

PREFACE.

THE question of the North American Fisheries may be divided into four periods, viz. :—

1. 1782–1814.
2. 1814–1818.
3. 1818–1854.
4. 1854–1866.

1782–1814. *1st Period.*—In 1782 negotiations commenced in Paris between Great Britain and her revolted Colonies for the conclusion of a Treaty of Peace. With regard to the fisheries, the latter demanded an unlimited concession of the rights of fishery, as also a limited right of landing and drying their fish upon certain portions of the coast of the British Possessions. This demand was for some time resisted by the British negotiators; but, in consequence of the urgent necessity of peace on the part of Great Britain, they subsequently yielded. By the IIIrd Article of the Treaty of the 3rd of September, 1783, the people of the United States obtained the “right” of fishing on the Grand Bank and on all other banks of Newfoundland; also in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of the two countries had been in the habit of fishing. They also were to have the “liberty” to take fish of every kind on such part of the coast of Newfoundland as British fishermen should use (but not to dry or cure the same on that island), and likewise on the coasts, bays, and creeks of all other of His Britannic Majesty’s dominions in America. They were also to have the liberty to dry and cure fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, Magdalen Island, and Labrador, so long as the same should remain unsettled; but so soon as the same, or either of them, should be settled, it would become illegal for the said fishermen to dry or cure fish at the said Settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

The above concessions caused great discontent to the colonists; and on the breaking out of the war between Great Britain and the United States in 1802, and the commencement of negotiations in 1814, for the renewal of peace, they sought by memorials, &c., to obtain the abolition of the stipulations contained in the Treaty of 1783.

1814–1818. *2nd Period.*—In 1814 negotiations for peace commenced at Ghent. With regard to the fisheries, Great Britain refused to renew the stipulations of the Treaty of 1783, without the concession of some commercial equivalent. The United States’ Commissioners maintained, on the contrary, that the stipulations of the Treaty of 1783 regarding the fisheries were not terminated by the war, they contending that the Treaty in question was of an exceptional character. They argued that they saw not why this liberty, no new grant, but a mere recognition of a prior right always enjoyed, should be forfeited by a war, any more than any other of the rights of their national independence, or why they should need a new stipulation for its enjoyment more than they needed a new Article to declare that the King of Great Britain treated with them as free, sovereign, and independent States.

As neither of the two Powers could come to an arrangement on the subject of the