

The Colonist.

FRIDAY, MAY 8, 1891.

MR. WILMOT'S REPORT.

The special report of Mr. S. Wilmot, on the salmon fishery and fishery regulations of Fraser River, B. C., is included in the annual report of the Department of Fisheries of the Dominion of Canada. British Columbians, who met Mr. Wilmot here, in August, of last year, will be surprised to find that his visit to this province was an official one, and that he could, after taking what may be considered very little more than a glance at two or three canning establishments, consider himself competent to report on so important and so difficult a subject as the salmon fishery of the Fraser River. When Mr. Wilmot was in Victoria he assured persons who spoke to him that his visit to the Pacific coast was not official. To the Colonist representative, whom he favored with an interview, he said:

"He wished it to be understood that he was not here in an official capacity, but since he was here he had combined business with pleasure. . . . Though he was not speaking officially he knew that the Department desired to carry out as far as practicable the wishes of the canners, but it was difficult to discover in the multitude of their counsels what was actually required."

The very first sentence of Mr. Wilmot's Report shows that, whatever other virtues that official may possess, candor is not one of them. The report is addressed to the Hon. Charles H. Tupper and begins:

"In accordance with your instructions, in August last I visited the Fraser River, in British Columbia, to investigate certain matters relating to the fishery regulations as applied to the taking of salmon by the several companies engaged in the canning industry."

So the reader sees that Mr. Wilmot's visit to British Columbia was official; that he came to this province for the express purpose of enquiring into the way in which the fishery was conducted. We must confess that we cannot see why he wished British Columbians distinctly to understand that he did not come here in his official capacity. It might be thought that a trusted official of the Department of Marine and Fisheries would be ready to let every one know that he did come on business, and that he would spend some time in collecting information from the men in the province who knew most about the salmon fishery and the methods of the canners. But Mr. Wilmot evidently did not set any value on the knowledge which the Department required to regulate the salmon fishery was to spend two days visiting the canneries, combining business with pleasure. The tedious process which commissions of enquiry consider necessary to enable them to come to rational and reliable conclusions, Mr. S. Wilmot found he could dispense with. He wanted no testimony from men of experience. Conferences with men whose business brought them in close relations with canners and fishermen would not, in his opinion, aid him in the least. He could collect more information in his two days' combined pleasure and business trip than British Columbians who are regarded as shrewd and intelligent could in half a life time.

We do not know what the Minister of Marine and Fisheries and the other members of the Government think of Mr. Wilmot's mode of conducting an investigation, but they must not wonder when they find that British Columbians regard a report based on information gained in such a way as unworthy the consideration of men of sense.

That Mr. Wilmot's report should be full of inaccuracies and of conclusions that are not warranted by facts, is what was to be expected. There is not a man living who in two days could collect sufficient information to guide the Department in drawing up regulations for the Fraser River salmon fishery. The subject is admitted to be a difficult one. Men who have for years been engaged in it find it hard to come to an intelligent conclusion with regard to some matters connected with it, what then is the worth of the conclusions of a man whose practical knowledge of the operations connected with the salmon canning industries of the Fraser River is derived from a combined business and pleasure trip of two days' duration among the canneries?

Mr. Wilmot's report contains illustrations of what he calls the wanton waste of the fish. These illustrations are, we are informed by every canner we have spoken to, most inaccurate and misleading. The Government's official thinks it proper in the report to speak of the "avarice of the packers," of "the selfish and grasping persons engaged in the trade," of the "avaricious fishermen," &c., yet he accuses these avaricious, grasping and selfish men of throwing away some of the very best portions of the fish they pack. The illustration shows that quite a large part of the fish near the tail is thrown away, and, with the head, is cut off quite a quantity of what, everyone knows, is the most delicious part of the fish. Mr. Wilmot's complaint does not agree with those of certain English merchants, who, wishing to find an excuse for repudiating ineffectual contracts they had made with Fraser River canners, declared that the cans contained "too many tail pieces." According to Mr. Wilmot's illustration, Fraser River cans could not contain a single tail piece. In the text he says: "The tail is then cut off near the vent." The part of the salmon above the vent cannot be called its tail.

