

pitched. There is every reason to expect much from the reappearance of the two ex-Finance ministers, and it is earnestly to be hoped that they will not disappoint public expectation by still remaining in retirement. The times are out of joint, and public spirit, if nothing else, demands this sacrifice at their hands.

The Fishery Commission now sitting at Halifax, affords additional proof, were any wanting, of the perfidious manner in which the American Government endeavours to evade treaty obligations. The case presented by their agent, Mr. Dwight Foster, shows clearly that they hope to force a decision in their favour by dint of mendacious pretension. By the Washington treaty of 1871, this Commission of three, one nominated by Great Britain, one by the United States, and a third by the Emperor of Austria, was constituted to decide upon the amount to be paid the Dominion for the use of the Fisheries. England claims \$14,280,000: the Americans have the assurance to urge that, notwithstanding the express purpose of the Commission, they ought to pay nothing. The Treaty says that three arbitrators shall appraise the value of a property in dispute; the Americans now maintain that there is nothing to appraise. They actually claim that their admission of fish and fish oil free of duty, is an adequate return for the millions they will gain by the privilege they ask. Even that, it may be remarked, they have done their best to render nugatory by taxing the cans containing the exempt articles. Before looking at the case, we notice the effort to render the Commission abortive, by hinting that all three Commissioners must agree in any decision. Was that the way the German Commission acted? Is this not an arbitration; and, if not, why were three chosen—one by a Continental power? Clearly in order that, in case of a difference of opinion, a decision might be come to by the vote of a neutral party. It would be a worthy triumph of American *finesse* if Mr. Ensign H. Kellogg, who is, of course, instructed to support 'our country, right or wrong,' were permitted to grasp the future issue in the hollow of his hand. Let them try to apply one rule to Alabama claims, and another to Canadian Fishery claims, and our Do-

minion Parliament will soon make short work of their privileges on our coasts. Their case is so utterly incorrect, both in arguments and statements of fact, that it is difficult to expose its falsity with an even temper. Let us look at it in the light of common-sense.

The treaty of 1818 gave the right of fishing within three miles of the shore—as Britain claims, from headland to headland; as Americans contend, following inland a three-mile line, varying with the indentations of the coast, although both shores in the bays of Fundy and Chaleur are British territory. As the *Globe* pointedly shows, the American contention is absolutely untenable by the plain words of the treaty. Wheaton, in his 'International Law,' labours to prove that the treaty of 1783 was not abrogated by the war of 1812; but the distinct stipulations of 1818, at any rate, superseded it, and there remains nothing between the latter treaty and that of 1871, the Reciprocity arrangement having been abolished, after notice given by Mr. Lincoln. Now for the words of the treaty of 1818: 'And the United States hereby renounce, forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish in or within three marine miles of any of the coasts, bays, creeks, or harbours of his Britannic Majesty's dominions in America.' Fundy and Chaleur are such bays, and it is clear that American fishermen were excluded from them, and, therefore, it is the paltriest kind of lying to say that their claim was 'never surrendered.' Another palpable falsehood is one of fact: that the Americans obtain most of the mackerel from their own shores, or from deep-sea fishing; whereas, the bulk of these fish are obtained on our grounds, within three miles of the coasts of these bays. So that, even were their false interpretation of the treaty of 1818 correct, they would be as far as ever from obtaining the benefit from our fisheries they desire. As for the equivalent in the exemption from duty of fish and fish-oil, it is a matter of utter indifference to us. The Americans must have the fish, whether admitted free or not, and we shall not pay the advance in the price.

The difference between the treaties of 1818 and 1871, for which Britain claims compensation, are thus stated in our case: