has been sufficiently comprehensive.

28. By the Treaty of Washington of 1871, the provisions and stipulations of which, as regards Articles XVIII to XXV inclusive, have been extended to the Colony of Newfoundland, Americans have, in common with British subjects, the liberty to take fish of every kind, except shell-fish, on the sea coasts and shores of this Colony without being restricted to any distance from the shore; but this liberty cannot be exercised to the detriment of British subjects.

29. In this case the anchoring of the American vessels in the midst of cod nets set by British subjects, marked by easily-seen buoys, the significance of which is known to all engaged in fishing operations, was, in my opinion, detrimental to the owners of these nets, as one net was damaged by one of the vessels.

30. The anchoring of these vessels amongst their nets, and on their best fishing ground, naturally annoyed the Job's Cove fishermen, and this annoyance was increased when they found their remonstrances unheeded.

31. Although they boarded one vessel with the avowed intention of weighing her anchor if she did not stop the practice complained of, jigging from this vessel, not any the others left in consequence of this threat, but because the strong westerly wind which sprung up, blowing right into the cove, obliged all the vessels anchored there to weigh.

32. With regard to the Americans, it seems to me that, in anchoring in the midst of well-marked nets, they were interfering with and impeding British subjects in the free exercise of their rights of fishing, which they were not justified in doing by the terms of the Treaty of Washington.

33. As regards the proceedings of the Newfoundland fishermen, their proper course would appear to have been to complain to the nearest magistrate, if there was no man-of-war at hand, when they found their remonstrances were unheeded, and invoke the aid of the law; but on this point there is something to be said on their side.

34. The nearest magistrate, I understand, resided at Old Perlican in Trinity Bay, 7 miles in a straight line by land, and 23 miles by water, from Job's Cove, and whoever went to him would lose his fishing for the time being, for which he would receive no compensation; moreover, immediate action was considered absolutely necessary to prevent the squid being driven out of the bight and swept away by the tide, a result which is stated to have actually occurred in consequence of the Americans' proceedings.

35. I believe the Newfoundland fishermen acted mainly from ignorance of the law, as I was several times asked whether the Americans had any right at all to come to Job's Cove; and I have, during my cruize round the coast, found the fishermen, as a rule, always willing to abide by the law when it has been explained to them by some one of authority.

36. I understand the bankers come to the coast chiefly in the latter end of May and beginning of June for caplin; and again the latter end of July and beginning of August



for squids; and that as a rule they all come together at the same time and to the same place each year.

37. At Carbonear this year forty-five bankers arrived in one day.

38. The recurrence of these disputes may, I believe, be prevented by informing the inhabitants of the outlying settlements, which are frequented by bankers, in clear language, of the right of the Americans, under the Treaty of Washington, and warning them that in the event of their having any complaints against any bankers, whether foreign or British, they are at once to make them known to the nearest magistrate, or British man-of-war if one is at hand, who will be instructed to make immediate inquiry into such complaints, and by further warning them that they are on no account to take action themselves.

39. In order to facilitate communication with the magistrates, I would further suggest that when the bankers arrive on the coast the magistrates of the districts visited be at hand in some central settlement and give notice to the inhabitants of the respective settlements under their jurisdiction that they are there, and that if there is any cause of complaint against any of the bankers, it is at once to be made known to them, and they will proceed immediately to inquire into it, and that they are on no account to take action themselves.

40. I believe if this course can be adopted it will effect the desired end. (Copies of depositions inclosed.)

I have, &c.  
(Signed) W. H. HALL.

The deposition of Philip English, taken upon oath, and who saith:—That about the beginning of August about five or six American vessels came here for squid, and anchored about three-quarters of a mile off the bight. One of them anchored right on top of a net I had down, the position of which was shown by large wood buoys. As soon as they anchored they commenced to jig for squid from the vessels. In the bight, about half-way between the American vessels and the shore, the Newfoundland fishermen, from Job's Cove, Gull Island, Northern Bay, Burnt Point, including myself, about 300 or 400 in all, were jigging for squid on their usual ground. We went off the afternoon they anchored alongside one vessel and told them they mustn't jig there, as they would bring the squid out of the bight into the tide and they would be swept away. We also told them that where they were was our best fishing ground then, and we hailed the other vessels and told them the same. They then knocked off jigging, and we returned to the bight. The next morning the Americans went on jigging again, and we went off alongside the same vessel again and told them the same thing again. They knocked off jigging then, and we returned to the bight. They then went on jigging again from the vessels. We went alongside the same vessel the same morning the third time, and told them that if they did not come in the proper bight and jig, we would haul their anchors up. We returned to the bight and then they went on jigging again. Then we went off a fourth time alongside the same vessel, and went on board her, and told the captain he mustn't jig squid there, but that we would pilot him into the bight, where several Newfoundland vessels were anchored, or he must come into the bight in his dories and jig, otherwise we would haul his anchor up. Shortly afterwards it blew hard from the westward, and they all left, Newfoundland vessels as well. Some of the Newfoundland vessels returned next day. The Americans went to Northern Bay. The next day the captain of the American vessel we boarded came over in a dory and bought squid in Job's Cove. Since the American vessels left the squid have all disappeared from the bight.

The evening after the American vessels left I hauled up my net, and all I found was a bit of twine in one end of it, and the foot-rope broken in three or four places. I believe this was done by the vessel that anchored on top of it. The net was two years old, and made of three-thread caplin twine, and was in thorough good order when I laid it down.

We offered no violence, nor were any threats used towards the Americans.

(Signed) PHILIP ENGLISH, his X mark.

Sworn before me, at Job's Cove, the 18th day of August, 1880.

(Signed) W. H. HALL, *Commander, H.M.S. "Flamingo," and  
Justice of the Peace for Newfoundland.*

The deposition of Richard English (son of Edward English), taken upon oath, and who saith that about a fortnight ago, one afternoon, four or five American vessels (bankers) came here for squid, and anchored from  $\frac{1}{2}$  to  $\frac{3}{4}$  of a mile off the bight, one of them inside three of my nets and outside of one, about 150 yards from them; these were large bottom cod-nets with wooden buoys. The Americans commenced to jig squid from their vessels. In the bight, about midway between the Americans and the shore, Newfoundland fishermen from Job's Cove, Burnt Point, Gull Island, and Northern Bay, about 200 in all, including myself, were jigging for squid, that being the usual squid ground. We all went off alongside three of the Americans, and told them it was not allowed here to jig squid on our fishing ground, they should come in their dories into the Bight where we were jigging. We told them that where they were jigging was our prime fishing ground; they knocked off jigging then. The next morning the Americans went on jigging from three of their vessels. We all went alongside one of these vessels, the first one visited the day before, and told them again it was not allowed to jig squid there, and that if they wanted squid they must come in their dories and jig squid in the bight. They stopped jigging then, and we returned to the bight. They then went on jigging again from the vessels, and we went off a third time to another of the three vessels visited before, and told them they should either bring their vessels into the Bight or go in their dories there for squid. They knocked off jigging then, and we offered to pilot their vessels into the bight, where four Newfoundland vessels were anchored, for squid, or else to pilot them to another good squid-jigging ground, about  $\frac{1}{2}$  a mile away; but they refused these offers, and we returned to the bight. The Americans went on jigging again from their vessels, and then we all went off to one of the vessels, the last one we had seen jigging, and a good many, including myself, went on board. We told them we would heave their anchors up if they did not knock off jigging there, and cast off all the punts which had come from other places, and were made fast to her, jigging. The captain said he should leave "When he'd see his own time when he would be ready." While we were on board it came on to blow hard from the westward, and all the schooners, both American and Newfoundland, had to get under weigh, and one of the latter had to slip her chain and the Newfoundlanders anchored on the jigging ground before mentioned. The Americans went to Northern Bay, but came back in their dories the same evening and next day, and bought squid from us. We offered no violence, nor were any threats used towards the Americans.

(Signed) RICHARD ENGLISH, his  $\times$  mark.

Sworn before me, at Job's Cove, this 18th day of August, 1880.

(Signed) W. H. HALL, *Commander, H.M.S. "Flamingo," and Justice of the Peace for Newfoundland.*

The deposition of Patrick Kinsella, taken upon oath, and who saith that about a fortnight since several American vessels came here for squid, and anchored between  $\frac{1}{2}$  to  $\frac{3}{4}$  mile off the bight. They anchored inside some cod-nets and outside others. I had three bottom-nets down, buoyed by large wood buoys, and two of these were outside and one inside them. One of the vessels was within 70 yards of one of my outside nets, and about the same distance from the inside one. There was very little wind when they came, and the buoys could be readily seen. In the evening the Americans commenced to jig squid from their vessels. Newfoundland fishermen, about 200 in number, myself included, were jigging in the bight for squid, about half-way between the American vessels and the shore, the usual squid ground. We went off alongside one of the vessels and told them it was our best fishing ground, and they must not jig there, and told them they must either bring their vessels into the bight where some Newfoundland vessels were anchored, or else come in the bight in their dories and jig for squid. They knocked off jigging then. The next morning they commenced jigging again, and we went alongside the same vessel and told them the same thing. They stopped jigging then, and we returned to the bight. They commenced jigging again, and we went off alongside several of the vessels and told them the same thing again. They stopped jigging then, and we returned to the bight. They then commenced jigging again. We went off and boarded one vessel, and told the captain we would pilot him into the bight, or else to another good squid ground under the land about  $\frac{1}{2}$  a-mile off. He refused these offers, and then we told him if he didn't stop jigging there, we would heave his anchor up. Shortly after it came on to blow hard from the westward, and they all left, Newfoundlanders as well; the latter went to the

other squid ground before mentioned, and the Americans went to Northern Bay. The next morning the Americans came here in their dories and bought squid. The squid, since the Americans left, have all gone, and we have been without squid since. We offered no violence, nor were any threats used towards the Americans.

(Signed) PATRICK KINSELLA.

Sworn before me, at Job's Cove, the 18th day of August, 1880.

(Signed) W. H. HALL, *Commander, H.M.S. "Flamingo," and Justice of the Peace for Newfoundland.*

The deposition of Richard English (son of James English), taken upon oath, and who saith that about a fortnight ago several American vessels came here for squid, and anchored about  $\frac{1}{2}$  a-mile from the bight, right among the nets, and inside two of my bottom cod-fish nets, marked by two large buoys. There was very little wind when they came in, and the buoys could be very readily seen. The American vessels commenced to jig squid. About 200 of us were jigging squid about half-way between the American vessels and the shore, our usual squid ground. We went off alongside two of the vessels and told them to knock off jigging squid, as they were on our best fishing ground, and they were amongst our nets. We also told them they were drawing the squid out of the bight, and we should get no more for bait. We told them to come in in their dories into the bight and jig for squid, and there would be no hindrance to them. They stopped jigging then. Next morning they commenced jigging again, and we went off alongside the same vessel and told them the same thing, and that if we had to come the third time they should either leave or we should have to drive them away. They stopped jigging then, and we were scarcely back in the jigging bight when they commenced jigging again. We then went alongside the same vessel again, and told them for the third time to knock off jigging. They stopped again and we went back to the bight. They commenced jigging again, and we then went alongside one of the same two vessels, and about thirty of us, myself amongst them, went on board. We told the captain to get under weigh and leave, as he wouldn't do what he was told, and he said he would go when he was ready. Shortly after it came on to blow hard from the westward, and they all left, Newfoundlanders as well, one of the latter having to slip her chain. The vessel we were on board of, when the wind sprung up from the westward, dragged about the length of herself, and then brought up again. Some of the Newfoundlanders went under the land to another good squid ground. The Americans went to Northern Bay, and the same evening and next day the captain of the vessel we boarded came here and bought squid. I spoke to him when he came here, and he made no complaint about having to leave, nor did he seem annoyed when we were on board. When we were on board when he was heaving up, a gust of wind came down, and we all had to jump into our boats, and we offered to pilot him into smooth water under the land.

(Signed) RICHARD ENGLISH, his  $\times$  mark.

Sworn before me, at Job's Cove, the 18th day of August, 1880.

(Signed) W. H. HALL, *Commander, H.M.S. "Flamingo," and Justice of the Peace for Newfoundland.*

The deposition of Patrick James English, taken upon oath, and who saith that about three weeks since several American bankers came to Job's Cove for squid, and anchored between  $\frac{1}{2}$  to  $\frac{3}{4}$  mile from centre of the bight; there were bottom cod-nets set all round them; they were there when they anchored. They commenced to jig for squid from the vessels. The Newfoundland fishermen, who were jigging for squid from punts from a  $\frac{1}{4}$  mile off to close in shore, the usual ground for jigging squid, went out to the American vessels and told them to knock off jigging for squid where they were, as they would bring the squid out of the bight into the tide, where they would be swept away, and told them to come into the bight and jig as much as they liked, which they did not do, but went on jigging from the vessels the next morning. That day the Newfoundland fishermen, consisting of men from Job's Cove, Burnt Point, Gull Island, Northern Bay—about 300 in number—went alongside the American vessels and told them they were spoiling the fishing ground altogether, and must knock off jigging there and come in their dories in the bight and jig, but the Americans still continued

jigging from their vessels. Finding that they were going on jigging from the vessels, the Newfoundland fishermen went off a third time the same morning, and, I believe, told them they must leave the bight. About an hour after, finding there were no sign of them going, the Newfoundland fishermen went off to one vessel which was going on jigging, and went on board her. I don't know what happened then, but shortly afterwards all the American vessels left. There were several St. John's vessels in the jigging bight. I believe there were no nets interfered with or damaged by the Americans. Since the American vessels left the squid have all left the bight.

(Signed) P. J. ENGLISH.

Sworn before me, at Job's Cove, this 18th August, 1880.

(Signed) W. H. HALL, *Commander, H.M.S. "Flamingo," and  
Justice of the Peace for Newfoundland.*

Northern District, Carbonear, to wit.

The examination of Loren B. Naus, of the schooner "Moro Castle," belonging to Gloucester, United States of America, taken upon oath before Israel L. McNeil, Esq., one of Her Majesty's Justices of the Peace for the said district, this the 23rd day of August, in the year of our Lord 1880, who saith that on the 4th day of the present month I anchored my vessel at Job's Cove, in the district of Bay de Verd, for the purpose of purchasing squid bait; I succeeded in purchasing a quantity from the inhabitants who came off in boats. On the following day, about 8 o'clock, A.M., I left my schooner and went toward Northern Bay, to ascertain if bait was to be got there. When about two-thirds of a mile from my vessel I noticed my mainsail being hoisted, and suspecting something to be wrong I immediately turned back and found a large body of men had gone on board my vessel and taken charge of her, and stated they intended running her on shore for having seen parties jigging squid from boats alongside, and from her deck. When I boarded my vessel the anchor was just breaking ground, and she was drifting towards the shore. I heard some one say, "Cut away the jib." I ordered them to leave the vessel, which they accordingly did, after getting a promise from me to take my vessel away. I and my crew, after using great exertions, succeeded in getting the vessel out of danger, and proceeded on my voyage to the banks, and continued to prosecute the fishery, there being no injury done to myself, my crew, or my vessel. I had secured from 17,000 to 19,000 of squids at the time of leaving Job's Cove.

(Signed) LOREN B. NAUS.

Taken and sworn and subscribed to, at Carbonear, the day and year above written, before me,

(Signed) ISRAEL L. McNEIL, *J.P.*

No. 31.

*Mr. Wingfield to Sir J. Pauncefote.—(Received October 2.)*

Sir,

*Downing Street, October 1, 1880.*

WITH reference to the letter from this Department of the 17th respecting the alleged case of obstruction offered to American bait-vessels at Job's Cove, Conception Bay, Newfoundland, I am directed by the Earl of Kimberley to transmit to you, to be laid before Earl Granville, a copy of a further despatch from Sir John Glover in corroboration of the statement contained in Commander Hall's Report as to the cause of the "Moro Castle" and other vessels having put to sea on the occasion referred to.

I am, &c.

(Signed) EDWARD WINGFIELD.

## Inclosure in No. 31.

*Governor Sir J. Glover to the Earl of Kimberley.*

My Lord,

*Government House, Newfoundland, September 15, 1880.*

WITH reference to paragraph 4 of my despatch of the 2nd instant, relating to the alleged obstruction offered to some American bait-vessels at Job's Cove, Conception Bay, I would observe that the report of meteorological observations taken at St. John's shows that on the day in question the wind, which was originally gentle from the south-west, freshened in the course of the morning, causing a strong wind to blow right into the Cove, and thus corroborating the statement in paragraph 22 of Commander Hall's Report as to the cause of all the vessels, British as well as Americans, weighing and leaving the anchorage.

The "Moro Castle," like the rest of the vessels in the anchorage, put to sea in consequence of this strong wind, and if there had been any intention on the part of those on board to run the vessel on shore they would not have set the mainsail, but rather the jib.

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

## No. 32.

*Mr. Drummond to Earl Granville.—(Received October 3.)*

My Lord,

*Newport, September 20, 1880.*

I HAVE the honour to bring to your notice the inclosed extract from one of the daily papers, from which it appears that two American fishing-vessels, on the 3rd and 4th ultimo, were prevented from catching squid in Conception Bay, Newfoundland, and it is stated that violence was used by the natives on both occasions.

The cause appears to be the old complication growing out of the difference between the inshore fishing rights guaranteed by the Treaty of Washington and the Municipal Fishing Regulations of Newfoundland.

Remarks on this present fishery trouble are being made in the press. One paper gives as its opinion that "the proper mode of settlement would seem to be upon the plan of an absolute freedom to the fisheries as is at all compatible with the enforcement of necessary laws to prevent the fish and fisheries from being destroyed."

It will be of great benefit both to Great Britain and the United States when arrangements can be made of such a character as will for ever prevent future controversies of this nature arising, which, although having the appearance of no great importance, become irritating to both countries, and thereby cause dissensions between them.

I have, &c.  
(Signed) VICTOR DRUMMOND.

## Inclosure in No. 32.

*Newspaper Extract.*

**VIOLATIONS OF THE FISHERY TREATY.**—The schooner "Morro Castle," Captain J. B. Naus, which arrived at Gloucester from a Grand bank cod-fishing trip this morning, reports that on Wednesday, the 4th August, she anchored near Job Cove, about a mile from the shore, in Conception Bay, Newfoundland, for the purpose of procuring bait. After purchasing squid, left during the absence of Captain Naus, Thursday morning, the crew attempted to catch a few squid with jigs, when the vessel was boarded by two or three hundred natives, who drove the crew into the cabinway and fore-castle, and attempted to get the vessel under way. Captain Naus returned and found the Newfoundlanders very threatening, but as the vessel began drifting on the rocks, they were frightened and left. The vessel came very near going ashore. The day previous the schooner "Victor," of Gloucester, was boarded in a similar manner, and violence used to prevent her fishing. The Newfoundland Government's objection to Sunday fishing and use of the seine does not hold in this case, as the crew of the "Morro Castle" were line fishing, and had taken but ten or a dozen squid.

*Boston, September 16, 1880.*

## No. 33.

*Sir J. Pauncefote to Mr. Herbert.*

Sir,

*Foreign Office, October 11, 1880.*

I AM directed by Earl Granville to transmit to you, to be laid before Her Majesty's Secretary of State for the Colonies, for his consideration, the accompanying draft of a letter which his Lordship proposes to address to the United States' Minister relative to the Fortune Bay question,\* and I am to request that in laying this paper before Lord Kimberley you will move his Lordship to cause Lord Granville to be informed whether it meets with his concurrence.

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

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## No. 34.

*Sir J. Pauncefote to Mr. Wingfield.*

(Extract.)

*Foreign Office, October 11, 1880.*

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 1st instant, inclosing a copy of a further despatch from Sir John Glover, relative to the alleged case of obstruction offered to American bait-vessels at Job's Cove, Conception Bay, Newfoundland. I have to express Lord Granville's hope that Lord Kimberley will move the Colonial Government to adopt without delay the measures recommended by Commander Hall, R.N., in paragraphs 38 and 39 of his Report, a copy of which was inclosed in your letter of the 17th ultimo.

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## No. 35.

*Sir J. Pauncefote to Mr. Wingfield.*

Sir,

*Foreign Office, October 12, 1880.*

WITH reference to my letter of the 11th instant, I am directed by Earl Granville to transmit to you, to be laid before the Earl of Kimberley, a copy of a despatch from Her Majesty's Chargé d'Affaires at Washington, respecting the dispute at Job's Cove.

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

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## No. 36.

*Mr. Wingfield to Sir J. Pauncefote.—(Received October 20.)*

Sir,

*Downing Street, October 19, 1880.*

I AM directed by the Earl of Kimberley to acquaint you, for the information of Earl Granville, that he concurs in the draft, inclosed in your letter of the 11th instant, of a letter which Lord Granville proposed to address to the United States' Minister respecting the Fortune Bay question.

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

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## No. 37.

*Mr. Wingfield to Sir J. Pauncefote.—(Received October 25.)*

Sir,

*Downing Street, October 23, 1880.*

I AM directed by the Earl of Kimberley to acknowledge the receipt of your letters of the 11th and 12th instant, respecting an alleged case of obstruction offered to American bait-vesse's at Job's Cove, Conception Bay, Newfoundland.

\* See No. 39.

Lord Kimberley concurs in the course proposed in the first letter under acknowledgment, and in accordance with the suggestion contained therein he has instructed the Governor of the Colony to move his Government to adopt, with as little delay as possible, the measures recommended by Commander Hall, R.N., in paragraphs 38 and 39 of his Report.

I am to inclose a copy of a further despatch from Sir J. Glover on the same subject.

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

Inclosure 1 in No. 37.

*Governor Sir J. Glover to the Earl of Kimberley.*

My Lord,

*Government House, Newfoundland, September 28, 1880.*

WITH reference to my despatches of the 2nd and 15th instant respectively, relating to the alleged obstruction offered to some American bait-vessels at Job's Cove, Conception Bay, I have now the honour to transmit, for your Lordship's information, an extract from the St. John's "Evening Telegram" of the 24th instant, in which a report of this case is reprinted from the American newspaper "The Cape Ann Advertiser."

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

Inclosure 2 in No. 37.

*Extract from the "Evening Telegram" of September 24, 1880.*

**ANOTHER NEWFOUNDLAND RIOT: TWO GLOUCESTER FISHING SCHOONERS DRIVEN FROM THE FISHING-GROUNDS.**—Under the above startling heading the "Cape Ann Advertiser" of Friday last makes what looks like a very serious charge against the people of Job's Cove, Conception Bay. If it can be proved that the statements of the "Advertiser" are correct, if the "outrages" complained of were actually committed, why, then, we shall probably have a renewal of the fishery difficulties, and possibly the Premier may ere long see another opportunity of earning a "big fee" in connection with the "Commission business."

Here is what our Cape Ann contemporary says about the matter:—

Schooner "Moro Castle," Captain Loren B. Naus, arrived from a Grand Bank cod-fishing voyage yesterday, bringing information of further riotous proceedings on the part of the Newfoundland fishermen, and the forcible prevention of Gloucester fishing vessels taking squid for baiting purposes.