If Mr. Wilmot had not been in such a hurry he would have found that it was these greedy, grasping, avaricious canners who suggested what has been found to be the

most effectual means of protecting the salmon. It was, we understand, the canners who advocated making the Sumas River the tidal limit of the fishery. It was they who maintained that drift-nets only should be used, and it was at their suggestion that a weekly close time was established. These men, whom the Fishery Department have denounced in such severe terms, have refrained from resorting to any of the destructive methods of fishing that have been practiced on the Columbia River. Traps and seines and wheels were never used on the Fraser, and no law is required to prevent their introduction. The canners and fishermen, themselves, would take a summary way of showing any one who attempted to use these destructive ways of catching fish that they would not be allowed on the Fraser River.

The canners and the fishermen of the Fraser River are quite alive to the necessity of protecting the salmon as is any member or any official of the Government. All that they ask is that the regulations that are ordered for that purpose shall be intelligent and fairly framed, and that they shall be based on a knowledge of the circumstances under which the fishery is prosecuted.

In order that this shall be done effectively they have asked for a commission composed of impartial and well qualified men to make the necessary investigations. This is surely not an unreasonable request. The salmon fishery is a most important industry, and the canners have a large amount of capital invested in it. They, not unreasonably, as we think, believe that their interests are deserving of some consideration at the hands of the Government, and that they should not be left at the mercy of an ill-informed official, who believes that he can get all the information which the department requires for the regulation of the salmon fishery in a two days' holiday cruise on the Fraser.

Want of space and not want of matter prevents our commenting on Mr. Wilmot's report at greater length.

LABOR MOVEMENTS.

Nothing very remarkable took place either in Europe or America on May Day. Those who believed that great demonstrations of working-men, attended in some places by violence, would have taken place on that day were disappointed. We have heard that ignorant miners who were discontented with their position were assured that something wonderful was to happen on the first day of May which would hasten their emancipation. But miners and other working-men have found that reforms could be effected much more speedily and certainly by peaceful and friendly means than by treating capitalists and employers as their enemies, or by using physical force. Working-men, as well as employers, are beginning to understand their own interests better than they did in the past. They see now that if they are both to prosper and that, if society is to hold together, class must not be arrayed against class, but that they must be mutually helpful. No class can expect to have everything its own way. When one set of men attempts to force another set to yield to its demands, there is sure to be resistance, and the struggle is, for a long time, uncertain and sure to be productive of loss and suffering. When, at last, the battle is won, even the victors find that they have not gained much that was worth contending for. It is, we think, this conviction generally felt, but not universally acknowledged, that was the cause of May day passing off so quietly.

The appointment of a labor commission by the Government of Great Britain may be regarded as an epoch in the labor movement. We see, from the London Times, that:

"The Commissioners are to enquire into the questions affecting the relations between employers and employed, the combinations of employees and employed, and the conditions of labor, which have been raised during the recent trade disputes in the United Kingdom; and they are to report whether legislation can, with advantage, be directed to the remedy of any evils that may be discovered, and, if so, in what manner."

This is a very wide field of enquiry. The subjects contained in it are of the first importance, not to the people of Great Britain only, but to the inhabitants of the whole civilized world. The British Labor Commission, therefore, will not be working for the subjects of Queen Victoria in the British Islands alone, but for their fellow subjects in all the colonies, and for the subjects of all sovereign and 'civilized' nations.

The labor question is essentially a local one in every country, and if the British Labor Commission discovers some way of bringing employers and employed closer together, and of making the disputes between them easier of adjustment, every country in the world will be benefited by its labors.

That it will do its work thoroughly there is no doubt. It is composed of workmen in the widest and best sense of the term. Every man on the Commission is a worker, and a worker, in his sphere of labor, of known ability.

