

On Nov. 25th—five days before the treaty was signed—the British commissioners proposed that “the citizens of the United States shall have the *liberty* of taking fish of every kind on all the banks of Newfoundland and also in the Gulph of St. Lawrence; and also to dry and cure fish on the shores of the Isle of Sables and on the shores of any of the unsettled bays, harbours and creeks of the Magdalen Islands, in the Gulph of St. Lawrence, so long as such bays, harbours and creeks shall continue and remain unsettled; on condition that the citizens of the said United States do not exercise the fishery, but at the distance of three leagues from all the coast belonging to Great Britain, as well those of the continent as those of the islands situated in the Gulph of St. Lawrence. And as to what relates to the fishery on the coast of the Island of Cape Breton out of the said gulph, the citizens of the said United States shall not be permitted to exercise the said fishery, but at the distance of fifteen leagues from the coasts of the Island of Cape Breton.”

This proposal was unacceptable to the United States commissioners, and Adams, who was specially charged with the care of negotiations respecting the fisheries, made a counter-proposal, which was virtually the same as the article incorporated in the treaty.

After the war of 1812-14, which was terminated by the Treaty of Ghent, the British Government maintained that as these ‘liberties’ were *only privileges* to be exercised in British waters and territories, they had been terminated by the war. When the negotiators met at Ghent, the British plenipotentiaries stated that “they felt it incumbent upon them to declare that the British Government did not deny the right of the Americans to fish generally or in the open seas; but the privileges formerly granted by treaty to the United States of fishing within the limits of British jurisdiction and of landing and drying fish on the shores of the British territories would not be renewed without an equivalent.”

As a result of these differences, the treaty contained no mention of the fisheries.

In the following year an American fishing vessel was warned by the commander of H.M.S. *Jaseur* not to come within sixty miles of the British coast. Lord Bathurst disavowed this extreme claim, but stated that the Government of Great Britain “could not permit the vessels of the United States to fish within the creeks and close upon the shores of the British territories.” Adams, then minister of the United States in London, contended that the Treaty of 1783 “was not, in its general provisions, one of those which by the common understanding and usage of civilized nations, is or can be considered as annulled by a subsequent war between the same parties.”

Lord Bathurst replied:

“To a position of this novel nature Great Britain cannot accede,