

our resuming those rights and that naval supremacy which, to use the words of De Witt, was made formidable mainly through the discovery of the inexpressibly rich fishing-bank of Newfoundland.

In support of the first position we may quote Vattel:—"The banks of the sea belong incontestably to the nation that possesses the country of which it forms a part." (Book 1, Sec. 290.) It is therefore clear that the fishing-banks of North America belong exclusively to the inhabitants of those colonies, and (without considering the advantages that accrue to England, and which may be used as a reason for maintaining those rights, and refusing to other nations the privilege of fishing on those banks,) no nation can by law set up a right to partake of the products of the waters on that coast. How, then, could rights such as are named in the following article of the treaty of 1857 have been given away by any English Minister?

"ART. 1. French subjects shall have the *exclusive right* to fish and to use the strand for fishery purposes," "on the east coast of Newfoundland, from Cape St. John to the Quirpon Islands. They shall have the *right* to fish and to use the strand for fishery purposes, *to the exclusion of British subjects*, on the North Coast of Newfoundland from the Quirpon Islands to Cape Norman and on the west coast in and upon the five fishing harbours," (named) "such exclusive fishing to extend to a distance of three marine miles due north from a straight line joining Cape Norman and Cape Build, and as regards the five fishing harbours shall extend to within a radius of three marine miles in all directions from the centre of each harbour."

This Treaty professes to have for its object the settlement of disputes as to the right of the French (*exclusively*,) to certain portions of the coast of Newfoundland. The French set up a claim which the colonists refused to acknowledge, but which, when referred to the Imperial Government by those who understood the value and importance of the points disputed, has been ceded, those to whom the colonists looked for protection having sanctioned the encroachment of their foes, yielding to another state the means of existence of a large portion of the subjects of their own. That the English Minister wilfully sacrificed these rights is evident from the fact that in his despatch of the 16th of January, 1857, he endeavours to prove from previous treaties that the French did possess *exclusive rights* on certain portions of the coast. Referring to previous Treaties, we have been unable to substantiate this statement; on the contrary we find that the word *exclusive* is not once mentioned, nor can such a construction be put on any article of those treaties. By the Treaty with France of 1814, the right of fishing by French subjects on the Great Bank of Newfoundland, on the coast of the same, on the adjacent islands, and in the Gulf of St. Lawrence is replaced on the footing it held in 1792. To understand that position we must go back to the Treaty of 1783, the fifth article of which concludes as follows: "French fishermen will enjoy the fishery which is assigned to them