

Isle, and thence northwardly; and that the American fishermen shall also have liberty, forever, to dry and cure fish in any of the unsettled bays, &c., of the said southward part of the coast of Newfoundland, i.e., Cape Ray to Rameau Islands, and of the coast of Labrador; but, so soon as the same, &c., shall be settled, the right to cease. And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry or cure fish on or within three marine miles of any of the coasts, bays, &c., of any of His Majesty's dominions not included within the above-mentioned limits. *Provided*, however, that the American fishermen shall be admitted to enter such bays, or harbours for the purpose of shelter, and of repairing damages therein, and for no other purpose whatever. *But* they shall be under such restrictions as shall be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever, abusing the privileges hereby reserved to them.

Under this convention arose what is known as "the headland question," which has been the subject of lengthy dispute. England, following the contentions of the United States, insisted that, under the convention, the three mile limit, in the case of large bays, extends from "headland to headland," and does not follow the sinuosities of the shore. England claims that the whole Bay of Fundy, the Baie des Chaleurs, and Miramichi Bay are excluded from American rights. I must own that, if the matter stood alone, I am not impressed with the British view, which appears to rest on very fine verbal criticism of the convention, but it is fairly contended that the convention must be construed as regards British bays, as the United States at the time contended and still contend in respect to their bays. Now they have constantly contended that the great bays of Massachusetts (Cape Cod to Cape Anne) Delaware and Chesapeake are domestic bays, as they call them, and not open to foreign fishing. Our neighbors cannot, while they hold this view, dispute the British position on the Nova Scotia bays.

During this period American vessels were occasionally captured for fishing in our large bays, and much diplomatic correspondence and international friction ensued on this headland question. This was the state of affairs until 1847, when negotiations were opened between the two Governments for the establishment of reciprocal free trade between Canada and the United States, coupled with the concession of some fishing privileges to the United States' fishermen. Much correspondence passed on the subject, but, owing to difficulties connected with the question of tariff, the United States appeared

anxious to have the fisheries question dealt with separately, but to this the British Government would not assent.

At last in 1854, Lord Elgin, when in Washington, negotiated a treaty. This is known as the Reciprocity treaty of the 5th June, 1854. Its main provisions were as follows:—British waters on the east coast of North America were thrown open to United States' fishermen, and United States' waters north of the 36th degree were thrown open to British fishermen; excepting always the salmon and shad fisheries, [which were reserved to the subjects of each country];—certain articles of produce of the British colonies and of the United States were admitted to each country, respectively, free of duty. The treaty was to remain in force for ten years, and further for twelve months after either party should have given notice to the other of its wish to terminate the same.

From 1854 until 1865 the Reciprocity treaty continued in force, and no further difficulties appear to have arisen on questions connected with the fisheries; but in that year, 1865, the United States informed the British Government that at the expiration of twelve months the Reciprocity treaty was to terminate.

Efforts were made by England towards a renewal of the treaty, but these, from various reasons, proving unsuccessful, the treaty came to an end on the 17th of March, 1866; and as a consequence the American privileges under it lapsed, and reverted to those of the convention of 1818.

In the meantime a notice had been issued by the Canadian Government warning the American fishermen that their right to fish in British waters would cease on the above date, and it became necessary to consider what measures should be adopted for the protection of British rights.

Eventually it was decided that American fishermen should be allowed during the year 1866, to fish in all Canadian waters upon the payment of a nominal license fee, to be exacted as a formal recognition of right. This system, after being maintained for four years, was discontinued, owing to the neglect of American fishermen to provide themselves with licenses, and in 1870 it became necessary to take strict measures for the enforcement of British rights.

The result of these measures was the capture and forfeiture of several American vessels for infringing the provisions of the convention of 1818, both by fishing within British waters, and by frequenting Canadian ports for objects not permitted by the convention.

The difficulties caused by these events subsequently led to the re-opening of negotiations for the settlement of questions connected with the fisheries, and they formed