Capital and labor, as might be expected, are both represented on this commission. There are on its statement of both parties, eminent political economists, philanthropists and men who have distinguished themselves as the advocates of labor. The great branches of industry are all represented on the commission, and, to keep it right on matters of law, the Government have appointed Sir Frederick Pollock, an eminent lawyer, who has written a work on contracts which is looked upon by the profession as an authority, one of its members. Each of the three kingdoms is represented on the commission by able men. It may, therefore, be regarded in every respect a representative body, well qualified to deal with the labor question in all its phases.

A SENSELESS STATEMENT.

Last evening the Times said: "We understand that the Colonist (prior) conferred with Mr. Milne as to what was wanted in the shape of a custom house. It is necessary to remind the Colonist that unless the subsidized steamers discharge Victoria freight at Victoria, the present custom house will suffice." This is silly and untruthful, and proves that our evening contentions are indulging in its old habit of making statements before looking into the facts on which it comments. The custom house has long been inadequate for the trade of the port, which is constantly increasing. A public building for customs and post-office, costing a quarter of a million at least, would probably meet the city's requirements for some years to come.

There are no two opinions that the steamships from the Orient and the Antipodes should discharge Victoria freight in Victoria, and this the owners of the boats will undoubtedly be forced to do if they do not grasp the situation and take the initiative in the matter. Victoria freight taken on a round trip to Vancouver, as at present, for the purpose of furnishing local work for Vancouver laborers and on local boats, pays customs charges in this city, and if the foolish policy of taking it on the round trip is continued it will not detrimentally affect the Victoria customs. Since the election the Times has viewed every thing from a jaundiced standpoint—neither edifying to its readers nor beneficial to Victoria.

THE RUSSIAN VIEW.

The British public have been told, over and over again, that the United States, when it purchased Alaska, acquired, with the land, jurisdiction over more than half the waters of Behring's Sea. It was contended, on behalf of the States, that the sea that goes by that name has always been a closed sea, and that Russia claimed and exercised exclusive jurisdiction over its waters. The world was told that, although the British were ready to contest the claim of the United States to the Eastern half of the sea, they took very good care to leave the Russians in quiet and peaceable possession of the Western half, and that the Russians still claimed and exercised exclusive jurisdiction over that half. The Ukase in which Russia asserted its claim—that of 1821—was quoted in proof of these statements. No doubt many Americans considered the argument conclusive, and really believed that their Government, when it purchased Alaska, acquired the right to prevent men of any other nation from hunting seals in the waters of Behring's Sea outside the jurisdiction of Russia. Nothing was known by people generally as to how the Russians or their Government regarded the American claim. It was generally supposed that Russia took the same view of its rights over the western portion of that sea as the United States did. But as articles that recently appeared in the St. Petersburg Journal, which is said to be the organ of the Russian Foreign Office, let a flood of light on the whole question. The article may be looked upon as, in a sense, authoritative. To the surprise of Americans generally, the Russian organ takes the British view of the question. It holds that, in these days, the "high seas" are free to all nations, and that no country can claim jurisdiction over any part of the ocean which is at a greater distance than three miles from its shores. It denies that Russia conveyed sovereignty over any part of Behring's Sea when it handed the territory of Alaska over to the United States. It states distinctly that three years after the ukase in which the United States based its claim was issued, Russia, in a convention with the United States, made no reference to the rights claimed in that ukase. The language of the article is so clear and so emphatic that we cannot resist the temptation of quoting its concluding paragraphs:

"It is worthy of note, moreover, that the ukase of 1821, upon which the United States Government bases its claims did not remain in force very long. For already three years later, on April 3, 1824, we find that our (the Russian) Government signed a treaty or convention with the United States dealing with the rights of navigation and fishery on the north-west coast of North America. In this convention no allusion or reference of any kind is made to the rights claimed in the ukase of 1821. On the contrary, it stipulates in Article I. that the 'subjects of the two signatory powers shall in no wise be debared or prevented from navigating and fishing in any portion of the Pacific Ocean. They are also at liberty to land everywhere and to trade with the natives.'"

