

The only strait in the British North American territory about which any question is likely to arise is the Gut of Canso, which separates Cape Breton from the mainland. This strait is about twenty miles long, and has an average breadth of two and a half miles.

In 1841 the Attorney-General and the Queen's Advocate, in answer to certain questions put to them by the Nova Scotian Government, gave an opinion in which, amongst other things, they stated that, having considered the course of navigation to the Gulf of St. Lawrence by Cape Breton, and likewise the capacity and situation of the passage of Canso, and of the British possessions on each side, they were of opinion that, independently of treaty, no foreign country had the right to use or navigate the passage of Canso, and that, according to the terms of the Convention of 1818, it did not expressly or by necessary implication concede any right of using or navigating the passage.

It appears to have been assumed in this opinion that the right to close a strait depends upon the course of navigation between the seas which it joins. It is obvious that principles similar to those which govern the case of a strait such as that of Gibraltar, the sole means of access to the sea which it enters, do not necessarily apply to a strait which like the Straits of Messina, or the Great Belt, is only one of two or more passages from one sea to another.

Your Sub-Committee, however, do not deem it within their province to do more than indicate the nature of the questions which may arise with respect to the Gut of Canso. They believe that the passage of that strait has never in fact been interdicted by the Imperial or Colonial authorities.

PART II.
Treaty rights
between the
United States and
the United King-
dom.

Having discussed the general principles of international law which govern marine fishing, we proceed to inquire into their application as between the United Kingdom and the United States. This inquiry may be divided into two parts; *the first* relating to the treaties which regulate the ordinary maritime territorial dominion of the two States; *the second* relating to the treaties which modify its ownership as regards the right of fishery.

Maritime Terri-
torial dominion
in general.

(1.) Previous to the Anglo-American Treaty of 1794, the ordinary maritime territorial dominion of each State was considered as