

and creeks of the southern part of the coast of Newfoundland, hereinbefore described, and of the coast of Labrador: but as soon as the same, or any portion thereof, shall be settled, it shall not be lawful for said fishermen to dry or cure fish at such portion, so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce for ever any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish, on or within three marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America, not included within the above-mentioned limits. *Provided*, however, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter, of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as shall be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby secured to them."

Article I. of the "reciprocity treaty," signed June 5, 1854, so far as it is important to quote, is as follows:—

"It is agreed by the high contracting parties that, in addition to the liberty secured to the United States fishermen by the above-mentioned convention of Oct. 20, 1818, of taking, curing and drying fish on certain coasts of the British North American colonies therein defined, the inhabitants of the United States shall have in common with the subjects of Her Britannic Majesty, the liberty to take fish of every kind except shell-fish on the sea coasts and shores, and in the bays, harbors, and creeks of Canada, New Brunswick, Nova Scotia, Prince Edward's Island, and the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the coasts and shores of those colonies and the islands thereof, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish. *Provided*, That in doing so they do not interfere with the rights of private property or with British fishermen."

"Article V. provides that the treaty is to remain in force ten years after it goes into operation, and further until twelve months after either party gives a notice terminating the same. It was terminated in March, 1866, by the United States Government."

After stating his views of the rights of American fishermen upon the basis of the treaty of 1818, the writer goes on to argue that the effect of Article III. of that treaty, which he

calls a renunciatory clause on the part of the United States, was removed by the reciprocity treaty of 1854, although the latter was abrogated by the American government itself, as already stated. The argument used is ingenious, but the same reasoning would seem to prove not only that the treaty of 1818 was at an end, but also that of 1783, which would of course be proving rather too much. In fact, considering all the circumstances and the motives leading to the repeal of the Reciprocity Treaty, the position taken on behalf of the Americans, is not altogether unlike that of an individual taking advantage of his own wrong—a course of procedure which has become chronic with the government of the United States, and which they seem to think has become legalized for their benefit, by custom and prescriptive right.

The conclusion at which the writer arrives is doubtless sufficiently satisfactory to his readers in the United States:—

"Article III. of the treaty of 1783, is therefore in the nature of an executed grant. It created and conferred at one blow rights of property perfect in their nature and as permanent as the dominion over the national soil. These rights are held by the inhabitants of the United States and are to be exercised in British territorial waters. Unaffected by the war of 1812, they still exist in full force and vigor. Under the provisions of this treaty American citizens are now entitled to take fish on such parts of the coasts of Newfoundland as British fisherman use, and also on all the coasts, bays, and creeks of all other of his Britannic Majesty's dominions in America, and to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, the Magdalen Islands and Labrador."

We trust that the labours of the Joint High Commission at Washington may make the dispute between the countries matter of historical interest rather than a source of irritation.

CANADIAN ILLUSTRATED NEWS. George Desbarats, Montreal.

Amongst the recent numbers of the *Canadian Illustrated News* is one which contains some excellent pictures of the marriage ceremony of Her Royal Highness Princess Louise and the Marquis of Lorne. We are glad to see that a *Canadian Illustrated Journal* has achieved such a measure of success, and we certainly think that M. Desbarats, the very enterprising Editor, deserves the thanks