The "Moro Castle" had been on the Grand Bank trawl fishing, and having exhausted her bait, went to Newfoundland to procure a supply of squid. She anchored in Conception Bay, in Job or Devil Cove, on the afternoon of Wednesday, the 4th August, about a mile from the shore. That afternoon Captain Naus purchased of the natives 18,000 squids at 60 cents per 100, paying them 108 dollars. The next morning (Thursday) Captain Naus left the vessel in a dory to go in search of more bait, having learned that some could be procured at a neighbouring cove. While absent he saw the mainsail of the schooner start, and knowing that something must be wrong, hurried back, and found his vessel surrounded by boats, and that some 200 or 300 Newfoundlanders had boarded and taken possession of her. He ordered the intruders to leave the vessel, but they took no notice of him, and being all alone, his crew, mostly of Nova Scotians, having been frightened and taken refuge in the cabin and forecastle, he was without the means of enforcing his orders. The natives were very threatening, and the captain feared for his life if he attempted unaided to regain control of the schooner. These men had come on board because some of the crew had been seen jigging for squid, although they had taken only ten or a dozen. The squid were plenty, and it would have been easy to have secured a sufficient supply for bait if the crew had been allowed their rights to free fishing without intimidation. The invaders had broken the anchor from bottom and put the schooner under mainsail and jib, and she was fast drifting towards the rocks. Seeing that there was danger of the vessel being wrecked, the invaders became frightened, and hurriedly took their departure, and she was rescued from shipwreck with considerable difficulty.

Captain Naus reports that on the previous day, Wednesday, the 4th August, the schooner "Victor," of this port, engaged in the Grand Bank cod-fishery, was prevented by violence from securing a supply of bait.

These outrages cannot be justified by the Newfoundland Government on the ground of their objection to Sunday fishing or the use of seines, as both assaults occurred on week days, and the men were engaged in line fishing.

Even had there been a violation of Treaty rights, or of local laws, there can be no justification of the resort to mob law. We trust that these additional outrages upon unoffending American fishermen will result in some authoritative settlement of the meaning of the Treaty stipulations, and, unless suitable redress is promptly made, to the abrogation of the Fisheries Treaty.

No. 38.

*Mr. Wingfield to Sir J. Pauncefote.—(Received October 25.)*

Sir, *Downing Street, October 23, 1880.*

WITH reference to my letter of this day's date, I am directed by the Earl of Kimberley to transmit to you, for communication to Earl Granville, a copy of a despatch from the Governor of Newfoundland, with its inclosures, respecting another case of obstruction alleged to have been offered to an American vessel by the people of Conception Bay.

It will be observed that Sir J. Glover has directed that inquiries should be made into the facts of the case.

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

Inclosure 1 in No. 38.

*Governor Sir H. Glover to the Earl of Kimberley.*

My Lord, *Government House, Newfoundland, September 30, 1880.*

I HAVE the honour to transmit, for your Lordship's information, an extract from the St. John's "Evening Telegram" of the 27th instant, stating that Captain Mackenzie, of the schooner "Minnesota," of Provincetown, Massachusetts, had forwarded to the Washington authorities a report of another case of obstruction alleged to have been offered by the people of Conception Bay.

2. This paragraph was the first intimation I had received of such an occurrence, and I at once directed inquiries to be made into the facts of the case.

3. My Government have directed a magistrate to proceed to Spout's Cove to investigate the matter, and the depositions taken will be forwarded to your Lordship as soon as possible.

4. I inclose a copy of the deposition of Thomas Goss, of Torbay, the pilot referred to, who corroborates to some extent the statement of Captain McKenzie, or McIntyre.

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

Inclosure 2 in No. 38.

*Extract from St. John's "Evening Telegram" of September 27, 1880.*

**MORE FISHERY TROUBLE. CAPTAIN MCKENZIE AND THE SPOUT'S COVE "OUTRAGE."**—We are informed that Captain McKenzie, of the schooner "Minnesota," of Provincetown, Massachusetts, has forwarded to the Washington authorities a report of another "outrage" alleged to have been committed by the people of Conception Bay. Captain McKenzie says: "I was prevented from using seine to procure caplin bait at Spout's Cove, near Small Point, on the 21st ultimo. Thomas Goss, of Torbay, was pilot of my vessel, and his seine was hired by me. The people would not allow me to shoot the seine, telling me that I should purchase bait from them. One man named John Trickett demanded 4 dollars for the privilege of using the seine, which sum was paid."



At present we are not in a position to say how far the captain's version of this "outrage" agrees with the facts of the case. It may be true in its entirety, or it may not. We hope, however, to be in a position in a day or two to lay before our readers "the other side of the story," with such comment as the case may warrant.

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Inclosure 3 in No. 38.

*Deposition of Thomas Goss.*

Central District, St. John's, to wit.

THE examination of Thomas Goss, of Torbay, in the said Central District, planter, who saith: On or about the 20th day of June last I hired a boat and seine to one John McIntyre, captain of the United States' schooner "Minnesota," in order to obtain bait for his use to carry on the fishery. I went with him as pilot in his vessel, leaving Torbay at 11 o'clock in the morning, and anchored at 4 o'clock the same evening at Upper Small Point, on the north shore of Conception Bay. We put the seine in boat, went into the beach, where there was abundance of caplin, shot the seine, and hauled a big lot of caplin, and were in the act of dipping them in from the seine into the boat, when five or six big boys attacked us with stones from the cliff, and we had to throw away the caplin in the seine and leave the place. A boat came from the bay as we were going off, and came alongside of our boat. I asked the man in the boat, who appeared to have charge of her, "What was up that we would not be allowed to haul caplin?" He said "There was no one allowed to haul caplin here unless they bought them from the people."

Captain McIntyre said to me, "What are we going to do now for bait?" I asked the man in the boat what was his name. He said "Trickett," and he said he would go with us in our boat and try and prevent them from throwing stones, and further would go with us to Spout's Cove, about a quarter of a mile distant, to obtain bait, we agreeing to give him 9 dollars. Captain McIntyre took him into his boat, and we hauled bait, and had sufficient on board at 4 o'clock. Paid Cricket and he went off, and we returned to Torbay the next morning early.

(Signed) THOMAS GOSS.

Sworn before me, at St. John's, this 13th day of September, 1880.

(Signed) J. G. CONROY, *Justice of the Peace for Newfoundland.*

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No. 39.

*Earl Granville to Mr. Lowell.\**

Sir,

*Foreign Office, October 27, 1880.*

HER Majesty's Government have carefully considered the correspondence which has taken place between their predecessors and the Government of the United States respecting the disturbance which occurred at Fortune Bay on the 6th January, 1878, and they have approached this subject with the most earnest desire to arrive at an amicable solution of the differences which have unfortunately arisen between the two Governments on the construction of the provisions of the Treaties which regulate the rights of United States' fishermen on the coast of Newfoundland.

In the first place, I desire that there should be no possibility of misconception as to the views entertained by Her Majesty's Government respecting the conduct of the Newfoundland fishermen in violently interfering with the United States' fishermen, and destroying or damaging some of their nets. Her Majesty's Government have no hesitation in admitting that this proceeding was quite indefensible, and is much to be regretted. No sense of injury to their rights, however well founded, could, under the circumstances, justify the British fishermen in taking the law into their own hands, and committing acts of violence; but I will revert by and by to this feature in the case, and will now proceed to the important question raised in this controversy, whether, under the Treaty of Washington, the United States' fishermen are bound to observe the fishery regulations of Newfoundland in common with British subjects.

Without entering into any lengthy discussion on this point, I feel bound to state that, in the opinion of Her Majesty's Government, the clause in the Treaty of Washington which provides that the citizens of the United States shall be entitled, "in common with British subjects," to fish in Newfoundland waters within the limits

\* Already laid before Parliament. See "United States No. 1 (1881)."

of British sovereignty, means that the American and the British fishermen shall fish in these waters upon terms of equality; and not that there shall be an exemption of American fishermen from any reasonable regulations to which British fishermen are subject.

Her Majesty's Government entirely concur in Mr. Marcy's Circular of the 28th March, 1856. The principle therein laid down appears to them perfectly sound, and as applicable to the fishery provisions of the Treaty of Washington as to those of the Treaty which Mr. Marcy had in view. They cannot, therefore, admit the accuracy of the opinion expressed in Mr. Evarts' letter to Mr. Welsh of the 28th September, 1878, "that the fishery rights of the United States conceded by the Treaty of Washington are to be exercised wholly free from the restraints and regulations of the Statutes of Newfoundland," if by that opinion anything inconsistent with Mr. Marcy's principle is really intended. Her Majesty's Government, however, fully admit that, if any such local Statutes could be shown to be inconsistent with the express stipulations, or even with the spirit of the Treaty, they would not be within the category of those reasonable regulations by which American (in common with British) fishermen ought to be bound; and they observe, on the other hand, with much satisfaction, that Mr. Evarts, at the close of his letter to Mr. Welsh of the 1st August, 1879, after expressing regret at "the conflict of interests which the exercise of the Treaty privileges enjoyed by the United States appears to have developed," expressed himself as follows:—

"There is no intention on the part of this [the United States'] Government that these privileges should be abused, and no desire that their full and free enjoyment should harm the colonial fishermen.

"While the differing interests and methods of the shore fishery and the vessel fishery make it impossible that the regulation of the one should be entirely given to the other, yet if the mutual obligations of the Treaty of 1871 are to be maintained, the United States' Government would gladly co-operate with the Government of Her Britannic Majesty in any effort to make those regulations a matter of reciprocal convenience and right, a means of preserving the fisheries at their highest point of production, and of conciliating a community of interest by a just proportion of advantages and profits."

Her Majesty's Government do not interpret these expressions in any sense derogatory to the sovereign authority of Great Britain in the territorial waters of Newfoundland, by which only regulations having the force of law within those waters can be made. So regarding the proposal, they are pleased not only to recognize in it an indication that the desire of Her Majesty's Government to arrive at a friendly and speedy settlement of this question is fully reciprocated by the Government of the United States, but also to discern in it the basis of a practical settlement of the difficulty; and I have the honour to request that you will inform Mr. Evarts that Her Majesty's Government, with a view to avoiding further discussion and future misunderstandings, are quite willing to confer with the Government of the United States respecting the establishment of regulations under which the subjects of both parties to the Treaty of Washington shall have the full and equal enjoyment of any fishery which under that Treaty is to be used in common. The duty of enacting and enforcing such regulations, when agreed upon, would, of course, rest with the Power having the sovereignty of the shore and waters in each case.

As regards the claim of the United States' fishermen to compensation for the injuries and losses which they are alleged to have sustained in consequence of the violent obstruction which they encountered from British fishermen at Fortune Bay on the occasion referred to, I have to state that Her Majesty's Government are quite willing that they should be indemnified for any injuries and losses which upon a joint inquiry may be found to have been sustained by them, and in respect of which they are reasonably entitled to compensation; but on this point I have to observe that a claim is put forward by them for the loss of fish which had been caught, or which, but for the interference of the British fishermen, might have been caught by means of strand fishing, a mode of fishing to which, under the Treaty of Washington, they were not entitled to resort.

The prosecution by them of the strand fishery being clearly in excess of their Treaty privileges, Her Majesty's Government cannot doubt that, on further consideration, the United States' Government will not be disposed to support a claim in respect of the loss of the fish which they had caught, or might have caught, by that process.

I am, &c.

(Signed) GRANVILLE.

No. 40.

*Earl Granville to Mr. Drummond.*

Sir, *Foreign Office, October 28, 1880.*  
 I TRANSMIT to you herewith, for your information, a copy of a letter which I have addressed to the United States Minister at this Court in regard to the Fortune Bay question.\*

I have, &c.  
 (Signed) GRANVILLE.

No. 41.

*Mr. Lowell to Earl Granville.†—(Received October 29.)*

My Lord, *Legation of the United States, London, October 28, 1880.*  
 I HAVE the honour to acknowledge the receipt of your Lordship's letter of yesterday, in relation to the disturbance which occurred at Fortune Bay on the 6th January, 1878, and to acquaint you that I shall forward a copy of the same to Mr. Evarts by the earliest opportunity.

I have, &c.  
 (Signed) J. R. LOWELL.

No. 42.

*Mr. Drummond to Earl Granville.—(Received October 31.)*

My Lord, *Washington, October 18, 1880*  
 WITH reference to my despatch of the 20th ultimo, bringing to your Lordship's attention extracts from certain American papers, mentioning complaints made by United States' fishermen of the treatment which they had received from Newfoundland fishermen, I have the honour to inclose herewith an extract from the "New York Herald," which shows that the Governor of Newfoundland has taken notice of these complaints, and that the deposition of the pilot on board one of the United States' fishing vessels which suffered has been taken. The "New York Herald" has a leading article on this occurrence, herewith inclosed, which I consider shows that later, when Congress meets, the soreness still continuing on account of the Fortune Bay difficulty, the question will again be brought forward with a view to the greater protection of United States' fishermen from the apparent lawlessness of the Newfoundland fishermen.

I have, &c.  
 (Signed) VICTOR DRUMMOND.

Inclosure 1 in No. 42.

*Extract from the "New York Herald" of October 5, 1880.*

**AMERICAN FISHERMEN ATTACKED.**—The notice of the Newfoundland authorities has been directed to some complaints made by Gloucester fishermen of ill-treatment at the hands of Newfoundland fishermen and an interference with the just rights of United States' fishermen in British waters. The Governor of Newfoundland accordingly sent for Mr. Thomas Goss, of Torbay, the only trustworthy witness that so far can be procured. Goss acted as pilot in Conception Bay for Captain MacEntyre, of the Gloucester schooner "Minnesota." Before Judge Conrey Goss deposed that he started from Torbay on Monday, the 20th June, in the capacity of pilot on the "Minnesota." They reached Upper Small Point, where they had discovered that bait was plentiful; here they commenced to operate, and while taking the caplin on board their boats they were attacked by the people on shore and furiously pelted with showers of stones. Men, women, and children were engaged in the assault. The Americans immediately

\* No. 39.  
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† Already laid before Parliament. See "United States No. 1 (1881)." I

withdrew to their vessel, their lives being every moment imperilled. A man named Trickett offered his services to Captain MacEntyre to procure bait if paid the sum of 4 dollars. Trickett brought him to Spout Cove, near his own home, and for half the sum first asked the "Minnesota" obtained all her required bait, and then, having landed the pilot, proceeded to the banks. The deposition of Goss has been transmitted by the Governor of Newfoundland to the Secretary of State for the Colonies, and the other cases will be investigated and brought under imperial notice as soon as evidence can be obtained.

Inclosure 2 in No. 42.

*Extract from the "New York Herald" of October 5, 1880.*

**THE FISHERY OUTRAGES.**—At last, after a great deal of delay, the Newfoundland authorities have felt compelled to take some notice of the outrageous misconduct of their people toward our American fishermen. The "Herald" correspondent at St. John's relates that the Governor recently sent for a Newfoundland pilot, Thomas Goss, "the only reliable witness who can so far be procured," he adds, and took his testimony. Goss, it seems, was engaged as pilot by the master of the American schooner "Minnesota," and while he was so acting the schooner came upon the ground where, under the Treaty, Americans are allowed to take bait. Our people began to catch bait, whereupon Goss—a Newfoundland man himself—testifies that the Americans were set upon by a furious crowd from the shore, men and women, who pelted them with "showers of stones," so that our people had difficulty in reaching their vessel alive. They had gone out in boats to take the bait.

Having been thus prevented from exercising their rights under the Treaty, and violently driven off, a Newfoundland man came along and offered to procure what bait the "Minnesota" needed near his own home for the sum of 4 dollars, and the captain of the "Minnesota," being a practical as well as a peaceable man, accordingly paid for his bait and went on his way to the fishing banks.

No. 43.

*Mr. Meade to Sir J. Pouncefote.—(Received November 5.)*

Sir, *Downing Street, November 4, 1880.*

WITH reference to the letter from this Department of the 23rd ultimo, respecting a case of obstruction alleged to have been offered to an American vessel at Spout's Cove, Conception Bay, Newfoundland, I am directed by the Earl of Kimberley to transmit to you, for the information of Earl Granville, a copy of a further despatch from the Governor of the Colony on the subject, together with one of a despatch which Lord Kimberley has addressed to Sir J. Glover in reply.

I am, &c.  
(Signed) R. H. MEADE.

Inclosure 1 in No. 43.

*Governor Sir J. Glover to the Earl of Kimberley.*

My Lord, *Government House, Newfoundland, October 13, 1880.*

IN reference to my despatch of the 30th ultimo, on the subject of an alleged case of obstruction offered to American fishermen from the schooner "Minnesota," of Provincetown, Massachusetts, at Spout's Cove, Conception Bay, I have the honour to inform your Lordship that the depositions taken by the local magistrate are of so illusory a character as to be quite worthless, and I trust I may induce my Government to undertake legal proceedings against the offenders.

2. Had one of Her Majesty's vessels been available, as in the case of obstruction at Job's Cove, Conception Bay, referred to in my despatch of the 2nd September, I am of opinion that sufficient evidence would have been obtained by the officer commanding, in his judicial capacity, as would have led to the conviction of the

people who threw stones at the Americans, and I am hoping that such result may yet be obtained.

3. I would respectfully suggest that one of Her Majesty's vessels of the fishery squadron be detailed especially to visit the coast between Cape Bonavista and Fortune Bay. The bays, harbours, and coves comprised between the above-named points being those visited by the Americans during the bait season, such vessel need never be for more than three or four days without being in telegraphic communication with St. John's, as there are various telegraph stations between the points mentioned.

4. I have represented to my Government that they should cause the people of the parts of the coast visited by the Americans to be made aware of the rights which the Americans have paid for, and that we are bound to secure them in the exercise of a right for which we have received from them a money award.

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

Inclosure 2 in No. 43.

*The Earl of Kimberley to Governor Sir J. Glover.*

Sir, *Downing Street, November 1, 1880.*

I HAVE the honour to acknowledge the receipt of your despatch of the 13th ultimo, containing observations on the alleged case of obstruction offered to American fishermen at Spout's Cove, Conception Bay.

I have to convey to you my approval of the representation you have made to your Government with regard to the desirability of acquainting the people on the parts of the coast visited by the Americans with the rights which the Americans possess.

With respect to your suggestion that one of Her Majesty's vessels of the fishery squadron should be detailed especially to visit the coast between Cape Bonavista and Fortune Bay, I should be glad to be informed of the exact time of the year at which it is desired that the vessel should visit this particular locality.

I have, &c.  
(Signed) KIMBERLEY.

No. 44.

*Sir J. Pauncefote to Mr. Herbert.*

Sir, *Foreign Office, November 8, 1880.*

WITH reference to the letter from this Office of the 12th of October, I am directed by Earl Granville to transmit to you, to be laid before Her Majesty's Secretary of State for the Colonies, the accompanying copy of a further despatch from Her Majesty's Chargé d'Affaires at Washington, together with its inclosures, relative to fishery disputes on the coast of Newfoundland.\*

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

No. 45.

*Earl Granville to Mr. Drummond.*

Sir, *Foreign Office, November 9, 1880.*

I TRANSMIT to you herewith, for your information, a copy of a letter from the Colonial Office respecting the Spout's Cove obstruction case.†

I am, &c.  
(Signed) GRANVILLE.

*Mr. Bramston to Sir J. Pauncefote.—(Received November 29.)*

(Extract.)

*Downing Street, November 27, 1880.*

I AM directed by the Earl of Kimberley to transmit to you, for the information of Lord Granville, the accompanying copy of a despatch from the Governor of Newfoundland, inclosing a Report of a second magisterial inquiry into the case of stone-throwing at Americans at Spout's Cove, together with Mr. Justice Pinsent's address to the Grand Jury at Harbour Grace.

Inclosure 1 in No. 46.

*Governor Sir J. Glover to the Earl of Kimberley.*

My Lord,

*Government House, November 9, 1880.*

IN reference to my despatch dated the 13th October last, I have the honour to transmit, for your Lordship's information, a copy of the Report of a second magisterial inquiry into the case of stone-throwing at Americans at Spout's Cove, Conception Bay.

This, together with Mr. Justice Pinsent's address to the Grand Jury at Harbour Grace, a copy of which is inclosed herewith, will, I trust, have a salutary effect in checking, for the future, attempted interruptions to Americans when in search of bait.

I trust this will meet with your Lordship's approval.

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

Inclosure 2 in No. 46.

*Mr. McNeill to Sir W. V. Whiteway.*

Sir,

*Carbonear, October 28, 1880.*

I HAVE the honour to report that Inspector Canty, accompanied by one of the police force from this station, proceeded to Spout Cove and Small Point, distant 10 miles from here in the Bay de Verde district, on Wednesday, the 26th instant, and succeeded in finding the boys (four in number) charged with having thrown stones at the crew of the United States' schooner "Minnesota," McIntyre master, while engaged hauling caplin at Small Point in June last.

The four boys were brought before me yesterday. The youngest, Stephen Hayden, being a mere child 8 years of age, I dismissed; and after a careful inquiry into the case, in presence of Thomas Goss, who was pilot of the "Minnesota" at the time the affair took place, and having the evidence of Edward Trickett, of Spout Cove, fisherman, who was employed by the master of the "Minnesota" in hauling bait for that vessel, the three boys were convicted of rolling and throwing stones down the cliff at Small Point, where the men of the "Minnesota" were engaged hauling caplin, but they all maintained they were ignorant of the presence of men on the beach under them until they noticed some boats going off from the beach.

From the evidence taken in the case, I am satisfied the boys had no malicious intention in the act; and, further, I find it is a common practice with the boys along the shore, after school hours, to amuse themselves in throwing or rolling stones over the steep cliffs (at places some hundreds of feet in height from the beach), and often to the annoyance and danger of their own neighbours who may happen to be on the beach under.

In order to put a stop to such practices, I sentenced the eldest boy, John Hayden, who is 14 years of age, to pay a fine of 5 dollars and costs; and the other two, John King and William Short, who are about 12 years of age, to a fine of 3 dollars each. The mothers of the boys Hayden and King were present in Court during the trial, and paid the fines. The widowed mother of the boy Short, being a pauper, I shall not exact the fine in his case. I reprimanded the boys severely, and pointed out to them that the possible consequence of the habit of rolling stones down the cliff might, if continued, at some time cause the loss of life or limb.

I believe the result of the punishment inflicted in this case will have a salutary effect in putting a stop to such practices, not only in the neighbourhood of Small Point

and Spout Cove, but also on the whole range of shore between here and Island Cove, at the entrance of the bay.

I beg to transmit herewith copy of proceedings in the case; also the examination of the pilot, Thomas Goss.

I have, &c.  
(Signed) ISRAEL L. McNEILL, J.P.

Inclosure 3 in No. 46.

*Deposition of Thomas Goss.*

Northern District, Carbonear, to wit.

