

**BREACHES OF ANGLO-
AMERICAN TREATIES; A
STUDY IN HISTORY AND
DIPLOMACY**

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Breaches of Anglo-American treaties; a study in history and diplomacy by John Bigelow

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JOHN BIGELOW

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PREFACE

“A declaration by the Representatives of the United States of America in Congress assembled,” commonly known as *THE DECLARATION OF INDEPENDENCE*, proclaimed to the world the first quickening of that sovereign power which was to develop through inorganic association, and loose confederation, into the firm, indissoluble union now constituting the Republic of the United States of America. In that famous document the new infant nation attested its “decent respect to the opinions of mankind” by specifying the several causes which impelled it “to the separation.” From that day to this, through a singular variety of vicissitudes, it has conducted its affairs with a regard for the opinion of other nations at least equal to that shown by its mother country. Yet only a few years ago, incidentally to the public discussion of the Hay-Pauncefote Treaty, the United States was arraigned by the British press as lacking in the sense of honor that holds a nation to its promise. The *Saturday Review* could not expect “to find President Taft acting like a gentleman.” “To imagine,” it said, “that American politicians

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would be bound by any feeling of honor or respect for treaties, if it would pay to violate them, was to delude ourselves. The whole course of history proves this." The *London Morning Post* charged the United States with various infractions of the Treaty and said: "This is surely a record even in American foreign policy; but the whole treatment of this matter serves to remind us that we had a long series of similar incidents in our relations with the United States. Americans might ask themselves if it is really good foreign policy to lower the value of their written word in such a way as to make negotiations with other powers difficult or impossible. The ultimate loss may be greater than the immediate gain. There might come a time when the United States might desire to establish a certain position by treaty, and might find her past conduct a serious difficulty in the way." More recently and presumably with more deliberation, a British author says: "Treaties, in fact, only bind the policy of the United States as long as they are convenient. They are not really worth the labour their negotiation entails or the paper they are written on. It is well that this position should be realised, as it may save a great deal of fuss and disappointment in the future."¹ Other organs of the European press, taking their

¹ *Common Sense in Foreign Policy* by Sir Harry Johnston, p. 89.

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cue apparently from such deliverances as these, expressed themselves to the same effect.

The standing of a nation as to integrity is indeed of the greatest practical importance, not only to itself, but also to other nations. Regard for treaties is essentially a matter of fact, and should therefore be ascertainable from history or from the material of which history is made. The following study is devoted to determining the relative trustworthiness of two great nations as indicated in their conventional intercourse with each other. Beginning with the treaty of peace at the end of our war of independence, it considers all the treaties, conventions, and similar agreements negotiated between Great Britain and the United States that may be regarded as broken by either of the contracting parties, sets forth and discusses the infraction in each case, and ends with a summarising of the records on both sides and a balancing of the accounts.

About two-thirds of the work is taken up with the treaty negotiated in 1850 by our Secretary of State John M. Clayton with the British minister to the United States, Sir Henry Lytton Bulwer. This apportionment of space seems justified by the preeminent importance of the Clayton-Bulwer Treaty, by the complexity and intrinsic interest of the questions to which it gave rise, and by the circumstance that the author has new light to shed

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upon the negotiations and upon the personality of Sir Henry Bulwer, obtained from the Clayton Papers, in the Library of Congress.

This work is not what is called a "war book"; that is, it was not written with a view to forming public opinion on any phase or feature of the present world war. It was begun and, but for some revision and amplification, was finished before this unprecedented contest commenced.

