

culminates in those waters; that the shotgun and spear are both deadly, the latter by reason of its noiseless efficiency, the former by reason of its ready use by all classes, and that the disposition of this question on the basis of adjusting two conflicting interests is futile and illogical, but material issues are not alone involved; it presents biologic features as well and has to do with forces of nature beyond man's control.

Regulations can not be framed by human ingenuity which will preserve the seal herds in their greatest possible proportions and permit the continuation of successful pelagic sealing. It would be reconciling the irreconcilable. It would be accomplishing a feat equal to that of making two bodies occupy the same space at the same time. Either the regulations will be prohibitive in their operation—in which case it would be more straightforward to make them so in the first instance—or, if allowing successful pelagic sealing, they will be valueless in preventing the extermination of the seal. In general it may be said that no pelagic sealing can be carried on which is not inherently and uncontrollably injurious to the life of the seal herd—the amount of injury being proportionate to the magnitude of the attack.

**AWARD OF THE TRIBUNAL OF ARBITRATION CONSTITUTED UNDER THE TREATY CONCLUDED AT WASHINGTON THE 29TH OF FEBRUARY, 1892, BETWEEN THE UNITED STATES OF AMERICA AND HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.**

[English version.]

Whereas, by a treaty between the United States of America and Great Britain, signed at Washington, February 29, 1892, the ratifications of which by the Governments of the two countries were exchanged at London on May 7, 1892, it was, amongst other things, agreed and concluded that the questions which had arisen between the Government of the United States of America and the Government of Her Britannic Majesty, concerning the jurisdictional rights of the United States in the waters of Bering Sea, and concerning also the preservation of the fur seal in or habitually resorting to the said sea, and the rights of the citizens and subjects of either country as regards the taking of fur seals in or habitually resorting to the said waters, should be submitted to a tribunal of arbitration to be composed of seven arbitrators, who should be appointed in the following manner, that is to say: Two should be named by the President of the United States; two should be named by Her Britannic Majesty; His Excellency the President of the French Republic should be jointly requested by the high contracting parties to name one; His Majesty the King of Italy should be so requested to name one; His Majesty the King of Sweden and Norway should be so requested to name one; the seven arbitrators to be so named should be jurists of distinguished reputation in their respective countries, and the selecting powers should be requested to choose, if possible, jurists who are acquainted with the English language;

And whereas it was further agreed by Article II of the said treaty that the arbitrators should meet at Paris within twenty days after the delivery of the counter cases mentioned in Article IV, and should proceed impartially and carefully to examine and decide the questions which had been or should be laid before them as in the said treaty provided on the part of the Governments of the United States and of Her Britannic Majesty, respectively, and that all questions considered by