

opinion was based upon recognized principles of International Law, viz., that all treaties, (save and except, perhaps, those made to govern their conduct during war, or expressly made perpetual), concluded between two States, expire on the breaking out of hostilities between them. (8)

This principle, as applicable to the Treaty of 1783, is expressly recognized by a recent American authority. (9)

Mr. Raymond then proceeds to argue, that if the Treaty of 1814 had the effect of annulling that of 1783, the Convention of 1818 was annulled by the Treaty of 1854. The error committed by him in the first instance of confounding the effect of the War of 1812 with that of the Treaty of 1814, here leads him into the greater absurdity of stating that the Treaty of 1854, by which Great Britain conferred on American subjects great privileges in addition to those enjoyed by them under the provisions of the Convention of 1818, had the effect of annulling that Convention, and then he caps the climax by saying that by the expiration of the Treaty of 1854, the Americans are thrown back upon that of 1783, if not annulled by that of 1818, and if annulled, upon the rights they enjoyed previous to 1783. Now it must be remarked, that in the Reciprocity Treaty, great care was taken not to interfere with the provisions of the Convention of 1818, so far as the rights of the Americans were concerned, the only portion of the Convention which was temporarily suspended, was that in which they renounced forever the right of inshore fishing off certain portions of the coast of the British North American Colonies. The Convention itself was in its nature perpetual. It set at rest forever, the rights of the two contracting States. The Reciprocity Treaty merely gave the Americans during its continuance the privilege of fishing where, by the Convention of 1818, they had expressly forever renounced the right to fish. Such privilege or permission, was based upon such provision in the treaty; it lasted so long as that treaty lasted, and no longer, and when the treaty expired, the privilege became extinct, and the rights of the parties are those admitted and granted by the Convention of 1818. It is unnecessary to enter into the question of the rights of the Americans to fish within the limits

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(8) Heffter § 20. L's Wheaton pt. 3, c. 2, § 9. Abdy's Kent, p. 420, 3 Phil. § 532 to 536.

(9) Woolsey § 55.