THE examination of Thomas Goss, of Torbay, in the Central District, planter, taken upon oath before Israel L. McNeill, Esq., one of Her Majesty's Justices of the Peace for the said northern district, the 27th October, in the year of our Lord 1880, who saith:—That on or about the 20th June last I hired a boat and seine to one John McIntyre, master of the United States' fishing schooner "Minnesota," for the purpose of procuring bait for his use at the fishery. I also went with him as pilot in his vessel. We left Torbay at 11 o'clock on the morning of that day, and anchored at 4 o'clock the same evening at Upper Small Point, on the north shore of Conception Bay, we put our seine in the boat and went to the beach, where there was abundance of caplin; we shot out the seine and hauled a quantity of caplin, and were in the act of dipping them in from the seine into our boat, when five or six big boys attacked us with stones from the cliff, and we had to throw away the caplin we had hauled and leave the place. A boat from the bay came up as we were going off, and when alongside of our boat I asked a man in the boat, who appeared to have charge of her, "What was up that we would not be allowed to haul caplin?" He made answer that no one was allowed to get bait there unless they bought it from the people. I said to him, "This is my own vessel, and I think it hard not to be allowed to get bait for her, and that I had got bait in that place forty years ago, and that my mother was born at Broad Cove, near Small Point." I also said I had plenty of friends on the north shore. Captain McIntyre then said to me, "What are we going to do for bait now?" I asked the man in the boat to whom I had been talking what was his name. He answered "Trickett," and he said he would go with us in our boat and try and prevent the boys throwing stones at us, and further, if we wished, he would go with us to Spout Cove (about a quarter of a mile distant) and assist us in getting bait, having agreed to give him 4 dollars for his services. Captain McIntyre took him into his boat and we hauled bait, and having taken sufficient on board by 9 o'clock that night paid Trickett, who went off, and we returned to Torbay early the following morning. The interference of the boys throwing stones at us did not cause a delay to us of more than an hour at furthest. We met with no further annoyance while the vessel remained at Spout Cove. We were very fortunate in procuring our bait that evening at Spout Cove; otherwise we should have been obliged to proceed to Carbonear for that purpose.

Taken and sworn at Carbonear aforesaid, the day and year within written.

Before me,  
(Signed) ISRAEL L. McNEILL, J.P.

Inclosure 4 in No. 46.

*Police Office, Carbonear, October 28, 1880.*

Before ISRAEL L. McNEILL, Esq., J.P., Stipendiary Magistrate.

Thomas Goss, Complainant, v. John Hayden, William Short, John King, and Stephen Hayden, Defendants.

Complaint: Assault.  
Defendants severally plead not guilty.

EDWARD TRICKETT, sworn and examined, saith:—I was on the bank at Spout Cove, where I reside, one afternoon last summer, during the caplin school; cannot

remember the exact date. I noticed a vessel come in and anchor at Small Point. I went off to her in my boat, but before I got alongside I noticed some boats had left her and gone to the beach. I saw some boys on the cliff over the beach where the boats had gone; among them I recognized Stephen Hayden and William Short (two of the boys now at the bar). The boys were throwing stones over the cliff, or, rather, rolling stones down. I noticed one or two of them throwing stones at times. I heard the men who were on the beach sing out to the boys to cease throwing stones; there were four boys on the cliff; I did not know the other two. I also called out to them to knock off throwing stones. The men left the beach in their boats and came off to the vessel. Thomas Goss, now present in Court, was with the crew of the vessel; I did not know where the vessel belonged. Goss agreed to give me 4 dollars to go with them and help them haul bait for the vessel. I consented, and went with them in their boat to Spout Cove, where we hauled sufficient caplin for their use; they then paid me the 4 dollars agreed upon between us, and I got into my boat and went to my bultows, and some time during the same night the schooner left Spout Cove.

For the defence:—

John Hayden (a boy about 14 years of age), sworn, saith:—I was in company with my brother Stephen, John King, and William Short one afternoon in June last, on the bank near Small Point; we were rolling stones down the cliff to the beach; did not see any boat or men on the beach. There was a schooner at anchor in the bight. I saw some men go off in two boats from the shore or beach, and when we saw them we stopped rolling stones down the cliff. From the top of the cliff to the beach is about 100 fathoms, and it is very steep, so that I would not venture out to the edge of the cliff to look down. Cannot say whether any of the stones struck the men who were going off in the boats. They went over to Spout Cove when they left the beach. No person told us to throw stones at the men or down the cliff. I may have thrown two or three stones, but not with the intention of hurting any one. There were no other boys present at the time but us four, whom I have named and who are now present. We were not rolling stones down the cliff. There was no man or men near us on the cliff, and no one told us to throw stones.

William Short and John King each admitted they were with John Hayden and Stephen Hayden rolling and throwing stones on the occasion. Stephen Hayden, being a boy under 10 years of age, was admonished and discharged.

*Judgment.*

John Hayden, convicted of assault upon complainant and others by throwing stones at them, and being the oldest boy of the four, was sentenced to pay a fine of 5 dollars and costs; and John King and William Short, being convicted of the same offence, were each sentenced to pay a fine of 3 dollars and costs.

(Signed) ISRAEL L. McNEILL, J.P.

Inclosure 5 in No. 46.

*Extract from Mr. Justice Pinsent's Charge to the Grand Jury.*

THE Judge then referred to a letter he had just received from Mr. McNeil, the Magistrate at Carbonear, excusing his non-attendance at the Court to-day on the ground that he was engaged in trying some lads belonging to Small Point charged with throwing stones at the crew of an American fishing vessel last summer. The Government was prosecuting, and the Inspector of Police was then in Carbonear on the business. His Lordship said he greatly regretted to hear of such interference not only on account of the offence itself, but as the national honour was involved in the peaceable recognition and observance of the rights accorded to Americans by the Treaty of Washington and by the Local Enactment which gave effect to it in this colony. However obnoxious to some persons in some localities this cession of fishing rights might be, it would nevertheless have to be borne in mind that the law must sustain the rights possessed by fishermen of the United States with as much vigilance and effect as it does those of British subjects. He wished this to be clearly understood and attended to.



No. 47.

*Mr. Herbert to Sir J. Pauncefote.—(Received December 9.)*

Sir, *Downing Street, December 8, 1880.*  
 WITH reference to the letter from this Department of the 4th ultimo, inclosing a copy of a despatch from the Governor of Newfoundland, in which it was suggested that one of Her Majesty's vessels of the fishing squadron should be detailed especially to visit the coast between Cape Bonavista and Fortune Bay, I am directed by the Earl of Kimberley to transmit to you, for the information of Earl Granville, a copy of a further despatch from Sir J. Glover on the subject, together with one of a letter which his Lordship has caused to be addressed to the Admiralty in connection with it.

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

Inclosure 1 in No. 47.

*Governor Sir J. Glover to the Earl of Kimberley.*

My Lord, *Government House, Newfoundland, November 24, 1880.*  
 WITH reference to your Lordship's despatch of the 1st instant, requesting to be informed of the exact time of the year at which it is desired that one of Her Majesty's ships of the fishery squadron should be detailed especially to visit the coast of Newfoundland between Cape Bonavista and Fortune Bay, I have the honour to state that as French and American vessels usually visit the latter district about the 25th April, when the bait season commences, I consider it desirable that the ship detailed should arrive at Fortune Bay by that date, and that it should be employed on that part of the coast previously referred to until the 25th September.

This does not imply that the remainder of Her Majesty's ships forming the fishery squadron are required before the usual time, viz., on or about the 24th May.

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

Inclosure 2 in No. 47.

*Mr. Herbert to the Secretary to the Admiralty.*

Sir, *Downing Street, December 8, 1880.*  
 I AM directed by the Earl of Kimberley to transmit to you, to be laid before the Lords Commissioners of the Admiralty, copies of two despatches from the Governor of Newfoundland,\* suggesting that one of Her Majesty's vessels of the fishing squadron should be detailed especially to visit the coast between Cape Bonavista and Fortune Bay annually during the fishing season during the period specified.

Lord Kimberley would be glad if the other requirements of the service should admit of their Lordships giving instructions for a compliance with Sir J. Glover's application.

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

No. 48.

*Sir E. Thornton to Earl Granville.—(Received December 21.)*

My Lord, *Washington, December 7, 1880.*  
 WITH reference to that part of the President's Message which speaks of the Fortune Bay affair, I have the honour to inform your Lordship that Mr. Evarts tells me that the correspondence relating to that matter does not accompany the President's Message, but that in all probability it will be called for by Congress, in which case he

\* Inclosure 1 in No. 43, and Inclosure 1 in No. 47.

will transmit it to that body, including your Lordship's note of the 27th October last.

I have, &c.  
(Signed) EDWD. THORNTON.

No. 49.

*Mr. Bramston to Sir J. Pauncefote.—(Received January 10.)*

Sir, *Downing Street, January 7, 1881.*  
WITH reference to the letters from this Department of the 4th November and the 8th December last respecting the suggestion of the Governor of Newfoundland that one of Her Majesty's vessels of the fishing squadron should be detailed especially to visit the coast between Cape Bonavista and Fortune Bay for a certain time of the year, I am directed by the Earl of Kimberley to transmit to you, for the information of Earl Granville, a copy of a letter from the Admiralty upon the subject.

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

Inclosure in No. 49.

*The Secretary to the Admiralty to Mr. Herbert.*

Sir, *Admiralty, December 14, 1880.*  
I HAVE laid before my Lords Commissioners of the Admiralty your letter of the 8th instant, inclosing copies of two despatches from the Governor of Newfoundland, suggesting that one of Her Majesty's vessels employed on the Newfoundland fisheries should be detailed to visit the coast between Cape Bonavista and Fortune Bay from the 25th April to the 25th September.

2. In reply, my Lords desire me to acquaint you, for the information of the Earl of Kimberley, that they concur in the opinion of Sir John Glover, that it is important one of Her Majesty's ships should be on the part of Newfoundland indicated at the commencement of the bait season, viz., 25th April, when practicable. With regard, however, to the proposal to station a man-of-war within the limits mentioned during the whole of the fishing season, my Lords consider that the Senior Officer employed in the protection of these fisheries must be left to direct the movements of vessels under his orders. He will be ordered to arrange that frequent visits are to be made to those ports where American fishermen procure bait, especially Fortune Bay, and out-of-the-way ports where there are no resident magistrates or any Government officials.

3. I am to add that it would seem to be the duty of the Colonial Government, by the location of magistrates or otherwise, to endeavour to prevent the breaches of the peace and of the fishery laws, which appear to be only too frequent in the localities mentioned, and not to rely entirely upon Her Majesty's ships for that purpose.

I am, &c.  
(Signed) E. N. SWAINSON.

No. 50.

*Mr. Wingfield to Sir J. Pauncefote.—(Received January 15.)*

Sir, *Downing Street, January 14, 1881.*  
WITH reference to the letter from this Department of the 23rd October last, and to previous correspondence respecting the alleged case of obstruction offered to American bait vessels at Job's Cove, Conception Bay, Newfoundland, I am directed by the Earl of Kimberley to transmit to you, for the information of Earl Granville, a copy of a despatch from the Governor of the Colony, stating that his Government are prepared to take steps to notify to the inhabitants of outlying settlements frequented by the Americans the rights which the latter have under the Treaty of Washington.

The Governor has been requested to furnish the Secretary of State with copies of any notice which may be issued pursuant to this decision.

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

Inclosure in No. 50.

*Governor Sir J. Glover to the Earl of Kimberley.*

My Lord,

*Government House, December 21, 1880.*

WITH reference to your Lordship's despatch of the 20th October, requesting me to move my Government to carry into effect, with as little delay as possible, the suggestions made by Commander Hall, R.N., Her Majesty's ship "Flamingo," in paragraphs 38 and 39 of his Report, dated the 23rd August last, I have the honour to inform your Lordship that, in order to prevent as far as possible a recurrence of disputes between Newfoundland and American fishermen, my Government are prepared to take steps to notify to the inhabitants of outlying settlements frequented by the Americans the rights which the latter have under the Treaty of Washington.

I trust these measures will meet with your Lordship's approval, and have the effect of preventing for the future any further disputes of this nature.

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

No. 51.

*Mr. Bramston to Lord Tenterden.—(Received January 15.)*

THE Under-Secretary of State presents his compliments to Lord Tenterden, and is directed by the Earl of Kimberley to transmit to him, for the information of Earl Granville, copies of despatches addressed to the Governor of Newfoundland on the 20th October, 1880, the 4th and 10th January, 1881, on matters connected with the rights of fishery of United States' citizens under the Treaty of Washington and the Fortune Bay question.

*Colonial Office, January 15, 1881.*

Inclosure 1 in No. 51.

*The Earl of Kimberley to Governor Sir J. Glover.*

Sir,

*Downing Street, October 20, 1880.*

I HAVE the honour to acknowledge the receipt of your despatches of the 2nd, 15th, and 28th September respectively, respecting an alleged case of obstruction offered to certain American bait-vessels at Job's Cove, Conception Bay.

With the view of preventing, if possible, the recurrence of disputes of this nature, I request that you will move your Government to carry into effect, with as little delay as possible, the suggestions made by Commander Hall, R.N., in paragraphs 38 and 39 of his Report, copies of which were inclosed in your despatch of the 2nd ultimo.

I have, &c.  
(Signed) KIMBERLEY.

Inclosure 2 in No. 51.

*The Earl of Kimberley to Governor Sir J. Glover.*

Sir,

*Downing Street, January 4, 1881.*

WITH reference to your despatch of the 24th November last, and to previous correspondence respecting the proposal that one of Her Majesty's vessels of the fishing squadron should be detailed especially to visit the coast between Cape Bonavista and Fortune Bay for a certain time of the year, I have the honour to transmit to you, for the information of your Government, a copy of a letter from the Admiralty on the subject.\*

I have, &c.  
(Signed) KIMBERLEY.

## Inclosure 3 in No. 51.

*The Earl of Kimberley to Governor Sir J. Glover.*

Sir, *Downing Street, January 10, 1881.*  
 I HAVE the honour to acknowledge the receipt of your despatch of the 21st ultimo, informing me that your Government are prepared to take steps to notify to the inhabitants of outlying settlements, frequented by the Americans, the rights which the latter have under the Treaty of Washington.

I have learnt with satisfaction this intention on the part of your Government, and I should be glad if you would be so good as to furnish me with copies of any notice which may be issued by them pursuant to this decision.

I have, &c.  
 (Signed) KIMBERLEY.

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## No. 52.

*Earl Granville to Sir E. Thornton.*

Sir, *Foreign Office, January 15, 1881.*  
 WITH reference to my despatch of the 11th ultimo, I inclose, for your information, copy of a letter, as marked in the margin,\* on the subject of Newfoundland fisheries.

I am, &c.  
 (Signed) GRANVILLE.

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## No. 53.

*Mr. Herbert to Sir J. Poncefote — (Received January 28.)*

Sir, *Downing Street, January 27, 1881.*  
 WITH reference to previous correspondence respecting the claims of the United States' fishermen for compensation in respect of injuries and losses sustained by them on the occasion of the disturbances at Fortune Bay in January 1878, I am directed by the Earl of Kimberley to acquaint you, for the information of Earl Granville, that his Lordship has informed the Governor of Newfoundland, by telegraph, that it is proposed that an inquiry should be held by a Representative of Her Majesty's Government and a Representative of the United States, with a view to the assessment of compensation to which American fishermen may be reasonably entitled on account of such injuries and losses. The Governor has been asked to ascertain as soon as possible whether his Government will abide by the decision which may be arrived at in the matter by Her Majesty's Government and that of the United States.

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

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## No. 54.

*Mr. Herbert to Sir J. Poncefote. — (Received January 28.)*

(Extract.) *Downing Street, January 27, 1881.*  
 WITH reference to previous correspondence respecting the Fortune Bay case, I am directed by the Earl of Kimberley to transmit to you, to be laid before Earl Granville, the accompanying copy of a despatch from the Governor of Newfoundland, inclosing extracts from the "Royal Gazette" and other Newfoundland newspapers relative to Earl Granville's letter upon the subject, addressed to Mr. Lowell on the 27th October last.

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## Inclosure in No. 54.

*Governor Sir J. Glover to the Earl of Kimberley.*

(Extract.)

*Government House, Newfoundland, January 10, 1881.*

I HAVE the honour to acknowledge the receipt on the 29th ultimo of your Lordship's despatch of the 1st December, 1880, transmitting a printed copy of a letter addressed by Earl Granville to Mr. Lowell upon the subject of the Fortune Bay Fishery disputes.

2. Your Lordship will observe by the inclosed extracts from the "Royal Gazette" and other newspapers that the letter in question had, previously to the above date, viz., 29th December, been published in the local papers, and, I may add, was read with very general satisfaction.

## No. 55.

*Mr. Herbert to Sir J. Pauncefote.—(Received February 12.)*

Sir,

*Downing Street, February 12, 1881.*

WITH reference to previous correspondence respecting the Fortune Bay case, I am directed by the Earl of Kimberley to acquaint you, for the information of Earl Granville, that he has received a telegram from the Governor of Newfoundland, dated the 11th instant, in which it is stated that the Government of the Colony respectfully contend that no American claims can be regarded as admissible except those for damages to fishing gear from the use of excessive force, supposing that such excessive force was used. The Colonial Government consider that the inquiry should be limited to that basis, and also claim the right of Newfoundland to be represented at the proposed inquiry, with full power to investigate, cross-examine, and produce witnesses.

Lord Kimberley proposes, with Lord Granville's concurrence, to address a telegram to Sir J. Glover in reply, stating that it will be impossible to limit the inquiry to the basis suggested, but that every opportunity will be given to his Government to state their case, and that the fullest care will be taken by Her Majesty's Government to guard the interests of the Colony, more particularly as it will be necessary that the Colony should be held ultimately responsible for any damages which, upon a friendly investigation, or, if necessary, an arbitration, may be found due to the United States, as his Government will at once perceive.

I am, &amp;c.

(Signed) ROBERT G. W. HERBERT.

## No. 56.

*Sir J. Pauncefote to Mr. Herbert.*

Sir,

*Foreign Office, February 12, 1881.*

IN reply to your letter of this day's date, I am directed by Earl Granville to request that you will inform the Earl of Kimberley that his Lordship concurs in the terms of the telegraphic despatch which it is proposed to address to the Governor of Newfoundland in regard to the proposed Commission for the assessment of the claims connected with the Fortune Bay question.

I am, &amp;c.

(Signed) JULIAN PAUNCEFOTE.

## No. 57.

*Mr. Evarts to Mr. Lowell.—(Communicated to Earl Granville by Mr. Lowell, February 16.)*

Sir,

*Department of State, Washington, February 4, 1881.*

THE communication from Her Britannic Majesty's Secretary of State for Foreign Affairs, Lord Granville, of the 27th October, 1880, respecting the disturbance which occurred at Fortune Bay on the 6th January, 1878, was duly received in your despatch of the 28th October, 1880.

As the separation of the questions raised by that occurrence and the method of their solution were general suggestions on the part of Her Britannic Majesty's Government, I had naturally supposed that this despatch would have been followed by such definite propositions as this Government could either accept or decline; the more so, as I had (on the 12th June, 1880), in reply to your telegraphic Report of a conversation with Lord Granville, authorized you to say that "the President will be quite ready to entertain any considerations which may be presented to the Secretary of State to relieve the question of the fisheries from its present difficulties."

If, however, as circumstances would seem to indicate, I am to consider this communication as a preliminary inquiry from Lord Granville for the purpose of learning whether such suggestion would be so favourably received by this Government as to justify the opening of direct negotiation, it becomes my duty to put you in possession of the impressions which this inquiry has made upon the Government of the United States.

As I understand the purport of Lord Granville's communication, Her Britannic Majesty's Government desires to arrange the compensation due to the United States fishermen for the disturbances at Fortune Bay, without the formal consideration or decision of any questions of Treaty construction which the facts of that disturbance might seem to raise, resting the right of compensation solely upon the unlawful violence exercised by British subjects in Newfoundland.

The facts in this case are not complicated, and the calculations are simple. The United States Government does not see in its present condition or character sufficient grounds to require any very elaborate method of decision such as a Commission or the necessity for any protracted inquiry. If Her Britannic Majesty's Government will propose the submission of the computation of damages to the summary award of the Secretary of State of the United States and Her Britannic Majesty's Representative at Washington (this function to be exercised either directly or by such delegation as may seem to them judicious), the Government of the United States will accept the proposition and close this controversy on the basis of that award.

But in signifying to Her Britannic Majesty's Government the willingness of the United States to accede to such a proposition, you will carefully guard against any admission of the correctness of those views of our Treaty rights which are expressed either explicitly or by implication in Lord Granville's communication of the 29th October, 1880.

The views of this Government upon the proper construction of the rights of fishery guaranteed by the Treaty of Washington have been fully expressed in my former despatches, and no reasons have been furnished to induce a change of opinion. The delay in the settlement of the Fortune Bay case has been already too long protracted. It has provoked a not unnatural feeling of irritation among the fishermen of the United States at what they conceive to be a persistent denial of their Treaty rights, while it is to be feared that it has encouraged among the provincial fishermen the idea that their forcible resistance to the exercise of these rights is not without justification in their local law and the construction which Her Britannic Majesty's Government is supposed to have placed upon the provisions of the Treaty.

It is now three years since twenty-two vessels belonging to the United States, and engaged in what by them and their Government was considered a lawful industry, were forcibly driven from Fortune Bay under circumstances of great provocation, and at very serious pecuniary loss. And this occurred at the very time when, under the award of the Halifax Commission, the Government of the United States were about paying to Her Britannic Majesty's Government a very large amount for the privilege of the exercise of this industry by these fishermen. In March of the same year, 1878, this very grave occurrence of January was brought to the attention of the British Government, in the confident hope that compensation would be promptly made for the losses caused by what the United States Government was willing to believe was a local misconstruction of the Treaty, or a temporary, and from ignorance, perhaps, an excusable, popular excitement.

It is unnecessary to do more than recall to your attention the long and unsatisfactory discussion which followed the presentation of this claim, and especially the fact that, in its progress, the Government of the United States was compelled to express, with emphatic distinctness, the impossibility of accepting the subordination of its Treaty rights to the provisions of local legislation, which was apparently put forward by Her Majesty's Government as a sufficient ground for the rejection of the claim. And it was not until April 1880 (a delay of two years, during which the

importance of an early settlement was urged upon Her Majesty's Government), that, after what this Government understood and accepted, at least as a satisfactory modification of the assumption, we were informed by Lord Salisbury that "Her Majesty's Government are of opinion that, under the circumstances of the case, as at present within their knowledge, the claim advanced by the United States fishermen for compensation on account of the losses stated to have been sustained by them on the occasion in question is one which should not be entertained."

This decision of Her Majesty's Government terminated any further discussion, and the Government of the United States found itself compelled to protect the interests of its citizens by such methods as might commend themselves to its judgment. In addition to the Halifax Award which we had paid for the privileges and rights, the exercise of which is now denied our citizens, we were also continuously paying, in the shape of a remission of duties, some 300,000 dollars per annum for this abortive right. Thus forced into position of antagonism, which it profoundly regretted, the Government of the United States was about to take such action as would at least suspend this annual payment until the two Governments were in accord upon the construction of the Treaty, when Her Majesty's Government, through the United States Minister in London, suggested, June 9, 1880, that the consideration of the subject be resumed between the two Governments, and that, in such consideration, the two questions of the interpretation of the Treaty and the attack upon the American fishermen be separated. To that suggestion I replied, June 12, 1880, communicating my great gratification at the friendly disposition of the British Cabinet, and saying that, "the President would be quite ready to entertain any consideration which may be presented to the Secretary of State to relieve the question of the fisheries from its present difficulties."

