

that under the terms of the Treaty they could not consider any claim for compensation on account of the *purchase* of bait, but only for such as might be actually *caught* by United States' fishermen. When this decision was given, hints were thrown out that the privilege of buying bait, which had thus been decided not to be granted by the Treaty, might possibly be withheld.

This fact may account for Americans appearing on the coast this year for the first time working seines of their own by themselves without the assistance of the islanders, and the violence of the native population may be easily accounted for when they saw the bait, which they had in previous years been either paid for by, or hired to catch for, the Americans, being taken with unfair appliances under their very eyes.

It is very possible, too, that some of the Gloucester men, who were very angry at the Award, may have sent their Captains with seines this year in order to pay out the British fishermen for the amount awarded against the United States.

It should be mentioned also that the local regulations on the Coast of Newfoundland have never been rigidly enforced, some of the witnesses who made affidavits respecting the Fortune Bay affair even declaring that they never heard of the prohibition to use a seine. The difficulty of communication and wildness of the Coast will easily account for this. Even the Governor himself states that the first he heard of this Fortune Bay affair was by a *telegram from London* !

The question then seems to be resolved very simply into the proposition whether the words of Cap. 102, Sec. 18 of the Newfoundland Consolidated Statutes, and the terms of the Newfoundland Act of 1874, leave to Her Majesty's Government the technical right to claim that regulations in force before the Treaty of Washington came into effect shall be now binding on United States' fishermen ; having in view that the privileges were only granted by the Treaty to be enjoyed *in common* with British subjects. If not, then, *à fortiori*, those framed subsequently cannot be binding. And it must not be forgotten, in considering this question, that all the privileges