

These propositions are eminently unsound. The high seas are subject to other uses in common for nations, besides "fishery."

Ports and harbors are subject to local law, where no treaty restrains it, and wider privileges may be given foreign vessels within them by law than any treaty has contracted for. Exports and imports between the United States and British North America by sea, remained forbidden by laws, as already stated, for years after the treaty of 1818 was made, to all the shipping of each country, whether merchantmen, fishermen, or both.

Mr. Jay, in his letter, has clearly and strongly shown that the negotiators on each side of the treaty of 1783, recognized the common right of fisheries and the use of the coasts and shores of British North America for fishing purposes, to pertain to the United States equally with Great Britain.

In a decision under that treaty, in the Vice-Admiralty Court in 1806,¹ it was said that the Treaty of 1783 gave no authority to trade with the shore, but that we could lawfully send our own vessels to those waters to supply our own fishermen there, or purchase their cargoes, and that such vessels might lawfully anchor in British harbors on their route to their destination.

In 1825, after several efforts, the legislatures of the two governments began to open trade, and the act of Charles II. was subsequently repealed. In 1830 the United States and Great Britain dropped their respective non-intercourse laws as to British North America, and opened their ports to each other, upon being satisfied that neither imposed on the other's vessels "any restrictions or discriminations."

"His Majesty declares," says Mr. Secretary Buller, November 6, 1830, "that the ships of and belonging to the United States of America, may import from the United States aforesaid, into the British Possessions abroad, goods the produce of those States, and may export goods from the British Possessions abroad, to be carried to any foreign country whatever."

General Jackson's proclamation, October 5, 1830, says: "British vessels and their cargoes are admitted to an entry

¹ Stewart's Reports, p. 75.