

1783 had been terminated by the war, and that without a renewal of the rights conferred by that Treaty, to fish and cure and dry fish within British jurisdiction, the rights of the United States' citizens had lapsed.

The Americans, on the other hand, contended that, from the peculiar character of the Treaty of 1783, it was not abrogated by war; that that Treaty had recognized the independence of the United States, which could not be forfeited by the war; that, moreover, the privilege in question was one that had always been enjoyed by the citizens of the United States from time immemorial, and that it was therefore of the nature of a prescriptive right. The reply of the British Commissioners was, in effect, that it was true that the independence of the United States had been recognized for the first time by Great Britain in the Treaty of 1783, but that the independence in no way rested upon the Treaty, but upon the assertion and maintenance of their independence by the States; and that the claim of immemorial and prescriptive right were quite untenable, inasmuch as the inhabitants of the United States had, until quite recently, been British subjects, and that the rights which they possessed merely as British subjects, would not necessarily be continued to them after they had become citizens of an independent State.

Both parties, however, appeared to be of opinion that no new Article was needed; the Americans stating that their rights to the fisheries as stipulated by the Treaty of 1783 was intact, and that they could not subscribe any stipulation abandoning, or implying the abandonment of that right; whilst the British Commissioners held that the Treaty of 1783 was abrogated, and that Great Britain did not intend to renew the privileges of fishing within the limits of British sovereignty, and of using the British territories for purposes connected with the fisheries without an equivalent.

Accordingly, the Treaty was signed at Ghent on the 24th of December, 1814, but without any reference in it to the Fishery Question.

Matters being in this position, no sooner was the British Government released from all fear of a great European war by the defeat of Napoleon at the battle of Waterloo, than orders were sent out to the