

By agreement between Great Britain and the United States of January 27 1909 it was provided, in conformity with the general arbitration treaty between the two nations of April 4 1908, that seven questions relating to the fisheries on the North Atlantic Coast and turning upon the construction of article 1 of the treaty between Great Britain and the United States of October 20 1818 should be submitted for decision to the permanent court of arbitration at The Hague.

North Atlantic Coast Fisheries Arbitration Award.

The Tribunal of Arbitration, constituted for this purpose in accordance with the convention concluded at the second peace conference at The Hague of October 18 1907, was composed of five members, viz., Dr. Lammasch, president (Austria-Hungary), Dr. Lohman (Holland), Mr. Justice Gray (United States), Sir Charles Fitzpatrick (Canada) and Dr. Drago (Argentina). The Hon. Allen B. Aylesworth, K.C., Minister of Justice of Canada, and Mr. Chandler P. Anderson acted as agents for the Governments of Great Britain and the United States respectively. On the British side the leading counsel included Sir William Robson (Attorney General of England), Sir Robert B. Finlay, K.C., Sir James Winter, K.C., and Mr. John S. Ewart, K.C., and on the American side the Hon. Elihu Root, the Hon. George Turner, the Hon. S. J. Elder, and the Hon. Charles B. Warren. Canadian counsel also engaged were Mr. George F. Shepley, K.C., and Mr. W. N. Tilley.

Constitution of The Hague Tribunal.

After the interchange of written pleadings and preliminary written arguments by each side the questions were orally argued before the Tribunal at sittings which occupied 40 days from June 1 to August 12, and after deliberation by the Tribunal the award was delivered on September 7. The following are the main points decided.

Award of The Hague Tribunal.

Question 1 was whether Great Britain, Canada or Newfoundland had the right to make reasonable regulations applicable to the fisheries without the consent and concurrence of the United States. The Tribunal held that the right to make such regulations is inherent to the sovereignty of Great Britain, but that such regulations must be made *bonâ fide* and must not be in violation of the treaty of 1818.

Question 1: of the British right to regulate the fisheries.

Question 2, whether the United States had the right to employ as members of the fishing crews of their vessels persons not inhabitants of the United States, was answered in the affirmative, but with the ruling added that non-inhabitants so employed derived no benefit or immunity from the treaty. Upon question 3, whether United States fishing vessels could be required to enter or report at custom houses or to pay light or harbour or other dues or to observe any other similar requirement, condition or exaction, the Tribunal decided that United States fishing vessels should report to the custom houses or customs officials where there is a reasonably convenient opportunity for doing so, but that such vessels should not be subjected to the purely commercial formalities of report, entry and

Questions 2, 3 and 4.