of the industry in Alaskan waters is prompted not by philanthropy, but by strictly mercenary considerations."[1]

Unfortunately, this line of argument seems to receive weight from Vattel:

"The various uses of the sea near the coasts render it very susceptible of property. It furnishes fish, shells, pearls, amber, &c. Now, in all respects its use is not inexhaustible; wherefore, the nation to which the coasts belong, may appropriate to itself an advantage which nature has so placed within its reach, as to enable it conveniently to make itself master of it and to turn it to profit, in the same manner as it has been able to occupy the dominion of the land which it inhabits. Who can doubt that the pearl fisheries of Bahrein and Ceylon may lawfully become property? And though where the catching of (swimming) fish is the object, the fishery appears less liable to be exhausted, yet, if a nation has on its coast a particular fishery of a profitable nature, and of which it may render itself master, shall it not be permitted to appropriate to itself that natural benefit, as an appendage to the country which it possesses * * ?"[2]

And Dr. Twiss not only quotes the above with approval but declares that the right of fishery "comes under different considerations of law from the right of navigation." For, says he: "The *usus* of all parts of the open sea in respect of navigation is common to all nations, but the *fructus* is distinguishable in law from the *usus*, and in respect of fish, or zoophites, or fossil substances, may belong in certain parts exclusively to an individual nation."[3]

What he means, however, by "certain parts" of the sea, turns out to be something very conventional. "The practice of nations," adds he, "has sanctioned the exclusive right of every nation to the fisheries."—Where? "In the

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1 Victoria, B. C., paper.

2 Droit des Gens, L. I, § 287.

3 Twiss, § 182.