

my former letter that according to the best information which I have been able to obtain, neither of those coasts have been much frequented by our fishermen, or were likely to be so in future; I am led to believe that they would not, when taken conjointly, as proposed in your last letter, afford the accommodation which is so important to them." And he thereupon added the hope that "an arrangement on a scale more accommodating to the expectations of the United States, would not be inconsistent with the interests of Great Britain."¹⁸

Ultimately Great Britain, not forecasting the future, and presumably influenced by the persistently aggressive attitude of the United States, agreed that American fishermen should have the right to share in the local fishery asset of its colonial subjects in their territorial coast-waters without any financial compensation, or reciprocal equivalent; and the American Plenipotentiaries had the satisfaction of reporting to their Government the fullest extension of the free fishing area desired by their instructions. "We have succeeded in securing, besides the right of taking and curing fish within the limits designated by our instructions, as a *sine qua non*, the liberty of fishing on the coasts of the Magdalen Islands, and on the western coast of Newfoundland, and the privilege of entering for shelter, wood and water in all the British harbours of North America."¹⁹ These gratuitous concessions of valuable colonial fisheries to the alien-citizens of another nation may test whether as asserted by a British authority: "Great Britain has never been remiss in maintaining the rights of the fisheries."²⁰

The first article of the treaty, and the third *Servitutes Voluntariæ*, apparently ignoring Lord Bathurst's declaration that the fishery article in the Treaty of 1783, had been abrogated by the War of 1812, and supporting the contention of the United States that "the fisheries secured by us were not a new grant," provided:

¹⁸Ibid., page 366.

¹⁹Ibid., page 380.

²⁰Phillimore's International Law (3rd ed.), vol. 1, page 270.