

pletely ours and it is so necessary to the interests of the world as well as of our own that it should be ours that when, you by some ingenious argument deprive us of the right, then at once you set about to compel the other nations to join and enforce the thing that we have no right to do and against their will. If they had the common interest which should induce them to come forward voluntarily as they did in their original theory and say we share in this necessity and therefore we are willing to contribute to it — here they are struggling to the last if this comes to Regulations in every-conceivable way to make the Regulations worthless — to limit them in time, in space, in manner of enforcement, in every way in the world; no ingenuity can propose a suggestion that would emasculate those Regulations of all force, that you have not been entertained with. Can anything more clearly illustrate the utterly preposterous theory — I say it very respectfully — preposterous in its result, on which this whole debate proceeds? Either these seals are necessary and proper to be preserved on the territory under the jurisdiction where they belong, under the circumstances where they are found, for the purpose for which you preserve them, that is, to enable the United States to administer this industry — that is all. It is either so, or not so. If so, the right of the United States results inevitably from that state of things. If not so, upon what theory are you going to force another nation against its will to adopt regulations for our benefit.

The President. — I am afraid you put the case a little far, because we cannot admit the English Government is not wishing to preserve and protect properly the fur-seal, in or habitually resorting to Behring Sea, after the British Government has signed a Treaty to that effect in virtue of which we here sit.

Mr Phelps. — That depends, Sir, with much respect, upon whether you read the Treaty or listen to my learned friends. I have endeavoured to point out the wide discrepancy between the profession and the practice; between the promise and the performance. The Treaty does go upon the stipulation; but what is the argument here? Why, my learned friend, Mr Robinson, perhaps not noticing the force of his observation, says, If you do so and so we should be worse off than if we accorded the right to you. We should lose everything, and still be charged with helping to mount guard over the interests we have been deprived of. We should be worse off if the interests for which we have been contending, which he has been frank enough to say is this business of pelagic sealing — if you take the Treaty correspondence and instructions you find two nations here met in a common purpose and no man can give a reason why they require any assistance in accomplishing that common purpose, if they are at one with regard to it — but when you come to take the proceedings before this Tribunal you find nothing is more ingeniously and earnestly urged, from every possible point of view, than the adoption of any regulation that would really affect the very purpose for which in theory, and under the provisions of this Treaty, the Tribunal is assembled.