On October 27, 1880, Lord Granville addressed you the communication which is the subject of this despatch. I regret to find in this communication a disposition to restrict a liberal compensation for an acknowledged wrong by limitations of the fishing rights accorded by the Treaty to which this Government cannot consent. The use of the strand, not as a basis of independent fishing, but as auxiliary to the use of the seine in these waters, where seine-fishing is the only possible mode of taking herring, has been maintained by this Government in my former despatches, and would seem to be justified by the explicit declaration of Her Majesty's Government in the "case" submitted by them to the Halifax Commission, in which, referring to the use of the shores, it is affirmed, "without such permission the practical use of the inshore fisheries was impossible." But as Lord Granville distinctly refers the propriety and justice of these limitations to further negotiations I will not now discuss them, reserving what I deem it right to say for a future despatch in reference to the second of his Lordship's suggestions.

I have recalled to your attention the history of the Fortune Bay outrage, in order that you may express to Her Britannic Majesty's Government the great disappointment which this long delay in its settlement has occasioned. The circumstances under which it occurred were such as to induce this Government to anticipate prompt satisfaction, and it is impossible not to feel that the course which the British Government has thought fit to pursue has seriously affected public opinion as to the worth of the Treaty, which it was hoped by both countries had promoted an amicable solution of long-standing difficulties.

The United States Government cannot feel that justice has been done its citizens in the protracted discussion which this occurrence has provoked, and while perfectly willing to endeavour, in concert with Her Britannic Majesty's Government, to find some practical and friendly solution of the differences of construction as to the Treaty provisions which their application seems to have developed, this Government cannot consent that, pending such discussion, its citizens shall be exposed to the indignity and loss which have been imposed upon them by these and like occurrences.

You will intimate courteously but firmly to Lord Granville that in accepting what we understand to be the proposition of Her Majesty's Government, it is understood as carrying the idea that the settlement suggested will be put in course of immediate execution, and that the determination of the amount of compensation will not be formally confined by any limitation arising from any construction of the Treaty which may be matter of difference between the two Governments.

So useful to the great interests involved do I regard the prompt settlement of this incident in our fishery relations, that I should be glad to hear by telegraph that Lord Granville concurs in the simple form of award which I have proposed.

In imparting to the British Government these views, you may, in your discretion, read this despatch to Lord Granville, and, if he desires it, leave him a copy.

I am, &c.  
(Signed) WM. M. EVARTS.

No. 58.

*Earl Granville to Sir E. Thornton.*

Sir, *Foreign Office, February 18, 1881.*  
THE United States' Minister at this Court called upon me here on the 16th instant.

Mr. Lowell read to me a despatch addressed to him by the United States' Secretary of State, dated the 4th of this month, relative to the occurrences at Fortune Bay; when he had finished reading it, I observed that I could only reply to it officially after having considered the despatch, a copy of which he communicated to me, for a day or two, in consultation with my colleagues, but I added that its tone was one of complaint, and hardly in unison with the conciliatory course which Her Majesty's Government have taken in the matter.

Mr. Lowell, however, assured me that he did not believe that it was intended to convey this impression, but that inasmuch as public opinion in the United States had been somewhat excited upon the subject, his Government had deemed it necessary to place once more their views upon record.

I went on to say that in any case I did not wish to dwell on a matter of form, but that as to the substance of the despatch, there seemed to be propositions in it with which I believed that Her Majesty's Government would be disposed to agree; that there would be no objection to the reservation by each Government of their opinion as to their respective rights, but it might be hoped that such questions would be set at rest both by the agreement which would be come to as to the amount of damages to be paid to the United States' fishermen, as well as by the Regulations which might be established in the future.

I added that the proposal of the United States' Government, that the question of damages should be arranged by negotiation between the Secretary of State and yourself, or by parties delegated by each of you respectively for that purpose, appeared to me to be good.

Mr. Lowell said that whilst unwilling to precipitate the discussion, he was desirous of impressing upon me the great importance of the right to the strand fishery, and of the bait question.

But I suggested that we should not go further into these matters at present.

I am, &c.  
(Signed) GRANVILLE.

No. 59.

*Sir J. Pouncefote to Mr. Herbert.*

Sir, *Foreign Office, February 18, 1881.*  
I AM directed by Earl Granville to state to you, for the information of Her Majesty's Secretary of State for the Colonies, that the United States' Minister at this Court called upon his Lordship at the Foreign Office on the 16th instant to read to him a despatch which he had received from his Government, a copy of which is inclosed herewith,\* relative to the Fortune Bay case.

This despatch is a reply to the communication addressed by Lord Granville to Mr. Lowell on the 27th October, a copy of which was transmitted to you in my letter of the 28th of that month,

I am further to transmit the accompanying copy of a despatch addressed to Her Majesty's Minister at Washington,† embodying the substance of the conversation which ensued between Lord Granville and Mr. Lowell; and I am to request, that in laying these papers before the Earl of Kimberley, you will move his Lordship to favour Lord Granville with his observations thereon.

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



*Earl Granville to Sir E. Thornton.\**

Sir, *Foreign Office, February 21, 1881.*

MR. LOWELL informed me to-day that, in addition to the despatch from Mr. Evarts of the 4th instant, he had received another on the subject of the occurrences at Fortune Bay, of which he communicated to me the substance, to the following effect:—

There had been, Mr. Evarts stated, more than one attack upon American fishermen, and the President was of opinion that the long delay which had arisen in coming to a settlement of the Fortune Bay case had encouraged the fishermen there to these acts of violence, which the Government of the United States saw with dissatisfaction.

There could be no question between the two Governments as to the illegality of these further outrages to which he had referred, and he was desired to call the immediate attention of Her Majesty's Government to these complaints.

I said that I would tell him what had occurred to me with regard to the previous despatch from Mr. Evarts. I had not much to add to what I stated to him as my first impression of that despatch. The two propositions contained in it appeared to me to be acceptable, viz., that each Government should reserve their respective Treaty rights, and that, in accordance with the proposal of Mr. Evarts, the amount of damages should be settled by him and by yourself, or by Delegates appointed by either, but I thought that it was desirable, in case there was a difference, which I hoped would not occur, that there should be a previous agreement to refer it to a third person.

It had, however, occurred to me that it would be a still shorter and more satisfactory mode of procedure, that I should at once propose a fair and reasonable sum to settle the matter. If Mr. Lowell would telegraph to ascertain whether this suggestion commended itself to Mr. Evarts, I would in the meanwhile inquire, from the best authority obtainable, what would be an equitable calculation of the amount, in order to make a fair and liberal offer of a round sum. The calculations of the fishermen themselves were obviously such as were likely to be put forward by the parties interested.

I am, &c.  
(Signed) GRANVILLE.

No. 61.

*Mr. Lowell to Earl Granville.—(Received February 22.)*

My Lord, *Legation of the United States, London, February 22, 1881.*

I HAVE the honour to inclose herewith copies of the affidavits of the masters of two United States' fishing-vessels, detailing the acts of violence by which they have been prevented from exercising their rights of fishing in certain Newfoundland waters, and which are mentioned in the instruction from Mr. Evarts which I had the honour of communicating to your Lordship yesterday.

I have, &c.  
(Signed) J. R. LOWELL.

Inclosure 1 in No. 61.

*Affidavits of Joseph Bowie and Charles G. Ferguson.*

I, JOSEPH BOWIE, master of the American schooner "Victor," of Gloucester, Massachusetts, do on oath depose and say that I sailed from Gloucester on or about the 7th June, 1880, for a trip to the Grand Banks for codfish. I went into Musquito, Newfoundland, three times for bait, and bought capelin from the local fishermen, which they had taken in seines of their own. I paid for bait (and ice to preserve it) 66 dollars for the three baitings.

The next time, I went to a place called Devil's Cove on the chart, but it is called

\* Substance telegraphed, February 22.

Job's Cove by the people. This was on the 4th August, and the only bait to be obtained was squid. I anchored in the cove about a quarter of a mile from the shore, and commenced to catch squid with the common hooks or jigs used for that purpose. I had no nets or seines on my vessel. I had been fishing about fifteen minutes when some sixty boats that had been fishing inshore from us, manned by at least 150 men, rowed up alongside of us, and forbade our taking any squid. I was not interfering in any way with their fishing, they being a long distance inside of us; in fact, we were outside of the cove, in open water. I had intended to buy my squid, but finding them plenty, I found I could catch them, and save the expense of buying. I was acting in perfect accordance with my Treaty rights, and knew what my rights were. I tried to reason with these people, and told them that I had a right to take bait or other fish without being restricted to any distance from shore, and that I should not interfere with them, and they had no right to molest me. I told them the United States had paid a large sum for this privilege; but they declared they knew nothing about it, and cared nothing about it. They told me I should not catch my bait, but should buy it of them. I kept on fishing, and they then attempted to board my vessel; they threatened to cut my cable, and threatened other violence. Finding myself powerless against so many, I told my crew to haul in their lines and stop fishing, which they did. This pacified the mob, and they then left me.

The next morning I determined to fish, and not submit to this violence.

I manned my lines and commenced to fish. The boats came off in larger numbers, and the men were very violent. They said, "We warned you not to fish yesterday, and we will cut your cable and drive you on shore if you don't stop;" they came alongside, struck at my men with their oars, and some ten men leaped on the vessel and gathered around the windlass.

I went forward and asked them if they were aware what they were doing; they told me they were, and that I should not fish there. At the same time I saw a heavy oar lifted over my head, and jumped one side to avoid the blow, which, if it had struck me, would have struck me down.

In the meanwhile the mob had entirely destroyed our lines and jigs, leaving me no means of fishing.

The boats being around my bow at the cable, and knowing if it was cut my vessel would be likely to go on shore, as the wind blowed directly on, I had to submit again to mob violence, and agreed not to fish any more. They then left my vessel, and went for the American schooner "Moro Castle," which had come in, and was trying to catch bait. The wind blowed so hard that I was obliged to get under weigh, and leave without my bait; as my trip depended on my getting bait speedily, I returned there and bought my bait the next day, paying 120 dollars for squid; I was obliged to do this, as there was no squid at any other place.

It is universal in the baiting-places at Newfoundland to experience the same feeling and action, and it is impossible for American vessels to take their own bait, as the local fishermen will not allow it, but compel us to purchase it of them.

We are thus compelled to pay at least 100,000 dollars yearly, although the Treaty of Washington gives us a perfect right to take these fish, and I am satisfied that the United States receives absolutely nothing for the immense sum paid for the privilege of fishing on the coast of British North America.

(Signed) JOSEPH BOWIE,  
*Master of Schooner "Victor."*

I, Charles G. Ferguson, one of the crew of the schooner "Victor," of Gloucester, Massachusetts, do on oath depose and say that I was on board the schooner, and know that all the facts stated by Captain Bowie are true.

(Signed) CHARLES G. FERGUSON,  
*One of the Crew.*

Massachusetts, Essex, ss.

Personally appeared the above-named Joseph Bowie, master, and Charles G. Ferguson, one of the crew of schooner "Victor," and made oath to the truth of the above affidavit.

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

Gloucester, November 18, 1880.

## Inclosure 2 in No. 61.

*Affidavit of John Dago.*

I, JOHN DAGO, master of the American schooner "Concord," of Gloucester, Massachusetts, do on oath depose and say that I left Gloucester on the 1st April, 1880, "for a trip to the Grand Banks." Our first baiting was at Freshwater Bay, Newfoundland, buying capelin and ice to the amount of 25 dollars. On the 9th August, 1880, we went into a cove in Conception Bay, called Northard Bay, for squid. I put out four dories and attempted to catch my bait with the squid jigs, or hooks used for that purpose.

My men went in to the immediate vicinity of where the local shore boats were fishing for squid, but in a short time they returned and reported to me that they were not allowed to fish by the men on board the shore boats, and not wishing any trouble they returned on board. I then manned my lines on the vessel and commenced to catch squid. The men in the shore boats seeing us fishing came off to us to the number of sixteen boats with some thirty men. These men demanded that I should stop fishing or leave, or else buy squid from them. They were very violent in their threats, and, to avoid trouble, I bought my squid, paying them 150 dollars for the squid, which I could easily have taken if I had not been interfered with.

Wherever I have been in Newfoundland I find the same spirit exists, and that it is impossible for any American vessel to avail herself of the privileges conferred by the Treaty of Washington, that the Fishery Articles of that Treaty are entirely useless and valueless, and in no sense does the American fisherman receive any benefit from the Treaty.

(Signed) JOHN DAGO, *Master.*

Massachusetts, Essex, ss.

Personally appeared the above John Dago, and made oath to the truth of the above affidavit.

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

Gloucester, November 18, 1880.

## No. 62.

*Sir F. Thornton to Earl Granville.—(Received February 23)*

(Extract.)

*Washington, February 11, 1881.*

DURING a visit which I paid to the State Department yesterday, Mr. Evarts read to me two despatches which he had addressed on the 4th instant to Mr. Lowell, the United States' Minister in London.

One of these referred to a claim made by some United States' fishermen on account of having been prevented in November last from catching bait on the coast of Newfoundland.

It stated that Newfoundland fishermen had intimated to the American fishermen that they would not allow them to fish for bait; that this prohibition was the act of the Newfoundland fishermen only without any intervention on the part of the authorities either for or against it; that there was no question as to the legality or otherwise of Americans fishing for bait, or of their mode of fishing, whether as regarded their nets or anything else; but that the Newfoundland fishermen simply forbade the Americans to fish for bait on the ground that it interfered with their rights and profits in selling bait. The despatch was accompanied by affidavits which, however, Mr. Evarts did not show me.

The other despatch related to the Fortune Bay affair, with regard to which it suggested that there should be a summary settlement of the amount of indemnity due to American fishermen on account of the damage done to their nets, &c., on the above occasion, either between him and myself, or by two persons delegated by us for that purpose. I gave to Mr. Evarts my opinion that no two persons, one on each side, could ever come to an agreement upon the subject, and that the assistance of a third and impartial person would always be necessary. But Mr. Evarts replied that it was a small business, that it was not advisable to make a great affair of it, and that he

thought any two reasonable persons could come to an agreement upon it. I, however, maintained my opinion, and the more so because, although Mr. Evarts read the despatch very quickly, it appeared to me that it insisted upon the right of American fishermen, in the enjoyment of the permission granted them by the XVIIIth Article of the Treaty of the 8th May, 1871, "To take fish of every kind, except shell-fish, on the sea-coasts and shores, &c." also to make use of the strand for the purpose of carrying on that mode of fishing.

The despatch complains of the delay which has taken place in the settlement of the Fortune Bay affair, and charges that by this delay the Newfoundland fishermen had been encouraged in their opposition to the American fishermen. I said to Mr. Evarts that the delay could not be attributed entirely to us, although there was much more reason for it on our side on account of the investigations and inquiries which it was necessary to make, and the distance from England of the scene of the occurrences.

Mr. Lowell may, perhaps, have communicated to your Lordship the contents of the two despatches before this can reach the Foreign Office.

## No. 63.

*Earl Granville to Sir E. Thornton.*

Sir, *Foreign Office, February 23, 1881.*

I TRANSMIT to you herewith, for your information, the accompanying copy of a letter from Mr. Lowell, inclosing copies of affidavits respecting the further complaints of American fishermen referred to in his communication to me on the 21st instant, as stated in my despatch to you of that day.\*

Mr. Lowell, in giving me these papers, suggested that these new claims to which the affidavits relate should be referred to Mr. Evarts and yourself, together with those arising out of the proceedings at Fortune Bay.

There has already been a correspondence with the Colonial Office respecting one of these cases, that which occurred at Jobs Cove, and I have forwarded the papers to Her Majesty's Secretary of State for the Colonies.

I am, &c.  
(Signed) GRANVILLE.

## No. 64.

*Earl Granville to Sir E. Thornton.†*

Sir, *Foreign Office, February 24, 1881.*

THE United States' Minister called upon me this afternoon, and informed me that he had received a telegram from Mr. Evarts, in which the latter expressed satisfaction at the suggestion I had made of the offer of a lump sum in compensation for the losses suffered by the United States' fishermen at Fortune Bay.

Mr. Evarts added that he preferred this mode of settlement, and that he considered the total amount of the claims, with interest, amounted to about 120,000 dollars.

I told Mr. Lowell that I had had an opportunity of consulting my colleagues on the question, that we had agreed that it would be best not to look too narrowly at the intrinsic value of the claims put forward by the American fishermen, but to have regard to the more general considerations involved. I said I was not authorized to enter into any process of bargain as to the exact amount which would actually cover the losses, but to offer, on behalf of Her Majesty's Government, the payment of a lump sum of 15,000*l.*, or, say, 75,000 dollars, in full settlement of the question of damages, including interest, and also the two smaller cases which he had been instructed to bring to my notice a few days ago. With regard to these latter, I observed that the only testimony we had was all on one side, and that, if they had to be separately considered, it would be necessary to call for counter-evidence. They were, however, cases in which, *prima facie*, the Newfoundland fishermen appeared not to be in the right. At the same time, it was clear that the amount of pecuniary damage must be very small.

\* No. 61.

† Substance telegraphed.

I added that, if our offer was not acceptable, we should be quite ready to adopt the proposal made in Mr. Evarts' despatch, that the matter should be referred to you and him, or to Delegates chosen by each of you. Each party, I observed, were agreed to reserve the question of the rights which they respectively claimed under the Treaty, and to treat this matter separately from the discussion of the pecuniary payment.

I mentioned to Mr. Lowell that I had at first been taken by surprise at an idea put forward in the despatch of which he had told me the substance last Monday, namely, the possibility of the President sending a ship to protect the American fishermen on the coast of Newfoundland; but that, on consideration, it appeared to me that such a course might be taken which might be of great advantage, if each Government sent vessels with Commanders who received identic and conciliatory instructions for the purpose of keeping the police among the fishermen of their respective countries.

Such a practice has been in force with good effect for some time on the part of the British and French Governments.

I am, &c.  
(Signed) GRANVILLE.

No. 65.

*Earl Granville to Mr. Lowell.*

Sir,

*Foreign Office, February 25, 1881.*

I HAVE the honour to acknowledge the receipt of your communication of the 22nd instant, inclosing copies of the affidavits of the masters of two United States' fishing vessels, detailing the acts of violence by which they have been prevented from exercising their rights of fishing in certain Newfoundland waters, and I have to state to you, in reply, that I have forwarded copies to Her Majesty's Secretary of State for the Colonies.

I have, &c.  
(Signed) GRANVILLE.

No. 66.

*Mr. Lowell to Earl Granville.—(Received February 26.)*

My Lord,

*Legation of the United States, London, February 26, 1881.*

I HAVE the honour and pleasure to acquaint your Lordship that I received early this morning a cable message from Mr. Evarts, in which he states that although the offer made by Her Majesty's Government for the settlement of the fishery claims is not quite up to his expectations, he nevertheless accepts it, assuming that the amount can presently be at his disposal for immediate distribution.

I have, &c.  
(Signed) J. R. LOWELL.

No. 67.

*Earl Granville to Mr. Lowell.*

Sir,

*Foreign Office, February 26, 1881.*

I HAVE the honour to acknowledge the receipt of your letter of this day, informing me that you have received a telegraphic message from Mr. Evarts in which he states that although the offer made by Her Majesty's Government for the settlement of the fishery claims is not quite up to his expectations, he nevertheless accepts it, assuming that the amount can presently be at his disposal for immediate distribution; and I have to state to you, in reply, that Her Majesty's Government are ready to hold the sum of 15,000*l.* at the disposal of the Government of the United States on receiving your assurance that it is accepted in full of all claims arising out of any interruption of American fishermen on the coast of Newfoundland and its dependencies up to the

present time, and without prejudice to any question of the rights of either Government under the Treaty of Washington.

I have, &c.  
(Signed) GRANVILLE.

No. 68.

*Earl Granville to Sir E. Thornton.*

Sir,

*Foreign Office, February 26, 1881.*

I TRANSMIT to you herewith, for your information, copies of a correspondence with Mr. Lowell in regard to the Fortune Bay question.\*

I am, &c.  
(Signed) GRANVILLE.

No. 69.

*Earl Granville to the Lords Commissioners of the Treasury.*

My Lords,

*Foreign Office, February 26, 1881.*

YOUR Lordships are aware that a correspondence has taken place with the Government of the United States with regard to certain claims of American fishermen on account of the interruption of their fishing on the coasts of Newfoundland, amounting to about 120,000 dollars, including interest.

The Government of the United States suggested that these claims should be referred for assessment to the United States' Secretary of State and Her Majesty's Minister at Washington, or to Delegates named by them, but it appeared to Her Majesty's Government that it was, for many reasons, desirable to avoid so dilatory a process of investigation, and I was accordingly authorized by the Cabinet to offer a sum of 15,000*l.*, or 75,000 dollars, in full settlement of the claims.

The United States' Minister has informed me to-day that this offer is accepted, and I have stated to him in reply that Her Majesty's Government are ready to hold this sum of 15,000*l.* at the disposal of the Government of the United States on receiving his assurance that it is accepted in full of all claims arising out of any interruption of American fishermen on the coasts of Newfoundland and its dependencies up to the present time, and without prejudice to any question of the rights of either Government under the Treaty of Washington.

I have now therefore to request that your Lordships will be good enough to give the necessary directions for this amount to be held in readiness.

I have forwarded a copy of this letter to Her Majesty's Secretary of State for the Colonies, with whom it will rest to make application to the Governor of Newfoundland for the ultimate refund of this payment.

I am, &c.  
(Signed) GRANVILLE.

No. 70.

*Lord Tenterden to Mr. Herbert.*

Sir,

*Foreign Office, February 26, 1881.*

I AM directed by Earl Granville to transmit to you herewith, to be laid before the Earl of Kimberley, a copy of a letter from Mr. Lowell, stating that the United States' Government accept the offer of 75,000 dollars, or 15,000*l.*, in settlement of the fishery claims, together with a letter which his Lordship has addressed to him in reply,\* stating that Her Majesty's Government are ready to hold this sum at the disposal of the Government of the United States on receiving his assurance that it is accepted in full of all claims arising out of any interruption of American fishermen on the coasts of Newfoundland and its dependencies up to the present time, and without prejudice to any question of the rights of either Government under the Treaty of Washington.

\* Nos. 66 and 67.

I am also to inclose a copy of a letter to the Lords Commissioners of Her Majesty's Treasury, requesting that this sum may be held in readiness.\* Lord Kimberley will observe that I have informed their Lordships that a copy of this letter would be forwarded to him, as it will rest with him to make application to the Government of Newfoundland for the ultimate refund of this payment.

