

That question is a mere question of fact and it was a question about which there was no doubt, and the arbitrators found that—

By the ukase of 1821 Russia claimed jurisdiction in the sea now known as the Behring Sea to the extent of 100 Italian miles from the coasts and islands belonging to her, but in the course of the negotiations which led to the conclusion of the treaties of 1824 with the United States and of 1825 with Great Britain, Russia admitted that her jurisdiction in the said sea should be restricted to the reach of cannon shot from shore, and it appears that from that time up to the time of the cession of Alaska to the United States, Russia never asserted in fact or exercised any exclusive rights in the seal fisheries therein beyond the ordinary limits of territorial waters.

That was simply two and two make four—the Dutch taking Holland. The next question was: “How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?”—another question of fact, and one American arbitrator as well as all the rest of the arbitrators decided and determined that Great Britain did not recognize or concede any claim on the part of Russia.

The next question was: “Was the body of water now known as the Behring Sea included in the phrase Pacific Ocean as used in the treaty of 1825 between Great Britain and Russia, and what rights, if any, in the Behring Sea were held and exclusively exercised by Russia after said treaty?”

The arbitrators were unanimous as to the first part, and as to the second part as to what rights, if any, in the Behring Sea were held under the said treaty, the arbitrators with the exception of Senator Morgan held that:

No exclusive rights of jurisdiction in Behring Sea and no exclusive rights as to the seal fisheries therein, were held or exercised by Russia outside of ordinary territorial waters after the treaty of 1825.

That was as plain as possible. No sensible or reasonable man ever supposed that they had any more claim upon those seals outside of the three-mile limit than they had upon the fish which swim in the territorial waters when found outside the limit, and on that point a majority of the arbitrators decided that the United States has not any right to exclusive jurisdiction in Behring Sea and no exclusive rights as to the fisheries therein, outside of ordinary territorial waters. That was the decision. It could not be otherwise, there was no room for any other decision. No lawyer, no man governed by any com-

mon sense ever supposed that there could be any other decision than that which was given as to the law of the matter. The important matter, what we were all interested in was not the decision of law, because we knew that there could be only one decision, but the question of what sort of regulations the arbitrators would provide and how our seal fishing was going to fare under these regulations. I do not hesitate to say that if the decision had been the other way, if the decision had been that those absurd and ridiculous claims set up by the United States—I fancy just for the purpose of getting regulations to suit themselves—if those claims of the United States had been upheld, the regulations could hardly have been more unfavourable to our fishermen than they actually were. I take up the regulations. Now remember it had been decided that outside of the three-mile limit the United States had no more rights in the waters of Behring Sea and the Pacific Ocean than England had. Let us see what sort of regulations have been made under these circumstances. The first article is:—

The Governments of the United States and Great Britain shall forbid their subjects respectively to kill, capture, or pursue at any time and in any manner whatever, the animals commonly called fur-seals within a zone of sixty miles around the Pribylov Islands, inclusive of the territorial waters.

In order to give that provision the widest meaning, this regulation goes on to say that the miles mentioned in the preceding paragraph are geographical miles of 60 to a degree of latitude; so that there are almost 70 miles around the islands reserved, and our fishermen are not allowed to kill seals there. What was the proposition made by the English commissioners with respect to the Pribylov Islands? They suggested that there should be a zone of 20 miles. That would have been reasonable, and I think one of the mistakes made by England, particularly in dealing with such a country as the United States, was that England should have made such a reasonable demand. If England had claimed that there should be no zone around the Pribylov Islands, then a reasonable and proper zone of twenty or thirty miles might have been established. England had other negotiations with Russia with respect to the Commander Islands, while those negotiations with the United States were going on—those islands are situated