

been developed a tendency to graft on it obstruction and prohibition, by means of meddling administration. We have had, like Great Britain, to guard ourselves against the introduction of diseased American cattle; but this has been for good cause, and only when there was evidence of the existence of a dreaded cattle disease in the Republic. Now an order comes from Secretary Rusk, of the Agricultural Department at Washington, to close all ports against Canadian cattle except St. Alban's, Vermont, when there is no cattle disease in this country to guard against. United States cattle cannot be protected against a disease that does not exist. Canadian cattle have been recently inspected in England with every disposition to find disease among them, but none has been found. There is no decent pretext for the restriction issued by Secretary Rusk; but it may be taken as another straw indicating the diminished hold which Canada has on the United States market.

A new feature in the Behring Sea seal fishery has been developed, in the experience of the German schooner "Adele," which left Victoria under a false clearance, representing her as bound for Japan; but she went to the seal fishery instead. If the reported evidence of what she did can be trusted, there can be no doubt that she took the seals illegally, capturing them on the rookery of St. Paul's island. She then returned to Victoria, and was seized for a violation of law in making a false clearance. The captain paid the fine, which was not light. American consul Myers telegraphed to Washington to see if any proceedings could be taken to secure the seal skins; but the answer was that the misdemeanor could not be reached under existing international agreement. This sort of poaching, however, is highly discreditable, by whomsoever it may be committed; and if there be no means of punishing it when the offenders happen not to be caught by United States cruisers, some international arrangement might be made to meet the case. For instance, if the United States would undertake to punish fishing poachers on our eastern coast, who may escape our cruisers, we might in turn agree to punish sealers if they committed such offences as that charged against the "Adele." But it had best be made part of a general agreement, if at all.

MR. BLAINE IN THE BEHRING SEA CONTROVERSY.

After a pause of many months, Mr. Blaine has again broken silence on the Behring Sea question. From his letter we learn that Great Britain will be asked to agree that no British vessels shall go nearer than within twenty marine leagues of the islands of St. Paul and St. George. It is difficult to believe that the American Secretary can intend that so preposterous a claim shall be seriously made. But Mr. Blaine supports it in advance by what he represents as British precedents. He refers to the case of St. Helena, when Napoleon was there the prisoner of the allied powers, and to the Ceylon pearl fishery. Napoleon

had aimed at universal empire, and with that view had made war upon nearly all Europe, had pounced upon Egypt, and had placed his own relations upon several of the thrones which he had overturned. After his first capture by the allies, he escaped from Elba, and when, on his final overthrow, he was sent to St. Helena, Europe took a strong resolution that his escape a second time should be made impossible. When Mr. Blaine quotes the fact that vessels were not to approach nearer than within eight leagues of the prison island of the subdued disturber of the world's peace, it is impossible that he should not have seen its inapplicability to the case of the Behring Sea seal fishery. On England he throws the whole responsibility of the prohibition, but he forgets to add that British vessels not less than foreign are forbidden to visit the island. The Ceylon pearl fishery regulations apply only to British vessels, and do not in any way assume to abridge the liberty of foreigners.

Mr. Blaine affects to have persuaded himself that the whole controversy turns upon the point whether the term "Pacific ocean," used in the treaties of 1824 and 1825, included what is now known as Behring Sea. Unless it can be proved that both seas were then known as parts of the Pacific ocean, he contends that the United States must win in the controversy. However, the question is not about a name but about a thing. What view did the American Government formerly take of this question in its contentions with Russia?

Certain it is that, under the presidency of Mr. Van Buren, in 1838, Mr. Forsyth, Secretary of State, claimed as the "just right" of the United States, "under the law of nations," "to frequent any part of the unoccupied coast of North America, for the purpose of fishing or trading with the natives;" and that this right existed prior to the convention, and survived when it expired, in 1834. This claim was of the right to fish and trade with the Indians in the waters and on the coast, north of the parallel of 54° 40', which is now known as Behring Sea, and to which the present controversy applies. The convention between the United States and Russia, relating to fishery, trade and navigation in the Pacific ocean, expired in April, 1834, and the Russians refused to renew it, alleging that the Americans had supplied liquor to the Indians, a traffic forbidden to Russian subjects in that quarter. On this ground Russia refused to renew the convention. Under that instrument the United States had had a right to traffic with Indians in that part of America claimed by Russia, that is, north of 54° 40'. And the correspondence which followed between the two Governments had special reference to that region in Behring Sea and the adjacent Russian coast of Alaska. After the expiry of the convention, American vessels continued to visit these northern waters as before; but as they had abused their privileges, Baron Wrangel, governor of the Russian settlements in America, ordered two of them to cease to trade at the Russo-American settlements north of 54° 40'. The fact proves beyond question that the privileges of the convention, while it existed, had

been enjoyed by the United States in the region now known as Behring Sea.

On this point it will be best to quote the American Secretary of State at some length. The convention had been denounced by Russia, and Mr. Forsyth was giving instructions to Mr. Dallas, the envoy of the United States at St. Petersburg, on the relative positions to which the two countries had reverted. He took the ground that the convention could not

"be understood as implying an acknowledgment on the part of the United States of the right of Russia to the possession of the coast above the latitude of 54 degrees 40 minutes north; but that it should be taken in connection with the other articles, which have, in fact, no reference whatever to the right of possession of the unoccupied parts of the coast. In a spirit of compromise, and to prevent future difficulties, it was agreed that no new establishments should be formed by the respective parties, north or south of a certain parallel of latitude, after the conclusion of the agreement; but the question of the right of possession beyond the existing establishments, as it subsisted previous to the time of the conclusion of the convention, was left untouched. The United States, in agreeing not to form new establishments north of the latitude 54 degrees 40 minutes, made no acknowledgment of the right of Russia to the possession of the territory above that line. If such admission had been made, Russia, by the same construction of the article referred to, must have acknowledged the right of the United States to the territory south of the line. But that Russia did not so understand the article is conclusively proved by her having entered into a similar agreement in a subsequent treaty (1825) with Great Britain, and having in fact acknowledged the right of possession of Great Britain. The United States can only be considered as acknowledging the right of Russia to acquire by actual occupation a just claim to unoccupied lands above the latitude 54 degrees 40 minutes north; and even this is a mere matter of inference, as the treaty of 1824 contains nothing more than a negation of the right of the United States to occupy new points within that limit. Admitting that this inference was in contemplation of the parties to the convention, it cannot follow that the United States ever intended to abandon the just right acknowledged by the first article to belong to them, UNDER THE LAW OF NATIONS; that is, to frequent any part of the unoccupied coast of North America, for the purpose of fishing or trading with the natives: All that the convention admits is an inference of the right of Russia to acquire possession by settlement north of 54 degrees 40 minutes north; and until that possession is taken, the first article of the convention acknowledges the right of the United States to fish and trade, as prior to its negotiation."

The right of fishing and trading in the waters and on the American coast, north of 54° 40', including Behring sea, as that water is now called, is by the American Secretary of State in 1838, made to rest on the law of