

His Majesty's Government in Great Britain believe that it is logical to restrict the application of the special rule as to bays, under which the base line is drawn across the mouth of the bay, to cases where the bay is not more than six miles wide at the mouth, as it is only in these cases that the bay is wholly enclosed by the two belts of territorial waters measured from the opposite shores. It may be argued, however, that no such rule has as yet met with universal acceptance, and, therefore, if a rule similar to the recommendations of the Tribunal in the North Atlantic Fisheries Arbitration and to the rule adopted in some of the fishery treaties to which Great Britain is a party met with the general acceptance, they would be prepared to consider it.

By general acquiescence, certain historic bays have been recognized as forming part of the national territory, even though their width exceeds that indicated in the earlier part of the answer on this point. In the case of such bays, the territorial waters are measured from a base line passing across the bay at the place recognised as forming the limits of the national territory.

In the case of bays whose coasts belong to two or more States, the territorial waters are measured from low water and follow the sinuosities of the coast.

(c) In front of ports, the base line from which the territorial waters are measured passes across the entrance from the outermost point or harbour work on one side to the outermost point or harbour work on the other side.

The word 'port' in this connection is used in its ordinary physical or geographical sense without reference to special definitions of the areas of particular ports which may be laid down in the Customs legislation of a country.

Now, Mr. Chairman, I could go on quoting further other authorities, but I think I have read enough in order to show this committee that this matter of jurisdiction within territorial waters is something that has not been fully defined by the Court of International Law at The Hague, and there is a difference of opinion amongst the nations even yet as to what should be the limit of control. As you know, during the days of prohibition in the United States in what was commonly called "Rum Row", the rum runners anchored their boats off the 3-mile limit and they were secure from interference by or from United States coastal authorities. That situation did not prove to be satisfactory and the United States extended that limit to 12 miles, and that was carried out and there was no protest, that I know of, from any other nation to the United States for doing that. So we have that precedent set by the United States of extending their control during the prohibition era to 12 miles. It would seem to me that in some cases the 3-mile limit is not sufficient to protect the fisheries of Canada, and I think the whole matter should be gone into very, very carefully so that before any rules or regulations are made in connection with agreements already reached with the United States and other countries regarding fishing rights in Newfoundland, that the whole matter should be gone into thoroughly and that nothing will be done that will not be for the benefit of our fisheries. Personally, I am in favour of extending the 3-mile limit, as I think that limit is not enough or sufficient to protect our fishermen. Fishing boats from Newfoundland will go beyond three miles to get the fish, and we think that going beyond the three miles is within our jurisdiction and territory because we have been fishing on those grounds for decades.

I think this bill as a whole is something which is desirable, and if there is any dispute and if we can make any arrangement with Portugal and other