

And then it goes on further, and this is the final part:

It is understood that nothing in these rules refers either to the Bay of Fundy considered as a whole part from its bays and creeks or as to the innocent passage through the Gut of Canso, which were excluded by the agreement made by exchange of notes between Mr. Bacon and Mr. Bryce dated February 21, 1909, and March 4, 1909; or to Conception Bay, which was provided for by the decision of the Privy Council in the case of the Direct United States Cable Company v. The Anglo American Telegraph Company, in which decision the United States have acquiesced.

The CHAIRMAN: Would you be good enough, Mr. Stick, to tell us the title of the book from which you are reading?

Mr. STICK: Session Papers, Vol. XLV, No. 24, 1911.

Mr. Chairman, I would now like to quote from Digest of International Law by Hackworth, Volume I, Chapters I-V, page 628, in connection with the same subject:

Various points of view with reference to the breadth of the territorial waters were expressed provisionally or in principle in the second committee of the Conference for the Codification of International Law held at The Hague in 1930, at its thirteenth meeting held on April 3. The delegates of certain states were in favour of the acceptance of the principle of a zone on the high sea contiguous to the territorial sea in which the coastal state would be able to exercise certain control. The views as expressed in the meeting of April 3 on these subjects were summarized as follows: Union of South Africa, 3 miles; Germany, 3 miles; United States, 3 miles; Belgium, 3 miles; Great Britain, 3 miles, Canada, 3 miles, Chile 6 or 3 miles; China, 3 miles; Colombia, 6 miles;

Cuba, 6 miles; Denmark, 3 miles; Spain, 6 miles; Finland, 4 miles—
and perhaps what is more important to us in Newfoundland—

Italy, 6 miles; Poland, 3 miles; and Portugal, 12 or 6 miles.

So you will see generally from this that the matter has not been finally settled yet. Some countries favour 6 and 12 miles, but most of them favour the 3 mile limit, and it is very interesting that Portugal favours 12 miles, and, as you know the Portuguese have been fishing in Newfoundland waters for centuries, and I think if we ever make an agreement with them we can use that as a basis for an agreement making it 12 miles.

I want to quote now from a book by H. A. Smith entitled "Great Britain and the Law of Nations", at page 131:

The question of the breadth of a bay arose in the North Atlantic Fisheries Arbitration at The Hague in 1910. The Tribunal there decided that, in the case of a bay, the belt of territorial waters must be measured from a line drawn across the body of water at the place where it ceased to have the configuration and characteristics of a bay. Realising that this decision would in practice be insufficient to define the rights of the parties and to prevent future difficulties with regard to the fisheries, the Tribunal, basing itself on various treaties in respect of fisheries to which Great Britain was a party, recommended that in general the base line should be drawn across the bay in the part nearest the entrance or mouth at the first point where the width did not exceed ten miles.

The recommendations of the Tribunal were accepted by both parties to the dispute and have since been enforced in the area to which they apply.