

have distributed the subject under four heads:—(1) The general principles of International Law respecting marine fishery; (2) the special conventions between Great Britain and the United States affecting the fisheries on the coasts of Canada, Newfoundland, &c.; (3) the home and colonial legislation upon the fishery question; and (4) the steps taken by Great Britain and Canada after the abrogation of the Reciprocity Treaty.

I. As to the general principles of International Law applicable to marine fishing.

Marine fishing may take place (A) in the open sea; (B) in more or less enclosed parts of the sea, as bays, harbours, and creeks; or (C) in straits or sounds.

A. It is now not disputed that the right of fishing in the open seas is free to all the world. It is equally certain that within the territorial waters adjacent to the coasts of any State, the right of fishing belongs, in the absence of any treaty stipulations, absolutely and exclusively to the subjects of that State. It is, in fact, a proprietary right, consequent on territorial possession. Though there has been some dispute as to the extent properly assigned to such territorial waters, it has never been disputed that the waters within three marine miles of the actual coast are clearly within such limits, and that within such limits the right of fishing is exclusive.

The law on this point is thus stated by Heffter and Wheaton:—

“Maritime States possess the indisputable right, both in regard of the defence of their respective territories, as also for the protection of their revenue and commercial interests, to establish an active supervision upon their coast and its neighbourhood, and to adopt all necessary measures to close the access to their territories against those whom they do not choose to receive there, or who do not conform to the regulations which they have established. This is a natural consequence of the general principle, ‘*Ut quod quisque propter defensionem sui fecerit jure fecisse videatur.*’ Every nation, therefore, is at liberty to exercise supervision and power of police on its own coasts, according to its own pleasure, unless it be limited by treaty obligations. It may,

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