

nice distinctions between one part of the Dominion and another, and all must suffer. If Quebec has a right to injure itself, it has no right to injure other provinces, or the Dominion as a whole. It is true that the Quebec Government has given a written pledge not to attempt forcible conversion; but the fact that it insisted on retaining the power to do so will be interpreted as on proof of an *arriere pensee* which contemplates an act of bad faith, unless the compulsory provision be utterly meaningless, in which case it would be difficult to assign any reason why it was not abandoned.

THE FISHERY TREATY IN THE U. S. SENATE.

Yesterday, the Senate of the United States decided by a vote of 27 to 24 not to postpone the decision on the Fisheries treaty till next session of Congress. By some such majority as this, the treaty is morally certain to be rejected.

The charge made by the Democratic Senators that the Republican members make the treaty a party issue is denied in words but confirmed in substance. The fact that the Republicans as a body oppose the ratification is stronger than any denial of party motives or party action. One thing, however, may be said for the Republicans: it is evidently not their purpose to take up a position, in opposing the stipulation of a Democratic Administration, that will close the door to a settlement in case they should attain to power. They aver, in substance, that if they got the opportunity, they could prove themselves better negotiators than the party in power. Nor do they commit themselves minutely in detail; having discretion enough not to weave a web from the meshes of which they might in future find extrication impossible. Individuals may commit this error, but the Republicans as a party will probably manage to avoid it, to the end of the discussion.

Some Senators speaking in opposition to ratification have allowed themselves unbounded latitude of averment. According to one, the British Government has found all the money with which the Canadian Pacific Railway has been built; though as a simple matter of fact she has not advanced a dollar, either by way of investment, gift, or loan. To square another account, she agreed to guarantee a very small amount, a mere fraction of the capital. Nor is it true that the road is not a commercial enterprise. More than half the capital has been furnished by persons who have no other object than to get a fair return on it out of earnings. The American Pacific railways were subsidised by land and loans of money, which have not yet been repaid. A railway intended, as ours was, to open up an immense country, was providently commercial; and in reliance on future development, a present sacrifice had to be made. We are next told that this road, falsely described as built by the British Government, is being run at a loss for the mere pleasure of diverting traffic from American roads; a fable as incredible and as untrue as the other.

The headland question comes in for unique treatment. The British contention has been that, at the great bays, the line of exclusion, for fishing purposes, should be drawn from headland to headland; a contention upheld by American courts in the case of their own great bays, including Chesapeake and Delaware. We might surely be supposed to be at liberty to quote the American judicial interpretation and to apply it to our own bays, in full assurance that it would not be disputed. Judicially, an American is estopped from disputing it. Daniel Webster, when Secretary of State, admitted the legal accuracy of the British contention. A Republican Senator avers that the headland line of exclusion, whenever put forward by Canada, has been rejected by England. This is directly contrary to the fact. England has affirmed the headland line, at all times, as a matter of right; but she has asked Canada to waive its practical application, under some special circumstances. But if the headland claim be objectionable to Republican Senators, they ought, if sincere, to hasten ratification of the treaty, which provides for a delimitation very short of the headlands. The treaty would not be fought on grounds like these, which are utterly untenable, if any more substantial on which to base attack could be found.

Not all criticism of the treaty was of this illegitimate character. It is quite possible to believe an objector sincere when he states, as a matter of opinion, that the present settlement would settle little or nothing; that out of it would spring new causes of difference more numerous than those which exist at present. But, even when sincere, this is only an opinion, which the event might and probably would belie. Against that opinion may be placed the fact that practical differences exist, which the treaty has been specially framed to avoid; and it is surely the part of wisdom to try to remove them rather than stand obstinately upon matter of opinion and refuse to apply a remedy. Of course the Senators who exalt a doubtful opinion above a remedial measure have in the background some mode of settlement in which, if embodied in language, other objectors may be ingenious enough to find fatal flaws, and for the same reasons. If we went on indefinitely in this way, and never tried any settlement, we should in effect go on wrangling till doomsday, if worse did not come of it.

The truth is that, on some questions, the legislative and the treaty-making functions at Washington are in a state of paralysis. There is a Democratic majority in the Senate and a Republican majority in the House of Representatives. On tariff reform and commercial treaties, a deadlock is produced by the mutual antagonism of the Chambers. The treaties with Central and South America, negotiated by the late Administration, were not favored by the present one, and failed to obtain ratification; and though the Senate, which was in harmony with the party with which they originated, was the cause of the failure, attempts have been made to throw the blame on the President and his advisers, and it has been argued that, in retaliation for the non-ratification of these treaties, the Fishery

treaty ought to share a like fate; so limping and lame can party logic be on occasion, though strong enough to effect its crooked purposes. This antagonism between the two Chambers is not a thing of frequent occurrence, or the Republic would come to despair of the practicability of two elective Houses; and after the November elections the friction may cease, by the Senate being brought into harmony with the House of Representatives. But this will be too late to save the Fishery treaty, which is a pre-doomed victim to party strife.

Behind the rejection of the treaty, should it be rejected, is the menace of non-intercourse, which is of course the alternative of war, as Henry Clay once declared a like measure to be; that is to say, the United States threatens, in certain eventualities, to stop commercial intercourse with Canada, instead of declaring war. It will be the duty of Canada to avoid all substantial grounds of offence; but between the American view and ours of what it is permissible to do there are shades of difference. The Senate will assume a great, and in the opinion of the Republicans, an unnecessary responsibility in rejecting the treaty. It will be some satisfaction to reflect, in any event, that Canada has tried to do her duty in the premises. Non-intercourse would inflict almost as great evils upon the authors of it as upon ourselves. Be this as it may, Congress is committed to it in a certain eventuality, and the law being mandatory leaves the President without discretion. Mr. Sherman thinks that out of retaliation no trouble would come. "Whenever Great Britain or any of her dependencies excluded American fishermen from their right to hospitality in their ports," he said, "the President should do the like with Canadian fishermen in American ports." When the Convention of 1818 was framed, the pursuit of the fishery by the use of steam vessels was not thought of, and though the right to take in wood in British American ports was secured to American fishing vessels, the right to obtain coal, which was then not needed, was also not even thought of. It is the extra-treaty claims that give nearly all the trouble. Mr. Sherman puts a right to coal as a right of hospitality; and if we refuse coal to American fishermen, we cannot complain if Americans refuse it to ours. But the two cases are not parallel; practically our fishermen need no American coal, and the suggestion of reciprocity is between things that do not stand on a reciprocal footing. A bit of retaliation of this kind would really do Canada no harm, for it would merely be depriving us of something we do not want. But retaliation carried to the full extent of non-intercourse would be a different and a very grave matter.

It is unfortunate that the treaty has been discussed in open session. Instead of being taken on its merits, speeches have been addressed to voters, in view of the forthcoming Presidential election. According to Senator Morgan, things have been said, in this debate, which he never heard said in secret session. But doubtless the object of making the discussion public was to address electoral appeals to the nation, and