I am, &c.  
(Signed) TENTERDEN.

## No. 71.

*Lord Tenterden to Mr. Herbert.*

Sir, *Foreign Office, February 26, 1881.*  
I AM directed by Earl Granville to transmit to you, to be laid before the Earl of Kimberley, the accompanying copy of a note from Mr. Lowell relating to the Fortune Bay affair.†

I am, &c.  
(Signed) TENTERDEN.

## No. 72.

*Sir E. Thornton to Earl Granville.—(Received March 12.)*

(Extract.)

*Washington, February 28, 1881.*

ON the morning of the 23rd instant Mr. Evarts wrote to me that he had received a telegram from Mr. Lowell, and begged that I would call upon him at the State Department as soon as I could. On my arriving there he read to me the telegram which related to the Fortune Bay affair. It was much shorter, and contained less detail than your Lordship's telegram of the 22nd instant,‡ which I had had the honour of receiving on the previous evening. It stated that Her Majesty's Government was disposed to accept the proposal that the amount of damages caused to American fishermen should be settled by Mr. Evarts and myself, or by Delegates appointed by us, but thought that there should be a previous agreement to refer the matter to a third person, in case the Delegates should fail to agree. The telegram added that Her Majesty's Government would prefer to make an offer of a fair sum to settle the claims of the American fishermen.

I then communicated the substance of your Lordship's telegram to Mr. Evarts, and observed that I had understood it to signify that the question should be referred to a third person, whether it was he and I or the Delegates named by us who should disagree; but he expressed the opinion that Mr. Lowell had rightly interpreted what your Lordship had said.

He went on to say that the Government of the United States would prefer that Her Majesty's Government should make an offer of a lump sum in satisfaction of the damages caused to American fishermen in the Fortune Bay affair. He hoped, however, that it would be a generous offer; for that an illiberal one would be worse than none. He believed that a liberal view of the matter would create a good feeling and would contribute to the success of, and facilitate, any future negotiation which must come on sooner or later with regard to the fisheries question.

I replied that your Lordship's note of the 27th October last and the offer now made was a sufficient proof that Her Majesty's Government wished to deal with the question in a spirit of liberality.

On the evening of the 25th instant your Lordship's telegram of that day reached me,§ and on the following day I called upon Mr. Evarts, who read me a telegram which he had received from Mr. Lowell on the evening of the 24th instant, informing him that your Lordship had offered the sum of 15,000*l.* in settlement of the claims comprised in Mr. Evarts' two despatches to Mr. Lowell. He also read me his answer, which he had forwarded on the 24th instant, to the effect that the United States' Government accepted the offer, expressing the hope that the amount would be available at once, though it did not make this a condition of its acceptance.

\* No. 69.

† No. 66.

‡ See No. 60.

§ No. 64.

*Sir E. Thornton to Earl Granville.*

(Substance received by telegraph, February 28, and March 2 and 5.)

My Lord,

Washington, March 7, 1881.

AFTER I had written my despatch of the 28th ultimo, Mr. Evarts requested me to call at the State Department, when he repeated that he had received another telegram from Mr. Lowell with regard to the Fortune Bay and other claims. This telegram he read to me; it was similar to that which I had had the honour to receive from your Lordship on the 26th ultimo.

Commenting upon it, Mr. Evarts said that it appeared to him impossible to give such an assurance as was desired by your Lordship, to the effect that the sum offered by Her Majesty's Government should be accepted in full of all claims arising out of any interruption of American fishermen on the coast of Newfoundland and its dependencies up to the present time. He had understood that the offer had been made for definite claims, viz., those arising out of the Fortune Bay affair and the further claim mentioned in his despatch No. 109 to Mr. Lowell.

Mr. Evarts argued that if he accepted the lump sum as for all claims up to the present time, he would be under the necessity of advertising, in order to ascertain whether any other claimants existed, and that he would thus encourage the presentation of new claims which might have no foundation whatever, but which would have to be examined. Nor could the sum mentioned be distributed amongst the Fortune Bay claimants until it had been proved that there were no others.

Mr. Evarts stated, however, that he had caused an examination to be made, and had found that the Fortune Bay claims, and those mentioned in his despatch No. 109 to Mr. Lowell, were the only claims which had been presented to the State Department, except one concerning the American fishing-vessel "Mist," with respect to which a communication had been made to your Lordship some time ago. The claimant in this case, he said, had been informed that, as the claim was then presented, it could not be entertained by the United States' Government, and nothing further had been heard from him.

Mr. Evarts added that, at this moment, something might be occurring on the coasts of Newfoundland of which we must necessarily be ignorant. The United States' Government would, however, be willing to give an assurance that the sum offered would be accepted in satisfaction of all claims which had been presented to either Government. Mr. Evarts expressed the strongest conviction that there were none besides those mentioned above.

I am myself of opinion that this conviction is well-founded, for it is almost impossible that such occurrences should not come to our knowledge.

I communicated to Mr. Evarts the contents of your Lordship's telegram of the 1st instant.\* He repeated the same arguments which I have reported above, and observed further that although it had been at first proposed that a summary settlement of the matter should be made by him and myself, it was now said that the alternative should be a reference to assessors named by us.

Your Lordship's telegram of the 3rd instant, the contents of which I communicated to Mr. Evarts, satisfied him upon that point.

In more than one of my interviews with him he has assured me that his Government was ready, and thought it would be expedient to proceed as soon as possible with the negotiation of an arrangement concerning the regulations which were to govern the fisheries hereafter.

On the evening of the 5th instant Mr. Evarts called at the Legation and read me a telegram which he was then sending to Mr. Lowell, referring to the two despatches which had been read to your Lordship, and instructing him to inquire whether Her Majesty's Government would offer a separate sum for the claims mentioned in each of those despatches, and repeating his assurance that he knew of no others. He asked me at the same time to telegraph, if I thought proper, to your Lordship, giving the reasons he had put forward for not being able to give so comprehensive an assurance as your Lordship desired to have. To this I assented in the hope that my communication might possibly contribute in some small degree to the settlement of this long vexed question.

I have, &c.  
(Signed) EDWD. THORNTON.

\* See No. 74.



No. 74.

*Earl Granville to Sir E. Thornton.\**

Sir,

*Foreign Office, March 1, 1881.*

WITH reference to your telegram of the 28th February, I have to instruct you to inform Mr. Evarts that, when Her Majesty's Government offered to pay to the Government of the United States a lump sum, they did so in the expectation of securing a final and immediate settlement of all claims up to the present date, as this result alone would justify them in offering such an amount.

Unless this settlement can be secured, they prefer to revert to Mr. Evarts' original proposal, to the effect that the claims should be referred to assessors named by Mr. Evarts and yourself, with the addition that provision should be made for reference to a third person in case of disagreement.

Whichever alternative Mr. Evarts may now adopt, Her Majesty's Government take it for granted that the Government of the United States are willing at once to confer for the purpose of establishing such Regulations for the fisheries as shall in future prevent misunderstanding.

I am, &c.  
(Signed) GRANVILLE.

No. 75.

*Mr. Lowell to Earl Granville.—(Received March 2.)*

My Lord,

*Legation of the United States, London, March 2, 1881.*

I HAVE the honour to acquaint your Lordship that, having inquired of Mr. Evarts, by telegraph, of the nature of the assurance that I might give your Lordship upon the receipt of the proposed indemnity in the Newfoundland fishery transactions, I received from him an answer, by cable, late last evening to the following effect:—

The assurance I may give is this: that the sum paid is accepted in full of all claims arising out of any interruption of American fishermen on the coasts of Newfoundland and its dependencies up to this time presented to either Government, and without prejudice to any question of the rights of either Government under the Treaty of Washington.

I am also permitted to say to your Lordship, in giving this assurance, that, as a matter of fact, no other claims than those embraced in the Fortune Bay list and those named in Mr. Evarts' despatch No. 109, which I have shown to your Lordship, are within the knowledge of my Government for presentation or for its own consideration.

I have already communicated to your Lordship orally the substance of this cable message, at the interview which I had the honour of having with you this morning. I understood your Lordship to say, in answer to this communication, that Her Majesty's Government adhered to the terms they had finally offered: that is to say, that the sum of 15,000*l.* should be considered as received in full of all demands arising out of the interruptions of American fishermen on the coasts of Newfoundland up to date; otherwise, that you would prefer to fall back upon the plan of a reference, already suggested.

I sent a telegram to Mr. Evarts this morning informing him of your views.

I have, &c.  
(Signed) J. R. LOWELL.

No. 76.

*Earl Granville to Sir E. Thornton.*

Sir,

*Foreign Office, March 3, 1881.*

I HAVE received your telegraphic despatch of the 2nd instant, and I have to state to you, in reply, that Her Majesty's Government did not intend to put forward a fresh alternative, but desired only to allude to the original offer made by the United

\* Substance telegraphed.

States' Secretary of State to have the matter referred to you and him, or else to Delegates nominated respectively by each of you, with the addition that provision should be made for reference to a third person in the event of disagreement.

I am, &c.  
(Signed) GRANVILLE.

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No. 77.

*Earl Granville to Sir E. Thornton.*

Sir,

*Foreign Office, March 3, 1881.*

THE United States Minister called upon me to-day, and communicated to me the substance of a telegraphic despatch from Mr. Evarts, of which a copy is inclosed.\* I observed that I shared Mr. Evarts' regret at our being unable so far to arrive at an agreement, as I had looked forward to the great satisfaction of settling the matter with him; but that if it was the fear of new claims which made him hesitate to give the assurance required by Her Majesty's Government, he must remember that they ran a similar risk. I was not, however, aware of any claims, excepting those which he had mentioned, though there had been brought to the notice of Her Majesty's Government two cases, of which I furnished him with the particulars, in which complaints had been made of the interruption of American vessels, the "Moro Castle" and "Minnesota" when engaged in collecting bait. It did not appear that either of these cases was of importance.

I am, &c.  
(Signed) GRANVILLE.

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No. 78.

*Mr. Lowell to Earl Granville.—(Received March 4.)*

My Lord,

*Legation of the United States, London, March 3, 1881.*

REFERRING to our conversation of this afternoon, I have the honour to inclose herewith a copy of the telegram from Mr. Evarts, the substance of which I had the honour of communicating to your Lordship on that occasion.

You will observe that in one or two places the translation from the cypher is conjectural.

I have, &c.  
(Signed) J. R. LOWELL.

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Inclosure in No. 78.

*Mr. Evarts to Mr. Lowell.*

(Telegraphic.)

*Washington, March 3, 1881.*

SECRETARY'S offer, as communicated to me by your telegram of the 24th February, was 15,000*l.* for Fortune Bay, and those mentioned in Number hundred nine.

This I accepted by my telegram of the 25th February. This completed the subject, and the amount as definitely ascertained, and showed no indistinctness or discrepancy of views. All the previous communications either way related to Fortune Bay claims. Claims of Number hundred nine were introduced specifically by Secretary as additional to Fortune Bay, and I accepted the sum offered for both. I cannot consent to any modification of the completed settlement of specific claims. I have at no time treated except of definite pecuniary interests of claimants in my charge. The agreed sum measured these claims and goes to these claimants. I have been willing to give every assurance to cover all claims brought to the knowledge of either [? a] Government, and authorized you to inform Secretary that as a matter of fact no others were entertained by this Government. All this was no part of the offer made and accepted, and came in as new matters [? of controversy]. You will explain to

\* Inclosure in No. 78.

Secretary the impossibility of my changing [?the subject] of negotiation after an agreed valuation of that subject should the offer be retracted after its acceptance, or new conditions be imposed afterwards which would not have been entertained as an original subject. I must regret that the effort to remove a serious obstacle to friendly disposition of the fishery controversy should have increased difficulties [?are] which embarrass it. If the money is paid under the assurance authorized by my last, telegraph me; if it is not, you may say to the Secretary that this Government will await his early attention to Numbers hundred nine and hundred ten, which must stand unaffected [? by] anything which has passed since.

No. 79.

*Mr. Lowell to Earl Granville.—(Received March 8.)*

My Lord,

*Legation of the United States, London, March 7, 1881.*

REFERRING to our conversation this afternoon in regard to the settlement of claims for damages growing out of the interruption of American fishermen on the coasts of Newfoundland, I have the honour, agreeably to your request, to inclose herewith such portions of a telegram received by me yesterday from Mr. Evarts as he instructs me therein to communicate to your Lordship.

Perhaps it may seem superfluous in me, after our late conversation, to endeavour further to impress upon your Lordship my sense of the very great importance of a speedy settlement of these long-standing claims, but I cannot refrain from adding my conviction, that such a settlement would tend to allay a growing irritation, and would remove an obstacle to that understanding between the two Governments as to their respective rights and duties under the Treaty of Washington, which would greatly lessen, if it did not exhaust, the sources from which similar claims would be likely to arise hereafter.

I have, &c.  
(Signed) J. R. LOWELL.

Inclosure in No. 79.

*Copy of Portions of a Telegram received by Mr. Lowell from Mr. Evarts, March 6, 1881.*

“READ my despatch 110, 4th and 5th paragraphs, relating to arbitration, and ask Secretary whether he was, and is, ready to submit the matter there stated to summary award of Secretary of State and British Minister. If so, say to him that, as he has expressed a preference for a lump sum rather than this summary award, and I agree in this preference, that I will receive a proposition from him of a lump sum for the Fortune Bay claims.

“I renew the subject in this way as a last effort to remove the obstacle these claims as heretofore treated by British Government interpose to a liberal disposition of the more permanent interests involved, and to supersede, if possible, the record made by the recent communications between the two Governments, that an explicit offer of a lump sum for the Fortune Bay claims and those named in No. 109 was retracted after its explicit acceptance by this Government.

“You may say to the Secretary that I will also receive a proposition of a lump sum for the claim in 109.

“You will use your own discretion as to the terms in which you will impress upon Secretary my earnest desire to relieve the important discussions on the Fisheries which must soon engage the two Governments from the disturbing influence of the unsatisfied Fortune Bay claims.

“In reference to last part of your last telegram, I have no difficulty in saying that no other claims are at all likely to arise, but I cannot receive money measured by particular claims under any indefinite obligations to reserve or distribute it otherwise.”

*Earl Granville to Sir E. Thornton.\**

Sir, *Foreign Office, March 8, 1881.*  
 I CONVERSED with Mr. Lowell yesterday upon the subject of the fishery claims. I told him that I should have been very much gratified had I been able to have arranged them with Mr. Evarts. The sole reply I could make to his further representations was, that I was prepared to revert to the proposition for a reference of the claims to Mr. Evarts and to yourself, or to Delegates nominated by you, but that the form of assurance required by Her Majesty's Government could not be modified.

I entertain some doubt, which Mr. Lowell was unable to clear up, as to whether the telegraphic despatch of the 5th instant was a repetition only of the former statement of Mr. Evarts, or whether some modification was intended. He considered, however, that no change was indicated.

I observed that Mr. Evarts' argument to you, that if he accepted a lump sum he was bound to advertise, and by so doing would invite claims, to be by no means self-evident.

I added that Her Majesty's Government would not object to the substitution of the words "up to the end of last year" for "up to the present time."

I have communicated the substance of this despatch to you by telegraph.

I am, &c.  
 (Signed) GRANVILLE.

*Earl Granville to Sir E. Thornton.*

Sir, *Foreign Office, March 9, 1881.*  
 THE United States' Minister called upon me this afternoon to resume the discussion of the mode of settling the claims of United States' fishermen for interference with their fishing off the coast of Newfoundland.

I thanked Mr. Lowell for his letter of the 7th instant, and told him that I had had an opportunity of consulting my colleagues, who agreed with me in the desire to arrive at a speedy settlement of this part of the question. It had been with this object that I had offered the payment of a lump sum as an alternative to the plan of reference to yourself and Mr. Evarts, or to Delegates to be named severally by you and him. When we were accused of having shifted our ground, I must observe that the offer was originally made under the impression and with the understanding that it would settle off-hand all claims of this nature up to the present date, as we knew of no others that had been made beyond those brought forward by the United States' Government. But when—although the Government of the United States assured me of their belief that there were no other claims—exception was taken to the wording of our offer, on the ground that it would debar them from advancing possible further claims on account of past occurrences, we felt that the objection made it necessary for us to adhere to the form we had adopted.

We now thought the best plan would be to revert to the proposal of reference of the claims to you and Mr. Evarts or his successor, or to persons to be named by you on either side.

I asked Mr. Lowell to inquire what were the views of his Government as to my suggestion of a combined naval force on the coast to keep the police, with identic instructions to the Commanders.

I am, &c.  
 (Signed) GRANVILLE.

\* Substance telegraphed.

*Sir E. Thornton to Earl Granville.*

(Substance received by telegraph, March 12.)

(Extract.)

*Washington, March 14, 1881.*

I HAVE the honour to inform your Lordship that, on Mr. Blaine's invitation, I called upon him at the State Department on the 12th instant, for the purpose of conferring with him upon the proposed settlement of the Fortune Bay and other claims of American fishermen.

Mr. Blaine said that, after due reflection, he had come to the conclusion that the discussion of the matter could be carried on more satisfactorily here than in London. He adverted to the position which had been taken by his predecessor, and pointed out that, as Mr. Evarts had declined to give the full assurance required by your Lordship on the receipt of 15,000*l.* from Her Majesty's Government, he did not think it was in his power at once to agree to the same terms without at least making further inquiries as to the existence of other claims. Upon my observing that your Lordship had since then offered to substitute the phrase "up to the end of last year" for "up to the present time," Mr. Blaine said that, though this made a slight alteration in the wording, the substance of the assurance to be given was the same, for that it was hardly to be supposed that any claims could be originated at this season of the year. But he authorized me to inform your Lordship that he hoped that he and I could come to an agreement upon the question at issue without reference to a third person, and that, after further inquiries and when he had satisfied himself as to the probable existence of other claims, and should have complete control of the claimants and of the whole matter, he would even be able to accept your Lordship's offer of 15,000*l.*, coupled with a statement, on its acceptance, in the terms desired by Her Majesty's Government.

Upon my inquiring what steps it was proposed to take with a view to an agreement as to the rules and regulations which are to prevail hereafter respecting the fisheries, Mr. Blaine replied that this question would meet the early consideration of the United States' Government, and that he thought it was very desirable that a decision should be arrived at as soon as possible.

Mr. Blaine was most cordial in his manner, and expressed his earnest hope that there might be no obstacle to friendly relations between the two Governments.

No. 83.

*Earl Granville to Sir E. Thornton.\**

Sir, *Foreign Office, March 14, 1881.*  
HER Majesty's Government are in some doubt as to the meaning of the expression "required assurance" which appears in your telegraphic despatch of the 12th instant, and I have to request you to inform me whether it means "receipt in full up to the 1st January, 1881."

I am, &c.  
(Signed) GRANVILLE.

No. 84.

*Sir E. Thornton to Earl Granville.*

(Substance received by telegraph, March 19.)

My Lord, *Washington, March 21, 1881.*  
WHEN your Lordship's telegram of the 17th instant† reached me Mr. Blaine was unwell and was not able to be at his office. On the 19th, however, he allowed me to pay him a visit at his house, when he repeated to me the substance of the telegram he had sent to Mr. Lowell relating to the Fortune Bay affair, more

\* Substance telegraphed.

† See No. 88.

or less in the same words as those contained in your Lordship's telegram above mentioned.

Upon my asking him what he meant to imply by the reference of the Fortune Bay affair to him and myself, whether he intended that we should merely assess the damages for the claims contained in Mr. Evarts' despatches Nos. 109 and 110 to Mr. Lowell,\* or whether his object was that we should agree upon a lump sum upon his giving the assurance required by Her Majesty's Government, he replied that he wished that the reference should be as wide as possible, so that we might agree upon a lump sum coupled with an assurance to be given by the United States' Government in the terms required by Her Majesty's Government, or if we could not agree upon this mode of settlement, then we should apply ourselves to an assessment of the damages suffered by the claimants above mentioned.

Mr. Blaine said that he would much prefer the former mode of settlement, and that he was now making searching inquiries with a view to being able to give to Her Majesty's Government such an assurance as would satisfy it. He hinted at a slight increase of the lump sum offered by your Lordship, but said nothing definite. With regard to the form of receipt, he thought he would be able, and it would be expedient, to fix the 4th March as the time up to which all claims of that nature should be considered as cancelled.

Mr. Blaine seemed to dislike negotiation by means of telegraphic communication, and said that a good deal of misapprehension had already arisen from its being employed.

With regard to sending cruisers to the coast of Newfoundland during the fishing season, Mr. Blaine said that he saw no objection to such a step, but thought that, before doing so, it would be desirable to agree upon the Regulations which such cruisers would have to enforce, so that there might be no disputes between the commanders of the respective vessels.

I have, &c.  
(Signed) EDWD. THORNTON.

No. 85.

*Mr. Lowell to Earl Granville.—(Received March 15.)*

My Lord, *Legation of the United States, London, March 15, 1881.*  
I HAVE the honour to inform your Lordship that I received last evening a cable message from Mr. Blaine, in which he instructs me to say that your Lordship's proposition to refer the question of damages to American fishermen to himself and Sir Edward Thornton is accepted, and further suggesting that the subject of joint-cruisers should be postponed or should also be referred to the same gentlemen. I inclose a copy of this telegram.

I have, &c.  
(Signed) J. R. LOWELL.

Inclosure in No. 85.

*Mr. Blaine to Mr. Lowell.*

(Telegraphic.) *Washington, March 14, 1881.*  
INFORM Minister for Foreign Affairs (Lord Granville) that his proposition to refer the matter to British Minister (Sir Edward Thornton) and myself is accepted. The subject of joint cruisers may be postponed, or if desired may also be referred to British Minister and myself, to be taken up afterwards with power to agree upon a series of regulations under which Treaty rights may be mutually secured.

\* For substance of these despatches, see Nos. 57, 60, and 61.

No. 86.

*Lord Tenterden to Mr. Herbert.*

Sir, *Foreign Office, March 15, 1881.*  
 I AM directed by Earl Granville to transmit to you, to be laid before Her Majesty's Secretary of State for the Colonies, the accompanying copy of a further communication from the United States' Minister at this Court,\* inclosing copy of a telegram received by him from the United States' Secretary of State, upon the subject of the compensation claimed by United States' fishermen for damages caused by occurrences on the coasts of Newfoundland; and I am to request that, in laying these papers before Lord Kimberley, you will move his Lordship to cause Lord Granville to be informed what reply should be returned to the latter part of Mr. Blaine's telegram.

I am, &c.  
 (Signed) TENTERDEN.

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No. 87.

*Earl Granville to Sir E. Thornton.*

Sir, *Foreign Office, March 17, 1881.*  
 I INCLOSE herewith, for your information, a copy of a letter from Mr. Lowell respecting the Fortune Bay question.\*

I am, &c.  
 (Signed) GRANVILLE.

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No. 88.

