

A decision has been given by the Interstate commerce committee of the United States that a number of foreign railways, including the Grand Trunk and Canadian Pacific, must observe the inland tariff in their charges for bringing goods to any point in the United States. The order is to take effect on the 10th March. For imported traffic, this decision virtually brings these roads under the operation of the interstate law. The complaint was that the roads affected gave discriminating rates to the disadvantage of competing American lines, and they are required to desist from doing so in future. This decision does not affect American freight shipped out of the country by foreign railways, so that the victory of the American railways covers only one-half of the ground in dispute. A committee of Congress has the matter in hand, and its report, when it comes, will indicate the policy to be pursued.

In its reply to Canada's application to the Supreme Court, in the Behring Sea case, the United States Government does what is possible to prevent the court exercising its jurisdiction. Most of the objections made are purely technical, and deny the right of the court to issue a writ of prohibition. One thing is stated as a matter of fact, which we do not before remember to have seen, that the seals were taken within three miles of the shore of the Alaskan islands; if this were true and the "Sayward" had been captured within that limit, there would have been no use in appealing. But the capture is alleged to have occurred at a distance of 59 miles from the shore, though the fact does not appear on the record. The ground is taken by the American Government that the capture, even if made on the high sea, was legal; a contention of great significance and one that cannot be admitted. Practically the plea is set up that the political department of the Government can override the judicial, and since the first has decided the second must be silent. What more favorable tribunal does the Government expect to get than its own Supreme Court?

MR. BLAINE FINDS A BACKER.

A marked peculiarity of the Behring Sea controversy is that the weight of American opinion is against the attitude of the Government. A *New York Herald* interviewer captured Mr. Hermon Liebes, at Cannes, and from him extracted the singular opinion that the "American rights in that sea are unquestionable," the alleged reason given being that the rights of Russia there were never questioned before the cession of Alaska to the United States.

Was it nothing that the United States and France, in 1801, interpreted, in a convention between the two nations, the international law to guarantee a right of catching seal in any part of the world? "The convention put some restrictions on the contracting parties," but as to this point, it declared "the whale and seal fisheries shall be free to both in every quarter of the world." Was it nothing that

the American Secretary of State, in 1834, claimed that the right of fishing in those waters existed under the law of nations? Was it nothing that Russia indemnified the owners of the American schooner "Pearl," which had been captured in Behring Sea?

The right of Russia in Behring Sea, if by that an exclusive right is meant, was not unquestioned. And if it had been unquestioned and unquestionable, does it follow that a right which one nation possesses when it has both banks, say, of a bay—Behring Sea is 4,000 miles wide at latitude 51°, and even between Kamshatka and Bristol Bay on the Alaska peninsula the distance is some 2,500 miles—the right would be devisable if the opposite shores were to become the property of two nations? Mr. Edmund Randolph, when Attorney-General of the United States, dealt with this subject. The question was whether the United States had jurisdiction over Delaware Bay, in which the French had captured an English vessel. It was held that the capture was void, because it took place within the American jurisdiction, and not on the high sea. "The corner-stone of our claim," said the Attorney-General, "is that the United States are proprietors of the lands on both sides of the Delaware, from its head to the sea." The fact was insisted upon "that from the tide-water to a distance of about sixty miles from the Atlantic ocean it is called the river Delaware." The Attorney-General insisted on "the identity of the river and the Bay of Delaware." And the reason was that indisputably a river may be held in property; and for this purpose Grotius held, "It is sufficient for us that the larger part of the water, that is the sides, is shut up in our banks, and that the river in respect to our land is small and insignificant." Puffendorf held that to render a river the property of a state, "it is sufficient if the compass and extent can in any way be determined." If the river dried up, then, in the view of Grotius, the strait or gulf into which it had debouched, might fall, in property and dominion, "to him who is in possession of the land on both sides," not on one side merely. From the principle that makes possession of a river or small water necessary to constitute dominion over the enclosed water, it follows that Russia and the United States would not, between them, own what, on Mr. Liebes' contention, Russia alone owned before the cession of Alaska.

But Russia was at all times incapable of appropriating a sea so large as that which bears the name of Behring. On this point, Attorney-General Randolph, in 1793, held a view that is in accord with all authorities of the present day. "The high ocean, in general," he said, "is unsuceptible of becoming property. It is a gift of nature manifestly destined for the use of all mankind—inexhaustible in its benefits—not admitting of metes and bounds." Jefferson, who was Secretary of State at this date, like all other respectable American witnesses, can be quoted against any exclusive contention which Mr. Blaine may desire to enforce. "The greatest distance to which any respectable assent among the nations has been, at one time, given," he

said, "has been the extent of the human sight, estimated at upwards of twenty miles, and the smallest distance I believe claimed by any nation whatever, is the utmost range of a cannon ball, usually stated at one sea league. Some intermediate distances have been insisted on, and that of the three sea leagues has some authority in its favor. The character of our coast, remarkable in considerable of its parts for admitting no vessels of size to pass near the shores, would entitle us, in reason, to as broad a margin of protected navigation as any nation whatever;" but assuredly not a right indefinitely over hundreds of miles of the waters of Behring Sea. Jefferson's statement of the various claims of maritime jurisdiction totally excludes pretences like those which have been set up by Mr. Blaine in respect to Behring Sea. It would be quite safe to rest the case on the consensus of American authorities alone; for judged by them, Mr. Blaine has taken a position which was at all times untenable.

With what definition of limits did the United States receive Alaska from Russia in 1867? The treaty of cession reads "And the cession hereby made conveys all the rights, franchises and privileges now belonging to Russia in the said territory or dominion and appurtenances thereto." The only thing certainly conveyed by this description is the Russian American territory. Besides territory, "appurtenances" are mentioned. Is a mere word, without any accompanying description, capable of conveying hundreds of miles of the open sea? There is nothing definite in the word by which any thing can certainly be identified. And the reason is that there was nothing besides the territory to be ceded which admitted of intelligent description. How could the limitless waters of the ocean be described? In the words of Vattel, "when a nation takes possession of a country in order to settle there, it possesses everything included in it, as lands, lakes, rivers"—call them "appurtenances" if you will—but not an indefinite extent of the adjacent ocean. If Mr. Blaine's contention about "the waters of Alaska" were conceded, no commander of a vessel sailing on Behring Sea could tell when he was within American and when within Russian jurisdiction, or what law he was under.

VIEWS OF WINNIPEG GRAIN DEALERS AND PUBLIC MEN.

Some things were said at the recent annual meeting of the Winnipeg Grain and Produce Exchange, and at the banquet that followed, which should be noted, showing the sentiments of the business men of that place upon political as well as commercial matters. The president of the Exchange, Mr. Bawlf, in a speech which went carefully over the history of that body and of the grain trade for the year, gave his views upon some matters deemed to require practical treatment. He declared his belief that it was the adoption by Manitoba farmers of the principle of mixed farming, and not depending upon any one line of produce, that accounts for the healthy state of the trade of that province; and he dwelt