

Government could contemplate applying this to the United States' fishermen.

Section 18 provides that "nothing in this chapter shall affect the rights and privileges granted by Treaty to the subjects of any State or Power in amity with Her Majesty."

Subject to the above restrictions, which apply solely to the herring and bait fisheries, British fishermen enjoyed perfect liberty of fishing in any manner all the year round, except as regards estuaries, salmon fishing, &c., which, not being included in the Treaty of Washington, need not be considered. If, therefore, United States' citizens acquired only the right to fish *in common* with British subjects, these were the privileges so acquired under the terms of the Treaty.

With regard to the second privilege, viz., that of *landing*, United States' fishermen enjoyed the privilege of access to the shores under the 1st Article of the Convention of 1818, for the purpose of *purchasing wood* and of *obtaining water*, and for *no other purpose whatever*. The Treaty of Washington subsequently superadded to the rights thus enjoyed under the Convention of 1818, the privilege of using the shore for two other specified purposes, viz., *for drying their nets and curing their fish*.

At the Halifax Commission the United States' Agent, with a view of minimizing the compensation due to Great Britain for the privileges accorded by the Treaty of Washington, expressly disclaimed the right of using the shore for any but the specified purposes. Consequently, any regulations affecting the use of the shore for any other purposes than those of obtaining wood and water, of drying nets, and of curing fish, could not in any way contravene the provisions of the Treaty: and even independently of any regulations, United States' citizens clearly have no right to use the strand for the purpose of *barring* herrings from the shore.

The foregoing will show what were the rights of fishing on the coast of Newfoundland which it may be presumed the framers of the Treaty of Washington intended to grant to United States' citizens. The Treaty having, however, been ratified, it became