*Earl Granville to Sir E. Thornton.†*

Sir, *Foreign Office, March 17, 1881.*  
 WITH reference to my despatch of this day's date in which I inclosed a copy of a letter from Mr. Lowell forwarding a copy of a telegram from Mr. Blaine stating that the proposition to refer to him and to yourself the Fortune Bay indemnity is accepted, I should wish to know whether Her Majesty's Government are to understand that the claims in question are to be referred for investigation and assessment, or merely in order that Mr. Blaine and yourself may agree upon the acceptance by the United States' Government of a lump sum upon his giving you the assurance which Her Majesty's Government have required.

You will have seen that the telegram from Mr. Blaine does not tally with the statement made to you by him on Saturday last, as reported in your telegram of the 15th instant.‡

I am, &c.  
 (Signed) GRANVILLE.

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No. 89.

*Mr. Herbert to Lord Tenterden.—(Received March 18.)*

Sir, *Downing Street, March 18, 1881.*  
 I AM directed by the Earl of Kimberley to acknowledge the receipt of your letter of the 15th instant, inclosing a communication from the United States' Minister at this Court, with a telegram received by him from the United States' Secretary of State, upon the subject of the compensation claimed by United States' fishermen for damages caused by the occurrences on the coast of Newfoundland, and requesting Lord Kimberley's opinion as to the reply which should be returned to the latter part of Mr. Blaine's telegram.

Lord Kimberley desires me to state, for the information of Earl Granville, that, in his opinion, no further steps should be taken in regard to the question of the joint

\* No. 85.

† Substance telegraphed.

‡ See No 84.

American and British cruisers in Newfoundland waters before the Newfoundland Government is consulted on the matter; and that it will be advisable to postpone all other questions until Her Majesty's Government have been able to communicate to the Newfoundland Government the result of the present negotiations respecting the payment of compensation.

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

No. 90.

*Mr. Wingfield to Lord Tenterden.—(Received March 19.)*

My Lord,

*Downing Street, March 19, 1881.*

WITH reference to the letter from this Department of the 14th January last respecting the rights of the inhabitants of the United States in connection with the Newfoundland fisheries, I am directed by the Earl of Kimberley to transmit to you, for communication to Earl Granville, a copy of a despatch from the Governor of the Colony, inclosing a copy of a notice which his Government intends to issue for the purpose of notifying to the inhabitants of outlying settlements, frequented by the Americans, the right to which the latter are entitled under the Treaty of Washington.

Lord Kimberley proposes, with Lord Granville's concurrence, to approve the terms of the notice, and to instruct the Governor to cause it to be widely circulated on the coasts of the Colony.

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

Inclosure 1 in No. 90.

*Sir J. Glover to the Earl of Kimberley.*

My Lord,

*Government House, Newfoundland, February 21, 1881.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 10th January, and in compliance with the request contained therein, I now transmit a copy of a notice which it is the intention of my Government to issue for the purpose of notifying to the inhabitants of outlying settlements, frequented by the Americans, the rights which the latter have under the Treaty of Washington.

Printed copies of this notice will be forwarded to your Lordship by the next mail.

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

Inclosure 2 in No. 90.

*Notice.*

(Signed) JOHN HAWLEY GLOVER. (L.S.)

By his Excellency Sir John Hawley Glover, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Governor and Commander-in-chief in and over the Island of Newfoundland and its Dependencies.

To all to whom these presents shall come, greeting :

WHEREAS by Article XVIII of the Treaty of Washington of the 8th May, 1871, it is agreed by the High Contracting Parties that, in addition to the liberty secured to the United States' fishermen by the Convention between Great Britain and the United States, signed at London on the 20th October, 1818, of taking, curing, and drying fish on certain coasts of the British North-American Colonies, therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of



this Treaty, to take fish of every kind except shell-fish, on the sea-coasts and shores, and in the bays, harbours, and creeks of the Provinces of Quebec, Nova Scotia, and New Brunswick, and the Colony of Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish. Provided that in so doing they do not interfere with the rights of private property or with British fishermen in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen.

And whereas, by Act of the Local Legislature, 37 Vict., cap. ii., and by the Governor's Proclamation thereunder, dated the 30th May, 1874, the above recited section was made applicable to Newfoundland.

I do therefore enjoin all Her Majesty's subjects in this Colony to respect the fishing privileges granted to American citizens by the said Treaty, and not to hinder or molest them in any way whatsoever in the exercise of the same.

Given under my hand and seal, at the Government House in St. John's, this 21st day of February, A.D. 1881.

By his Excellency's command,  
(Signed) E. D. SHEA, *Colonial Secretary.*

No. 91.

*Mr. Herbert to Lord Tenterden.—(Received March 25.)*

(Extract.)

*Downing Street, March 25, 1881.*

WITH reference to the letter from this Department of the 7th January last,\* upon the subject of the proposal that one of Her Majesty's ships on the Newfoundland Station should be detailed to visit especially the coast of Newfoundland between Cape Bonavista and Fortune Bay during the bait season, I am directed by the Earl of Kimberley to transmit to you, to be laid before Earl Granville, a copy of a letter from the Admiralty, inclosing one from the Commander-in-chief on the North American Station, from which it will be seen that Sir Leopold McClintock has arranged that Her Majesty's ship "Druid" shall be on the part of the coast in question by the 25th April, the commencement of the bait season.

Inclosure 1 in No. 91.

*The Secretary to the Admiralty to Mr. Herbert.*

(Extract.)

*Admiralty, February 14, 1881.*

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the consideration of the Earl of Kimberley, copy of a letter from the Commander-in-chief on the North American Station, dated the 25th January, written in reply to Admiralty letter of the 14th December last, the purport of which was communicated to you in my letter of the same date relative to the desirability of one of the ships employed in protecting the Newfoundland fisheries being sent specially to the part of the coast between Fortune Bay and Cape Bonavista.

It will be seen that Sir L. McClintock has arranged that Her Majesty's ship "Druid" shall be on the part of the coast in question by the 25th April, the commencement of the bait season, to prevent breaches of the peace and fishery laws.

\* See *ante*, No. 49.

## Inclosure 2 in No. 91.

*Vice-Admiral Sir F. McClintock to the Secretary to the Admiralty.*

(Extract.)

*"Northampton," at Dominica, January 25, 1881.*

WITH reference to your letter of the 14th ultimo, I request you will be pleased to inform the Lords Commissioners of the Admiralty that, in compliance with the instructions therein contained, I propose to dispatch the "Druid" from Bermuda to Fortune Bay, Newfoundland, early in April, in order that she may be there at the commencement of the bait season, viz., the 25th April.

## No. 92.

*Earl Granville to Sir E. Thornton.\**

Sir,

*Foreign Office, March 25, 1881.*

WITH reference to my despatch of the 17th instant relative to the claims for compensation advanced by United States' fishermen on account of the occurrences at Fortune Bay and elsewhere on the coast of Newfoundland, I have instructed you by telegraph to take no further steps with regard to the proposed dispatch to that neighbourhood of joint British and American cruisers. I have further to request that you will postpone the consideration of all other questions connected with this discussion until such time as Her Majesty's Government may be in a position to communicate to the Government of Newfoundland the result of the present negotiations for the payment of an indemnity to the American fishermen.

I am, &c.  
(Signed) GRANVILLE.

## No. 93.

*Mr. Bramston to Lord Tenterden.—(Received March 29.)*

(Extract.)

*Downing Street, March 29, 1881.*

WITH reference to the letter from this Department of the 25th instant, respecting the proposal that one of Her Majesty's ships on the Newfoundland Station should be detailed to visit the coast of Newfoundland between Cape Bonavista and Fortune Bay during the bait season, I am directed by the Earl of Kimberley to transmit to you, for the information of Lord Granville, a copy of a further letter from the Lords Commissioners of the Admiralty, stating the names of the officers selected for employment this year on the Newfoundland and Labrador fisheries.

## Inclosure in No. 93.

*The Secretary to the Admiralty to Mr. Herbert.*

(Extract.)

*Admiralty, March 21, 1881.*

I AM commanded by my Lords Commissioners of the Admiralty to request that you will state to the Earl of Kimberley that a letter has been received from the Commander-in-chief on the North American and West Indian Station, in which he reports that the officers he has selected for employment on the Newfoundland and Labrador fisheries this year, under the orders of Captain Kennedy, of Her Majesty's ship "Druid," are Commander W. C. Karlake, Her Majesty's ship "Fantôme," and Lieutenant F. A. Moysey, commanding Her Majesty's ship "Contest."

The "Druid" will leave Bermuda early in April to proceed to Fortune Bay, and the "Fantôme" and "Contest" will leave that island about the second week in May to proceed to St. John's.

No. 94.

*Sir E. Thornton to Earl Granville.—(Received March 31.)*

(Telegraphic.)

*Washington, March 31, 1881.*

MR. BLAINE anxiously awaits an answer from the United States' Minister in London with respect to his request that Fortune Bay claims should be referred to him and myself.

No. 95.

*Lord Tenterden to Mr. Herbert.*

Sir,

*Foreign Office, April 1, 1881.*

I AM directed by Earl Granville to transmit to you, to be laid before the Secretary of State for the Colonies, a copy of a telegram which has been received from Her Majesty's Minister at Washington.\*

Lord Granville now proposes, should Lord Kimberley see no objection, to send to Sir E. Thornton the instruction † of which the draft is inclosed herewith; and I am to request that, in laying the same before his Lordship, you will move him to inform Lord Granville at his earliest convenience whether he concurs in its terms.

I am, &amp;c.

(Signed) TENTERDEN.

No. 96.

*Mr. Herbert to Lord Tenterden —(Received April 2.)*

My Lord,

*Downing Street, April 2, 1881.*

I AM directed by the Earl of Kimberley to acknowledge the receipt of your letter of the 1st instant, inclosing a copy of a telegram received from Her Majesty's Minister at Washington respecting the claims of the United States' Government arising out of the occurrences at Fortune Bay and elsewhere on the coast of Newfoundland, together with the draft of a telegram which Earl Granville proposes to address to Sir Edward Thornton in reply.

I am to request that you will inform Lord Granville that Lord Kimberley concurs in the terms of the proposed instruction to Sir Edward Thornton.

I am, &amp;c.

(Signed) ROBERT G. W. HERBERT.

No. 97.

*Earl Granville to Sir E. Thornton. ‡*

Sir,

*Foreign Office, April 2, 1881.*

I HAVE received your telegram of the 31st ultimo, in which you inform me that Mr. Blaine is extremely anxious to learn whether Her Majesty's Government are prepared to accede to his request that the claims connected with the Fortune Bay dispute should be settled at Washington between himself and Her Majesty's Minister.

I have to state to you, in reply, that should there be any misunderstanding with regard to Mr. Blaine's meaning in pressing this mode of settlement, it is desirable that it should be made clear. If, however, he is ready to agree that the claims of the American fishermen should be referred to himself and yourself, or to Delegates to be named by both, for assessment, Her Majesty's Government are prepared to accept this arrangement at once.

This mode of proceeding is now preferred by the Colonial authorities in this

\* No. 94.

† See No. 97.

‡ Substance telegraphed.

country to the payment of a lump sum, in view of the desirability of obtaining the co-operation and concurrence of the Government of Newfoundland.

I should be glad to learn whether anything has passed between Mr. Blaine and yourself with regard to a reference to a third party in case it should be found impossible to come to an agreement between yourselves, or that the same difficulty should occur in the case of the Delegates.

Her Majesty's Government do not wish to raise any difficulties, and they give you full discretion to arrive at the best solution you can make with the Secretary of State, either as regards an assessment of the claims, or the payment by Her Majesty's Government of a lump sum. Under present circumstances they would prefer an arrangement by assessment.

I need not remind you how desirable it is, in view of the approach of the fishing season, that a settlement of these claims should be arrived at as speedily as possible, and also an understanding with regard to the Regulations to be framed for the fisheries, with a view to the prevention of future misunderstandings.

I am, &c.  
(Signed) GRANVILLE.

No. 98.

*Lord Tenterden to Mr. Herbert.*

Sir, *Foreign Office, April 2, 1881.*  
WITH reference to my letter of yesterday's date, and to previous correspondence, I am directed by Earl Granville to transmit to you, for the information of the Secretary of State for the Colonies, a copy of a despatch from Sir E. Thornton, reporting the substance of a conversation he had had with Mr. Blaine on the 12th ultimo, relative to the proposed settlement of the Fortune Bay question and other claims of American fishermen.\*

I am, &c.  
(Signed) TENTERDEN.

No. 99.

*Sir E. Thornton to Earl Granville.*  
(Substance received by telegraph, April 5.)

(Extract.) *Washington, April 4, 1881.*  
WITH reference to your Lordship's telegram of the 2nd instant, I have the honour to inform you that I called this morning upon Mr. Blaine at the State Department, and stated that Her Majesty's Government acceded to his request that the fishery claims should be referred for assessment to him and myself, or to Delegates named by us. I presumed that by the fishery claims your Lordship intended to signify the Fortune Bay claims and those described in Mr. Evarts' despatch to Mr. Lowell No. 110,† the contents of which were communicated to you by the latter.

I went on to say that I was afraid that we should not be likely to agree upon the amount of damages to be paid on account of the claims in question, and that it would therefore be very desirable that we should name a third person who should decide in the event of our disagreeing. But Mr. Blaine replied that Mr. Evarts' original proposal, to which he had now reverted, did not include any reference to a third person, and that his Government was not prepared to acquiesce in such a reference, to which he thought the subject of the claims was not adapted.

In answer to my inquiry, Mr. Blaine said that he would rather negotiate the matter with me than leave it to Delegates named by us. He added that he would examine the documents upon the subject as soon as he could, and would then invite me to meet him.

In the course of the conversation Mr. Blaine said that he should have preferred to have negotiated on the basis of a lump sum, and that, having now carefully examined the claims already presented, and considered possibility of any further claims which might be brought forward, he would have been prepared, on behalf of his

\* No. 82.

† For substance of this despatch, see Nos. 60 and 61.

Government, to accept the sum of 16,000*l.*, and to give a receipt in full for all claims for interruption of American fishermen on the coasts of Newfoundland or of its dependencies which may have arisen up to the 4th March, 1881.

I replied that Her Majesty's Government now preferred that the claims should be assessed, and was disinclined to negotiate upon the basis of a lump sum.

## No. 100.

*Sir J. Pauncefote to Mr. Bramston.*

(Extract.)

*Foreign Office, April 6, 1881.*

I AM directed by Earl Granville to state to you that on the receipt of your letter of the 2nd instant, the instruction respecting the Fortune Bay dispute, of which the text was inclosed with the letter from this Department of the preceding day, was immediately forwarded to Sir E. Thornton, who has now returned the reply of which a copy is inclosed herewith.\*

You will observe that Mr. Blaine is prepared to agree that the amount of compensation to be given for the Fortune Bay claims should be settled between himself and Her Majesty's Minister at Washington, in conjunction with those referred to in the communication made by Mr. Lowell to Lord Granville on the 21st February last. In making that communication, no copy of Mr. Evarts' despatch on the subject appears to have been left by Mr. Lowell with Lord Granville, but on the 22nd February he forwarded to the Foreign Office the affidavits of the masters of two American fishing-vessels which had formed the subject of his conversation with Lord Granville on the 21st February. Copies of the correspondence on this particular point were forwarded to the Colonial Office on the 23rd of that month.

Mr. Blaine now absolutely declines to acquiesce in the proposal that in case of disagreement reference should be made to a third person, and has intimated that he would prefer the assignment of a lump sum as a settlement of all claims in full up to the 4th March last, which sum he seems disposed to fix at 16,000*l.*

I am to request that you will lay the accompanying papers before the Earl of Kimberley, and move him to favour Lord Granville, at his earliest convenience, with any observations he may wish to make upon Sir E. Thornton's telegram of the 4th instant.

## No. 101.

*Sir J. Pauncefote to Mr. Herbert.*

(Extract.)

*Foreign Office, April 8, 1881.*

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 19th ultimo, inclosing a copy of a notice which the Government of Newfoundland intends to issue for the purpose of notifying to the inhabitants of outlying settlements in the Colony frequented by citizens of the United States the rights to which the latter are entitled under the Treaty of Washington.

In reply, I am to request that you will have the goodness to inform the Secretary of State for the Colonies that Lord Granville concurs in the terms of the proposed notice, and that he agrees with Lord Kimberley that it will be desirable that Sir J. Glover should be instructed to cause it to be widely circulated on the coasts of Newfoundland.

## No. 102.

*Mr. Bramston to Lord Tenterden.—(Received April 12.)*

Sir,

*Downing Street, April 11, 1881.*

I HAVE laid before the Earl of Kimberley your letter of the 6th instant, inclosing a copy of a telegram from Sir E. Thornton respecting the Fortune Bay dispute, and requesting to be furnished with any observations his Lordship may desire to make thereupon.

Lord Kimberley would suggest, for Lord Granville's consideration, whether the best course would not be to let the matter be referred to Sir E. Thornton and Mr. Blaine, without insisting on the nomination of a third person to decide in case they are unable to agree.

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

## No. 103.

*Earl Granville to Sir E. Thornton.*

Sir, *Foreign Office, April 19, 1881.*  
I INCLOSE, for your information, copies of despatches, as marked in the margin,\* on the subject of notices to be issued by the Government of Newfoundland to outlying settlements under its jurisdiction in view of the Fortune Bay and other fisheries disputes.

I am, &c.  
(Signed) GRANVILLE.

## No. 104.

*Sir E. Thornton to Earl Granville.*  
(Substance received by telegraph, April 22.)

(Extract.) *Washington, April 25, 1881.*  
ON the 21st instant I had an interview with Mr. Blaine at the State Department with regard to the Fortune Bay claims and those arising from United States' fishermen having been prevented from fishing for bait.

Mr. Blaine considers that the offer which he had made to accept 16,000*l.* in full of all claims of the class above mentioned up to the 4th March last was really better for Her Majesty's Government than that made by your Lordship of 15,000*l.* up to the end of last year. With a view, however, to a prompt settlement of the question, and to entering upon a negotiation as to the regulations respecting the fisheries which were to prevail hereafter, he was ready to accept the sum of 15,500*l.* for the Fortune Bay claims and those of American fishermen who had been prevented from fishing for bait, as well as for all claims arising out of any interruption of American fishermen on the coasts of Newfoundland and its dependencies up to the 4th March last.

## No. 105.

*Sir J. Pouncefote to Mr. Bramston.*

Sir, *Foreign Office, April 22, 1881.*  
WITH reference to your letter of the 11th instant, I am directed by Earl Granville to transmit to you, for the consideration of the Secretary of State for the Colonies, a copy of a telegram which has been received this morning from Her Majesty's Minister at Washington.†

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

## No. 106.

*Mr. Bramston to Sir J. Pouncefote.—(Received April 25.)*

Sir, *Colonial Office, April 25, 1881.*  
I AM directed by the Earl of Kimberley to acknowledge the receipt of your letter of the 22nd instant, inclosing a telegram from Sir E. Thornton respecting the

\* Nos. 90 and 101.

† See No. 104.

claims of the United States' Government arising out of the occurrences at Fortune Bay and elsewhere on the coast of Newfoundland.

Lord Kimberley is disposed to think that the sum of 15,000*l.* offered to the United States' Government in satisfaction of the claims in question should not be exceeded.

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

No. 107.

*Sir J. Pauncefote to Mr. Bramston.*

Sir, *Foreign Office, April 27, 1881.*  
WITH reference to your letter of the 25th instant, I am directed by Earl Granville to transmit to you the draft of an instruction which his Lordship proposes, with Lord Kimberley's concurrence, to transmit to Her Majesty's Minister at Washington,\* informing him that Her Majesty's Government cannot consent, without previous inquiry, to increase their offer of a lump sum of 15,000*l.* as compensation to the American fishermen on account of the occurrences at Fortune Bay; but that they are prepared to abide by the proposal which has been accepted by Mr. Blaine, that the amount should be referred for inquiry and adjustment to himself and to Sir E. Thornton.

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

No. 108.

*Mr. Herbert to Sir J. Pauncefote.—(Received April 28.)*

Sir, *Downing Street, April 27, 1881.*  
IN reply to your letter of this day's date, I am directed by the Earl of Kimberley to convey to you his Lordship's concurrence in the terms of the telegram which Earl Granville proposes to address to Sir E. Thornton respecting the claims of the United States' Government in connection with occurrences at Fortune Bay.

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

No. 109.

*Earl Granville to Sir E. Thornton.†*

Sir, *Foreign Office, April 28, 1881.*  
I HAVE had under my consideration your despatch of the 4th instant, reporting the substance of a conversation you had had that morning with Mr. Blaine as to the means proposed for arriving at a settlement of the claims of the American fishermen concerned in the dispute which had arisen with the Newfoundlanders at Fortune Bay in the month of January 1878.

I have informed you by telegraph this day, in reply, that Her Majesty's Government are not prepared, without a previous examination of the individual claims, to make any further advance upon the gross sum of 15,000*l.* which you have been authorized to offer to the Government of the United States as compensation for the losses sustained by the American fishermen in consequence of these transactions. They are, however, willing to abide by the proposal which has been made to Mr. Blaine, and accepted by him, that the amount of the claims should be referred to Washington for inquiry and adjustment between himself and you.

I request that you will convey to Mr. Blaine the views of Her Majesty's Government in the sense of this despatch.

I am, &c.  
(Signed) GRANVILLE.

\* See No. 109.

† Substance telegraphed.

## No. 110.

*Lord Tenterden to Mr. Bramston.*

Sir,

*Foreign Office, May 3, 1881.*

WITH reference to your letter of the 27th ultimo, I am directed by Lord Granville to transmit to you the draft of an instruction which Lord Granville proposes, with Lord Kimberley's concurrence, to address to Sir E. Thornton,\* informing him that it is intended to suggest to the Newfoundland Government to send some person to assist him, on the part of that Government, in the assessment of the claims of the American fishermen.

I am to request that you will move Lord Kimberley to inform Lord Granville at his earliest convenience whether he sees any objection to the terms of this telegram.

I am, &c.  
(Signed) TENTERDEN.

## No. 111.

*Mr. Herbert to Lord Tenterden.—(Received May 3.)*

Sir,

*Downing Street, May 3, 1881.*

I AM directed by the Earl of Kimberley to acquaint you, for the information of Earl Granville, that his Lordship concurs in the terms of the draft instruction to Sir E. Thornton, inclosed in your letter of this day, and that a telegram will be sent to Sir J. Glover, suggesting that the Newfoundland Government should send some competent person to confer with and assist Sir E. Thornton.

I am to inclose the draft of the telegram which Lord Kimberley proposes, with the concurrence of Lord Granville, to address to Sir J. Glover on the subject.

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

## No. 112.

*Earl Granville to Sir E. Thornton.†*

Sir,

*Foreign Office, May 3, 1881.*

WITH reference to my despatch of the 28th ultimo, I have to state to you that it will probably be desirable to send some person from Newfoundland to assist you personally and confidentially in the assessment of the claims connected with the Newfoundland fisheries.

I should be glad, therefore, to receive notification of the day, whenever it is fixed, for discussing with Mr. Blaine the amount of the indemnity to be awarded for their losses to the American fishermen.

