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THE SITUATION.

For some time past, the right to the land, minerals and timber, in the disputed territory awarded to Ontario by the Privy Council, has been in litigation. The Ontario Court of Appeal decided unanimously in favor of the Province, and now the Supreme Court, though not unanimously, has decided the same way. Justices Gwynne and Strong delivered judgements in favor of the contention of the Dominion Government. Four judges took the opposite view. If the accuracy of the report may be relied upon, neither of the opinions ran on the line it might have been expected to take. Mr. Strong, in recognizing a complete title in the Indians, went beyond the usually accepted idea of a right of occupancy merely; and the other judges, in holding that there was no title in the Indians, and that treaties were made with them were made merely to secure amicable relations, seem to have ignored the hitherto undoubted right of occupation, in the absence of a complete title. The doctrine of extinguishing, not acquiring, whatever right the Indians had, is, so far as we know, new. The acquisition of this right, whatever it is, has always hitherto been supposed to confer on the Government the right to sell the lands, which it did not previously possess. This acquisition, however made, might, under the constitution, inure to Ontario; and in that case, the amount of the purchase money may be found to be due to the Dominion. All these State cases are liable to go to the Privy Council, and it remains to be seen whether this will be an exception. If there is to be further litigation, it is very desirable that there should meanwhile be some arrangement between the two governments, which would tend to facilitate mining, lumbering and settlement in the disputed territory.

For the most part, the United States press applies different rules to the Alaskan and the British American fisheries. It will give us a bare three-mile jurisdiction while it claims for the United States a jurisdiction of sixty miles over the Alaskan sea. The latter is founded on an old Russian claim, in which, when urged by the United States, there are two defects. If Russia

could make a close sea of this water, it could do so only by virtue of owning the territory on both sides of it; and by the same rule Canada could make a close sea of Hudson Bay. The United States, owning territory only on one side, can make no such claim; in this respect it is not the heir to the claim of Russia. If it claimed to divide the sea equally with Russia and to exclude the fishermen of other nations therefrom, it could not deprive them of their right to the common use of the ocean without their consent. By treaty, the French are deprived of the right of fishing within sixty miles of Cape Breton; in the Alaskan fishery, under the law of nations, and they have no other title, the United States are entitled, like every other country, to a jurisdiction of three miles. They cannot apply one rule to Alaska and another to British America.

On the fishery question, the Canadian parliament, however its members may differ on other questions, is not divided. There was a general assent to the statement which Sir Richard Cartwright called on the first minister to make, during the debate on the estimates. The ground taken is, that any commercial treaties between England and the United States cannot affect the convention of 1818, which was a special bargain with consideration on both sides; that this convention is intact, and that even in the absence of any treaty, the right of control three miles from the shores belongs to us by the law of nations; that this right, affecting as it does our independence as a portion of the British empire, admits of no compromise; that on the headland question—the right to draw the line of exclusion three miles outside the headlands—all authorities, including American, agree with us on the principle, while the latter deny its application to the particular case; that between fishing and trading vessels there is a clear distinction, and that the same vessel cannot be a fishing vessel when it suits her to be so, and a trading vessel when it suits her; that we hold to the decision of Chief Justice Young, who declares that American fishermen cannot, by the purchase of bait, make Canada a basis for their fishing operations, while they practically exclude our fish from their markets. On all these points, the minister said he had no doubt we were in the right, and on every point all parties in the House agree with him. Besides, on all of them, Canada has the support of the Imperial Government.

What must now be called the usual local railway grants appear again in the Dominion estimates. The list is long, but the items are distributed among the provinces, in the following proportions: Quebec, \$1,225,200; Ontario, \$473,000; New Brunswick, \$272,000. These grants practically constitute an addition to the annual subsidies, though they are not made on the same rule, but are dependent upon local needs and local pressure, at the moment, not all the provinces partaking at the same time. How far they affect the object in political conciliation is a question, and to some extent it is certain, that they have an

opposite effect. M. Mercier will not even thank Sir John for giving Quebec the lion's share; while the provinces which happen for the time to be left out will be sure to complain. Every member wants to get all he can for his constituents, and neither party comes out squarely against those grants. It is said that Mr. Blake, in a previous session, desired to do so, but could not control his following. In this state of things, it is difficult to see what is to put a stop to these grants, unless it be the necessities of Dominion finance.

The report that the boundary railway bill of Manitoba had been vetoed at Ottawa may have been in advance of the fact; but there does not seem to be any other course than disallowance open to the Federal Government. Parliament, by a large majority, has declared disallowance to be the duty of the executive. Manitoba has other remedies within her power, if she be suffering from excessive railway rates. She can appeal to the Privy Council for a reduction. That she has not done, she must be aware, is being used against her; and the plea is set up that her inaction arises from the consciousness that rates are not, by comparison, excessive, and that the alleged grievance of want of railway connection with the States is purely artificial. To onlookers, from a distance, it does seem that this objection ought to be met in the only way in which it can be successfully dealt with. Manitoba owes it to herself to show that the grievance of which she makes so much is substantial, and not the artificial creation of railway promoters in league with a foreign corporation not over scrupulous as to the means it uses to accomplish its end of carrying off the traffic of our North-West.

The Toronto Rectory case, as every thing must have an end, is finally settled, by the refusal of the Privy Council, in England, to reverse the decision of the Supreme Court of Canada. The leading counsel for the appellants gave up the case before it went to the Supreme Court, and the last two moves have been for the amusement of junior counsel. The costs, which will necessarily be large, would have been avoided, if the view of Canon Dumoulin had been allowed to prevail. The fighting members of the St. James' Vestry will enjoy the privilege of paying for their heroism. The amount in dispute is about \$15,000 a year at present, with the prospect of a future increase, and the question was whether it should go to St. James' Cathedral, in addition to \$5,000 not disputed, or be divided among the city rectors. All the decisions, from first to last have decreed division.

The running of street cars on Sunday having found an advocate in Canon Dumoulin, the Ministerial Association comes down on the proposition with an unanimous negative. Nevertheless there are some reasons why street cars should run on Sunday as well as reasons why they should not. The worst service that can be done to the population of a city is to throw it back on itself, on the day of rest, in