

so divergent, and competing, interest by the domestic legislation of the Provinces. Protecting and nursing the domestic interest, at the expence of the foreign interest, on the ordinary motives of human conduct, necessarily shape and animate the local legislation." And he asked from Her Majesty's Government "a frank avowal, or disavowal, of the paramount authority of Provincial legislation to regulate the enjoyment by our people of the in-shore fishery."²²

Lord Salisbury's reply was that if Mr. Evarts' contention that no British Authority has a right to pass any kind of laws binding on Americans while fishing in British waters, be just, the same disability would apply a fortiori to any other power; and "the treaty waters must be delivered over to anarchy."²³ He subsequently shewed that the Newfoundland regulations, then complained of, were in force at the date of the Treaty of Washington, and were not abolished, but were confirmed by subsequent statutes, and were therefore "binding under the Treaty upon the citizens of the United States, in common with British subjects." And he added that "Her Majesty's Government feel bound to point to the fact that the United States fishermen were the first and real cause of the mischief by overstepping the limits of the privileges secured to them, in a manner gravely prejudicial to the rights of the British fishermen," and he closed by refusing on behalf of the British Government, to acknowledge any liability for the claims of the American fishermen.²⁴

Hall's International Law, commenting on this Fortune Bay incident, says: "It was argued by the United States that the fishery rights coaceded by the treaty were absolute, and were to be 'exercised wholly free from the regulations of the Statutes of Newfoundland, set up as an authority over our fishermen, and from any other Regulations of fishing now in force, or that may hereafter be enacted by that Government.' In other

²²Ibid., pages 310-11.

²³Ibid., page 323.

²⁴Ibid., 1880-1, page 572.