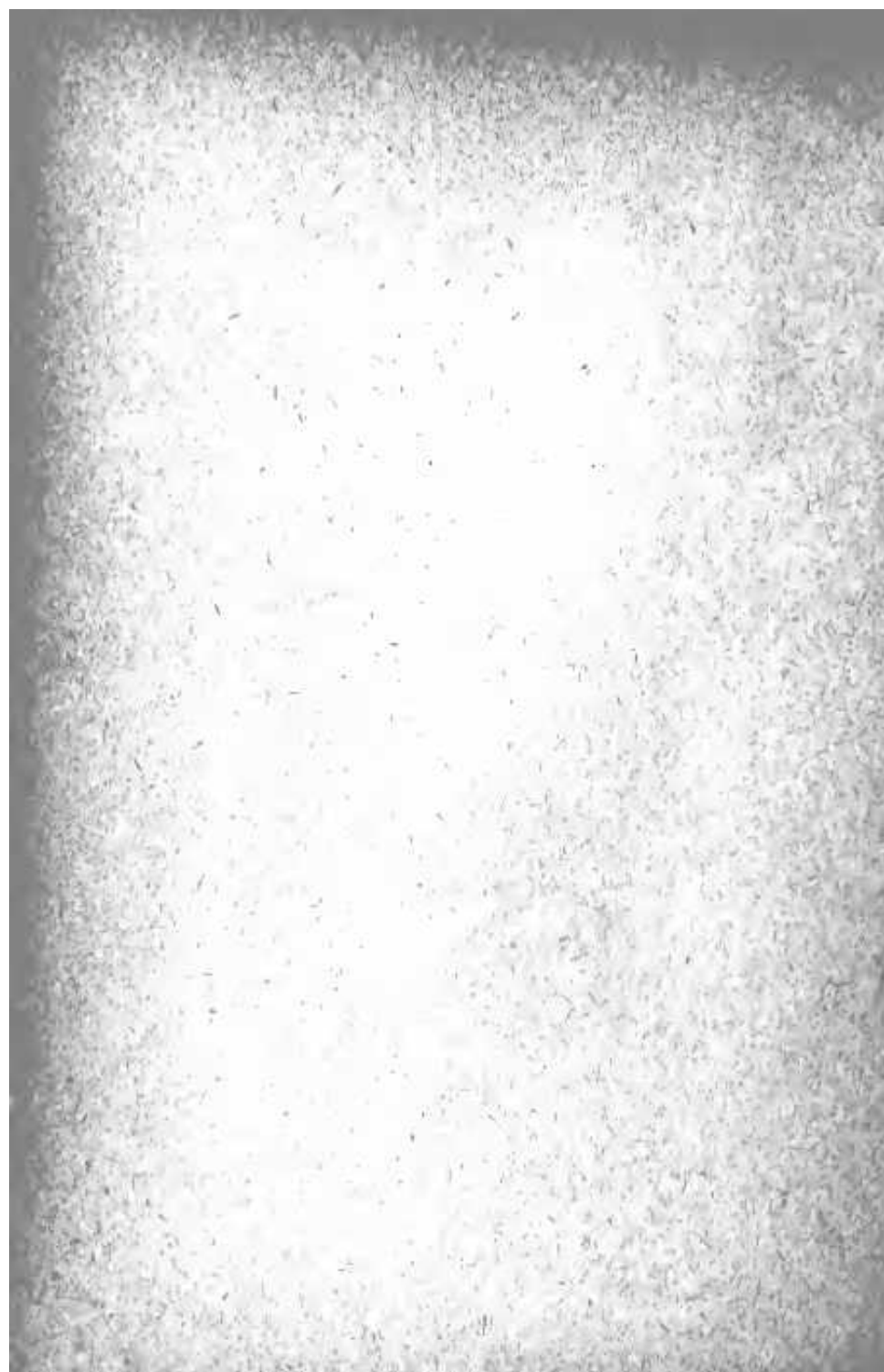
The enactment of a treaty consists of a number of distinct steps or stages: (1) the preparation of a draft, or protocol, (2) the signing, (3) the ratification, and (4) the exchange of ratifications. Being thus completed and sanctioned, the treaty is proclaimed or published. This may be necessary to its going into effect, but ordinarily a treaty becomes effective on the exchange of ratifications. A treaty is said to be concluded when it is signed. It is customary to designate treaties by the date of their signing, but in these pages they are designated by the date of the exchange of their ratifications, when known.

Besides the three maps accompanying the work, an ordinary map of Central America may be found helpful in the perusal of Chapters III, IV and V.

JOHN BIGELOW.

125 E. 57 Street,
New York,
January 23, 1917.

**BREACHES OF
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BREACHES OF ANGLO-AMERICAN TREATIES

I

FIRST TREATY OF PEACE (1783 AND 1784)
TREATY OF AMITY, COMMERCE AND NAVIGATION
(JAY TREATY, 1795)

Provisional Articles and Definitive Treaty of Peace, 1783 and 1784

The termination of our Revolutionary War was effected by two successive treaties:

1. Provisional articles concluded in 1782 and proclaimed in 1783.
2. A definitive Treaty of Peace, signed in 1783 and ratified in 1784.

In each of these treaties was an *Article VII* containing the stipulation:

His Britannic Majesty shall with all convenient speed, . . . withdraw all his armies, garrisons, and fleets from the said United States, and from every post, place, and harbor within the same.