

tention that no person has any right to take fish except he is himself an "inhabitant of the United States," even though he be the servant of a person himself duly qualified, and therefore that members of the crews of American vessels who are not "inhabitants of the United States" can, if they fish in the waters of Newfoundland, be taken from on board such vessels, when within the territorial waters, and be punished by fine and imprisonment, and the vessels confiscated for employing men in violation of the laws of the colony by such improper fishing. The contention of the United States is, of course, that what one does by another he does by himself, and that the fishing of the servant is the fishing of the master, wherefore both master and servant are merely exercising a liberty granted by the treaty; and furthermore, that a grant of a right draws to it all that is necessary to the enjoyment of that right, wherefore the inhabitants of the United States may employ men to do their work in the exercise of their liberty to fish.

Another most interesting question which has arisen is this, can the Legislature of the colony pass laws from time to time, for the regulation of the fishery, which shall be binding on the inhabitants of the United States as well as on all others, in the prosecution of the fishery within the territorial waters of the colony. The colony, for instance, does not permit its own fishermen to use "purse seines" (immense nets), because they have been found destructive to the fishery. The inhabitants of the United States threaten to use these purse seines in their fishery, in treaty waters, being to some degree driven to their use, they contend, by difficulty in procuring cargoes without them, through other restrictions enacted by the Newfoundland Legislature.

Perhaps at the time the treaty was made (and certainly during after years) both parties used purse seines, but for many years their use has been illegal by Newfoundland law, and there can be no reasonable doubt that their renewed use would be a very real hardship to the Newfoundlanders and threatening to the very existence of the fishery.

As to the first point, the liberty granted is to be enjoyed