

THE COMMON SENSE VIEW.

But the Commission which was duly constituted according to a previous treaty, have made their award. There is no appeal to us, the public. We cannot reverse it. But we can, as individuals, have our opinion about it, and in order to satisfy ourselves what that opinion should be let us look at the question as one still open.

WHAT DID GREAT BRITAIN CONCEDE?

Admitting that it be necessary, or equitable, or politic to make to Great Britain compensation for the possible encroachment by Americans upon fishing territory claimed to be hers, by what method can we best arrive at a fair estimate of what that compensation should be? What is there in history or in business that offers the most nearly parallel precedent or criterion, by which to determine the nature of that to be compensated for, and to measure the degree of the compensation? To answer this question we have first to make clear to ourselves what it is that Great Britain gives us. Not fish, certainly, either barreled or salted, or even fresh, for we must catch them ourselves. Nor can Great Britain claim to own even the fish we may catch, for if the same fish chanced to be some distance further from the shore, she could make no claim to them. All that Great Britain claims to own is the right to exclude outsiders from coming to fish within a certain limit—three miles from the shore. And this right it is, which by the treaty she waives as to Americans; nothing more. Now, what is this concession? "I do not know," says Mr. Dana, in his argument for the United States, "what to liken it to. It certainly is not to be compared at all to a lease, because the lessor furnishes everything that the lease requires." But with this grant there goes nothing visible, or tangible, or ponderable. It is a right in the air—or rather in the water. "What," continues Mr. Dana, "is it like? Is it like the value of a privilege to practice law? Not quite, because there always