

NORTH ATLANTIC FISHERIES DISPUTE

BY JAMES WHITE, F.R.S.C.

Secretary, Commission of Conservation

The decision of the Hague Tribunal, rendered Sept. 7, 1910, practically ended differences that have, for nearly a century, existed between Canada and Newfoundland, on the one hand, and the United States, on the other. Before discussing the award, it is necessary to state briefly the history of the dispute that was referred to the Tribunal.

On Nov. 30, 1782, the provisional articles of the treaty of peace were signed at Paris by Richard Oswald on the part of Great Britain, and by John Adams, Benjamin Franklin and John Jay on the part of the United States. On September 3, 1783, the definitive treaty of peace, commonly known as the Treaty of Paris, was signed at Paris. Art. III of the latter is identical with Art. III of the provisional treaty, and reads as follows:—

“It is agreed 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 Gulph 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 coasts, bays 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, 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 or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground.”

This article conceded:

- (1) The *right* of the Americans to take fish on the “banks” of Newfoundland, in the gulf of St. Lawrence and in the sea,
- (2) The *liberty* to take fish on the coasts of Canada and Newfoundland.
- (3) The *liberty* to dry and cure fish in the *unsettled* portions of the coasts of Canada and Newfoundland.