

the rest. Lucky arbitrators! Rare judges be ye who satisfy both sides!

Unfortunately we must to some extent play the part of the wet blanket amid the joyful scene. The truth is that we are to a considerable extent losers in the action. We are winners where we were certain to win, and we are partly losers on the essential question.

Our readers will find fully discussed in our former issues the matters with which the arbitrators had to deal. To enable them to understand the decision we must recapitulate the points.

Art. 6 of the treaty required a separate answer on the five following questions:

'1. What exclusive jurisdiction in the sea now known as the Behring Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

'2. How far were these claims of jurisdiction as to the seal fisheries recognised and conceded by Great Britain?

'3. 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?

'4. Did not all the rights of Russia as to jurisdiction and as to the seal fisheries in Behring Sea, east of the water boundary, in the treaty between the United States and Russia of March 30, 1867, pass unimpaired to the United States under that treaty?

'5. Has the United States any right, and, if so, what right, of protection in the fur-seals frequenting the islands of the United States in Behring Sea when such seals are found outside the ordinary three-mile limit?'

In the alternative, Art. 7 provided: 'If the determination of the foregoing questions as to the exclusive jurisdiction of the United States shall leave the subject in such position that the concurrence of Great Britain is necessary to the establishment of regulations for the proper protection and preservation of the fur-seal in, or habitually resorting to, the Behring Sea, the arbitrators shall then determine what concurrent regulations outside the jurisdictional limits of the respective Governments are necessary, and over what waters such regulations should extend, and to aid them in that determination, the report of a joint commis-