An absolutely identical clause will be found in Article I. of the treaty between Russia and England, concerning the north-west coast of North America, which was signed on February 16, 1825. It is, therefore, clearly manifest that at the time of the sale of Alaska to the United States the Russian privilege for exclusive fishing in the Behring's Sea, claimed under the ukase of 1821, had long before been abandoned and passed out of existence. The United States, therefore, has no justification for leaving its Behring's Sea claims on the alleged possession of the rights of navigation and fishery by Russia at the time of the transfer of Alaska for and did not at that time possess any rights or privileges of this character; moreover, the pretensions of the United States in this matter are in absolute contradiction to the most elementary principle of international law. That portion of the Behring's Sea which falls within the three-mile zone of the American continent is the only portion of the Pacific ocean over which the United States possesses a right of exclusive fishery rights. That part of the Behring's Sea which lies beyond three miles from the American dry land is *mare liberum*, and its fisheries are free to all nations."

The fact of a large and important industry, in which is embarked many hundred thousands of dollars, evidently counts but little with those claiming authority in this matter, and I think the time has now arrived when the province should look to its interests in this respect, seeing that the legal points in regard to the Dominion claim, and collecting direct taxation from the fishing industry are in themselves worthy of serious consideration.

It is obvious in any case that our fisheries would be bound to receive more practical care and attention under direct observation of commissioners resident in this country, than under the present system of leaving them to the management of a distant department. It is only by the presence of such commissioners that we can possibly expect from a continuance of the attempt to regulate these matters thousands of miles away, and with every one capable of forming an opinion on this side is fairly sick and disgusted with the present system.

THE PRESIDENT'S TOUR.

President Harrison has during his tour won golden opinions from men of all parties. It appears that previous to his taking this journey the people of the United States did not know much about their President. Considering the high position he occupies very little has been seen of him or known about him since his election. People in general appeared to think that he was a man a little below mediocrity, and that it was not likely that he would distinguish himself in any way during his term of office. All that they expected of him was that he would perform the duties of his office respectably. The clever speeches he has made, and the tact and good sense which he has displayed are evidently a surprise even to the men of his own party. One can see from the laudatory articles in the newspapers that the Republicans did not think it was in the President to acquit himself so creditably.

Mr. Harrison's short speeches are admirable. They do not consist of mere common-places neatly worded and pleasantly said. There is thought in them, and it is often very happily expressed. He lets the people know that he has opinions of his own, and that he is not afraid to express them, but he has the tact and skill to propound party doctrines without evincing the slightest trace of party spirit. His speeches were as well received by the Democrats of Texas as they are by the Republicans of California. It may be that when Mr. Harrison first set out people went to meet him as a matter of courtesy, to show that they honored the Chief Magistrate of the Republic, but he had not travelled many days when they must have felt a genuine respect for the man as well as for the office he filled. It may be, as his opponents say, that Mr. Harrison has no higher motive in what he says and does on this tour, than to gain the domination of his party, next year. That may be the case, but it must be admitted that the policy he pursues is a wise policy, and that, if he had no ulterior designs, but was merely visiting the people of the South and West to get acquainted with their condition, and the state of the parts of the republic in which they live, in order that he may better perform the very important duties of his high office, he could not accomplish that legitimate purpose in a more skilful, or a more effective, way. The President of the United States will go back to Washington with a far higher reputation than he had when he set out on his journey.

THE RUSSIAN VIEW OF THE SEAL QUESTION.

The St. Petersburg Journal, which is the official organ of the Russian Foreign Office, contains in its issue for March (old style) a most remarkable article on the subject of the Behring's Sea controversy. It is written with every appearance of authority and judicial weight, and clearly betrays its inspiration from the Russian Government. The traditional good-will of Russia toward the United States and her hereditary animosity toward England, it will be observed that the article, which deals with the question from a standpoint of international law and of Russian history, pronounces itself opposed to the arguments of the State Department in every particular, and strongly endorses the arguments of Lord Salisbury.

