

sideration of which question that of all those he mentions (including those he founds on England's precautions for preventing the escape of Napoleon from St. Helena, or for the regulation of the pearl fisheries off Ceylon) might of course be brought up as points affecting the decision, which would in fact be one determining the rights of the United States as against the rest of the world; for if British vessels have no right to take seals in the said open sea, neither have those of any other nation than the United States; nor could a close season agreed upon by Great Britain and the said States affect any country not a party to such agreement, except so far only as may be required by the comity of nations.

In his letter to Sir Julian Pauncefote (see *Ottawa Citizen*, May 5th, 1891), the President, using the pen of Mr. Blaine, continues the argument in the *Sayward* case, and re-states his six questions for the arbitrators. The first five remain as before. The sixth touching the close season, in case the concurrence of England is found necessary, is repeated with some points of detail as to the months over which it should extend and the waters to which it should apply. To these there seems no reason to object; and, on every consideration of policy and humanity, we think (though some good Canadian authorities doubt the necessity) that a close season should be established, if it be true that the time over which it is proposed to extend it is that in which the seals found in the open sea are mainly females seeking food for themselves and their young. The British Parliament, we believe, established an international close season for oil-producing seals, but had no fur-bearing ones to deal with. The difficulty seems to be that if the arrangement were only made between Great Britain and the United States, it would close the sea to them and leave it open to all other nations who have now the same rights as Britain, and a general international agreement would be necessary, for there are many other nations who would take advantage of its absence to the utmost extent.

The President then speaks of damages, and not unnecessarily, for if either party has sustained damages from the illegal acts of the other, that other must pay the amount, as we did in the *Alabama* case, and the United States in that about the fisheries. He then repudiates the imputation that he called Behring's Sea a *mare clausum*, using words as vehement, though not quite the same, as Mr. Punch puts in the mouth of a seal rising through a hole in the ice, on either side of which John Bull and Jonathan are standing, and bitterly squabbling. The seal begins with "*Mare clausum* be blowed. That's all Blaine's big bow-wow. Give us a close time. We shall be very grateful," and urges the same reasons as we have done. The President then complains that Lord Salisbury has not answered his verbal difficulties about geographical and diplomatic expressions, which may very well be left to the arbitrators, and winds up with a new bit of argument in the "*tu quoque*" or "you're another" style, by urging that a British Act of Parliament makes it criminal to fish in certain ways in a tract of water off the Scottish shore, containing some 2,700 square miles, far outside the three-mile limit; and that therefore Mr. Bull cannot object to the United States doing the same thing with respect to a smaller tract outside the Pribiloff Islands in Behring's Sea. As Canadians we may not perhaps object to the United States using this peculiar figure of rhetoric, inasmuch as some of our smaller, sometimes, but never—well, hardly