

THE FISHERY QUESTION.

PREVIOUS to the American Revolution, the inhabitants of the British Colonies in North America exercised the right of fishing in all the bays, harbors, creeks and rivers of the present Provinces of Quebec, Ontario, New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland.

The treaty of 1783, by which the independence of the United States was recognized, provided, amongst other things, that American subjects should have the right of fishing on the Banks of Newfoundland, along such coasts of the same Island as were used by British Seamen, in the Gulf of St. Lawrence, and on the coasts, bays, and creeks of all other British dominions in North America; as well as the right of drying and curing fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, the Magdalen Islands and Labrador, so long as they should continue unsettled; but not the right of drying and curing on the Island of Newfoundland. (1)

After the War of 1812, the treaty of Ghent containing no provisions respecting the fisheries, the British Government contended that the treaty of 1783, by which alone the right of inshore fishing on the coasts of the British North American Provinces had been granted, had by the war of 1812 been absolutely annulled, and that consequently such right of inshore fishing no longer existed. On the part of the United States Government, it was pretended that the rights granted by that treaty were in their nature perpetual, and consequently were not affected by the breaking out of the war.

In 1818 a compromise was effected by convention, and it was thereby agreed between the contracting parties "that the inhabitants of the said United States shall have, forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every

(1) Vide Appendix No. 1.