(Translation.)

The correspondence between Great Britain and the United States, with regard to the fishing and sealing rights in the Behring's Sea, has recently been submitted to the English Parliament. The Americans put forward a claim for exclusive fishing and sealing rights over a stretch extending as far as 100 miles from the coast, and base it on a ukase bearing the date of 1821, in which Emperor Alexander I. declared that the right of fishing and sealing in the Behring's Sea was restricted to Russians. The English Government, on the other hand, argues that inasmuch as the Behring's Sea is a part of the international law, the rights of Russia in this respect are limited to the rights of a nation possessing in America, it has likewise become entitled to all our former advantages and privileges in connection with the Behring's Sea, and that the Russian Government, in claiming exclusive rights, is in violation of the modern *jus gentium*, or law of nations, does not in any way legalize the acquisition along with the purchase of Alaska, or authorize the continuance of a privilege which, though sanctioned by the ukase of Emperor Alexander I., can only be regarded in the light of a usurpation on the part of the Russian Government of those days. These objections are endorsed by the London Times, Standard and Morning Post.

It is announced that the United States and Great Britain have now decided to submit the controversy to international arbitration. In order to be able to determine the exact extent of the imperial rights of the United States over the seas that wash the Alaskan shores, it is necessary to define the waters which can be considered as pertaining to the coast states. In addition to the tracts of water which are located within the territorial boundaries—such as, for instance, rivers, creeks, and estuaries—the coast waters, as well as the waters of the adjacent lands, belong to the coast state. With regard to the waters of the sea, the boundary is generally defined by means of a straight line drawn from the point of one of the promontories to the other, everything within that line being included in the coast state. With regard to the limitation of the coast waters, the most contradictory opinions prevailed until, in the eighteenth century, the famous Dutch councillor Bynkershoek put an end to all controversy by formulating the well-known axiom of "*Dominium terree subjicitur domini armorum vis*." This is interpreted by some of the experts on international law to mean the range of water extending from the shore, while others assume it to denote a distance of three geographical miles. The only correct interpretation, however, and the one which has been in late years endorsed by Harburger, Perels and others, is to the effect that the zone of jurisdiction in coast waters is situated at a distance of three geographical miles (equal to one half marine mile) from the shore, this being reckoned as the average length of a cannon fired seaward from the beach. This definition has been recognized, and officially accepted as valid by most maritime nations. In the official reports of the German Government on the stranding of the steamship Deutschland, and also in the reports to the Imperial Diet dealing with maritime disasters, enacted at Berlin, 1877, the three-mile zone is distinctly accepted and recognized as valid. Both England and the United States have repeatedly recognized the legality of this definition, and in a similar manner. In the year 1793, the United States of North America officially announced that her rule, jurisdiction, and possession extended three English miles from the coast, and in 1824, when she handed over to Great Britain the territory of Alaska, she recognized the three-mile zone as well as the non-range zone, and declares them to be identical. In the Anglo-American treaty of October 20, 1818, reiterates the same clause. In the Anglo-French treaty of August 2, 1830, paragraphs 9 and 10, dealing with the fishing rights in the English Channel, again recognize the three-mile zone, identifying it with the cannon range zone. Moreover, the English Parliament in 1878 passed a law known as the Territorial Waters Jurisdiction Act, confirming the same definition of the three-mile zone, and declaring that the government of the United States of America has at various times officially recognized and agreed to the legality of the three-mile zone.

The first question which, therefore, remains to be dealt with is the claim of the American government to exercise sovereign power over a tract of the open or high sea, and to monopolize the fishing rights, to the exclusion of all other nations.

