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NEWFOUNDLAND AND HER FISHING RIGHTS.

It will be of interest at this present time to refer to the legal aspect of some of the matters connected with the dispute between Newfoundland, England and the United States as to fisheries, arising under the treaty of 1818.

By this treaty rights of fishery in a portion of the territorial waters of Newfoundland were granted to "the inhabitants of the United States of America." Until quite recently their use has not conflicted materially with the interests of the islanders, but of late the Legislature of the colony has enacted laws which raise questions as to the precise meaning of the treaty. Naturally enough, the Governments of the United States and of Newfoundland respectively do not adopt the same interpretation, and what threatened to be a somewhat serious crisis has only been averted by a temporary *modus vivendi* arranged by the Imperial Government with the Government of the United States.

Stripped of surplusage, the treaty words which have to be construed are these: "It is agreed that the inhabitants of the United States shall have forever, in common with the subjects of His Britannic Majesty, liberty to take fish of every kind, etc."

What is the scope of the liberty possessed by "the inhabitants of the United States?"; that is to say, is it a merely personal franchise, to be exercised by them with their own hands, or may they "take fish" by their agents; may a crew of a vessel, for instance, composed in whole or part by persons not "inhabitants of the United States" take fish by employing non-inhabitants of that great country; will it make any difference that the crew is composed of Newfoundlanders who have gone outside the colony to hire on board United States vessels.

The Government of Newfoundland seeks to place a narrow interpretation on the words of the treaty. It sets up the con-