

We think, however, that the requirement that American fishing-vessels should report, if proper conveniences and an opportunity for doing so are provided, is not unreasonable or irappropriate. Such a report while serving the purpose of a notification of the presence of a fishing-vessel in the treaty waters for the purpose of exercising the treaty liberty, while it gives an opportunity for a proper surveillance of such vessel by revenue officers, may also serve to afford to such fishing-vessel protection from interference in the exercise of the fishing liberty. There should be no such requirement, however, unless reasonably convenient opportunity therefor be afforded in person or by telegraph, at a custom-house or to a customs official.

The Tribunal is also of opinion that light and harbour dues, if not imposed on Newfoundland fishermen, should not be imposed on American fishermen while exercising the liberty granted by the treaty. To impose such dues on American fishermen only would constitute an unfair discrimination between them and Newfoundland fishermen and one inconsistent with the liberty granted to American fishermen to take fish, &c., 'in common with the subjects of his Britannic Majesty.'

Further, the Tribunal considers that the fulfilment of the requirement as to report by fishing-vessels on arrival at the fishery would be greatly facilitated in the interests of both parties by the adoption of a system of registration, and distinctive marking of the fishing-boats of both Parties, analogous to that established by Articles V to XIII, inclusive of the International Convention signed at The Hague 8th May, 1882, for the regulation of the North Sea Fisheries.

The Tribunal therefore decides and awards as follows:—

The requirement that an American fishing vessels should report, if proper conveniences for doing so are at hand, is not unreasonable, for the reasons stated in the foregoing opinion. There should be no such requirement, however, unless there be reasonably convenient opportunity afforded to report in person or by telegraph, either at a customhouse or to a customs official.

But the exercise of the fishing liberty by the inhabitants of the United States should not be subjected to the purely commercial formalities of report, entry and clearance at a customhouse, nor to light, harbour or other dues not imposed upon Newfoundland fishermen.