

further stipulations being made on the subject to which they referred.

Correspondence  
between Earl  
Bathurst and Mr.  
Adams in 1815.

In consequence of this difference of opinion, the Treaty of Ghent remained silent as to rights of fishery, but shortly after its conclusion the Government of the United Kingdom announced its formal intention of abrogating the privileges enjoyed by the United States' fishermen<sup>1</sup>. An interesting discussion immediately afterwards arose between Mr. John Quincy Adams on the part of the United States and Earl Bathurst on the part of the United Kingdom. Notwithstanding subsequent treaties, the points raised in this discussion, besides having an interest of their own, have some bearing on the questions now at issue between the two countries, and it will be accordingly advisable to give an account of the arguments used on both sides.

Mr. Adams, in his despatch dated September 25, 1815, in answer to Lord Bathurst, begins by enlarging on the right of fishing having been enjoyed from time immemorial by the inhabitants of the countries now forming the United States of America, the inhabitants of which had in great measure discovered the fisheries, and owing to their proximity to them had also enjoyed their use, not to mention the fact of their having contributed their fair share to the original conquest of the coast provinces from the French. Thus, he argued, the fisheries belonged to the United States' fishermen, both in principle and in fact. These considerations, he insisted, lay at the root of the Treaty of 1783, which was not one of those which could be said to be liable to abrogation by a subsequent war. The independence and sovereignty of the United States were by that treaty recognized, but not as grants from his Britannic Majesty. They were expressed as existing before the treaty was made, and as then only first formally recognized. The right of fishery was part and parcel of the sovereign and independent rights of the United States, otherwise it would not have remained without reciprocal advantages being conferred on the fishermen of the United Kingdom fishing on the coasts of the United States. Since, then, the sovereignty of the United States

<sup>1</sup> Despatch from Lord Bathurst to Governor of Newfoundland. (*B. & F. State Papers*, vol. ii. 1171; Lord B. 17th June, 1815.)