

THE BEHRING SEA CONTROVERSY.

May we not hope that the difficulty said to have arisen between Lord Salisbury, acting for the British Government, and Mr. Harrison, for that of the United States, will be soon settled in a manner honourable and satisfactory to all parties, and the treaty respecting the seal fishery in Behring Sea sanctioned and carried out. It seems that Mr. Harrison wants the *modus vivendi* of last season continued during that now approaching, that Lord Salisbury, in his first note in answer, expressed a wish that the arrangement should extend only to the distance of thirty marine miles from the Pribiloff Islands, that Mr. Harrison objected, and that by a note subsequently received Lord Salisbury has intimated that if he agreed to this it must be understood that England did not undertake to indemnify the owners of British sealers for losses arising from such continuance—a condition from which it may, perhaps, be inferred that the continuance had been asked for or approved by the Canadian Government, who would, very properly, favor anything tending to the early settlement of our misunderstanding with our southern neighbor. On this the *New York Herald* says: "But what Lord Salisbury now claims is the liberty for Canadian poachers to catch all the seals they can with entire exemption from liability on the part of England if the arbitrators shall decide that these poachers have no business in Behring Sea:" and a Canadian paper rejoins: "The impudent pretension of the Americans that they own Behring Sea—and this is implied in the above use of the word 'poaching'—raises no doubtful issue. They have exactly the same claim to the whole Pacific Ocean." Which is true.

We, however, assume that Lord Salisbury only intimated that if, under the award of the arbitrators, any sum should be paid to British sealers as damages arising from the continuance of the *modus vivendi* in compliance with the desire of the Canadian Government, such sum must be reimbursed to England by the said Government, as, of course, it ought to be. But if the award of the arbitrators be that the United States have no exclusive rights in the seal fisheries in Behring Sea outside of three marine miles from the shore of their possessions adjoining it, then such damages, if paid, must be repaid by the United States.

Unfortunately there is yet no Parliament of Nations, and therefore no written Act defining the international law in such a case; but it has always been understood that the exclusive jurisdiction of a country over the seas adjoining it extends only to three marine miles from the shore, and, as this rule has, beyond all question, been insisted on and allowed by England and the United States in all other places, it is for the United States to show that it does not apply to Behring Sea. On the Atlantic side of America, both parties have admitted it as unquestionable. All the arguments Mr. Harrison has hitherto urged against its applicability to the present case seem to have been abandoned by him or shown by his opponents to be futile. Russia, from whom Mr. Harrison claims to have derived such right, never claimed or exercised it against England, and therefore England cannot be said to have acquiesced in it: she disputed it, and so did the