

tion 5; but his objection was rather an argument to the effect that the Tribunal should go further and specifically delimit certain bays to which the "headland" theory as to territorial or geographical bays should apply.

The award, summarized, was as follows: American fishing vessels are bound to conform to all reasonable fishery regulations enforced by Canada or Newfoundland, and a subsidiary Tribunal is created to determine the reasonableness thereof; these vessels may employ "non-inhabitants" of the United States among their crews, but such persons enjoy no immunity thereby; these vessels must enter and clear at customhouses when humanly possible so to do; they need not, however, pay light or harbour dues unless such are collected from Canadian or Newfoundland fishing vessels; the "headland" principle is to apply to bays and inlets on the non-treaty coasts, and thus excludes American fishing vessels from entering the principal bays of Maritime Canada or Newfoundland; American vessels can, however, fish in the inlets on the west coast of Newfoundland, but such vessels cannot exercise fishing liberties and commercial privileges in the same voyage.

The first cabled epitomes of the result represented the Americans as winning on five counts out of seven, with the British as gainers of questions one and five only; but this view was based on a misapprehension of the issues; and a more accurate statement would be that Britain gained substantially on every point except question six, and on that she had no hope of winning. It related to the Americans fishing in the inlets at Bay of Islands, and as Britain and Newfoundland had acquiesced for nearly ninety years in such fishing there, it could hardly be expected that the Tribunal would reverse this practice now.

Otherwise, however, all the honours lay with Britain. That she or her colonies interested should not enforce unjust or discriminatory regulations against American fishermen, which would nullify the value of the liberties conceded them by treaty, is obviously proper. As a matter of fact, every