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EDWD. TROUT, Manager.

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### THE FISHERIES AWARD IN CONGRESS.

The amount awarded to Canada—nominally to Great Britain—by the arbitrators under the Treaty of Washington, for the privilege accorded to Americans of participating in our inshore fisheries, has evoked an inordinate amount of criticism, in Congress. The objection at first taken was the want of unanimity in the arbitrators; but latterly the point most insisted on is that the amount is excessive. This latter objection has a strange sound, coming as it does from the representatives of a nation which received under the same treaty an award for nearly double the amount the government has disbursed in satisfaction of the claims of individuals, in respect of whom the award was made. England paid fifteen million under the Geneva arbitration, without a murmur; and she never complained when it became notorious that the American government had paid only a little more than half that sum in satisfaction of the claims of its citizens. The Senate committee on foreign relations expresses the opinion that the award for the use of the coast fisheries of Canada is excessive; and several individual Senators take the same view. The report of the committee, which recommends the payment, conditionally, is not calculated to convince impartial persons that its members were in a position impartially to review the decision of the arbitrators. They describe the fishery to which the Americans obtained access, as not having become more prolific since the conclusion of the treaty. So far from this being the case, we showed last week that our sea fisheries have, of late years, undergone an enormous development. The treaty is six years old; and in that time our sea fisheries have yielded to our fishermen an increase of nearly two million dollars, the figures being \$9,570,116 in 1872 and \$11,422,501 in 1877. Within ten years, the value of the catch has about trebled. It would be difficult to believe that the American fishermen have been so unskillful as not to have been able

similarly to increase their catch in our waters; it is admitted, by the committee, that the product of their labors has been greatly increased, though the increase is alleged to have taken place in American waters. We fancy there is an error respecting the locality where the increase took place, and that it was in British as well as American waters. It was impossible that any committee of Congress could be in a position to get the same full and comprehensive view of the facts on which the award depended as the commissioners had before them, and we think the Committee on Foreign relations acted upon an inadequate view of the facts when it reported that, in its opinion, the award is excessive.

Still Congress was recommended to pay the award, if the British Government will declare its opinion that the amount is justly due. That Government is in no better position for forming an opinion on the details of the case than a Committee of Congress or Congress itself. It has no reason for doubting the justice of the award. We do not see how it can undertake to review the evidence and sit in judgment on the tribunal that rendered the award. This is the strangest kind of appeal that was ever conceived; and any opinion that could be expressed would be on the obligation to pay the award and the honourable character of the tribunal. What is "justly due" is the amount of the award, rendered in a regular way by an international arbitration. We cannot conceive that it is possible to go beyond this broad fact. Whether the amount of five and a half millions of dollars be "justly due," Congress has just as good means of knowing as the British Government can possibly have. Suppose the American Government were asked, at this late hour, to express an opinion on the justice of the Geneva award, as to amount, on the principles by which the arbitrators had to be guided, what reply could be given? How could the large undisbursed surplus be shown to be compatible with strict justice? Unless it be intended to disburse the balance, the surplus shows exactly the amount of the excess of that international verdict. No equally demonstrative means of proving an excess of the fishery award exists; and there is no proof before the public that the award is excessive. It is very easy to say, with Senator Blaine, that the fifteen millions paid by England was a good investment; but that, whether true or not, has nothing to do with the excessive nature of the amount.

The proposal of Senator Edmunds, to make acceptance by Great Britain, of the payment on ground of terminating the

fishery provisions of the treaty, at the earliest period consistent with the stated time which these provisions have to run, was rejected by the Senate. A threat of that kind it would have been below the dignity of Congress to make. But another resolution, which the same Senator afterwards proposed, in favor of terminating the fishery arrangement, as soon as it can be done legally, was carried. The difference in the two resolutions is that the latter does not make the proposed action directly dependent on the acceptance of the award by Great Britain.

It is worth while to note how each party abuses the Treaty of Washington, when it thinks that instrument is not favorable to its pretensions. The treaty was not popular in Canada, and in some respects was not favorable to this country. It was even called a capitulation by those most opposed to it. Now Senator Blaine argues that one effect of this treaty has been practically to make the United States an ally of England, in European wars, "so that in case of war between Great Britain and Russia, instead of Great Britain doing the watching, we (the States) would have to do it." There is no doubt that, on one point, the wording of the treaty is not favorable to the United States. By the treaty, the Americans get access to our coast fisheries and we get free access to their markets for our fish. But the treaty does not, in any way, make the second privilege a compensation for the first. The average Congressman puts the two things together, and insists that the equivalent is to be found there; but the Committee on Foreign Relations takes the same ground, and estimates at \$350,000 a year the privilege which Canadians enjoy of sending their fish duty free into the American market; but the treaty does not say so, and the right of our fishermen to free access to the American market with their products cannot be taken into the calculation. This, Americans are apt to consider as an oversight, or as proof that, on this point, the British negotiators got an advantage. But it is not so in reality; since the general settlement of the Treaty of Washington must be considered as a whole, and not as a petty system of equivalents. The expressed equivalent, or possible balance to be adjusted, in this fishery matter, excluded all equivalents that were not expressed.

The question has, therefore, for the most part, been discussed on a false footing, in Congress, whenever it was assumed that the free admission of Canadian fish into the American market was a partial or complete equivalent for their right to a share in our coast fisheries. It is difficult to be-