

Treaty of
Paris, 2d
Sept., 1783.

So indispensable in fact were they judged to be to the well-being of the new nation, that in the negotiations which resulted in the recognition by Great Britain of the United States as a sovereign power, the American Plenipotentiaries stipulated as an essential condition of peace for the continuance to the United States fishermen of the liberty of taking, drying and curing fish within the exclusive British jurisdiction on the North American coast which they had heretofore enjoyed. After a full discussion of the subject, the following compromise was agreed upon, and forms Article III. of the Treaty signed at Paris on September 3, 1783.

ARTICLE III.

'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 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 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 settlements, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground.'

It will be observed that the provisions of this article fall considerably short of the contentions of the United States.

The claim put forward by the American Plenipotentiaries was that the fishermen should continue to enjoy the same *right* of drying and curing fish within the exclusive jurisdiction of England on the North American coasts as they had possessed as British subjects.

The use of the word '*rights*' was strongly urged by Mr. Adams, but without avail, for its partial and restricted employment in the Treaty serves but to emphasize the refusal of the British Government to entertain the claim of the United States to continue in possession of advantages flowing from an allegiance which they had voluntarily renounced.

The point at issue, however, as it affected Great Britain, was mainly one of principle, for at that time the sparseness of population in the maritime British colonies rendered it a matter of small consequence who fished in their waters. In view of this fact, and in return for advantages bearing upon the navigation of the Mississippi

'as colonists we had those rights but as colonists we lost them.' (49th Congress, 2nd Sess., No. 4687.)

† John Quincy Adams, Secretary of State of the United States in 1822. In his controversy with Jonathan Russell over questions arising out of the negotiation of the Treaty of Ghent observes that 'the portion of the fisheries to which we are entitled, even within the British territorial jurisdiction, is of great importance to this Union. To New England it is smooch the most valuable of earthly possessions. The Duplicate Letters, the Fisheries and the Mississippi, ed. 1822, p. 159.)

And again:—

'The shores, the creeks, the inlets of the Bay of Fundy, the Bay of Chaleur, and the Gulf of St. Lawrence, the Straits of Bellefleur, and the coast of Labrador, appear to have been designed by the God of Nature as the great ovarium of fish:—the inexhaustible repository of this species of food, not only for the supply of the American, but of the European continent. At the proper season, to catch them in endless abundance, little more of effort is needed than to bait the hook and pull the line, and occasionally even this is not necessary. In clear weather, near the shores, myriads are visible and the strand is at times almost literally paved with them.' (ib. p. 211.)