sea, and as if, in that case, the prohibition were of any validity against foreigners. All American law that bears upon that point is contained in Sec. 1956, Revised Statutes, the scope of which is confined to "the territory of Alaska or the waters thereof," and in the act of 3 March, 1889, which makes Sec. 1956 applicable to " . . . all the dominion of the United States in the waters of Bering Sea." The Professor cannot have had the text of these enactments in mind when he wrote, nor the history of the abortive attempt in the House to stretch beyond legal warrant our jurisdiction in Bering Sea, which found such a ludicrous end in the said act of 1889. He could not, otherwise, have been blind to the moral certainty, that our Supreme Court, (however much a solitary judge of an inferior court has been led astray) would construe such ordinary and customary phrases as "the waters thereof" and "the dominion of the United States in Bering Sea" in their ordinary and customary legal sense, that is: limited to three miles from low water mark, and this even without the very significant evidence that the House had, on second thoughts, refused to be lured into claiming the slightest unusual extent of jurisdiction, and that, consequently, this court could not find any vessel, American or foreign, guilty of a violation of any existing American law, for sealing in Bering Sea, outside of the usual three-mile limit. Congress could forbid marine sealing by Americans anywhere, but it has seen fit so far, to limit the prohibition to three miles seaward from our shores. In the present state of our statutes it would be simply an academic discussion, whether or not, said section 1956, if it had been, or should be, extended by Congress to any part of Bering Sea beyond the three-mile belt, could be enforced against foreigners, on the strength of our alleged "property" in the seals, without violating the law of nations. The recognized legal authorities who are men pre-eminently "capable of a sense of justice and able to discriminate between right and wrong," are unanimous in declaring against such a hypothesis, and that will suffice for the present.

Mr. Phelps declines to restate Mr. Blaine's argument, that Bering Sea is not, as between ourselves and Great Britain, a part of the open sea in consequence of the treaties of 1824, '25, and '67, but he finds that "It is presented with great ability, fulness and clearness, and there seems to be nothing left to be added in either particular. It depends principally upon historical evidence, which must be closely examined to be understood; and that evidence certainly tends very strongly to support the result that is claimed by the Secretary." (H. M. 768.) Deference to Mr. Phelps's standing as a jurist makes it impossible to suppose. that he has done more than glance hurriedly over such "historical evidence" as Mr. Blaine has seen fit to manufacture and submit, and that Mr. Phelps has not given a moment's thought to what has been advanced on the other side. An *examination* of the *real* and *complete evidence*, geographical, historical and legal, would have convinced a man of the Professor's acquirements that Mr. Blaine's argument lacks every one of the qualifications ascribed to it above; that it is: not able, for it fails to refute or even meet the adversary's chief points, a mere evasion of which is attempted by the introduction of irrelevant side-issues, of misstatements, and of extracts falsified by being wrenched from their context; by conclusions in part inconsistent even with such premises as are presented; subterfuges all, so transparent as not to stand a moment's investigation.