In the meanwhile, I have to authorize you to proceed at once with the negotiation, without waiting for the further instructions promised in my despatch of the 28th April, should Mr. Blaine express a wish to expedite the settlement of the question; but you should so arrange that time may be given to enable Her Majesty's Government to communicate with the authorities of Newfoundland.

I am, &c.  
(Signed) GRANVILLE.

## No. 113.

*Sir E. Thornton to Earl Granville.*  
(Substance received by telegraph, May 5 and 7.)

My Lord,

*Washington, May 9, 1881.*

WITH reference to your Lordship's telegrams of the 28th ultimo and of the 3rd instant, I have the honour to inform your Lordship that I had an interview with Mr. Blaine at the State Department on the 5th instant upon the subject of the

\* See No. 112.

† Substance telegraphed.



Fortune Bay claims. I informed him that I was instructed by your Lordship to state that Her Majesty's Government could not consent to increase its offer of a lump sum of 15,000*l.*, which it considered to be a large concession, without a previous inquiry, but that it was prepared to abide by the proposal accepted by him, that the amount should be referred to him and myself for inquiry and adjustment.

Mr. Blaine said that he was perfectly willing and ready to enter upon a detailed examination of the claims in question; but it was evident that, unless we rested upon the affidavits which had been already presented on the American and British sides of the question, it would be necessary to summon witnesses and call for documentary evidence, which would be a very tedious operation, and would probably cause the inquiry to extend over a great length of time.

If we were to rely solely upon the affidavits sworn to upon each side, it is pretty clear that the assessment would be much above the 15,000*l.* which have already been offered by Her Majesty's Government. I am also convinced that the summoning of witnesses and the calling for further documentary evidence would have a similar result.

Mr. Blaine stated, however, that since he had entered upon his office he had caused searching inquiries to be made as to whether there existed any other claims besides those which had been already brought before the two Governments, and that he had satisfied himself that there were none. As his Government, therefore, did not wish to place any obstacles in the way of the settlement of the claims in question, it would be prepared to accept the sum of 15,000*l.* originally offered by Her Majesty's Government in full of the Fortune Bay claims and of all claims arising out of wrongs done to United States' fishermen on the coasts of Newfoundland and of its dependencies up to the 4th March last.

I then pointed out to Mr. Blaine that, in examining the affidavits and accounts which had been submitted to Her Majesty's Government by the instructions of Mr. Evarts, and from which the latter had stated, in his despatch to Mr. Welsh of the 1st August, 1879,\* that the claims amounted to 105,305 dol. 2 c., I had not been able to understand how this amount had been reached, unless claims of American fishermen for being deterred from fishing for bait in Aspee Bay, Cape Breton, were included among the Fortune Bay claims. I had, therefore, concluded that, although Aspee Bay was not on the coast of Newfoundland, these claims were among those for which a demand had been made by Mr. Evarts of the sum of 105,305 dol. 2 c.

Mr. Blaine acquiesced in my view of this matter, and said that they would be included among those for which he now stated that the Government of the United States would accept the sum of 15,000*l.*

Affidavits with regard to the Aspee Bay claims are to be found at pp. 138 to 141 inclusive of Inclosure No. 1 in my despatch of the 7th June last.†

Mr. Blaine then said that he would address me a note to the above effect, and that he would be glad to receive an answer at once from me that Her Majesty's Government acquiesced in this settlement of the claims in question; but I replied that I did not consider myself authorized to give such an answer without asking for instructions from your Lordship, which I would do at once by telegraph.

I have now the honour to inclose copy of the note which Mr. Blaine has addressed to me in consequence of the above-mentioned interview, and I venture to hope that Her Majesty's Government will be able to agree to the settlement indicated therein, which I believe to be the most favourable which can be now obtained.

Your Lordship will perceive that Mr. Blaine states in his note that at my convenience he will discuss the subject of joint cruizers on the fishing-grounds and the code of instructions under which they should sail, which subject he understands to have been also referred by your Lordship. As this, however, is a matter of considerable importance and delicacy, it would certainly be desirable that I should be aided by the advice of some person from Newfoundland who is well acquainted with the subject.

I have, &c.

(Signed) EDWD. THORNTON.

\* See "United States No. 1 (1880)," Inclosure 1 in No. 1, p. 8.

† See Inclosure in No. 28.

## Inclosure in No. 113.

*Mr. Blaine to Sir E. Thornton.*

Sir,

*Department of State, Washington, May 6, 1881.*

I WAS advised by Mr. Lowell by his despatch of the 9th March last that Lord Granville would either pay 15,000*l.* in the Fortune Bay matter for a receipt in full against all claims up to and including the close of the past year, or he would refer the matter to yourself and me for adjustment.

I chose the latter because I had at that time no means of knowing with definiteness whether there might not be claimants whom I could not properly bar by a receipt given without an opportunity of a hearing assured to them.

As I told you in our first consultation, I did not seek the reference with any desire to urge you to a larger sum than was offered by Lord Granville unless new facts could be found which would warrant the demand.

Both of us have discovered and think that we have no practical means of assessing the damages except by taking the facts as stated in the American Case, unless, indeed, we should resort, at great expense and with endless trouble, to a new, independent, and exhaustive investigation by original testimony in each and every claim.

Under these circumstances, it is proper that I should frankly state to you that I find no other claims than those already presented for wrongs inflicted in the waters of Newfoundland and its dependencies; and, as I originally advised you, I have no desire to urge you to increase the sum offered by Lord Granville on the old claims.

My investigations have included the period up to the 4th March, 1881; and in giving the receipt I would, if desired, be willing to cover that period. I make this offer in the hope that you will recognize in it a disposition on the part of the United States to be, not merely just, but liberal in dealing with Her Majesty's Government on this complicated and somewhat delicate question.

Your understanding, communicated verbally, that the injury at Aspee Bay was to be included, is correct; and the receipt which I shall give will cover that case.

In accepting Lord Granville's offer in this matter, I desire to state that at your convenience I will discuss the subject of joint cruisers on the fishing-grounds, and the code of instructions under which they should sail. I understand this subject to have been also referred by Lord Granville.

I have, &c.  
(Signed) JAMES G. BLAINE.

## No. 114.

*Sir J. Pauncefote to Mr. Herbert.*

Sir,

*Foreign Office, May 6, 1881.*

WITH reference to your letters of the 27th ultimo and 3rd instant, I am directed by Her Majesty's Principal Secretary of State for Foreign Affairs to transmit to you a copy of a telegram,\* dated the 5th May, which has been received from Her Majesty's Minister at Washington, announcing that Mr. Blaine has signified his readiness to accept the sum of 15,000*l.* which has been offered by Her Majesty's Government in satisfaction of the claims of the American fishermen on account of the interruption caused to their fishing operations by the proceedings of the Newfoundlanders.

Mr. Blaine has intimated that he is prepared to comprise in this arrangement the claims arising out of the occurrences at Fortune Bay, and also all claims on account of any interruption of American fishing on the coasts of Newfoundland and its dependencies up to the 4th March last, and at Aspee Bay, Cape Breton, in the month of June 1879.

The particulars of the last-named claims are given with the documents annexed to the President's message of the House of Representatives of the 17th May, 1880, of which a copy is forwarded herewith for convenience of reference (see pp. 138-141).

I am to request that you will submit this letter, with its inclosure, to the Earl of Kimberley, and that you will move him to inform Lord Granville at his earliest

convenience whether he concurs with Lord Granville in thinking that, as Mr. Blaine is now prepared to give the full assurance required by Her Majesty's Government when they made the offer of 15,000*l.*, Sir E. Thornton should be authorized to agree to this settlement ?

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

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No. 115.

*Mr. Herbert to Lord Tenterden.—(Received May 7.)*

My Lord,

*Downing Street, May 7, 1881.*

I AM directed by the Earl of Kimberley to acknowledge the receipt of your letter of yesterday, transmitting a copy of a telegram dated the 5th instant from Sir E. Thornton, announcing that Mr. Blaine has signified his readiness to accept the sum of 15,000*l.* in satisfaction of the claims of the American fishermen on account of the interruptions to their fishing operations by the Newfoundland fishermen.

As Earl Granville is aware, a telegram was sent to Sir J. Glover on the 3rd instant, informing him that Sir E. Thornton and Mr. Blaine would probably soon commence an informal inquiry into the matter of the United States' claims, and desiring to be informed whether the Newfoundland Government could send a competent person to assist and confer with Sir E. Thornton, in order that he might know the views and calculations of the Newfoundland Government; and Sir J. Glover has replied that he thinks the Premier, Sir William Whiteway, is disposed to visit New York for this purpose.

As the Newfoundland Government has thus been officially informed that at the inquiry which was about to take place an opportunity would be given them to state their views as to the amount payable as compensation to the United States' fishermen, it appears to Lord Kimberley that it is necessary, before any further action is taken, to acquaint the Newfoundland Government that Sir E. Thornton and Mr. Blaine, after a preliminary consideration of the question, have concurred in thinking that there is no prospect of their agreeing to an assessment; that in these circumstances the United States' Government has preferred to revert to an arrangement which was under consideration while Mr. Evarts was in office for the settlement of the claims, namely, the immediate payment of a lump sum of 15,000*l.*, which will be in satisfaction of Fortune Bay claims, and all other claims arising out of any interruptions of American fishermen on the coast of Newfoundland and its dependencies up to the 4th March last, including the Aspee Bay claims, and that Her Majesty's Government are of opinion that this offer should be agreed to.

If Lord Granville concurs, Lord Kimberley will address a telegram to this effect to the Governor of Newfoundland.

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

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No. 116.

*Sir J. Pauncefote to Mr. Herbert.*

Sir,

*Foreign Office, May 8, 1881.*

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 7th instant, and am to request that you will inform Lord Kimberley, in reply, that his Lordship concurs in the telegram which it is proposed to send to the Governor of Newfoundland on the Fortune Bay question.

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

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No. 117.

*Lord Tenterden to Mr. Herbert.*

Sir,

*Foreign Office, May 9, 1881.*

I AM directed by Lord Granville to transmit to you, to be laid before the Earl of Kimberley, the decypher of a further telegram which has been received from Her Majesty's Minister at Washington,\* stating that he had received from Mr. Blaine the note referred to in his telegram of the 5th May, a copy of which was forwarded to you with my letter of the following day.

Sir E. Thornton adds that Mr. Blaine states in that note that he is now prepared to enter upon the question of the dispatch to the Newfoundland fisheries of joint cruizers on the part of the American and British Governments, and of the instructions under which these Commanders should act.

I am, &c.  
(Signed) TENTERDEN.

No. 118.

*Mr. Herbert to Lord Tenterden.—(Received May 12.)*

My Lord,

*Downing Street, May 11, 1881.*

WITH reference to the letter from this Department of the 7th instant respecting the proposed settlement of the claims of American fishermen arising out of occurrences at Fortune Bay and elsewhere on the coast of Newfoundland, I am directed by the Earl of Kimberley to transmit to you, for the information of Earl Granville, copies of a telegram which was sent to the Governor of Newfoundland upon the subject on the 9th instant.

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

Inclosure in No. 118.

*The Earl of Kimberley to Governor Sir J. Glover.*

(Telegraphic.)

*Downing Street, May 9, 1881, 10.5 P.M.*

WITH reference to my telegram of the 3rd instant, I have to inform you that Sir E. Thornton and Mr. Blaine are of opinion, after preliminary consideration, that they see no prospect of their coming to an agreement as to assessment; and the United States' Government have therefore decided that the preferable course will be to revert to an arrangement for the settlement of American claims by the payment of a lump sum. This course was considered at the time that Mr. Evarts was in office. The United States' Government are willing to accept 15,000*l.*, to be paid at once, in full satisfaction of the claims known as the Fortune Bay and Aspee Bay claims, and all other claims up to the 4th of March last, arising out of the interruptions from which American fishermen on the coasts of Newfoundland and of its dependencies have suffered.

This arrangement appears to Her Majesty's Government to be satisfactory; and it is hoped that, as this solution of the question renders Sir William Whiteway's proposed visit to Washington unnecessary, he may be enabled to carry out his original plan of leaving for England by the steamer of the 11th instant.

No. 119.

*Mr. Bramston to Lord Tenterden.—(Received May 12.)*

My Lord,

*Downing Street, May 11, 1881.*

WITH reference to the letter from this Department of the 19th March, and to your reply of the 8th ultimo, respecting the issue of a notice by the Government of

Newfoundland for the purpose of notifying to the inhabitants of the Colony the rights of fishery which the Americans enjoy under the Treaty of Washington, I am directed by the Earl of Kimberley to transmit to you, for the information of Earl Granville, a copy of a further despatch which has been received from the Governor of Newfoundland on the subject.

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

Inclosure in No. 119.

*Governor Sir J. Glover to the Earl of Kimberley.*

(Extract.)

*Government House, Newfoundland, April 22, 1881.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 12th instant, transmitting a copy of a letter from the Foreign Office expressing the concurrence of Lord Granville in the terms of the notice issued by my Government, for the purpose of notifying to the inhabitants of outlying Settlements frequented by the Americans the rights which the latter have under the Treaty of Washington.

2. I duly communicated your Lordship's despatch, with its inclosure, to my Government, who will use every exertion to cause the notice to be as widely circulated as possible on the coasts of this Colony.

No. 120.

*Earl Granville to Sir E. Thornton.\**

Sir,

*Foreign Office, May 13, 1881.*

I HAVE received your telegrams of the 5th and 7th instant† relative to the note addressed to you by Mr. Blaine, in which you state he signifies his acceptance of the offer made to him of a lump sum of 15,000*l.* in satisfaction of the Fortune Bay claims and all claims arising out of any interruption to the operations of American fishermen on the coast of Newfoundland and its dependencies up to the 4th March last, including the Aspee Bay claims, mentioned in Inclosure 1 of your despatch of the 7th June last.

I have informed you by telegraph to-day, in reply, that in order to avoid any possibility of misapprehension hereafter as to the full meaning of expressions used in telegrams, Her Majesty's Government prefer to await the arrival of your despatch inclosing Mr. Blaine's note.

I am, &c.  
(Signed) GRANVILLE.

No. 121.

*Earl Granville to Sir E. Thornton.*

Sir,

*Foreign Office, May 13, 1881.*

WITH reference to my previous despatch of this day's date, I have to state to you that Sir J. Glover and Sir W. Whiteway are expected in England from Newfoundland towards the end of next week; and with a view to the ultimate payment of the compensation by Newfoundland, Lord Kimberley would be glad that the settlement of the American fishery claims should be deferred until after their arrival.

I am, &c.  
(Signed) GRANVILLE.

No. 122.

*Earl Granville to Sir E. Thornton.*Sir, *Foreign Office, May 19, 1881.*

I GATHER from your telegram of the 7th instant that Mr. Blaine is ready to discuss with you the question of sending to the Newfoundland fisheries joint American and British cruisers, and the instructions under which their Commanders should act.

In reply, I have to refer you to the instructions contained in my despatch of the 25th March last, and to add that Her Majesty's Government still think that it would not be desirable to take any steps relative to this point before they have had an opportunity of consulting with the Governor of Newfoundland and Sir William Whiteway, who are expected to arrive in England towards the end of this week.

I am, &c.  
(Signed) GRANVILLE.

No. 123.

*Lord Tenterden to Mr. Herbert.*Sir, *Foreign Office, May 23, 1881.*

I AM directed by Earl Granville to state to you, for the information of Her Majesty's Secretary of State for the Colonies, that a despatch has been received this morning from Sir E. Thornton, of which a copy is forwarded herewith,\* in which he communicates the substance of what passed at his interview with Mr. Blaine on the 5th instant relative to the proposed settlement of the Fortune Bay claims by the payment to the United States' Government of a lump sum of 15,000*l.*

Sir E. Thornton also transmits with the same despatch a copy of the note addressed to him by Mr. Blaine on the following day, in which he expresses his readiness to accept the sum of 15,000*l.* in satisfaction of the American claims for the occurrences complained of in the waters of Newfoundland and its dependencies up to the 4th March, 1881.

In laying these papers before the Earl of Kimberley, I am to request that you will call his attention to the intimation conveyed in Mr. Blaine's letter that he is prepared to enter upon the discussion of the question of the joint American and British cruisers in Newfoundland, and the Code of Instructions under which they should sail, and that Sir E. Thornton considers it expedient that some person from Newfoundland who is versed in the subject should aid him with his advice in this negotiation.

I am, &c.  
(Signed) TENTERDEN.

No. 124.

*Sir J. Pauncefote to Mr. Herbert.*Sir, *Foreign Office, May 25, 1881.*

I AM directed by Earl Granville to request that you will inform the Earl of Kimberley that Lord Granville is strongly of opinion that arrangements should be made for the settlement of the American claims on account of disturbance of their fishery operations by the immediate payment to the United States' Government of a lump sum of 15,000*l.*, which Mr. Blaine has expressed his willingness to accept, in satisfaction of all claims.

Instructions will at once be drawn up, which will be submitted for Lord Kimberley's concurrence, directing him to close with the settlement of all the claims for the sum of 15,000*l.*, on account of disturbances caused to the operations of the American fishermen on the coasts of Newfoundland and its dependencies up to the 4th March last, including the occurrences at Aspee Bay.

I am to add that Lord Granville presumes that, as Sir W. Whiteway and the Governor of Newfoundland are now in England, Lord Kimberley will soon be in a

position to give his opinion as to the instructions to be given to Sir E. Thornton with regard to the future regulation of the fisheries.

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

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No. 125.

*Sir J. Pauncefote to Mr. Herbert.*

Sir, *Foreign Office, May 25, 1881.*  
WITH reference to my previous letter of this day, I am directed by Earl Granville to transmit to you the draft of an instruction which his Lordship proposes, with Lord Kimberley's concurrence, to forward to Sir E. Thornton, directing him to close with the settlement of all the claims, as already proposed, in connection with the occurrences at Fortune Bay and elsewhere, for the sum of 15,000*l.*, and without prejudice to any question of the rights of either Government under the Treaty of Washington.\*

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

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No. 126.

*Mr. Herbert to Sir J. Pauncefote.—(Received May 27.)*

Sir, *Downing Street, May 26, 1881.*  
I AM directed by the Earl of Kimberley to acknowledge the receipt of your letter of the 25th instant, and to state that his Lordship concurs in the terms of the instruction which Earl Granville proposes to address to Sir E. Thornton, directing him to conclude the settlement of the claims in connection with the occurrences at Fortune Bay and elsewhere for the sum of 15,000*l.*, without prejudice to any question of the rights of either Government under the Treaty of Washington.

I am to inclose, for Lord Granville's information, a copy of a letter which has been this day addressed to Sir William Whiteway in reference to this matter.

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

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Inclosure in No. 126.

*Mr. Herbert to Sir W. Whiteway.*

(Extract.) *Downing Street, May 26, 1881.*  
LORD GRANVILLE has expressed a strong opinion, in which Lord Kimberley concurs, that it is desirable to adopt the alternative course which had been proposed, and to settle this question at once by the payment of the sum of 15,000*l.*, which Mr. Blaine is willing to accept, in satisfaction of all claims up to the 4th March. Apart from the great advantage of terminating at once an irritating controversy, it appears to Her Majesty's Government that even if the United States' Government should, after an inquiry in which evidence might have been adduced, have consented to a reduction of their original demand, the cost of the inquiry added to the compensation would probably have amounted to at least as much as the United States' Government is now prepared to accept.

Instructions will accordingly be sent to Sir E. Thornton to inform Mr. Blaine that Her Majesty's Government are prepared to settle the United States' claims in the manner above indicated, on the clear understanding that the payment is made without prejudice to any question of the rights of either Government under the Treaty of Washington.

The amount will be advanced by the Imperial Treasury, and a communication will in due course be made to the Government of Newfoundland with regard to its repayment by the Colony.

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No. 127.

*Earl Granville to Sir E. Thornton.\**Sir, *Foreign Office, May 27, 1881.*

I HAVE received your despatch of the 9th instant, inclosing a copy of the letter addressed to you by Mr. Blaine on the 6th May, in which he accepts the offer made by Her Majesty's Government of the payment of the sum of 15,000*l.* in satisfaction in full of the claims of the American fishermen visiting the waters of Newfoundland and its dependencies, as well as those on account of the occurrences in Aspee Bay, up to the 4th March last.

I accordingly addressed to you a telegram this afternoon, authorizing you to inform Mr. Blaine that Her Majesty's Government are prepared to settle this question by the payment to the Government of the United States of the above-named sum, on receiving the assurance that it is accepted in full satisfaction of all claims, up to the date agreed upon, arising out of any interruption of American fishermen in their fishing operations in the localities which have been the subject of discussion between the two Cabinets, and without prejudice to any question of the rights of either Government under the Treaty of Washington.

I am, &c.  
(Signed) GRANVILLE.

No. 128.

*Sir E. Thornton to Earl Granville.—(Received June 13.)*My Lord, *Washington, May 30, 1881.*

I HAVE the honour to inform your Lordship that on the receipt of your telegram of the 27th instant relating to the Fortune Bay affair, I wrote the note, of which a copy is inclosed, and the terms of which will, I hope, be found by your Lordship to be in entire conformity with the instructions contained in that telegram.

I took this note to Mr. Blaine on the 28th instant, and asked him whether he had any remarks to make upon it before I signed it. He replied at once that it was in accordance with the conditions which had been already agreed upon. I therefore signed it in his presence, and gave it to him. He promised to send me an answer, conveying the acquiescence of the Government of the United States in the terms of the agreement, and the conditions on which the payment was to be made.

Early the same afternoon I received the note, of which I inclose a copy, and to the contents of which there seems to me to be no objection.

With regard to the payment of the amount agreed upon, Mr. Blaine said that whatever was most convenient to Her Majesty's Government would be agreeable to that of the United States. He added that, if it were thought convenient, he would be ready to receive a bill of exchange drawn upon Her Majesty's Government, and signed by myself. Upon this point I shall have the honour of awaiting your Lordship's instructions.

I have, &c.  
(Signed) EDWD. THORNTON.

Inclosure 1 in No. 128.

*Sir E. Thornton to Mr. Blaine.*Sir, *Washington, May 28, 1881.*

WITH reference to your note of the 6th instant relating to the discussions which have recently taken place between Her Majesty's Government and that of the United States with regard to the losses alleged to have been suffered by United States' fishermen in Fortune Bay, Newfoundland, on the 6th January, 1878, in consequence of certain acts committed by natives of that Colony, I have the honour to inform you that Her Majesty's Government is prepared to meet the views of the Government of the United States upon this matter by the payment of the sum of 15,000*l.* sterling in full satisfaction of all claims for disturbance of American fishermen in their fishing

\* Substance telegraphed.



operations on the coasts of Newfoundland and its dependencies up to the 4th March last, including the occurrences at Aspee Bay, Cape Breton, Nova Scotia, in the Dominion of Canada, a statement of which is made at pp. 138 to 141, inclusive of executive document No. 84 of the Second Session of the House of Representatives of the 46th Congress.

