

all their privileges and the fisheries in the vicinity of their coasts, inured to the benefit of the Empire, and that the old Colonies in seceding (though entitled to the fisheries off their own coasts, as a territorial incident of their country), ceased to have a right in fisheries off the coasts of Provinces which remained loyal to the Empire, and which incident inured to the benefit of British subjects alone. The American commissioners felt it to be of vital interest to their young nation to obtain some recognized status on these fishing grounds, and, by perseverance and persistence, succeeded, through the tendency of British Statesmen to give way for peace sake, in securing the third Article in the Treaty of 1783, which is as follows:—

“ART. III.—It is agreed, that the people of the United States shall continue to “enjoy unmolested the right to take fish of every kind on the Grand Bank and on all “the other banks of Newfoundland: also in the Gulf of St. Lawrence, and at all other “places in the sea, where the inhabitants of both countries used at any time heretofore to “fish. And also that the inhabitants of the United States shall have liberty to take fish “of every kind on such part of the coast of Newfoundland, as British fishermen shall use “(but not to dry or cure the same on that Island) and also on the coasts, bays, and creeks “of all other of His Britannic Majesty’s dominions in America; and that the American “fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, “and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall “remain unsettled; but so soon as the same, or either of them, shall be settled, it shall “not be lawful for the said fishermen to dry or cure fish at such settlement, without a “previous agreement for that purpose with the inhabitants, proprietors, or possessors of “the ground.”

In the text of this article we have two principles clearly laid down—the continuing and concurrent right, by which it was agreed that the people of the United States should continue to enjoy certain fisheries, and also, the liberty of a transitory character, which, under certain circumstances, was conceded to them; in the one case their continuing right was admitted to take fish at “sea,” while in the other, a liberty of a limited character was given in certain territorial possessions of His Britannic Majesty in America.

Each party, by the Treaty of 1783, had certain clear and distinct rights of fishing at sea, and which were recognized and admitted by the other as founded upon the law of nations, while in and around the coasts of each nation, with certain exceptions named in the Treaty, the exclusive right and jurisdiction over three miles from the coast was conceded, as a right existing by the law of nations, and attaching territorially to each country.

The war of 1812 suspended and abrogated the Treaty of 1783. It became inconsistent with the existence of hostilities that concurrent privileges should be exercised in relation to the fisheries, and the Americans practically relinquished a liberty which a state of war prevented them from enjoying. Thus matters