

rights were modified, but merely in this, the limits were made from Cape St. John, on the eastward, round by the north to Cape Ray on the west. That is the "French Shore" of to-day. England, however, undertook to remove such settlements as had been made on that coast and to prevent any new ones, and to leave the shore to the exclusive use of the French fishermen for drying fish, their nets and other such uses. This right has been retained in all subsequent treaties, and the French hold and exercise it to-day, much to the detriment of a large part of the Newfoundland coast. No mining can be done there: no fishing hamlets dot the coast. If a vessel goes ashore there when the fishermen have returned to France, she goes upon an uninhabited land.

Such are the French rights. Now let us consider those of the Americans.

Before the war of independence all British colonists enjoyed equal privileges in fishing, but at the close of that war, it became a question how far such privileges should be restored to those who had separated from the British Crown. The matter was very fully discussed in the negotiations which preceded the treaty of Paris of 1783, and though Great Britain did not deny the right of Americans to fish on the banks, or in the Gulf of St. Lawrence, or elsewhere in the open sea, she denied their right to fish in British waters, i. e., the three miles from shore, or to land on British territory, for the purpose of drying or curing the fish. A compromise was at length arrived at, and it was agreed that United States' fishermen should be at liberty to fish on the coast of Newfoundland, but *not* to dry or cure their fish on that island; and they were also to be allowed to fish on the coasts of the other British possessions, and to dry and cure their fish in any of the unsettled bays of Nova Scotia, the Magdalen Islands, and Labrador, so long as they should remain unsettled; but so soon as any of them should become settled, the Americans were not to use them without agreement with the inhabitants.

It will, however, be observed that the rights conceded to the American fishermen, under this treaty were by no means so great as those which, as British subjects, they had enjoyed previous to the war of independence, for they were not to be allowed to land to dry and cure their fish on any part of Newfoundland, and only in those parts of Nova Scotia, the Magdalen Islands, and Labrador, where no British settlements were found.

So matters stood until the war of 1812, when, naturally, the right of Americans to fish in British waters, and to dry and cure their fish on British territory, terminated. In the negotiations which preceded the peace of 1814, at Ghent, this question was revived, and an alleged right of Americans to fish and cure

fish within British jurisdiction was fully discussed. At that time, however, the circumstances had very considerably changed since the treaty of 1783. The British possessions had become more thickly populated, and there were fewer unsettled bays in Nova Scotia than formerly. There was, consequently, greater risk of collision between British and American interests; and the colonists and English merchants engaged in the fisheries petitioned strongly against a renewal of the privileges granted by the treaty of 1783, to the American fishermen.

At Ghent, the British Government stated that "they did not intend to grant the United States, *gratuitously*, the privileges formerly conceded to them by treaty of fishing within the limits of British territory, or of using the shores of the British territories for purposes connected with the fisheries." They contended that the claim advanced by the United States of immemorial and prescriptive right, was quite untenable, inasmuch as the Americans had, until the revolution, been British subjects, and that the rights which they possessed formerly, as such, could not be continued to them after they had become citizens of an independent state. Accordingly it was agreed to omit all mention of this question from the treaty.

Orders was now sent out that, while not interfering with American fishermen engaged in fishing on the banks, in the Gulf of Saint Lawrence or on the high seas, they were to be prevented from using British territory for purposes connected with the fisheries, and to be excluded from the bays and coasts of all the colonies. The result was the capture of several American fishing vessels for trespassing within British waters. Then the United States in 1818 proposed that negotiations should be opened for the purpose of settling the disputed points which had arisen in connection with the fisheries. Commissioners were accordingly appointed by both parties to meet in London, and the convention of 20th October, 1818, was eventually signed.

Article I of this convention is, with slightly curtailed expressions, as follows:—

*Whereas* differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof, to take, dry and cure fish on certain coasts, bays, &c., of His Majesty's dominions in America:—*It is agreed that* the inhabitants of the said United States, shall have forever, in common with the subjects of His Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland, which extends from Cape Ray to the Rameau Islands; on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands (these are at the northern end); on the shores of the Magdalen Islands, and also on Labrador from Mount Joly, through the Straits of Belle