

"That in our opinion, the inhabitants of the United States fishing within waters in the territorial jurisdiction of the Legislature of Newfoundland, or of any other of the British Colonies, are bound to obey, and are legally punishable for disregarding, the laws and regulations of the fisheries enacted by or under the authority of the respective Provincial Legislatures. The plain object of the treaties was to put the inhabitants of the United States as regards the 'liberty to take fish' within the parts of the British Dominions described, on the same footing as 'subjects of His Britannic Majesty,' 'in common with' whom, under the terms of the treaty, such liberty was to be enjoyed. The enactments subsequently passed did but confirm the treaties, and provide for the suspension, during the operation of those treaties, of such laws, etc., as were or would be inconsistent with the terms and spirit of the treaties, which 'terms and spirit' are, it appears to us, in no respect violated by the Regulations bona fide made for the government of those engaged in the fishery, and equally applicable to British subjects so employed."

This opinion was sent by the Colonial Secretary to the Governor of Newfoundland in a despatch dated the 2nd February, 1863, in which he said: I have only to add my desire that, while asserting the authority of Colonial Law in colonial waters within the limits of existing treaties, you will take care to do so in the manner which is likely to be least offensive to the foreigners who may fall within its scope." And in a despatch dated the 3rd August, 1863, in commenting on a Draft Colonial Bill for regulating the fisheries of Newfoundland, he said: "I apprehend that it is not your expectation that I should express an opinion respecting the practical modes of conducting these fisheries; it being plain that the inhabitants of Newfoundland are, or ought to be, best capable of judging what regulations are calculated to increase the productiveness of their own seas. And with respect to Imperial interests, I do not think it desirable to anticipate that close inquiry to which any Act passed upon this matter must be subjected in order to ascertain that it does not