It will, however, be clearly understood that the above-mentioned payment will be made without prejudice to any question of the rights of either of the two Governments under Articles XVIII to XXV, both inclusive, and Article XXXII of the Treaty of the 8th May, 1871, between the United States and Great Britain.

I have, &c.  
(Signed) EDWD. THORNTON.

Inclosure 2 in No. 128.

*Mr. Blaine to Sir E. Thornton.*

Sir, *Department of State, Washington, May 28, 1881.*  
I HAVE the honour to acknowledge the receipt of your note of the 28th May, 1881, in which, referring to mine of the 6th, you convey the gratifying intelligence that Her Majesty's Government has accepted the terms of settlement agreed upon by us of the difficulties of Fortune Bay occurring on the 6th January, 1878.

The understanding of this Government is, as you state, that the payment of 15,000l. sterling is in full satisfaction of all claims for disturbances of American fishermen in their fishing operations on the coasts of Newfoundland and its dependencies up to the 4th March last, including the occurrences at Aspee Bay, Cape Breton, Nova Scotia, in the dominion of Canada, a statement of which is made at pp. 138 to 141, inclusive of executive document No. 84 of the House of Representatives of the 46th Congress.

This Government also clearly understands that the above-mentioned payment will be made without prejudice to any question of the rights of either of the two Governments under Articles XVIII to XXV, both inclusive, and Article XXXII of the Treaty of the 8th May, 1871, between the United States and Great Britain.

You can advise me of the time and method of payment, which I leave to be settled by your own convenience.

I have, &c.  
(Signed) JAMES G. BLAINE.

No. 129.

*Sir E. Thornton to Earl Granville.—(Received May 30.)*

My Lord, *Washington, May 16, 1881.*  
I HAD the honour to receive your Lordship's telegrams of the 13th instant, and almost at the same moment I received from Mr. Blaine the note of which a copy is inclosed, and in which he expresses the desire that the Fortune Bay affair should be promptly and definitely settled. He assumes that no further reference is now necessary, and invites me to join him, at my earliest convenience, in closing the transaction.

I called upon Mr. Blaine on the following day at the State Department, and explained to him that I had not considered myself authorized to come to a definite conclusion of the Fortune Bay affair until I should receive further instructions; that I had telegraphed to your Lordship upon the subject, and had received on the 13th instant a telegram from you to the effect that, owing to the misapprehension which so frequently arises from trusting entirely to telegrams, Her Majesty's Government preferred awaiting the arrival of his note of the 6th instant, which I had not been able to forward till last Tuesday, the 10th instant, so that it would not reach your Lordship till quite the end of this week.

I have, &c.  
(Signed) EDWD. THORNTON.

## Inclosure in No. 129.

*Mr. Blaine to Sir E. Thornton.*

Sir,

*Washington, May 13, 1881.*

IT is quite desirable, for some reasons not necessary to explain, that this Department bring to a prompt and definite settlement the Fortune Bay affair.

I consider that in our last conversation we had, under authority of the reference made to us by both Governments, reached a conclusion satisfactory to both parties, and my note of the 6th instant was the record on the part of the United States' Government of its acceptance of that conclusion.

As the subject was committed to our decision, no further reference can now be necessary, and it would be agreeable to me if you would join me, at your earliest convenience, in closing the transaction.

It is a source of great satisfaction to me that the discussion has been conducted in so amicable a spirit, and reached so satisfactory a result.

I have, &c.  
(Signed) JAMES G. BLAINE.

## No. 130.

*Lord Tenterden to Mr. Herbert.*

Sir,

*Foreign Office, May 30, 1881.*

I AM directed by Earl Granville to transmit to you, to be laid before Her Majesty's Secretary of State for the Colonies, a copy of a despatch which has been received this morning from Sir E. Thornton,\* forwarding a communication from Mr. Blaine, dated the 13th May, in which he expresses the hope for a speedy settlement of the Fortune Bay question.

I am, &c.  
(Signed) TENTERDEN.

## No. 131.

*Lord Tenterden to the Lords Commissioners of the Treasury.*

My Lords,

*Foreign Office, May 30, 1881.*

IN a letter dated the 26th February last I requested that your Lordships would be good enough to give the necessary directions that the sum of 15,000*l.* should be held in readiness, in order that it might be placed at the disposal of the Government of the United States, as had been sanctioned by the Cabinet, on the terms indicated in that letter, on account of certain hindrances caused to American fishermen in their fishing operations in the waters of Newfoundland and its dependencies.

Since that date an active correspondence has been carried on between London and Washington, in order to arrive at a clear understanding that this sum would be accepted by the Government of the United States as a complete settlement of all the claims on the part of the American fishermen, which should include not only claims on account of occurrences in the Newfoundland waters, but also those at a place called Aspee Bay, in Cape Breton Island, up to a given date, which has been fixed as the 4th March last.

In consequence of the satisfactory assurances on this point which have been received by Her Majesty's Minister at Washington from Mr. Blaine, the United States' Secretary of State for Foreign Affairs, instructions were sent to Sir E. Thornton on Friday last, desiring him to inform Mr. Blaine that Her Majesty's Government were now prepared to close this question by the payment to the United States of the sum of 15,000*l.*, in full satisfaction of all claims for disturbance caused to American fishermen on the coast of Newfoundland and its dependencies up to the 4th March last, including those at Aspee Bay, on the understanding that this payment is made without prejudice to any question of the rights of either Government under the Treaty of Washington.

\* No. 129.

Mr. Blaine having now informed Sir E. Thornton that he acknowledges the correctness of the conditions under which it had been agreed between the two Governments that this payment would be made, Sir E. Thornton has applied by telegraph for authority to draw for 15,000*l.* on Her Majesty's Paymaster-General, and he inquires at the same time at how many days' sight this should be done, if sanction is given to his drawing such a bill.

I have to request, therefore, that your Lordships will enable me to answer Sir E. Thornton's inquiry at your earliest convenience.

Her Majesty's Secretary of State for the Colonies has caused Sir William Whiteway, the Premier of Newfoundland, who is now in this country, to be informed that a communication will, in due course, be made to the Government of Newfoundland with regard to the repayment of this sum by the Colony.

I am, &c.  
(Signed) TENTERDEN.

## No. 132.

*Mr. Cole to Lord Tenterden.—(Received June 1.)*

My Lord,

*Treasury Chambers, June 1, 1881.*

THE Lords Commissioners of Her Majesty's Treasury have had before them your letter of the 30th May stating that the sum of 15,000*l.* has been accepted by the Government of the United States as a complete settlement of all the claims of the American fishermen in respect of hindrances in their fishing operations in the waters of Newfoundland and its dependencies.

Their Lordships have directed me to state, in reply to the request contained in your Lordship's letter, that Her Majesty's Minister should be instructed to draw a bill for this sum on Her Majesty's Paymaster-General at ten or thirty days' sight, as may appear to him most desirable.

I have, &c.  
(Signed) J. H. COLE.

## No. 133.

*Sir E. Thornton to Earl Granville.*

(Substance received by telegraph, June 2.)

My Lord,

*Washington, June 2, 1881.*

I HAVE the honour to inform your Lordship that I have this day drawn upon Her Majesty's Paymaster-General for the sum of 15,000*l.* to Mr. Blaine's order at thirty days after sight.

I have transmitted the bill to Mr. Blaine in the note of which a copy is inclosed.

I have, &c.  
(Signed) EDWD. THORNTON.

## Inclosure in No. 133.

*Sir E. Thornton to Mr. Blaine.*

Sir,

*Washington, June 2, 1881.*

WITH reference to your note of the 28th ultimo, I have the honour to transmit herewith a bill of exchange in triplicate drawn by me on Her Majesty's Paymaster-General at thirty days after sight for the sum of 15,000*l.*, in full payment of the claims mentioned in the note above referred to and on the conditions therein expressed.

I have, &c.  
(Signed) EDWD. THORNTON.

No. 134.

*Lord Tenterden to Sir R. Lingen.\**

Sir,

*Foreign Office, June 2, 1881.*

WITH reference to your letter of yesterday's date, I am directed by Earl Granville to state to you, for the information of the Lords Commissioners of Her Majesty's Treasury, that a telegram has been this day received from Her Majesty's Minister at Washington, reporting that he has drawn a bill at thirty days after sight on Her Majesty's Paymaster-General, in settlement of the American fishery claims arising out of the occurrences at Fortune Bay and elsewhere.

I am, &amp;c.

(Signed) TENTERDEN.

No. 135.

*Earl Granville to Sir E. Thornton.*

Sir,

*Foreign Office, June 3, 1881.*

WITH reference to my despatch of the 2nd instant, I transmit herewith, for your information, copies of the correspondence marked in the margin,† relative to the settlement of the American fishery claims arising out of the occurrences at Fortune Bay and elsewhere.

I am, &amp;c.

(Signed) GRANVILLE.

No. 136.

*Lord Tenterden to Mr. Herbert.*

Sir,

*Foreign Office, June 3, 1881.*

WITH reference to my letter of yesterday's date, I am directed by Earl Granville to transmit herewith, to be laid before Lord Kimberley, a copy of a letter which was addressed on the 30th ultimo to the Lords of the Treasury relative to the settlement with the Government of the United States of the fishery claims arising out of the occurrences at Fortune Bay and elsewhere.‡

I am, &amp;c.

(Signed) TENTERDEN.

No. 137.

*Mr. Bramston to Sir J. Pauncefote.—(Received June 14.)*

Sir,

*Downing Street, June 13, 1881.*

WITH reference to the recent correspondence respecting the claim of the United States' fishermen in connection with the Newfoundland fisheries, I am directed by the Earl of Kimberley to transmit to you, for the information of Earl Granville, a copy of a despatch which his Lordship has addressed to the Governor of Newfoundland relative to the settlement of the question by the payment of 15,000*l.* to the United States' Government.

A copy of the letter to Sir W. Whiteway, inclosed in that despatch, accompanied the letter from this Department of the 26th ultimo.

I am also to inclose a copy of a despatch in which Lord Kimberley has acquainted the Governor-General of Canada with the inclusion of the Aspee Bay claims in the settlement referred to.

I am, &amp;c.

(Signed) JOHN BRAMSTON.

P.S.—A copy of Sir W. Whiteway's reply to the letter from this Department is also inclosed.

\* Also to Colonial Office.

† Nos. 131 and 132.

‡ No. 131.

## Inclosure 1 in No. 137.

*The Earl of Kimberley to the Officer Administering the Government of Newfoundland.*

Sir, *Downing Street, June 7, 1881.*  
I HAD the honour to inform you, in my telegram of the 31st ultimo, of the settlement of the Fortune Bay question by the payment of 15,000*l.* to the United States' Government.

The inclosed copy of a letter which I caused to be addressed to Sir William Whiteway will place you in possession of the reasons which, in the opinion of Her Majesty's Government, rendered it advisable to agree that 15,000*l.* should be paid to the United States' Government in satisfaction of all claims up to the 4th of March last, rather than to enter upon an inquiry with a view to determine the amount of the compensation due to the American fishermen.

In this amount has been included the settlement of the claims of United States' fishermen, known as the Aspee Bay claims, and I have addressed a despatch to the Governor-General of Canada, informing him of the agreement which has been arrived at.

The papers relating to the subject will shortly be laid before Parliament, and will be communicated to you in due course.

I have, &c.  
(Signed) KIMBERLEY.

## Inclosure 2 in No. 137.

*The Earl of Kimberley to the Marquis of Lorne.*

My Lord, *Downing Street, June 2, 1881.*  
I HAD the honour to inform you in my telegram of the 31st ultimo, that the Aspee Bay question has been settled in conjunction with the Fortune Bay claims. The depositions of the American fishermen with regard to the occurrences at Aspee Bay are contained on pp. 138-141 of the message from the President of the United States (46th Congress, 2nd Session, Ex. Doc. No. 84), a copy of which is no doubt in the possession of your Lordship's Government.

Her Majesty's Government had been for some time in communication with the United States' Government on the subject of the Fortune Bay claims, and in order to avoid an expensive inquiry with a view to the assessment of compensation to the American fishermen, and the consequent protraction of an irritating controversy, it was at length agreed that the question should be settled at once by the payment of a sum of 15,000*l.*

In this amount has been further included the settlement of the Aspee Bay claims and all other claims up to the 4th March last, it being understood that this payment is made without prejudice to any question of the rights of either Government under the Treaty of Washington.

I have, &c.  
(Signed) KIMBERLEY.

## Inclosure 3 in No. 137.

*Sir W. Whiteway to Mr. Herbert.*

Sir, *British Hotel, June 2, 1881.*  
I HAVE the honour to acknowledge the receipt of your letter of the 26th ultimo relating to the occurrences in Fortune Bay in 1878. I will take the earliest opportunity of communicating the purport of the same to my colleagues.

I have, &c.  
(Signed) W. V. WHITEWAY.

No. 138.

*Lord Tenterden to Sir R. Lingen.\**

Sir, *Foreign Office, June 14, 1881.*  
 WITH reference to my letter of the 2nd instant, I am directed by Earl Granville to transmit to you, to be laid before the Earl of Kimberley, the accompanying copy of a despatch, with its inclosure,† from Her Majesty's Minister at Washington in regard to the payment made to the United States' Government in satisfaction of the claims of American fishermen on account of occurrences at Fortune Bay and elsewhere.

I am, &c.  
 (Signed) TENTERDEN.

No. 139.

*Sir J. Pauncefote to Mr. Herbert.*

Sir, *Foreign Office, June 16, 1881.*  
 I AM directed by Earl Granville to transmit to you a copy of a despatch from Her Majesty's Minister at Washington, inclosing a copy of his letter to Mr. Blaine of the 28th May, and of Mr. Blaine's reply of the same day,‡ in which he notifies the acceptance by the United States' Government of the sum of 15,000*l.* in full satisfaction of the American claims arising out of the occurrences at Fortune Bay and elsewhere on the coasts of Newfoundland and its dependencies up to the 4th March last, including those at Aspee Bay.

In laying these documents before the Earl of Kimberley, I am to request that you will state that Lord Granville proposes, with his Lordship's concurrence, to approve the terms of Sir E. Thornton's communication to Mr. Blaine of the 28th May, and to inform him that the reply returned by Mr. Blaine is entirely satisfactory to Her Majesty's Government.

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

No. 140.

*Sir E. Thornton to Earl Granville.—(Received June 18.)*

(Extract.) *Washington, June 6, 1881.*  
 WITH reference to my despatch of the 2nd instant, I have the honour to inclose copy of a note which I have received from Mr. Blaine, acknowledging the receipt of mine of the 2nd instant, in which I transmitted to him a bill of exchange for 15,000*l.*, in full payment of the Fortune Bay and other claims, as specified in my note of the 28th ultimo.

Inclosure in No. 140.

*Mr. Blaine to Sir E. Thornton.*

Sir, *Department of State, Washington, June 4, 1881.*  
 I HAVE the honour to acknowledge the receipt of your note of the 2nd instant, transmitting a bill of exchange in triplicate drawn by you on Her Majesty's Paymaster-General at thirty days after sight for the sum of 15,000*l.*, in full payment of the claims mentioned in my note of the 28th ultimo, and to inform you that the same is accepted by this Government on the conditions hereto agreed upon between us.

I have, &c.  
 (Signed) JAMES G. BLAINE.

\* Also to Colonial Office.

† No. 133.

‡ No. 128.

No. 141.

*Earl Granville to Sir E. Thornton.*

Sir,

*Foreign Office, June 18, 1881.*

I INCLOSE, for your information, copies of a letter, and of its inclosures, as marked in the margin, on the subject of the Fortune Bay Fisheries question.\*

I am, &amp;c.

(Signed) GRANVILLE.

No. 142.

*Earl Granville to Sir E. Thornton.*

Sir,

*Foreign Office, June 20, 1881.*

WITH reference to recent correspondence respecting the compensation claimed by the United States' fishermen on account of the occurrences at Fortune Bay and elsewhere, I have to request you to inform me what proportion of the sum of 15,000*l.* paid by Her Majesty's Government in satisfaction of these claims may be taken to represent the amount payable on account of the Aspee Bay claim.

I am, &amp;c.

(Signed) GRANVILLE.

No. 143.

*Sir E. Thornton to Earl Granville.*

(Substance received by telegraph, June 22.)

My Lord,

*Washington, June 22, 1881.*

WITH reference to your Lordship's telegram of the 20th instant, I have the honour to state that the claim made by certain United States' fishermen for having been prevented from fishing for bait in Aspee Bay has always appeared to me a very small affair, and has, I know, been so considered by both Mr. Evarts and Mr. Blaine. But such little claims, if neglected, are apt to be magnified in course of time, and as it could not be considered as one having arisen in a dependency of Newfoundland, I thought it would be desirable to mention it separately.

I am, however, of opinion that 150*l.* would fully satisfy the Aspee Bay claims mentioned above, and I am convinced that the United States' Government will not assign more than that sum to their satisfaction.

I have, &amp;c.

(Signed) EDWD. THORNTON.

No. 144.

*Sir J. Pouncefote to Sir R. Lingen.†*

Sir,

*Foreign Office, June 23, 1881.*

WITH reference to my letter of the 14th instant, I am directed by Earl Granville to transmit to you, to be laid before the Lords Commissioners of the Treasury, the accompanying copy of a further despatch, as marked in the margin,‡ from Her Majesty's Minister at Washington, transmitting a copy of Mr. Blaine's receipt for 15,000*l.* on account of the Fortune Bay Claims settlement.

I am, &amp;c.

(Signed) JULIAN PAUNCEFOTE.

No. 145.

*Mr. Bramston to Lord Tenterden.—(Received June 24.)*

My Lord,

*Downing Street, June 23, 1881.*

I AM directed by the Earl of Kimberley to acknowledge the receipt of your letter of the 16th instant, forwarding a copy of a despatch from Sir E. Thornton,

\* No. 137.

† Also to Colonial Office.

‡ No. 140.

with its inclosures, respecting the settlement of the American claims arising out of the occurrences at Fortune Bay and elsewhere.

Lord Kimberley concurs in the terms of the reply which Earl Granville proposes to return to Sir E. Thornton.

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

No. 146.

*Mr. Cole to Earl Granville.—(Received July 1.)*

My Lord,

*Treasury Chambers, June 30, 1881.*

I AM directed by the Lords Commissioners of Her Majesty's Treasury to acknowledge the receipt of your letter of the 23rd instant, inclosing a copy of a further despatch from Her Majesty's Minister at Washington, transmitting a copy of Mr. Blaine's letter of receipt for 15,000*l.* on account of the Fortune Bay, &c., fishery claims; and I am to request that you will move Earl Granville to cause the original letter of receipt to be transmitted to this Board in order that it may be produced to the Comptroller- and Auditor-General.

I have, &c.  
(Signed) J. H. COLE.

No. 147.

*Earl Granville to Sir E. Thornton.*

Sir,

*Foreign Office, July 2, 1881.*

I TRANSMITTED to the Lords Commissioners of Her Majesty's Treasury a copy of your despatch of the 6th ultimo, inclosing copy of a note which you had received from Mr. Blaine, acknowledging the receipt of your communication of the 2nd ultimo, in which you forwarded to him a bill of exchange for 15,000*l.* in full payment of the Fortune Bay and other claims; and I now transmit to you the accompanying copy of a letter which has been received from the Treasury in reply,\* desiring to be furnished with the original letter of receipt for production to the Comptroller- and Auditor-General; and I have to request you to forward this document accordingly for the purpose indicated.

I am, &c.  
(Signed) GRANVILLE.

No. 148.

*Mr. Bramston to Sir J. Pauncefote.—(Received July 6.)*

Sir,

*Downing Street, July 5, 1881.*

WITH reference to the letter from this Department of the 18th ultimo, and to your reply of the 24th respecting the amount paid to the United States' Government on account of the Aspee Bay affair, I am directed by the Earl of Kimberley to transmit to you, for the information of Earl Granville, a copy of a despatch which his Lordship had addressed to the Governor-General of Canada on the subject.

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

Inclosure in No. 148.

*The Earl of Kimberley to the Marquis of Lorne.*

My Lord,

*Downing Street, June 30, 1881.*

IN my despatch of the 2nd instant I explained to you that the agreement with the United States' Government under which the Fortune Bay claims and all other claims preferred up to the 4th March last have been settled by the payment of a sum of 15,000*l.* included the settlement of the Aspee Bay claims.



2. The occurrence at Aspee Bay, Cape Breton, in June 1879, where James Anderson, of the schooner "Cadet," of Gloucester, Massachusetts, alleged that he was prevented by the inhabitants from taking squid with his seine, and thereby suffered loss, and certain other masters of American schooners alleged that in consequence of the prohibition they suffered similar loss, was of a comparatively unimportant character, and did not in fact present itself for consideration until a late stage of the negotiations, when, in coming to an agreement that the fixed sum to be paid should cover all outstanding claims, it was observed that there was this claim against the Dominion Government, in addition to the claims against the Government of Newfoundland.

3. Her Majesty's Government felt it their duty, having an opportunity of settling this matter, of which advantage could not have been taken if the decision had been delayed in order to give time for consultation with the Dominion Government, to act at once in the interest of your Government in the manner which they could not doubt that your Ministers would approve; more especially as it was clear that this course would commit Canada to the payment of a very inconsiderable sum, far less than the cost of an inquiry would have been if the affair had not been summarily disposed of.

4. I have requested the Secretary of State for Foreign Affairs to ascertain from Sir E. Thornton what proportion of the sum of 15,000*l.* represents the amount of the claims in respect of the Aspee Bay transaction, and Sir E. Thornton has replied that 150*l.* should be amply sufficient to cover it.

5. I trust that your advisers will be of opinion that in this matter Her Majesty's Government have acted for the best in the interests of the Dominion, and I shall be obliged by your requesting them to make the necessary provision for the repayment to Her Majesty's Exchequer of the amount thus paid on account of Canada.

I have, &c.

(Signed) KIMBERLEY.

No. 149.

*Earl Granville to Sir E. Thornton.*

Sir, *Foreign Office, July 7, 1881.*

I HAVE to acknowledge the receipt of your despatch of the 30th May last, with its inclosures, relative to the settlement of the American claims arising out of the occurrences at Fortune Bay and elsewhere on the coast of Newfoundland and its dependencies up to the 4th March last, including those at Aspee Bay.

In reply, I have to convey to you my approval of the terms of the communication addressed by you to Mr. Blaine on the 28th May, and to inform you that the reply returned by Mr. Blaine on the same day is considered as entirely satisfactory by Her Majesty's Government.

I am, &c.

(Signed) GRANVILLE.

No. 150.

*Lord Tenterden to Mr. Herbert.*

Sir, *Foreign Office, July 11, 1881.*

WITH reference to my letter of the 24th ultimo, I am directed by Earl Granville to transmit to you, to be laid before Her Majesty's Secretary of State for the Colonies, for his Lordship's information, the accompanying copy of a despatch which has been received from Her Majesty's Minister at Washington, relative to the compensation which will probably be awarded on account of the Aspee Bay claim out of the sum paid to the United States' Government in consideration of the occurrences at Fortune Bay and elsewhere.\*

I am, &c.

(Signed) TENTERDEN.