

higher, if the cost of building is to further increased. If we look at the quantity of house room in the city from the standpoint of demand and supply, there is poor encouragement for a strike in the building trades. The growth of the city, in population, reckoning it at an addition of about 12,000 a year, would suffer no check if the builders were to hang up their saws and throw down their trowels for a whole season. A few large buildings of a public character are required, but even with regard to them, urgency is not pressing except in one or two instances. Of private houses there is an ample supply to the fore, and a halt would benefit present owners. Not that an enforced halt is desirable. Rents are reasonable in Toronto for a city of its size, and this fact is one of the attractions which is constantly adding to the population from outside. A considerable rise of rents, from artificial causes, would check the growth of the city.

In the House Committee on Railways and Canals at Washington, the old project of a canal on the American side of the Falls of Niagara has been revived. The route was surveyed a long time ago, and the project has several times shown momentary signs of life under the galvanic action of the political battery, only to fall again into torpor and neglect. A bill in favor of construction is now reported. The estimated cost is \$23,000,000 and might prove to be much more. And for what purpose? The Americans have the use of the Welland canal on the same terms as ourselves. The projected canal, if it had any effect on the course of traffic, would tend to turn commerce into the St. Lawrence, and instead of being national would be cosmopolitan in effect.

THE NEWFOUNDLAND FISHERY EMBROGLIO.

Newfoundlanders are in a high state of excitement over the *modus vivendi*, which they contend gives to France rights on the shores of the island to which she is not entitled. They oppose the claim of the French fishermen to catch and preserve lobsters, to erect lobster factories on the island, and to exclude native fishermen from that industry. They allege that these claims are not founded in right, and they complain that the *modus vivendi* confers every one of them upon the French. They add that the concession trenches on the rights of the colony, and they profess to dread that the French may get a permanent footing on the soil of the island. The French claim in connection with the lobster fishery, they contend, ought to have been met by an absolute and unqualified denial.

In order to understand what warrant the islanders have for the position they have assumed, it is necessary to see what are the treaty rights of the French in this fishery and on the coast of Newfoundland. The Treaty of Utrecht, made in 1713, provided that Newfoundland "should, from this time forward, belong of right wholly to Britain," and that the town and fortress of Placentia, and whatever other places in the island

which were in possession of the French, were to be given up within seven months from the exchange of the ratifications of the treaty, to Queen Anne. And it was expressly provided that neither the French King, his heirs and successors, nor any of their subjects, should at any future time "lay claim to any right to the said island or islands, or any part of it or them. Moreover," the treaty added, "it shall not be lawful for the subjects of France to fortify any place in the said Island of Newfoundland, or to erect any building there, besides stages made of boards and huts necessary and useful for drying fish; or to resort to the said island beyond the time necessary for fishing and the drying of fish. But it shall be allowed to the subjects of France to catch fish, and to dry them on land in that part only and no other besides of the said Island of Newfoundland which stretches from the place called Cape Bonavista to the northern point of the said island, and from thence running down by the western side as far as the place called Point Riche."

This treaty was several times interrupted by war. On the return of peace in 1783, the rights of the French underwent some modification; the French King renouncing the right of fishing "from Cape Bonavista to Cape St. John," and the King of England consenting that "the fishery assigned to the subjects of His Most Christian Majesty, beginning at the said Cape of St. John, passing to the north and descending by the western coast of the Island of Newfoundland, shall extend to the place called Cape Raze." And it was further agreed that "the French fishermen shall enjoy the fishery which is assigned to them by the present article [V.] as they had the right to enjoy that which was assigned to them by the Treaty of Utrecht." At the peace of 1815, the rights of the French in this fishery were revived, on the same footing that they had occupied prior to the war in 1792.

The Treaty of Versailles, 1783, regulates the extent of the right of the French to fish on the coast of Newfoundland—from Cape St. John to Cape Raze—and the earlier Treaty of Utrecht, 1713, determines and limits the mode in which their right to dry fish on the coast of the island is to be exercised. To the Treaty of Versailles were added separate declarations of the two contracting sovereigns. His Britannic Majesty declared it to be his intention to "take the most positive measures for preventing his subjects from interrupting, in any manner by their competition, the fishery of the French during the temporary exercise of it which is granted to them upon the coast of the island." And for this purpose he undertook to "cause the fixed settlements which shall be formed there to be removed," and to give orders "that the French fishermen be not incommoded in cutting the wood necessary for the repair of their scaffolds, huts, and fishing vessels." But while the British King gave these undertakings, he recalled the condition that the French were to carry on the fishery in accordance with the terms of the Treaty of Utrecht, mentioning particularly that this treaty "shall not be deviated from by

either party; the French fishermen building only their scaffolds, confining themselves to the repair of their fishing vessels, and not wintering there; the subjects of His Britannic Majesty, on their part, not molesting in any manner the French fishermen during their fishing, nor injuring their scaffolds during their absence." The declaration of the French King, having reference to the above declaration of His Britannic Majesty and the fifth article of the Treaty of Versailles, gives assurance that "he is fully satisfied on this head."

There is some obscurity in the expression "temporary occupation" which was assured to the French on the designated part of the island. It might have reference to the duration of the treaty, or it might mean that an occupation during the fishing season only, and not in winter, was in its nature temporary, being for a part of each year only. As the treaty was not of that class of conventions which are limited to a specified number of years, it must be assumed to have been intended that it should continue to subsist till superseded by some other agreement.

It is plain that under the treaty stipulations neither the subjects of Great Britain nor those of France can erect permanent structures on that part of the coast which lies between Cape St. John and Cape Raze. The French can only erect stages or scaffolds and huts there, which they are not at liberty to occupy during the winter. And the huts cannot be made of any materials more durable than boards. Nor can the British erect any permanent structures there. That the intention was to give the French an exclusive right of fishery on the part of the coast designated is nowhere stated in terms, and it would be unreasonable to suppose that rights of a valuable nature, which inhere in all British subjects unless specially alienated, could be taken away by implication. It is not stated that the British are not to compete with the French fishermen on the coast in question, but that they are not by their competition to interrupt the French in their fishery, nor to incommode them on shore when they are found cutting wood for the purposes authorized. The implication is that the British may fish where the French have secured the right of fishing. If they may fish on the coast between Cape St. John and Cape Raze, they may surely, as well as the French, dry their fish on the coast.

And here we reach the marrow of the question which is causing so much excitement in Newfoundland. The islanders deny the right of the French to catch lobsters; but this is a doubtful position to take. Technically, lobsters are crustaceans and not fish, but it does not appear that this objection has been taken, and it is not certain that impartial arbitration would accept it as valid. It is probable that the French have exceeded their rights in the kind of buildings they have erected for canning lobsters. Of this, if the fact be so, the Newfoundlanders have a right to complain. They have also a right to complain of the exclusive pretensions of the French to the designated part of the coast. But British subjects have not, any more than the French, a right to erect permanent