

The writers of these derive all their knowledge in the premises from such fragmentary testimony as the governments choose to publish, and from textbooks, and yet these writers are "to give points" to the very men who have the national archives at their disposal, and whose life-business it is to become and keep familiar with everything bearing on the case, down to its minutest detail!

Mr. Phelps implies that as "not a word has been uttered or printed in that country"—England—"so far as is known, against the Canadian contention, or in support of that of the United States" (p. 772.), this fact is due exclusively to patriotic reticence on the part of British writers! He has forgotten that British history is full of instances of the exact contrary of his assertion that "The suggestion that the government might be prejudiced in conducting the discussion silences at once the tongues and the pens of both parties," (p. 773), and he has forgotten that "Her Majesty's Opposition" in Parliament and press, is just as much a recognised institution in England as Her Majesty's Government. Nor are conspicuous examples of the sturdiest, most determined opposition of the same kind, by men of unimpeached patriotism and acknowledged capacity, any rarer in our own history.

The admission, (p. 772) that, very little has been published here in support of our pretension, or indicative of a sustaining public sentiment, whilst much "ability and learning" "have been devoted to answering the arguments, and disproving the facts upon which the government has relied," suggests the probability that the smallness of the number of the supporters of our pretension, may be due to the same cause as the "obstinacy" of which the one "reasonable" juryman complained in his eleven fellows. An endeavor to have a new precedent in international law established may be very praiseworthy, but the rules of that law having been once established by the general consent of mankind (p. 769), they can be changed, or even improved, only by the same general consent. Do all you can to obtain it, but remember that without it a single government's attempt to "establish a new precedent" is as futile, as the one juryman's attempt to dictate the verdict. Conviction, not force is the remedy.

"A nation divided against itself can never achieve a diplomatic success" (p. 772), nor can the Yale law faculty, even if it should be almost unanimously of Mr. Phelps's opinion (of which there has been no evidence), for it contains at least one very pronounced opponent of our claim. Mr. T. S. Woolsey, Professor of International Law at the Yale Law School, since 1879, in his new edition, (the 6th) of his celebrated father's (T. D. Woolsey) treatise on that science, characterizes on p. 73, our pretension in Bering Sea as being "as unwarranted as if England should warn fishermen of other nationalities off the Newfoundland banks."

It is hoped that the necessity of meeting with documentary disproof, all Mr. Phelps's allegations concerning facts, will be accepted as an excuse for the length of this paper. An examination will verify all my data, and will convince everyone, not excepting Mr. Phelps, that, in this respect, he has done grave injustice to his subject and to himself by his article.

As regards the law governing the case, the points at issue between Mr. Phelps and his opponents are, by his own admission, narrowed down to two:

Whether, in the legal sense, seals are wild animals or national property,