In the Middle Ages, and even as late as the seventeenth century, the claims to exclusive ownership of portions of the ocean and of open or high seas were not unusual. The republic of Venice claimed the exclusive jurisdiction and sovereignty of the Adriatic Sea, and the Venetian Republic, in 1683, put forth similar pretensions to the entire Gulf of Lyons. These of Portugal comprised the entire Indian Ocean, as well as the Atlantic south of the latitude of Morocco. These of Spain included the whole of the Pacific Ocean and the Gulf of Mexico. Turkey claimed the Black Sea; Denmark and Sweden, the Baltic; and England, the waters by which it is enclosed, as well as the North Sea. Since the beginning of the seventeenth century these views with regard to the high seas have undergone a gradual and at the same time radical change. One of the earliest champions for the freedom of the high seas, and for the equal rights thereto possessed by all seafaring nations, was the historian Hugo Grotius, whose book, entitled *Mare Liberum*, still remains one of the most important and standard works on the subject. An Englishman, John Sheldon, attempted to demolish the arguments of Grotius in a pamphlet, to which he gave the name of *Mare Clausum*. But his efforts were in vain; and the present day all jurists and legislators are agreed that the high seas are free, and that no one possesses the slightest exclusive right to the sovereignty or ownership of any portion thereof.

That the United States government bases its claims on the ukase of 1821, it is not mind of the fact that the modern *jus gentium*, or law of nations, distinctly denounces claims of this character as illegal, and that if Alaska had remained under Russian rule the ukase of 1821 would have become invalid and obsolete.

It is worthy of note, moreover, that this ukase of 1821, upon which the United States bases its claims, did not remain in force very long. For already three years later, on April 3, 1824, we find that our (the Russian) Government signed a treaty or convention with the United States dealing with the rights of navigation and fishery on the north-west coast of North America. In this convention no allusion or reference of any kind is made to the rights claimed in the ukase of 1821. On the contrary, it stipulates in Article I. that the 'subjects of the two signatory powers shall in no wise be debared or prevented from navigating and fishing in any portion of the Pacific Ocean. They are also at liberty to land everywhere and to trade with the natives.'"

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The fact of a large and important industry, in which is embarked many hundred thousands of dollars, evidently counts but little with those claiming authority in this matter, and I think the time has now arrived when the province should look to its interests in this respect, seeing that the legal points in regard to the Dominion claim, and collecting direct taxation from the fishing industry are in themselves worthy of serious consideration.

It is obvious in any case that our fisheries would be bound to receive more practical care and attention under direct observation of commissioners resident in this country, than under the present system of leaving them to the management of a distant department. It is only by the presence of such commissioners that we can possibly expect from a continuance of the attempt to regulate these matters thousands of miles away, and with every one capable of forming an opinion on this side is fairly sick and disgusted with the present system.

THE FISHERIES REPORT.

TO THE EDITOR—Your excellent article in this day's issue of your paper takes good ground in dealing with the famous report of Mr. Wilmot, a report full of inaccuracies and exaggerations, and, moreover, one might go further and fairly characterize the illustrations, inconsistencies and general misrepresentation as gross lies on the part of the canners and fishermen of our Province. Upon the Dominion of Canada, the Department would only be doing its duty in at once withdrawing the report from further publication.

Strange, indeed, does it seem that the Minister of Marine and Fisheries allowed himself to be practically led by the nose by a subordinate, whose overweening vanity prompts an ambition of showing his chief, that our canners and fishermen are a greedy, avaricious, grasping and selfish set, and that they are only to be protected and cared for by their protection and preservation; and further, that only one individual in the Dominion of Canada is laying down rules and regulations for the conduct of the fisheries; and, more marvelous still, this remarkable fund of information has been picked up after an experience of business and pleasure extending for nearly two days on Fraser River.

The sooner the minister takes a really serious view of the question, *thinks for himself*, and deals with the matter in a practical business-like way, the better for the country, and particularly this province. To further illustrate the shortcomings of the department, I am informed, on undoubted authority, that even at this juncture, when canners are anxiously trying to regulate the season's work, applicants for licenses can obtain no satisfactory reply; the inspector having received "no instructions from Ottawa."

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Directly and Indirectly.

KIDNEY complaint, droopy, and similar troubles depend directly on wrong action of the kidneys and indirectly on bad blood. The kidneys regulate the action of the blood and cleanse the blood from all impurities. In this way curing kidney complaint, droopy, etc.

