

appeared to lay claim to the sole sovereignty of that part of Behring Sea lying east of the westerly boundary of Alaska, as defined in the first article of the Treaty between the United States and Russia in 1867, by which Alaska was ceded to the United States, and which includes a stretch of sea extending in its widest part some 600 or 700 miles easterly from the mainland of Alaska.

3. That these proceedings were in direct violation of established principles of the law of nations, as urged in former times by the United States.

4. That the United States, through their Secretary of State, Hon. John Quincy Adams, emphatically resisted in 1822 a claim made by a Russian Ukase to sovereignty for 100 miles distant from the coasts and islands belonging to Russia in the Pacific Ocean, north of the 51st degree of latitude. That Russia subsequently relinquished her indefensible position and agreed to a convention, first with the United States, and subsequently with England, recognizing the rights of navigation and fishing by those nations in any part of the Behring Sea within limits allowed by the law of nations.

5. That the municipal legislation of the United States, under which the Canadian vessels were seized and condemned and their masters and mates fined and imprisoned, in an Alaskan court, could have no operation whatever against vessels in Behring Sea, which is not in the territorial waters of the United States ; that any claim to exclusive jurisdiction on such seas is opposed to international law, and no such right can be acquired by prescription.

6. That the Canadian vessels captured in the Behring Sea were not engaged in any proceeding *contra bonos mores*, as urged by Mr. Blaine, inasmuch as such a rule is only admissible in the case of piracy or in pursuance of a special international agreement. All jurists of note have acknowledged this principle, and President Tyler, in a message to Congress in 1843, pressed the point that with the single exception of piracy 'no nation has in the time of peace any authority to detain the ships of another upon the high seas on any pretext whatever outside the territorial jurisdiction.' That discreditable traffic, the slave-trade, might well be considered *contra bonos mores*, but the Government of the United States would not consent to any English ship visiting and searching a suspected ship floating their flag, and yet the capture of seals is now a more serious affair than human slavery in the estimation of the Washington Secretary of State.

7. That