

pretty clearly to what were the views of the United States' Government. The words, moreover, of Section 18, cap. 102, of the Consolidated Statutes of Newfoundland, 1872, and of the Act eventually passed by the Newfoundland Legislature in 1874, seem to acquiesce in the principle that the right to impose local restrictions was not to apply to United States' fishermen.

It may, however, on the other hand be said that it could hardly have been contemplated by the framers of the Treaty of Washington that United States' fishermen were to be admitted to greater privileges than were then enjoyed by British subjects; a view which was taken by the Law Officers in their Report of 19th July, 1873, mentioned above.

The fact of the United States' Government imposing no restrictions on British subjects fishing on the United States' coast may very readily be accounted for, since it is certain that no British subjects ever do fish there at all. And Mr. Fish even admitted to Sir E. Thornton in 1873 "that in both cases the fishermen of both countries would have to observe the laws enacted by the country within whose jurisdiction they might be fishing."

Sir E. Thornton, No. 274;
June 23, 1873.

With regard to the second point, viz., whether United States' fishermen are bound by any regulations passed subsequently to the date at which the Treaty came into operation, the matter seems to stand on an altogether different footing.

Whilst in the case of regulations in force before the signature of the Treaty, it may be urged with some show of reason, that notwithstanding the words of the Consolidated Statutes, and of the Newfoundland Act of 1874, the terms of Article XVIII, "in common with British subjects," only granted to United States' Citizens, the same rights as were then enjoyed by British subjects, the same cannot be said for regulations passed subsequent to the date at which the Treaty came into effect. It would be obviously unfair if the United States, having paid a large indemnity, of which Newfoundland will receive 1,000,000 dollars, could have any or all of their privileges taken from them by arbitrary local Statutes.