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It is announced that the United States and Great Britain have now decided to submit the controversy to international arbitration. In order to be able to determine the exact extent of the imperial rights of the United States over the seas that wash the Alaskan shores, it is necessary to define the waters which can be considered as pertaining to the coast states. In addition to the tracts of water which are located within the territorial boundaries—such as, for instance, rivers, creeks, and estuaries—the coast waters, as well as the waters of the adjacent lands, belong to the coast state. With regard to the waters of the sea, the boundary is generally defined by means of a straight line drawn from the point of one of the promontories to the other, everything within that line being included in the coast state. With regard to the limitation of the coast waters, the most contradictory opinions prevailed until, in the eighteenth century, the famous Dutch councillor Bynkershoek put an end to all controversy by formulating the well-known axiom of "*Dominium terree subjicitur domini armorum vis*." This is interpreted by some of the experts on international law to mean the range of water extending from the shore, while others assume it to denote a distance of three geographical miles. The only correct interpretation, however, and the one which has been in late years endorsed by Harburger, Perels and others, is to the effect that the zone of jurisdiction in coast waters is situated at a distance of three geographical miles (equal to one half marine mile) from the shore, this being reckoned as the average length of a cannon fired seaward from the beach. This definition has been recognized, and officially accepted as valid by most maritime nations. In the official reports of the German Government on the stranding of the steamship Deutschland, and also in the reports to the Imperial Diet dealing with maritime disasters, enacted at Berlin, 1877, the three-mile zone is distinctly accepted and recognized as valid. Both England and the United States have repeatedly recognized the legality of this definition, and in a similar manner. In the year 1793, the United States of North America officially announced that her rule, jurisdiction, and possession extended three English miles from the coast, and in 1824, when she handed over to Great Britain the territory of Alaska, she recognized the three-mile zone as well as the non-range zone, and declares them to be identical. In the Anglo-American treaty of October 20, 1818, reiterates the same clause. In the Anglo-French treaty of August 2, 1830, paragraphs 9 and 10, dealing with the fishing rights in the English Channel, again recognize the three-mile zone, identifying it with the cannon range zone. Moreover, the English Parliament in 1878 passed a law known as the Territorial Waters Jurisdiction Act, confirming the same definition of the three-mile zone, and declaring that the government of the United States of America has at various times officially recognized and agreed to the legality of the three-mile zone.

The first question which, therefore, remains to be dealt with is the claim of the American government to exercise sovereign power over a tract of the open or high sea, and to monopolize the fishing rights, to the exclusion of all other nations.

In the Middle Ages, and even as late as the seventeenth century, the claims to exclusive ownership of portions of the ocean and of open or high seas were not unusual. The republic of Venice claimed the exclusive jurisdiction and sovereignty of the Adriatic Sea, and the Venetian Republic, in 1683, put forth similar pretensions to the entire Gulf of Lyons. These of Portugal comprised the entire Indian Ocean, as well as the Atlantic south of the latitude of Morocco. These of Spain included the whole of the Pacific Ocean and the Gulf of Mexico. Turkey claimed the Black Sea; Denmark and Sweden, the Baltic; and England, the waters by which it is enclosed, as well as the North Sea. Since the beginning of the seventeenth century these views with regard to the high seas have undergone a gradual and at the same time radical change. One of the earliest champions for the freedom of the high seas, and for the equal rights thereto possessed by all seafaring nations, was the historian Hugo Grotius, whose book, entitled *Mare Liberum*, still remains one of the most important and standard works on the subject. An Englishman, John Sheldon, attempted to demolish the arguments of Grotius in a pamphlet, to which he gave the name of *Mare Clausum*. But his efforts were in vain; and the present day all jurists and legislators are agreed that the high seas are free, and that no one possesses the slightest exclusive right to the sovereignty or ownership of any portion thereof.

