

A SHORT ACCOUNT OF THE NEGOTIATIONS WHICH RESULTED IN THE CONVENTION OF THE 20TH OCTOBER, 1818, BETWEEN GREAT BRITAIN AND THE UNITED STATES, TOGETHER WITH THE TEXT OF THE TREATY.

The questions in relation to the North American fisheries which for more than a century have periodically engaged the attention of British and American diplomatists and at times threatened a disturbance of the friendly relations happily long subsisting between the two countries have their origin in the war of the Revolution. Prior to that momentous event all subjects of the King of England enjoyed in equal degree the privileges of fishing in British waters and of drying and curing their fish on British soil. Foremost among those who pursued this vocation were the dwellers along the New England coast, who, partly by reason of their proximity to the fishing grounds, and partly owing to the share which they had borne in the acquisition of Acadia, came to regard the industry as one peculiarly their own. Indeed it may be said that for a time they had no competitors among their countrymen, for the few straggling colonists scattered at wide intervals along the shores of what now form the maritime provinces of Canada could scarcely be regarded in that light. Thus season after season the New England fishermen frequented in peace the lonely shores of Acadia and the Gulf of St. Lawrence to draw therefrom the riches of the sea.

The war of Independence changed all this, and the revolted colonist learned to his surprise and chagrin that when he renounced his allegiance to the British Crown he forfeited the privileges which that allegiance conferred.* These privileges, says a distinguished American of the time, "were of great magnitude to the United States. Besides affording profitable fields of commerce they fostered a race of seamen conducive to the national riches in peace as to defence and glory in war."†

Rush's "Residence at the Court of London" Ed. 1833, p. 524.

*Count de Vergennes, although he had been a partisan of the United States in the Revolution, said, in a letter to M. de la Luzerne, the French Minister at Philadelphia, dated September 23d, 1777.

†It is essential to remark that the fisheries belong, and have always belonged, to the Crown of Great Britain, and that it was as subjects of the Crown the Americans enjoyed them—consequently, from the moment when they shook off the English yoke and declared themselves independent, they broke the community which existed between them and the metropolis; and voluntarily relinquished all the advantages which they derived from that community just as they despoiled England of all the advantages she derived from their union with her.

‡It should therefore, be well established that from the moment when the colonies published their Declaration of Independence they have ceased to own a share in the fisheries, because they have forfeited by their own act the qualification which entitled them to such a share; that consequently they can offer to the Court of London neither title nor actual possession; from this comes another result, viz., that the Americans having no right to the fishing we can give them no guarantee on that head. (III de Circourt, pp. 276, 277).

Earl Bathurst writing Mr. Adams under date 30th October, 1816, observed:—

"When the United States by their separation from Great Britain became released from the duties they became excluded also from the advantages of British subjects."

So late as February 5th, 1837, Mr. Manning, Secretary of the Treasury, said, in reference even to the right to enter the bays and harbours of Canada for shelter and to make repairs, to purchase wood and to obtain water—