

NOTE

Attention may be drawn to the view of the British Government as to the effect of the war with the United States of 1812-14 upon previously existing Treaties between the two countries, declared by Earl Bathurst, His Majesty's Principal Secretary of State for Foreign Affairs, in a note addressed to Mr. John Quincy Adams, the United States Minister in London, on the 30th October, 1815.

The United States in that year having supported a pretension for their citizens to continue the enjoyment of fishing privileges within British sovereignty conferred by the Treaty of 1783 on the ground that that Treaty was of a peculiar character and could not be abrogated by a subsequent war between the parties, Lord Bathurst in repudiating the pretension employed the following language:—

“To a position of this novel nature Great Britain cannot accede. She knows of no exception to the rule that all Treaties are put an end to by a subsequent War between the same Parties.”

[See British and Foreign State Papers, Vol. 7, p. 94.]