

words, it was contended that the simple grant to foreign subjects of a right to enjoy certain national property, in common with subjects of the State, carried with it, by implication, an entire surrender, in so far as such national property was concerned, of one of the highest rights of sovereignty, viz.: the right of legislation. That the American Government should have put forward such a claim is scarcely intelligible."²⁹

The damages claimed by the United States Government amounted to \$105,305. But the succeeding Government, through Lord Granville, while insisting that the Treaty of 1871 meant that "the American and British fishermen shall fish in the Newfoundland waters within the limits of British sovereignty upon terms of equality, and not that there shall be an exemption of American fishermen from any reasonable regulations to which British fishermen are subject,"³⁰ and rejecting claims for fish caught "by means of strand fishing, a mode of fishing to which under the Treaty of Washington, they were not entitled to resort," agreed, contrary to Lord Salisbury's decision, to pay \$75,000 to the United States in June 1881.

And while willing to confer respecting Regulations for the reciprocal fishery privileges of each nation in the territorial coast-waters of either country, under the then existing Treaty of Washington, Lord Granville expressly indicated the legislative authority to prescribe such Regulations: "The duty of enacting and enforcing such Regulations when agreed upon, would, of course, rest with the Power having the sovereignty of the shore and waters in each case."

But in the present diplomatic complaints against the fishery regulations of Newfoundland, Mr. Secretary Root, in his despatch dated the 19th October, 1905, to the British Minister at Washington, revives Mr. Evart's contentions against the subordination of American fishermen to the laws of Great Britain or Newfoundland, and which contentions were negated by the British Government in 1863, 1878, 1880, 1886 and 1887.

²⁹5 Ed., page 340.

³⁰Foreign Relations (U.S.), 1880-1, page 589.