

tunately the Reciprocity Treaty, concluded in 1854, adjusted the difficulties which had arisen between the two Governments on the Fishery question. By its first article it was agreed, "that in addition to the liberty secured to the United States fishermen by the above named convention of 1818, of taking curing and drying fish on certain coasts of British North American Colonies, therein defined, the inhabitants of the United States shall have in common with the subjects of Her Britannic Majesty, the liberty to take fish of every kind, except shell fish, on the sea coasts and shores of those Colonies, and in the bays, harbors, and creeks of Canada, New Brunswick, Nova Scotia, Prince Edward Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the coasts and shores of these Colonies and the islands thereof, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish. . . ."

It was further provided by one of its articles, that the treaty should remain in force ten years from the date of its coming into operation, and further, until the expiration of twelve months after either of the high contracting parties should give notice to the other of its wish to terminate the same. (3)

The notice so required was given by the United States Government and the Reciprocity Treaty terminated on the 17th March, 1866.

So many different opinions have been expressed as to the rights of American subjects to fish within three miles of the coasts of the British North American Colonies, that it becomes necessary in the first instance to inquire whether those rights are given by treaty, or whether they spring from the principles of International Law alone.

The dominion over certain portions of the open sea has at different periods been claimed by several of the nations of the world. Spain, Portugal, Holland and England have in turn, since the discovery of America, endeavored to arrogate to themselves sovereign power over portions of the sea, but nowadays it seems to be almost universally admitted that the maritime territory of a State extends solely to the distance of three marine miles seawards from its coasts. (4) Some

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(3) Appendix No. 3.

(4) 1. *Hautefeuille* tit. 1, c. 3, § 1, p. 92. *Laurence's Wheaton*, pt. 2. c. 4, § 6. *Martens Precis* 6, 4, c. 4, § 4 and 10, (three leagues according to him.) *Heffter* § 75. 1 *Twiss* § 172. 1 *Azuni* pt. 1, c. 2, § 15. *Kluber* §. 129. *Vattel* § 289. 1 *Phil.* § 19.