

British fishermen should pay a like respect to such laws and regulations, which are designed to preserve and increase the productiveness of the fisheries on these coasts. Such being the object of these laws and regulations, the observance of them is enforced upon the citizens of the United States, in the like manner as they are observed by British subjects." And as to reciprocal fishery privileges in the respective British and United States territorial coast waters, he added: "By granting the mutual use of their in-shore fisheries, neither party has yielded its rights to civic jurisdiction over a marine league along its coasts. Its laws are as obligatory upon the citizens or subjects of the other, as upon its own."³⁸

And in 1870, after the Government of the United States had been notified that "the Canadian Government with the concurrence of Her Majesty's Ministers, had determined to increase the stringency of the existing practice of dispensing with warnings hitherto given" to American fishermen; and after the Parliament of Canada had passed the Foreign Fishing Acts of 1868 and 1870, authorizing certain Imperial and Colonial officers to go on board any foreign vessel within any Canadian harbour, or hovering in British waters, and examine the master on oath, etc., Mr. Secretary Boutwell, of the Treasury, issued a circular instructing his officers to notify all masters of American fishing vessels of the provisions of the Canadian Statutes.³⁹ And on the 9th June, he issued another circular advising that "fishermen of the United States are bound to respect the British laws for the regulation and preservation of the fisheries to the same extent to which they are applicable to British and Canadian fishermen."

These instructions are supported by the just position taken by Mr. Secretary Bayard. 1886, during the embittered diplomatic discussions consequent upon the seizure of American vessels after the abrogation by the United States in 1885, of the fishery articles in the Washington Treaty of 1871, in which,

³⁸Foreign Relations (U.S.), 1880-1, page 572.

³⁹Ibid., 1870, page 411.