FISHERIES, BOUNDARY, AND RESTORATION OF SLAVES

Convention signed at London October 20, 1818
Ratified by the United Kingdom November 2, 1818
Senate advice and consent to ratification January 25, 1819
Ratified by the President of the United States January 28, 1819
Ratifications exchanged at Washington January 30, 1819
Entered into force January 30, 1819
Proclaimed by the President of the United States January 30, 1819
Article III continued in force by convention of August 6, 1827 [1]

8 Stat. 248; Treaty Series 112 [2]

The United States of America, and His Majesty The King of the United Kingdom of Great Britain and Ireland, desirous to cement the good Understanding which happily subsists between them, have, for that purpose, named their respective Plenipotentiaries, that is to say: The President of the United States, on his part, has appointed, Albert Gallatin, Their Envoy Extraordinary and Minister Plenipotentiary to the Court of France; and Richard Rush, Their Envoy Extraordinary and Minister Plenipotentiary to the Court of His Britannic Majesty:—And His Majesty has appointed The Right Honorable Frederick John Robinson, Treasurer of His Majesty's Navy, and President of the Committee of Privy Council for Trade and Plantations; and Henry Goulburn Esquire, one of His Majesty's Under Secretaries of State:—Who, after having exchanged their respective Full Powers, found to be in due and proper Form, have agreed to and concluded the following Articles.

Article I

Whereas differences have arisen respecting the Liberty claimed by the United States for the Inhabitants thereof, to take, dry, and cure Fish on certain Coasts, Bays, Harbours, and Creeks of His Britannic Majesty's Dominions in America, it is agreed between The High Contracting Parties, that the Inhabitants of the said United States shall have forever, in common with the Subjects of His Britannic Majesty, the Liberty to take Fish of every kind on that part of the Southern Coast of Newfoundland which extends

[1] TS 116, *post*, p. 74.
[2] For a detailed study of this convention, see 2 Miller 658.

from Cape Ray to the Rameau Islands, on the Western and Northern Coast of Newfoundland, from the said Cape Ray to the Quirpon Islands on the Shores of the Magdalen Islands, and also on the Coasts, Bays, Harbours, and Creeks from Mount Joly on the Southern Coast of Labrador, to and through the Streights of Belleisle and thence Northwardly indefinitely along the Coast, without prejudice however, to any of the exclusive Rights of the Hudson Bay Company: and that the American Fishermen shall also have liberty forever, to dry and cure Fish in any of the unsettled Bays, Harbours, and Creeks of the Southern part of the Coast of Newfoundland hereabove described, and of the Coast of Labrador; but so soon as the same, or any Portion thereof, shall be settled, it shall not be lawful for the said Fishermen to dry or cure Fish at such Portion so settled, without previous agreement for such purpose with the Inhabitants, Proprietors, or Possessors of the Ground.—And the United States hereby renounce forever, any Liberty heretofore enjoyed or claimed by the Inhabitants thereof, to take, dry, or cure Fish on, or within three marine Miles of any of the Coasts, Bays, Creeks, or Harbours of His Britannic Majesty's Dominions in America not included within the above mentioned limits; provided however, that the American Fishermen shall be admitted to enter such Bays or Harbours for the purpose of Shelter and of repairing Damages therein, or purchasing Wood, and of obtaining Water, and for no other purpose whatever. But they shall be under such Restrictions as may be necessary to prevent their taking, drying or curing Fish therein, or in any other manner whatever abusing the Privileges hereby reserved to them.

Article II

It is agreed that a Line drawn from the most North Western Point of the Lake of the Woods, along the forty Ninth Parallel of North Latitude, or, if the said Point shall not be in the Forty Ninth Parallel of North Latitude, then that a Line drawn from the said Point due North or South as the Case may be, until the said Line shall intersect the said Parallel of North Latitude, and from the Point of such Intersection due West along and with the said Parallel shall be the Line of Demarcation between the Territories of the United States, and those of His Britannic Majesty, and that the said Line shall form the Northern Boundary of the said Territories of the United States, and the Southern Boundary of the Territories of His Britannic Majesty, from the Lake of the Woods to the Stony Mountains.

Article III

It is agreed, that any Country that may be claimed by either Party on the North West Coast of America, Westward of the Stony Mountains, shall, together with it's Harbours, Bays, and Creeks, and the Navigation of all

Rivers within the same, be free and open, for the term of ten years [3] from the date of the Signature of the Present Convention, to the Vessels, Citizens, and Subject of the Two Powers: it being well understood, that this Agreement is not to be construed to the Prejudice of any Claim, which either of the Two High Contracting Parties may have to any part of the said Country, nor shall it be taken to affect the Claims of any other Power or State to any part of the said Country; the only object of the High Contracting Parties, in that respect, being to prevent disputes and differences amongst Themselves.

ARTICLE IV

All the Provisions of the Convention "to regulate the Commerce between the Territories of the United States and of His Britannic Majesty" concluded at London on the third day of July in the year of our Lord one Thousand Eight Hundred and Fifteen,[4] with the exception of the Clause which limited its duration to Four years, & excepting also so far as the same was affected by the Declaration of His Majesty respecting the Island of St Helena, are hereby extended and continued in force for the term of ten years from the date of the Signature of the present Convention, in the same manner, as if all the Provisions of the said Convention were herein specially recited.

ARTICLE V

Whereas it was agreed by the first Article of the Treaty of Ghent,[5] that "All Territory, Places, and Possessions whatsoever taken by either Party from the other during the War, or which may be taken after the signing of this Treaty, excepting only the Islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the Artillery or other public Property originally captured in the said Forts or Places which shall remain therein upon the Exchange of the Ratifications of this Treaty, or any Slaves or other private Property", and whereas under the aforesaid Article the United States claim for their Citizens, and as their private Property, the Restitution of, or full Compensation for all Slaves who, at the date of the Exchange of the Ratifications of the said Treaty, were in any Territory, Places, or Possessions whatsoever directed by the said Treaty to be restored to the United States, but then still occupied by the British Forces, whether such Slaves were, at the date aforesaid, on Shore, or on board any British Vessel lying in Waters within the Territory or Jurisdiction of the United States; and whereas differences have arisen, whether, by the true intent and meaning of the aforesaid Article of the Treaty of Ghent the United States are entitled to the Restitution of, or full Compensation for all or any Slaves as above described, the High Contracting Parties hereby agree

[3] For an extension of art. III, see convention of Aug. 6, 1827 (TS 116), *post*, p. 74.
[4] TS 110, *ante*, p. 49.
[5] TS 109, *ante*, p. 41.

to refer the said differences to some Friendly Sovereign or State to be named for that purpose; and the High Contracting Parties further engage to consider the decision of such Friendly Sovereign or State, to be final and conclusive on all the matters referred.[6]

ARTICLE VI

This Convention, when the same shall have been duly ratified by The President of the United States, by and with the Advice and Consent of their Senate, and by His Britannic Majesty, and the respective Ratifications mutually exchanged, shall be binding and obligatory on the said United States and on His Majesty; and the Ratifications shall be exchanged in Six Months from this date, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have thereunto affixed the Seal of their Arms.

Done at London this Twentieth day of October, in the Year of Our Lord One Thousand Eight Hundred and Eighteen.

ALBERT GALLATIN	[SEAL]
RICHARD RUSH	[SEAL]
FREDERICK JOHN ROBINSON	[SEAL]
HENRY GOULBURN	[SEAL]

[6] For a convention signed at St. Petersburg July 12, 1822, under mediation of Emperor of Russia, see TS 114, *post*, p. 61.