That the United States government bases its claims on the ukase of 1821, it is not mind of the fact that the modern *jus gentium*, or law of nations, distinctly denounces claims of this character as illegal, and that if Alaska had remained under Russian rule the ukase of 1821 would have become invalid and obsolete.

It is worthy of note, moreover, that this ukase of 1821, upon which the United States bases its claims, did not remain in force very long. For already three years later, on April 3, 1824, we find that our (the Russian) Government signed a treaty or convention with the United States dealing with the rights of navigation and fishery on the north-west coast of North America. In this convention no allusion or reference of any kind is made to the rights claimed in the ukase of 1821. On the contrary, it stipulates in Article I. that the 'subjects of the two signatory powers shall in no wise be debared or prevented from navigating and fishing in any portion of the Pacific Ocean. They are also at liberty to land everywhere and to trade with the natives.'"

An absolutely identical clause will be found in Article I. of the treaty between Russia and England, concerning the north-west coast of North America, which was signed on February 16, 1825. It is, therefore, clearly manifest that at the time of the sale of Alaska to the United States the Russian privilege for exclusive fishing in the Behring's Sea, claimed under the ukase of 1821, had long before been abandoned and passed out of existence. The United States, therefore, has no justification for leaving its Behring's Sea claims on the alleged possession of the rights of navigation and fishery by Russia at the time of the transfer of Alaska for and did not at that time possess any rights or privileges of this character; moreover, the pretensions of the United States in this matter are in absolute contradiction to the most elementary principle of international law. That portion of the Behring's Sea which falls within the three-mile zone of the American continent is the only portion of the Pacific ocean over which the United States possesses a right of exclusive fishery rights. That part of the Behring's Sea which lies beyond three miles from the American dry land is *mare liberum*, and its fisheries are free to all nations."

The fact of a large and important industry, in which is embarked many hundred thousands of dollars, evidently counts but little with those claiming authority in this matter, and I think the time has now arrived when the province should look to its interests in this respect, seeing that the legal points in regard to the Dominion claim, and collecting direct taxation from the fishing industry are in themselves worthy of serious consideration.

It is obvious in any case that our fisheries would be bound to receive more practical care and attention under direct observation of commissioners resident in this country, than under the present system of leaving them to the management of a distant department. It is only by the presence of such commissioners that we can possibly expect from a continuance of the attempt to regulate these matters thousands of miles away, and with every one capable of forming an opinion on this side is fairly sick and disgusted with the present system.

THE FISHERIES REPORT.

TO THE EDITOR—Your excellent article in this day's issue of your paper takes good ground in dealing with the famous report of Mr. Wilmot, a report full of inaccuracies and exaggerations, and, moreover, one might go further and fairly characterize the illustrations, inconsistencies and general misrepresentation as gross lies on the part of the canners and fishermen of our Province. Upon the Dominion of Canada, the Department would only be doing its duty in at once withdrawing the report from further publication.

Strange, indeed, does it seem that the Minister of Marine and Fisheries allowed himself to be practically led by the nose by a subordinate, whose overweening vanity prompts an ambition of showing his chief, that our canners and fishermen are a greedy, avaricious, grasping and selfish set, and that they are only to be protected and cared for by their protection and preservation; and further, that only one individual in the Dominion of Canada is laying down rules and regulations for the conduct of the fisheries; and, more marvelous still, this remarkable fund of information has been picked up after an experience of business and pleasure extending for nearly two days on Fraser River.

The sooner the minister takes a really serious view of the question, *thinks for himself*, and deals with the matter in a practical business-like way, the better for the country, and particularly this province. To further illustrate the shortcomings of the department, I am informed, on undoubted authority, that even at this juncture, when canners are anxiously trying to regulate the season's work, applicants for licenses can obtain no satisfactory reply; the inspector having received "no instructions from Ottawa."

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Directly and Indirectly.

KIDNEY complaint, droopy, and similar troubles depend directly on wrong action of the kidneys and indirectly on bad blood. The kidneys regulate the action of the blood and cleanse the blood from all impurities. In this way curing kidney complaint, droopy, etc.