

ceasing at a cannon-shot distance from the shore, and this doctrine was embodied by the 25th Article of the treaty of that year. The Treaty of 1818 fixed the limit at three marine miles, a definite distance having been by that time generally allowed to be more convenient than the uncertain distance covered by the cannon-shot, as mentioned in Part I. of this Report.

(2.) This exclusive dominion, however, had been made subject from the first to many important limitations. The third Article of the Treaty of 1783, which recognized the independence of the United States, made the following stipulations:—

Rights of fishery.

Treaty of 1783.

“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 bays, coasts, 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, harbours, and creeks of Nova Scotia, the 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 and cure fish at such settlement without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.”

The treaty contained no similar concession to the fishermen of Great Britain and her dependencies exercising their trade on the coasts of the United States.

During the negotiations at Ghent in 1814, previous to the treaty by which the second war between the United States and the United Kingdom was terminated, it was notified by the plenipotentiaries of the latter power that their Government had no longer any intention of gratuitously continuing the privileges accorded to the fishermen of the former power by the Treaty of 1783, which they contended had been extinguished by the war of 1812. To this notification the American plenipotentiaries replied by a refusal to discuss the question thus raised, and at the same time appealed to the nature of the rights themselves which were called in question, and to the peculiar character of the Treaty of 1783, on which they rested, as precluding any necessity for

War of 1812 and negotiations at Ghent in 1814.